



昆山杜克大学  
DUKE KUNSHAN  
UNIVERSITY

## FACULTY HANDBOOK

Spring, 2022

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## Introduction [\(return to top\)](#)

### Introduction to Duke Kunshan University

Duke Kunshan University (DKU) is a joint-venture university with three partners: Duke University, Wuhan University, and the City of Kunshan. DKU is a world-class university offering a range of academic programs and conferences for students from China and throughout the world. DKU is accredited by the Ministry of Education of the People's Republic of China, and it is located in Kunshan, Jiangsu Province, China.

DKU welcomed its first students in August 2014 and initially offered graduate degrees and semester-long programs for undergraduate students enrolled at Duke and other universities. The Duke Faculty and Board of Trustees have approved the awarding of Duke University degrees for the Master of Management Studies, Master of Science in Global Health, Master of Science in Medical Physics Master of Environment Policy, and Master of Engineering in Electrical and Computer Engineering programs at DKU. Duke University course credits have been awarded to students in the DKU Undergraduate Global Learning Semester. In fall 2018, Duke Kunshan University launched its 4-year undergraduate degree program. Undergraduates are awarded degrees from both DKU and Duke University; Duke University is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC)

In 2018 a detailed proposal for the academic organizational structure, which includes three undergraduate divisions, was approved by the faculty ([appendix A](#)). The three divisions are,

- The Division of Arts and Humanities
- The Divisions of Applied and Natural Sciences
- The Division of Social Sciences

DKU opened the first five buildings (Phase 1) of a state-of-the art campus on a 200-acre site in the Kunshan Yangcheng Lake Science Park in 2015.

A sixth building; the Innovation Building, was opened in August 2019 and construction of Phase II started in August 2019. Located in proximity to both Shanghai and Suzhou, and connected to both by high-speed rail, the city of Kunshan is a center for business and high-tech research and manufacturing and has one of the fastest growing economies in China.

## **Duke Kunshan University Mission Statement**

*(Adopted by the Board of Trustees on July 12, 2017)*

DKU is a highly selective research-oriented, liberal arts and sciences university located in China, whose primary mission is to enable students from around the world to lead purposeful and productive lives. By delivering the highest quality undergraduate and graduate education that is truly interdisciplinary, we prepare students for professional, intellectual and societal leadership roles across the globe. The core of our educational offering is a four-year undergraduate degree program featuring an integrated and multi-disciplinary curriculum, with an effective blend of Chinese, American, and global techniques and values and a culture of academic excellence and freedom. Our world-class faculty pursue knowledge in service to society, involving students in innovative scholarship and research programs. As a premier Sino-US joint-venture university, we embrace the integration of global, national, and local traditions of thought and experience and promote cross-cultural understanding and cross-border collaborations.

*Duke Kunshan University's core educational principles are,*

- Curiosity, passion and the search for truth augmented by advanced research skills and the capacity and desire to generate creative, reasoned responses to complex issues and problems.
- A liberal arts and sciences pedagogy that emphasizes the importance of educational breadth, free inquiry and deep engagement. Duke Kunshan University's interdisciplinary framework draws on multiple disciplines and integrates knowledge and research methodologies.
- Pluralism, tolerance and a willingness to engage with and learn from others in preparation for living, working and leading – effectively and ethically – in an interconnected, multi-cultural world.
- Community action and service that is globally connected and locally grounded

## **DKU Statement on Diversity and Inclusion**

Duke Kunshan University welcomes passionate, creative, and intellectually-driven students, faculty, and staff from all walks of life, from all over the world. We affirm the diverse histories, perspectives, experiences, identities, languages, and cultures that enhance our community, and we aim to create an environment where all members of our community are accepted, appreciated, and celebrated. Our commitment to inclusivity is grounded in the University's mission. DKU is a community where those who study, live, and work see difference as an opportunity for meaningful dialogue, creative expression, and innovative thinking. The University aspires to foster mutual respect and understanding among and for all people, regardless of differing cultures, ethnicities, races, religions, genders, sexual orientations, ages, national origins, socio-

economic backgrounds, capabilities, or any other category that can be used to divide people. Our uniquely rich cultural community is designed to cultivate informed and engaged citizens of the world.

## Chapter 1. The University [\(return to top\)](#)

### University Leadership

#### *Board of Trustees*

The highest authority of Duke Kunshan University is the Board of Trustees. The Board is vested with the power and authority to govern effectively and set policy for Duke Kunshan University in accordance with the laws and regulations of the People's Republic of China and the University's Articles of Association (AOA) and Cooperative Education Agreement (CEA). The Board maintains oversight of the University's strategic planning, maintains fiduciary duty to the University, and is responsible for ensuring that the University operates in a manner consistent with applicable PRC laws and regulations as well as within the AOA and CEA.

The Board is responsible for:

- Advancing the mission of, and providing strategic direction to, Duke Kunshan University;
- Oversight of the University's financial resources and other assets;
- Selection and regular evaluation of the Chancellor and Executive Vice Chancellor;
- Approval of university policies and procedures

#### *Advisory Board*

The DKU Advisory Board is an international network comprised of around 30 distinguished business, civic and higher education leaders committed to assisting DKU in advancing its mission to pioneer a new model of global higher education. The Board provides guidance and support to DKU on critical strategic choices through its annual board meetings and close engagement with DKU projects and initiatives, including offering on-going advice and expertise, helping to enhance the linkage between DKU and other communities as well as providing support and mentorship to faculty and students.

#### *The Chancellor*

The Chancellor is the legal representative of the University. The Chancellor consults with other senior management, in particular the Executive Vice Chancellor, as applicable on all major issues, but the Chancellor is empowered to make the final decision in respect of all matters for which he



or she is responsible in accordance with the authorities granted to him or her by the Board of Trustees. Within the scope of the authority delegated to him or her by the Board of Trustees, the Chancellor manages or delegates to the Executive Vice-Chancellor, the affairs of the University with a view to achieving the objectives set out in the Annual Operations Plan and implementing the decisions of the Board of Trustees.

### *Executive Vice Chancellor (EVC)*

Under the supervision of the Chancellor, the Executive Vice-Chancellor sets the strategic direction of the University as well as manages the day-to-day academic affairs, curriculum development and general operations of the University in alignment with the world-class practices of Duke University. In performing his or her duties, the Duke Kunshan University Executive Vice-Chancellor, as appropriate, shall consult with the Chancellor and the Board of Trustees on significant matters. The Executive Vice-Chancellor is responsible for maintaining the University seal and its use, or authorizing its use.

### *Vice Chancellor for Academic Affairs (VCAA)*

As the chief academic officer of the University, under the Executive Vice Chancellor, the Vice Chancellor for Academic Affairs is responsible for the University's core teaching and research mission. The Vice Chancellor for Academic Affairs has the broad responsibility for ensuring that all university programs and faculty are of the highest quality. The office of the Vice Chancellor for Academic Affairs oversees academic policies and activities university-wide.

### *Vice Chancellor for Government Relations (VCGR)*

Working closely with the Chancellor of Duke Kunshan University and under the supervision of the Executive Vice Chancellor, the Vice Chancellor for Government Relations is responsible for taking the lead in contacts with the Ministry of Education (MOE), the Jiangsu Education Department (JED), and other government organizations such as the Jiangsu Pricing Bureau, examination departments or bureaus of various provinces, autonomous regions, and cities that report to the central government directly in China. He/she is also responsible for regular internal reports to the EVC as well as regular external reports to JED and MOE as needed, including keeping track of reporting requirements. The Vice Chancellor for Government Relations also advises and updates the Chancellor, the EVC, and the VCAA on evolving governmental policies and protocols concerning higher education and research, at the local, provincial and central government levels, and regulations concerning joint-venture universities.

### *Dean of Undergraduate Studies*

The Dean of Undergraduate Studies has primary responsibility for ensuring the highest quality of students' undergraduate educational experiences and academic standards. He/she oversees all undergraduate academic programs at Duke Kunshan University

### *Dean of Student Affairs*

Reporting to the Executive Vice Chancellor, the Dean of Student Affairs is the chief student affairs officer at Duke Kunshan University. The Dean is responsible for continuing the University's commitment to student success by establishing and sustaining an environment of inclusiveness and support for the campus's diverse student body, supporting student learning, fostering a strong sense of community, and promoting growth through engagement in the life of the DKU campus.

### *Dean of China Enrollment Management & Dean of International Enrollment Management*

The Deans of Enrollment Management oversee the recruitment, admissions and financial aid offices, as well as the coordination of all undergraduate enrollment activities across the institution.

More Information about university senior leaderships can be found [here](#).

### *Other Senior Leaders*

Other senior leaders not described above include:

- Dean of Undergraduate Curricular Affairs and Faculty Development
- Associate Dean for [Academic] Advising
- Director of Faculty Affairs
- Director of Graduate Programs and Recruiting
- Director of Human Resources
- Director of IT
- Director of Assessment
- Director of Careers Services
- Associate Deans of Student Affairs

### **Other Important Administrative Offices**

#### *Office of Information Technology*

The DKU Office of Information Technology (DKU IT) provides computing and technology resource support to DKU students, faculty and staff, including visiting Duke students and faculty.

DKU students, faculty and staff have access to a wide range of IT services, including NetIDs, network access, email, computer software, course web sites (Sakai) and multimedia, lecture capture, and voice/videoconferencing services, among others. More information on these services is available at <https://dukekunshan.edu.cn/en/it-support>.

To get IT help Contact the DKU IT Service Desk at [service-desk@dukekunshan.edu.cn](mailto:service-desk@dukekunshan.edu.cn) or visit the staff in the IT office, 8:30AM-8:30PM Monday-Thursday, 9:00AM-5:30 Friday. You may also call the DKU IT Support – Hotline: 0512 3665-7100.

### *Office of Research Support and Technology Transfer*

The Office of Research Support and Technology Transfer (commonly known as the RSO) is responsible for administration of sponsored research projects and programs in order to ensure compliance with the Independent Non-profit Status that Duke Kunshan University has been granted and the policies and regulations required by the wide variety of funding agencies /sponsors which DKU faculty submit proposals to and receive funding from.

The RSO is designed to assist the DKU community, including faculty, students and staff, in their conduct of activities relating to research. The RSO is a “from cradle to grave” research administration office that encompasses policy and regulatory matters as well. Their responsibility for and assistance to researchers includes, but is not limited to:

- Assistance in search of funding opportunities,
- Preparation and review of project proposals,
- Preparation, review and negotiation of collaborative agreements,
- Review of budgets and budget splits for sub awards,
- Set up of awards when funded,
- Negotiation and oversight of research contracts,
- We request and review interim research and finance project reports periodically,
- We request and review final research and finance project reports, and
- We monitor compliance with policies and regulations throughout the entire life of sponsored projects.

### *Office of the Registrar*

The Office of the Registrar facilitates the educational process by providing students, faculty and staff at Duke Kunshan University with the following services:

- Academic Calendar
- Course Catalog
- Registration
- Student Records
- Classroom Reservation

Room 3124, Academic Building  
[dku-registrar@dukekunshan.edu.cn](mailto:dku-registrar@dukekunshan.edu.cn)

### *Office of Academic Advising and Academic Resource Center*

The Office of Undergraduate Advising is committed to providing a signature advising experience that promotes holistic learning and understanding of the integrated and multi-disciplinary curriculum and prepares the next generation of scholars and leaders. Academic advising provides undergraduates with academic strategies that reinforce a research-oriented liberal arts and sciences education inclusive of how students learn and develop in pursuit of their academic and career endeavors. You can find information about academic advising here: <https://dukekunshan.edu.cn/en/academics/advising>.

The Academic Resource Center offers academic services to students such as tutoring (e.g., math, chemistry, physics, biology), academic coaching (e.g., study strategy, learning preferences, time management) and academic citizenship (e.g., academic expectations, residential academic initiatives, academic grit).

Email: [advising@dukekunshan.edu.cn](mailto:advising@dukekunshan.edu.cn)

### *Office of Academic Assessment*

The Office of Undergraduate Assessment is responsible for overseeing DKU's assessment activities, analyzing assessment data and making recommendations to the academic leadership about programmatic improvements, offering training to faculty and staff about the implementation, analysis and use of formative assessment, and ensuring compliance with the MOE, JED and SACSCOC

Email: [dku\\_assessment@dukekunshan.edu.cn](mailto:dku_assessment@dukekunshan.edu.cn)

### *Office of Environmental Health and Safety*

The Office of Environmental Health and Safety is responsible for ensuring health and safety compliance of campus facilities and labs, health and safety training of faculty and students and overseeing emergency response protocols.

<https://dukekunshan.edu.cn/en/environmental-health-safety/laboratory-safety-training>

### *Office of Student Affairs*

The Student Affairs Office aims to provide programs and services that enhance and complement the Duke Kunshan University academic experience by providing opportunities for students to explore interests beyond the classroom. These opportunities include health and psychological counseling services, sports, fitness and recreation, student leadership, cultural and recreational excursions, community services, and arts and cultural events.

Through a range of integrated support services, academic and personal advising, community outreach programs and co-curricular activities, students are expected to successfully learn the

necessary skills and abilities to strengthen and develop their personal and academic lives. We expect that these students will become involved citizens who are engaged with the Duke Kunshan University and surrounding local communities.

More information about Students Affairs is available at:

<https://dukekunshan.edu.cn/en/node/4297>

### *Counseling and Psychological Services*

Counseling and Psychological Services (CAPS) provides a wide range of services toward meeting the mental health and development needs of Duke Kunshan University students. CAPS doesn't simply understand those needs in terms of individual students. They also recognize the importance of addressing the life issues of particular student communities and the Duke Kunshan University campus community, overall.

In terms of individual clinical issues, our staff provide confidential assessment and short-term counseling services for students whose concerns range from the normal challenges of everyday life to more disruptive psychological concerns. More information about CAPS is available at: <https://dukekunshan.edu.cn/en/node/4603>

## **Faculty Governance and Faculty Standing Committees**

### *The Faculty Assembly*

Faculty business is conducted in plenary meetings of the Faculty Assembly. The Faculty Assembly is presided over by a Chair and a Vice-Chair. The Faculty Assembly comprises all Regular Rank and Non-Regular Rank Faculty, as well as all other administrators who have been granted Faculty status. The Chancellor, the EVC, the VCAA, the Dean of Undergraduate Studies, Dean of Undergraduate Curricular Affairs and Faculty Development, the Director of Graduate Programs and Recruitment, and the Director of Faculty Affairs are all ex officio members of the Faculty Assembly, regardless of their Faculty status. Others holding administrative positions may retain voting rights of Faculty if they have been granted Faculty status. The Faculty Assembly membership status of future Dean and/or Chancellor positions will be determined by the Faculty Assembly. The meetings of the Faculty Assembly are where faculty debate, deliberate and vote to make decisions to endorse policies and regulations, adopt resolutions, or make recommendations. The Faculty Assembly also votes to elect the Faculty Chair and Vice-Chair, to establish Faculty Assembly Committees and to elect the membership of Standing and Ad-Hoc Faculty Assembly Committees. Meetings of the Faculty Assembly can also be used by the Faculty to invite administrators and university leadership to make presentations or answer questions of interest to the Faculty. More details regarding the Faculty Assembly are outlined in [Appendix C: Bylaws of the University Faculty](#).

## **Standing Faculty Assembly Committees**

The Faculty Bylaws establish four Standing Faculty Assembly Committees hereafter described. The Standing Faculty Assembly Committees perform functions essential to Faculty Governance. Standing Faculty Assembly Committee membership is for a two-year period and one renewal is permitted consecutively. Faculty Assembly Committee elections ought to be staggered so as to allow for regular turnover.

### ***Agenda Committee***

Responsible for the preparation and distribution of the agenda of the Faculty Assembly meetings; for extending invitations to non-Faculty Assembly members and administrators to attend a meeting of the Faculty Assembly to present or answer questions of interest to the Faculty; for overseeing the process of updating the Faculty Handbook, and distributing revisions to it. Agenda Committee membership includes: Chair of the Faculty Assembly (Chair of the Agenda Committee), Vice-Chair of the Faculty Assembly, and three elected Faculty members. At minimum, this committee must be populated by one faculty member in the Undergraduate Program, one faculty member in LCC, and one faculty member in the graduate program.

### ***Curriculum Committee***

The Faculty's representative body for collaboration with the University administration's and Duke University Faculty's efforts to create, revise, and implement the University's curriculum. Curriculum Committee membership includes: five elected Faculty members, representing a minimum of five academic divisions. The Dean of Undergraduate Studies, the Dean of Undergraduate Curricular Affairs, the Director of Graduate Programs and Recruitment, and the Registrar shall be ex officio members.

### ***Faculty Development Committee***

Makes recommendations concerning ways to improve the Faculty's ability to advance as productive scholars; the committee sponsors workshops and other programs to aid faculty members in their professional development. It recommends the avenues for dispersion of the faculty development budget and assists in the review of applications for pre-tenure sabbatical. Faculty Development Committee membership includes: five elected Faculty members from a minimum of five academic divisions and the Director of Faculty Affairs (ex officio).

### ***Teaching and Advising Committee***

Responsible for making recommendations to improve the Faculty as teachers and advisors. To that end, it works collaboratively with the Center for Teaching and Learning and the Office of Undergraduate Advising to assist in the development of efforts to enhance Faculty capacity in these areas. Teaching and Advising Committee membership includes: five elected Faculty

members from a minimum of five academic divisions and the Dean of Undergraduate Studies (ex officio).

## **Standing University Faculty Committees**

### ***Appointment, Promotion and Tenure Committee (APT)***

All appointments and promotions that confer tenure, and promotions to the rank of professor shall be considered by the APT Committee, while the Duke Kunshan Faculty Appointment Committee will be responsible for the remaining faculty appointments and promotions: tenure track, and non-tenure-track appointments, and non-tenured reappointments. The APT committee will initially consist of seven Duke University tenured faculty members with at least two of them having strong affiliations with Duke Kunshan through research and/or teaching, and/or academic administration, and two Wuhan University senior faculty members. The criteria and nomination procedure for the APT committee members are the same as articulated in Exhibit 5 of the Cooperative Educational Agreement. In making nominations, consideration should be taken for balance among divisions, programs, and academic disciplines within the faculty. The appointment term should be two years and the membership can be extended by one additional term in the early stage of the University's development to provide the needed continuity. The chair shall be selected by the committee, and will be appointed for a one-year term, renewable.

Once Duke Kunshan establishes a sizable (6-10) tenured faculty base, the Duke Kunshan APT committee will have two tenured faculty members from Duke Kunshan to replace two members from Duke. As soon as there are enough (10 or more) tenured full professors at Duke Kunshan to staff the full APT committee, this responsibility will move fully to Duke Kunshan<sup>1</sup>.

### ***Faculty Appointment Committee (FAC)***

The Duke Kunshan Faculty Appointment Committee will be responsible for all regular rank, initial tenure track, and non-tenure track appointments and reappointments, and non-tenure track promotions. The Duke Kunshan Faculty Appointment Committee consists of nine faculty members appointed as follows: five members of the Duke University Faculty (to be nominated by the Duke University Provost), two members of the Wuhan University Faculty (to be nominated by Wuhan University) and two members of the Duke Kunshan faculty (to be nominated by the Duke Kunshan University Vice Chancellor for Academic Affairs). The Duke and Wuhan representatives shall be senior faculty members with substantial engagement with Duke Kunshan University. Once the Duke Kunshan full-time faculty has reached its critical mass, this

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<sup>1</sup> There should be flexibility in adjusting the composition of the APT upon the recommendation by VCAA and EVC, and the approval by the DKU Board of Trustees.



responsibility will shift more towards the Duke Kunshan full-time faculty upon the approval of the Duke Kunshan Board of Trustees.

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

Institutional Review Board (IRB) members are charged with protecting the rights and welfare of research participants as required by law and policy while supporting academic freedom, thus ensuring that research can flourish at Duke Kunshan University. As a deliberative body, the IRB conducts independent reviews of research protocols. The goal of the IRB is to work with investigators to ensure that their research protocols can be approved. In particular, the DKU IRB is committed to embracing the flexibility allowed in the regulations for researchers in the social and behavioral sciences and the humanities. IRB members are appointed for a three year term by the VCAA, and include DKU faculty and staff members and two community members from outside DKU.

The IRB consists of at least five members, with varying backgrounds to promote complete and adequate review of research activities commonly conducted by the institution. Including one member whose primary concerns are in scientific areas, one member whose primary concerns are in nonscientific areas, and one member who is not otherwise affiliated with the institution and who is not part of the immediate family of a person who is affiliated with the institution. The members serve a three-year term and are appointed by VCAA.

### ***Institutional Animal Care and Use Committee (IACUC)***

Institutional Animal Care and Use Committee (IACUC) members are charged with ensuring the proper use of animals in research done at DKU or by members of the faculty at DKU in collaboration with other institutions. The committee reviews and approves proposals for research to be conducted on animal subjects (in a lab or in the field) using the U.S. Department of Health And Human Services, *Public Health Service Policy on Humane Care and Use of Laboratory Animals*; (*OLAW.nih.gov*), and the *NIH Guide for the Care and Use of Laboratory Animals* (National Academic Press, Washington, DC) as references, and advises faculty on the proper use of animals. If and when DKU has a permanent animal facility, the committee will also conduct annual facility inspections and advise the Chancellors on the status and proper maintenance of the facilities. The committee shall consist of at least two Duke Kunshan faculty members, at least one of whom has prior experience with animal research, the Associate Director of the Office of Research Support, one community lay member (a professional or community leader) and one veterinarian member. The faculty members will serve a two year term; the lay and veterinarian members will be appointed/reappointed by the EVC as needed.



### *Duke Kunshan Computing Committee (CRC)*

The committee, appointed by the VCAA, comprises five members of the faculty, the Associate Director of the Center for Teaching and Learning and one representative from IT. The faculty members serve a two-year term. The purpose of the committee is to address the academic computing resource needs of DKU for instructional purposes and research, and to develop and propose computing related policies for faculty, students and researchers.

### *Duke Kunshan Colloquium Committee (DKCC)*

The charge of the Duke Kunshan Colloquium Committee (DKCC) is to build a series of colloquium talks each semester of high quality and diversity of intellectual interests, to the DKU community. The main duties of the DKCC are to determine the themes and organization of the colloquium series and the nomination and invitation of speakers. Members of the DKCC are appointed by the VCAA and serve a two-year term.

### *The Faculty Hearing Committee*

The Faculty Hearing Committee (FHC) consists of five tenured faculty members appointed as follows: three members of the Duke University Faculty to be nominated by the Duke University Provost in consultation with the Duke Kunshan University VCAA, and two members of Wuhan University (to be nominated by Wuhan University). All the members shall have substantial engagement with Duke Kunshan. The body of the committee shall be a reasonable representation of the academic fields at Duke Kunshan.

Once Duke Kunshan establishes a sizable (6-10) tenured faculty base, the Duke Kunshan FHC committee will have two tenured faculty members from Duke Kunshan to replace one member each from Duke and Wuhan, respectively. As soon as there are enough tenured Duke Kunshan faculty members to staff the full FHC committee, this responsibility will move fully to Duke Kunshan. The Faculty Hearing Committee shall select its own chair from among its members. The FHC shall have jurisdiction to consider complaints from faculty and instructional staff concerning one or more of the following matters:

- a. Dismissal for misconduct or neglect of duty;
- b. Termination of appointment prior to its expiration date;
- c. Disputed claims by a faculty member regarding the existence of tenure;
- d. Allegations of violation of academic freedom;
- e. Allegations of violation of academic due process with respect to an adverse employment or disciplinary action, including allegations of biased or prejudiced conduct by a decision-maker of a substantial nature that likely had a material impact on the outcome of the proceedings;

- f. Allegations of adverse employment action involving discrimination on the basis of race, color, gender, religion, national origin, disability, veteran status, sexual orientation, gender identity, genetic information, or age. Adverse employment actions include actions with respect to the member's rank, salary, fringe benefits, sabbatical and other leaves with or without compensation, workload or work assignment, promotion, tenure, and extension or termination of employment.
- g. Allegations of damaging instances of harassment directed against the complainant by other members of the University community after failure of a university officer or agency to resolve the matter.
- h. Appeals from the findings by a harassment grievance hearing panel or the decision by a responsible official based on such findings.

The undergraduate academic review board resolves disputes between students and instructors regarding course content, delivery or grades, by request of the Dean of Undergraduate Studies or director of the program to which the course is affiliated in cases where a satisfactory solution was not obtained at the program level.

### ***Research Policy Committee (RPC)***

The mission of the Research Policy Committee (RPC) is to ensure compliance from the DKU community with the highest ethical and professional standards as well as with laws, policies and regulations imposed by the Government and a wide variety of funding agencies/sponsors that the DKU community submits proposals to and receives funding from. In order to do so, the RPC develops research policies by reviewing policy drafts of new policies provided by the Office of Research Support and Technology Transfer (formerly the Research Support Office; RSO) and adapting them into DKU's own needs. The RPC comprises the VCAA (chair), the Director of Faculty Affairs, the Director of the Office of Research Support and Technology Transfer, three Duke Kunshan faculty members the EVC and the Vice Chancellor of Government Relations (the latter two are ex-officio); appointed by the EVC

### **Fiscal and Academic Years**

The University's fiscal year begins on July 1 and ends on the following June 30. The academic year, starts in the second half of August and ends around mid-May the following year; the academic calendar is posted annually on the University website:

<https://dukekunshan.edu.cn/en/registrar-office/academic-calendar>.

## Chapter 2. Faculty Ranks, Appointments Promotion and Tenure

### Faculty Ranks [\(return to top\)](#)

More details regarding University faculty are also referred to in [Appendix C](#): Bylaws of the University Faculty and in [Appendix B](#): Proposal for Descriptions of Faculty Ranks at Duke Kunshan University; which also describes eligibility for promotion and/or conversion from a non-tenure track position to a tenure-track position at DKU

### A. Regular Rank Faculty

The regular rank faculty comprises the tenure-track, non-tenure track, and secondary faculty.

#### *1. Tenure-Track Faculty*

The conventional designations of full-time members of the regular rank tenure track faculty are assistant professor, associate professor, and professor. Only full-time members of the faculty who hold tenure track appointments in an unmodified rank of assistant professor, associate professor, or professor, without a qualifying term such as research, adjunct, clinical, consulting, or visiting, are eligible to earn time toward or to hold tenure. Service as a faculty member in a modified rank (i.e., service in a rank other than the three tenure track ranks of assistant professor, associate professor, or professor, without a qualifying term), does not entitle the member to tenure. Time spent in a modified rank does not count toward the continuous service of a tenure track faculty member who served previously in such a position.

#### *2. Non-Tenure Track Faculty*

Persons whose highest degree is a masters or equivalent, or a person with a Ph.D. who chooses to serve primarily through teaching and service, and who wishes to be evaluated based on only these two areas.

- i. Instructor – entry level; MA, MSc or equivalent, some teaching experience (TA or other). May be promoted to Lecturer after one term. Duties include: Predominantly teaching, with some service.
- ii. Lecturer – Ph.D., MA, MSc or equivalent + several years of college-level teaching experience. May be promoted to Senior Lecturer after two terms. Candidates with a Ph.D. may be considered for an earlier promotion review, depending on their experience and record of contribution to educational programs or to the field of education. Duties include: teaching and service to the University. On-going professional development is expected, as is participation in and service to the profession.

- iii. Senior Lecturer – Ph.D. or MA, MSc or equivalent, a long-record of college-level teaching and a strong record of contribution to educational programs or to the field of education in forms such as leadership roles, publishing of teaching materials, or scholarship. Service to the program, University or profession is expected.

### ***3. Secondary Faculty***

Secondary Faculty: are faculty whose primary position is at Duke or Wuhan University. Appointment of secondary faculty is through nomination by the host unit (research center, institute or division) at DKU, and must be approved by: The chair of the nominee's department and the dean of the school with which his or her department is affiliated in his or her primary institution; the VCAA and EVC of DKU. Secondary faculty must be actively engaged with research at DKU. Tenure and/or promotion is carried out by their primary institution according to that institution's policies.

### **B. Non-Regular Faculty.**

Non-Regular Faculty are Adjunct Assistant Professors, Adjunct Associate Professors and Adjunct Professors; Visiting Assistant Professors, Visiting Associate Professors and Visiting Professors, Clinical and Research Faculty<sup>2</sup>

#### ***1. Research Faculty***

Research Assistant Professor, Research Associate Professor and Research Professor: These non-tenure track positions are typically supported by external funding and as such have no teaching requirement. Appointment of research faculty is through nomination by the host unit and must be approved by the VCAA and EVC. The criteria for promotion of these ranks is based on research productivity (e.g. quantity and quality of publications, procurement of funding) and reappointment is dependent on sustained external funding.

### **Faculty Appointment, Promotion and Tenure [\(return to top\)](#)**

The quality of its faculty is the most vital determinant of a great university. Further, the highest standards of appointment, promotion, and awarding of tenure are best achieved by a process of careful examination and review. Such review is most effectively accomplished by a collaborative

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<sup>2</sup> Professor of the Practice titles may be given to visiting professionals who are appointed to teach special courses related to skills they have acquired in non-academic careers

process whereby the faculty itself, through highly respected representatives, provides its best judgment and advice to the responsible administrative officers.

Judgments of academic excellence are complex. They cannot be reduced to a quantitative formula nor can the considerations that must be applied in each individual case be completely described in general terms. At the same time, the criteria to be applied in all cases must represent excellence in the quality of the candidate's performance, especially as a teacher and as a scholar. Scholarly productivity must reflect a serious and sustained commitment to the lifelong scholarship.

All tenured members of the University's regular rank faculty are appointed or promoted by the Board of Trustees upon the recommendation of the Vice Chancellor for Academic Affairs, with the approval of the Executive Vice Chancellor.

### *Tenure Requirements and Criteria*

#### *Eligibility*

In order to be eligible for a tenured or tenure-track appointment, a faculty member must:

- Be serving the University as a full-time faculty member.
- Not be (or not be in the process of becoming) tenured at another institution<sup>3</sup>.
- Hold the unmodified rank of professor, associate professor, or assistant professor. A faculty member whose title includes the words "research" or "clinical" will not be considered to have an unmodified rank.

Eligibility for tenure or tenure-track does not guarantee tenure will be awarded.

#### *Criteria*

Faculty of diverse talents, backgrounds and interests will be required if Duke Kunshan is to offer both an elite liberal arts education and an environment in which premier research centers and institutes can flourish. As a whole the Duke Kunshan faculty will have strong commitments to teaching and research, and outstanding quality in both research and teaching will be highly valued.

Tenure at Duke Kunshan University, whether awarded to a faculty member currently on the Duke Kunshan faculty or offered to a scholar who is being recruited to the Duke Kunshan faculty, should be reserved for those who have clearly demonstrated the ability to serve as highly effective teachers with a strong commitment to Duke Kunshan University's educational programs, which

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<sup>3</sup> Faculty tenured at Duke University will not have tenure at Duke Kunshan University.

place particular emphasis on liberal arts undergraduate education. Also important is faculty performance as scholars whose work has been widely perceived among peers as outstanding. The weighting of scholarship and teaching will depend on the nature of the appointment as defined by the expectations set forth in the original offer letter to the faculty. The expectation of continuous intellectual development and leadership as demonstrated by published scholarship that is recognized by leading scholars at Duke Kunshan, Duke, Wuhan Universities and elsewhere will be an indispensable qualification for tenure at Duke Kunshan University for those whose appointments include a significant research component. Highly effective teaching, strong commitment and dedication to innovations in pedagogy in liberal arts teaching, and contribution to the University community will be paramount for those for whom teaching was most heavily weighted in the original appointment letter; scholarship broadly defined, i.e. varying from one area of expertise and interest to another, will also be evaluated. Full professors at DKU play a critical role in determining the intellectual quality of the University and are expected to stand in competition with scholars of similar rank in their fields.

#### *Criteria for Tenure and Promotion<sup>4</sup>: Criteria for Tenure*

Tenure at DKU is based on professional accomplishment across three areas; scholarship, teaching, and service. Professional accomplishment means a significant contribution to academe as demonstrated by the following: a) scholarly publication, design and development of new innovations or artistic production, and sustained intellectual development; b) demonstrated excellence in teaching, a significant contribution to higher education such as influential contributions to education literature, advancement of educational practice, development of new curricula or publication of text books; c) effective participation on university committees and/or in administrative roles, other service to the institution and student body, and/or service to the profession such as editing books, refereeing, professional organization committee duties or organizing conferences. Achievement in all three categories (research, teaching and service) is expected.

#### *Criteria for Tenure and Promotion: Criteria for Promotion to Full Professor*

Full professors at DKU play a critical role in determining the intellectual quality of the University and are expected to stand in competition with scholars of similar rank in their fields. Promotion at DKU is not automatic regardless of length of service; the title of full professor is reserved for those who demonstrate continued excellence in teaching and who have made significant contributions to their discipline as demonstrated by an academic record documenting continuous, high quality performance in the form of publication or artistic production and sustained intellectual development. Professional accomplishment is also expected in at least one of the

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<sup>4</sup> Approved by the faculty on October 25, 2017, amended and approved by the faculty on April 11, 2018

following: a) significant contributions to higher education such as impactful pedagogy research, advancement of educational practices, development of new curricula or publication of text books; b) service to university life and/or service to the profession.

*DKU Appointment Promotion and Tenure Committee (APT) Statement on Expectations of Scholarship as Impacted by the 2020 Covid-19 Pandemic<sup>5</sup>*

On February 3<sup>rd</sup>, 2020, DKU closed its campus due to the *covid-19* pandemic. Many faculty were displaced from China during the rest of the semester and the summer due to travel disruptions; some were overseas for the Chinese New Year and unable to return, others traveled to Durham, NC at the invitation of Duke University. All faculty, whether in China or not had to conduct their teaching and other work online. Faculty had the option to extend their tenure clock by up to a maximum of one year in cases where the disruption to their scholarship was severe. However, in some cases the probationary extension may not have been sufficient to fully restore their scholarship. In other cases, faculty who opted not to request an extension may still have experienced disruptions.

The APT recognizes that the *Covid-19* pandemic may have severely impacted the progress of faculty scholarship due to such circumstances beyond their control, including but not limited to,

- Inability to access research labs, libraries, archives and other physical resources
- Inability to access, procure and/or take delivery of research equipment
- Inability to engage students in research
- Inability to conduct field research
- Inability to meet with collaborators
- Loss of time due to the extra work associated with developing and teaching online courses at short notice
- Loss of time due to additional childcare responsibilities imposed on them by the closure of schools and day cares

The APT will take into account the impact of these and similar disruptions when reviewing tenure and promotion cases provided that,

1. The candidate provides a written explanation of unavoidable disruptions to his/her scholarship caused by *covid-19*, and how they prevented his/her scholarship from progressing
2. The APT deems that the disruptions to scholarship described by the candidate could reasonably be expected to impact the progression of the candidate's scholarship, and were beyond the candidate's control.

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<sup>5</sup> This statement was approved by the 2020 members of the DKU APT in September, 2020



### *Research and Scholarship in the Creative Arts*

In a field where a Masters is the terminal degree, faculty are eligible to be hired into tenure-track positions.

References in policy documents to research and/or scholarship as criteria for tenure shall always be understood to include artistic research-creation. Research-creation is understood to combine creative and academic research practices and supports the development of knowledge and innovation through artistic expression, scholarly investigation, and experimentation. The creation process is situated within scholarly activity and produces critically informed work which could be expressed in a variety of media and achieve artistic and/or scholarly recognition. Fields that involve research-creation may include, but are not limited to: architecture, design, creative writing, visual arts (e.g., painting, drawing, sculpture, ceramics, textiles), performing arts (e.g., dance, music, theatre), film, video, performance art, interdisciplinary arts, media and electronic arts, and new artistic practices.

### *Pre-Tenure Period*

The pre-tenure period is seven years of full-time service<sup>6</sup>. The pre-tenure period shall begin when the faculty is first appointed to the rank of Assistant Professor or a higher rank. However, for a faculty member appointed to the rank of Assistant Professor or higher rank, who at the time of appointment does not have a Ph.D. or its equivalent, Duke Kunshan and the faculty member may decide at the time of appointment whether the pre-tenure period will begin at the time of appointment or upon receipt of by the faculty member a Ph.D. or equivalent. For a faculty member who has been employed as full-time faculty in the ranks of Assistant Professor, Associate Professor, or Professor at other institutions of higher education, Duke Kunshan and the faculty may agree (but neither is required to do so) that the faculty member be given credit for up to three years of prior full-time service to be included in the pre-tenure period, thereby enabling the faculty member to request an earlier tenure review.

Normally, the tenure review for a full-time, tenure-track faculty member will commence at the beginning of the seventh year of service. If the University notifies the faculty member in writing by the end of the seventh year of the pre-tenure period that tenure has not been awarded, employment agreement will terminate after the end of the eighth year. Tenure-track faculty members, however, may request consideration for tenure before completing six years of full-time service at Duke Kunshan in a tenure-track position.

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<sup>4</sup> The policy for tenure clock relief is in the appendix



Refer to: <https://dukekunshan.edu.cn/en/academics/faculty-home/tenure-and-promotion> for current tenure clock and tenure review calendars

*Guidelines for Extension of the Probationary Period (tenure clock relief) of a Tenure Track Faculty Member*

According to the Duke Kunshan policy on Academic Tenure and Faculty Appointment, Promotion and Tenure, a tenure track faculty member may request an extension to his/her probationary period under exceptional circumstances. An ad-hoc supplemental policy, effective 11-5-2020, adds “disruptions to scholarship caused by the COVID-19 pandemic of 2020” to the list of exceptional circumstances and grants all tenure track faculty [who were full-time employees of DKU in 2020] an automatic tenure clock extension of one year, with an option to opt out. The procedures for applying for or opting out of a probationary period extension are outlined below.

1. Applying for a Probationary Period Extension due to an Exceptional Circumstance as Described in the Policy on Academic Tenure and Faculty Appointment, Promotion and Tenure, not including the COVID-19 Pandemic:

I.1. According to the DKU policy on Academic Tenure and Faculty Appointment Promotion and Tenure, a faculty member (applicant) may apply for an extension of his/her pre-third year review period or pre-tenure review period of up to 1 year (either 1 full semester or two full semesters) due to an exceptional circumstance or life event (other than the COVID-19 pandemic). Requests for all such extensions shall be made in writing to the head of the academic unit as a first step and forwarded to the Vice Chancellor for Academic Affairs (VCAA) for final approval within 3 months of the onset of the life event<sup>7</sup>.

I.2. If the request is approved, the VCAA will inform the applicant and his/her academic unit head in writing within 30 calendar days of receipt of the request.

I.3. If a request is granted, the applicant will receive a second term contract of four years plus the requested extension period (either six months or 1 year) and the tenure review will be delayed by the same amount of time as the requested extension. In the case that a pre-third year reappointment review extension is requested, the applicant will be given a fixed term contract no later than 14 days before the expiration of his/her normal contract which will be effective immediately following the last day of his/her normal contract, and the reappointment review will

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<sup>7</sup> Duke Kunshan University Policy on Academic Tenure and Faculty Appointment, Promotion and Tenure, Approved by the Board of Trustees, April 26th, 2018

be delayed by the same amount of time as the requested extension. The purpose of providing a fixed term contract is to ensure that, if the applicant is denied reappointment following review, he/she will have a year to seek alternative employment. If the applicant's review is successful, he/she will be given a standard renewable contract effective immediately following the last day of the fixed term contract.

I.4. Invoking an extension does not commit the applicant to wait the full extent of the probationary period before requesting that third year or tenure review be initiated according to the original schedule. However, after a fixed-term contract has been signed by the applicant, the extension may not be reversed or shortened. By signing the fixed term contract, the applicant commits himself/herself to the full duration of the approved extension.

Faculty members may request up to a maximum of two extensions of their probationary period for different events, or unlimited extensions in the case of the birth or adoption of a child<sup>1</sup>.

## II: Duke Kunshan University ad hoc Policy on Tenure Clock Relief for Faculty Members Whose Research was disrupted by the Novel Coronavirus 2019 (COVID-19) Pandemic. Effective 11-5-2020

In February 2020, Duke Kunshan University (DKU) closed its campus in response to a novel coronavirus (COVID-19) epidemic. DKU faculty were asked not to return to campus and to conduct their courses online. Many faculty were outside of China during the onset of the epidemic. By March 2020, the epidemic had become a pandemic, further preventing international travel and return to DKU for those faculty members outside China. Disruptions to travel, inability to access campus resources such as offices and labs, stress of keeping themselves and their families safe and the burden of creating online courses at short notice cost faculty valuable scholarship time. This ad hoc policy grants all tenure track faculty members [who were full-time employees of DKU in 2020] an automatic extension to their pre-tenure probationary period of one year, hereafter referred to as the COVID-19 extension, with an option to 'opt out'. The extension will be applied to the second contractual term only. For faculty members who elect to not opt out, their tenure review will be delayed by one year and they will receive a second term contract of four years plus the one-year extension period, so that in the event of an unsuccessful tenure review they will have one full year to seek alternative employment. This extension is not automatically applicable to the pre-third year reappointment review period; extensions to the pre-third year review period must be requested in writing to, and approved by the VCAA.

## III. Procedure for Opting Out of a Probationary Period Extension Automatically Granted due to the COVID-19 Pandemic.

III.1. All tenure track faculty will receive a notification of their automatic COVID-19 extension and an invitation to 'opt out' from the Office of the VCAA by December 10th 2020.

III.2. If a faculty member chooses to opt out of the COVID-19 extension, he/she must do so by signing the 'opt-out' agreement on the letter and returning it to the Office of the VCAA by January 31st 2022. A copy of the opt-out agreement is also available on <https://dukekunshan.edu.cn/en/academics/faculty-home/faculty-affairs>

3. Invoking an extension does not commit the applicant to wait the full extent of the probationary period before requesting that a tenure review be initiated according to the original schedule. However, the 'opt out' agreement is non-reversible. Once the agreement has been signed, the faculty member may not apply for a future extension to his/her probationary period due to COVID-19 (although he/she is still eligible to apply for an extension due to other exceptional circumstances).

### *Initial Appointment without Tenure*

Faculty appointments may be made without tenure either in a tenure track or a non-tenure track. The terms of that appointment shall be made clear to the faculty member at the time of appointment.

Tenure track positions are normally filled by faculty with a Ph.D. at the three regular rank tenure track titles of assistant professor, associate professor, or professor. Regular rank faculty without a Ph.D. are commonly appointed at the non-tenure track rank of lecturer or instructor. When such an appointment is made, the faculty member will not begin to accrue time toward tenure until the degree is awarded and he or she has been given a tenure track appointment. Subject to variations in hiring units, initial appointment to a regular rank tenure track position without tenure will be for a term of four years.

Faculty who do not hold tenure track positions will be given modified titles. The complete set of modified titles for non-tenure track faculty, approved by the Faculty Council and affirmed by the Board of Trustees, appears in the bylaws of the University faculty.

To ensure the hiring of high quality faculty, it is essential to engage the corresponding departments and programs at Duke in the search process so that they feel, they together with Duke Kunshan faculty, jointly "own" the program and feel that Duke Kunshan is a natural extension of their academic home and intellectual interests. In the early years of Duke Kunshan, all Duke Kunshan faculty searches will be conducted by search committees at Duke with participation of Duke Kunshan faculty whenever appropriate. Once the Duke Kunshan full-time faculty has reached its critical mass, this responsibility will shift more towards the Duke Kunshan full-time faculty. The Duke Kunshan Vice Chancellor for Academic Affairs (VCAA) will review

the final short list from the search committee and make her/his recommendation to the Duke Kunshan Faculty Appointment Committee. The Duke Kunshan appointment committee will recommend the finalist(s) to the Duke Kunshan Executive Vice Chancellor (EVC). The VCAA will provide her/his independent evaluation and recommendation to the EVC. For joint appointments with Duke, the appropriate Duke faculty hiring process will be followed, and the Duke Kunshan VCAA will work closely with the dean or director of the corresponding school or program/institute at Duke. An agreement will be signed between Duke Kunshan and Duke for each joint appointment.

### *Annual Reviews and Reappointment to a Second Term*

Annual reviews of regular rank non-tenured tenure track faculty will be conducted by the director of a program/center, or division chair for the purpose of providing direction and advice to the faculty member regarding progress at Duke Kunshan. In general, the advice of senior faculty in the unit will be solicited for this review. Renewal of the initial tenure track appointment for a second term which may extend through the end of the pre-tenure period will be made only on the basis of careful review at the academic unit (division or program/center), favorable recommendation by the Duke Kunshan Faculty Appointment Committee, and favorable recommendation by the Vice Chancellor for Academic Affairs. The purpose of this comprehensive review is to develop a judgment as to the faculty member's probable suitability for tenure at Duke Kunshan. The office of the VCAA will provide details of the reappointment review such as the timeline, the materials required, and any other procedural information.

### *Reappointment and Promotion with Tenure*

All promotions that confer tenure and promotions to the rank of professor with tenure shall be considered by the APT committee.

Reviews for granting tenure or for promotion to associate professor with tenure or to professor shall initiate in the basic academic unit (division, or program/center). It is the responsibility of the recommending unit to assemble all the materials necessary for the review. The head of the unit initiating the recommendation (e.g. director of a program, or center, or a divisional chair) has the responsibility of insuring that the dossier sent out for review is as complete as possible. Once each academic unit reaches a critical mass in its tenured faculty, the head of the academic unit recommends to VCAA and the VCAA appoints an ad hoc tenure review committee within the unit to assemble the entire tenure dossier. Until that time, the tenure review committee will be appointed by the VCAA and may include faculty members from Duke University

The complete list of materials to be included in the dossier is provided to the head of the academic unit by the Office of the VCAA.

The head of the academic unit will examine the dossier for completeness. If the head of the academic unit considers the dossier adequately presented and documented, it will be forwarded to the Vice Chancellor for Academic Affairs. However, the head of the academic unit may seek supplementary information to make his or her recommendation. All such requests and the resulting information shall be added to the dossier and kept confidential. The head of the academic unit shall present in writing his or her assessment of the candidate's scholarly credentials and suitability for tenure, or promotion. For the purposes of the APT Committee's consideration, the head of the academic unit should address only the candidate's scholarship, teaching, and service. If he or she so wishes, in a separate letter addressed only to the Vice Chancellor for Academic Affairs, the head of the academic unit may also present in writing additional information about the unit, its goals, needs, and the relation of the dossier to them; this institutional information is solely for the Vice Chancellor for Academic Affairs's consideration and is not germane to the considerations of the APT Committee. Such strategic considerations are not to be considered by the APT Committee, but to be considered by the Vice Chancellor for Academic Affairs in cases of internal promotion to tenure.

The APT committee must formulate its own recommendations for presentation to the Vice Chancellor for Academic Affairs. When the APT committee and the Vice Chancellor for Academic Affairs' recommendations are favorable, the Vice Chancellor for Academic Affairs shall consult with the Executive Vice Chancellor (EVC). With the EVC's approval, the Vice Chancellor for Academic Affairs shall submit the recommendation to the Board of Trustees for final action.

For appointments hired at the rank of associate professor with tenure or at the rank of full professor made from outside Duke Kunshan University, the evaluation process can be initiated at any convenient time. Although the thoroughness and completeness of the process must not be compromised, sometimes the evaluation may pose problems in the recruitment process and must be conducted with delicacy and dispatch. The procedures to be followed are essentially the same as those for promotion described above and will be initiated whenever the outside scholar indicates a willingness to become a candidate and the authorized unit places his or her name in nomination along with a dossier.

Records of each case shall be properly safeguarded and when the case is completed, retained or deposited under appropriate controls in the University Archives for a period to be determined by the University counsel.

### *Responsibilities of the Appointment, Promotion and Tenure (APT) Committee*

All appointments and promotions that confer tenure and promotions to the rank of professor shall be considered by the APT Committee, while the Duke Kunshan Faculty Appointment committee will be responsible for the remaining faculty appointments and promotions: tenure track, and non-tenure-track appointments, and non-tenured reappointments. The APT committee

will initially consist of seven Duke University tenured faculty members with at least two of them having strong affiliations with Duke Kunshan through research and/or teaching, and/or academic administration, and two Wuhan University senior faculty members. The criteria and nomination procedure for the APT committee members are the same as articulated in Exhibit 5 of the Cooperative Educational Agreement. In making nominations, consideration should be taken for balance among divisions, programs, and academic disciplines within the faculty. The appointment term should be two years and the membership can be extended by one additional term in the early stage of the University's development to provide the needed continuity. The chair shall be selected by the committee, and will be appointed for a one-year term, renewable.

Once Duke Kunshan establishes a sizable (6-10) tenured faculty base, the Duke Kunshan APT committee will have two tenured faculty members from Duke Kunshan to replace two members from Duke. As soon as there are enough (10 or more) tenured full professors at Duke Kunshan to staff the full APT committee, this responsibility will move fully to Duke Kunshan<sup>8</sup>.

The APT Committee is charged with evaluating the dossiers forwarded to it, consistent with standards enunciated in this document. If the APT Committee has questions about materials in the dossier, or if it lacks certain documentation, the committee will ask the head of the originating unit for clarification or additional materials. The APT Committee may supplement the outside letters received about a candidate with additional letters or reports from evaluators who are competent to judge the candidate's scholarship. Should the APT Committee decide, in its sole discretion, that it needs additional advice, it reserves the option to establish an ad hoc panel to review the dossier. This panel may gather additional information, if necessary, and will be asked to provide the APT Committee with a written evaluation. Panel members will be selected on the basis of their knowledge of the candidate's field and an overall balance of perspectives. An APT Committee member normally will serve as liaison between the ad hoc panel and the APT Committee.

Individual faculty members may write to the APT Committee (or to the Vice Chancellor for Academic Affairs, who will refer such letters to the APT Committee) with regard to any case being considered by that committee. Such communications will be added to the dossier and kept confidential.

The APT Committee must then formulate its own recommendations for presentation to the Vice Chancellor for Academic Affairs. In general, a quorum requires seven voting members unless a sufficient number of votes, affirmative or negative, has been cast to represent an absolute majority (five) of the committee. A recommendation should be considered definitive only if it has been supported, affirmatively or negatively, by vote of an absolute majority (five) of the APT

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<sup>8</sup> There should be flexibility in adjusting the composition of the APT upon the recommendation by VCAA and EVC, and the approval by the DKU Board of Trustees.

Committee. In the event the APT Committee's recommendation is negative, the Vice Chancellor for Academic Affairs will review the dossier (prior to notification of the candidate or academic unit) to determine whether all factors relating to the merit and value of the candidate, including ethnic, racial, and gender diversity, have been fully and adequately considered.

The Vice Chancellor for Academic Affairs will inform the APT Committee of his or her decision. Should the Vice Chancellor for Academic Affairs choose not to accept the recommendation made by the APT Committee, the Vice Chancellor for Academic Affairs shall consult with the Executive Vice Chancellor and so inform the committee in writing and indicate the basis for the decision. The Vice Chancellor for Academic Affairs will communicate to the appropriate head of the unit his or her decision and the major factors underlying it. The head of the unit will communicate this to the candidate. If the Vice Chancellor for Academic Affairs intends to render a negative decision on a case already considered by the APT Committee, the Vice Chancellor for Academic Affairs will inform the candidate and the head of the unit. An appeal of the Vice Chancellor for Academic Affairs' impending decision, from any or all of these two parties, may then be made within the following two weeks, submitted through the head of the unit. The Vice Chancellor for Academic Affairs will also provide a copy of the official APT memo summarizing the case and the deliberations of the APT Committee. If the Vice Chancellor for Academic Affairs intends to act contrary to a positive recommendation from the APT Committee, the Vice Chancellor for Academic Affairs must provide the basis for this decision. On the basis of this appeal, the Vice Chancellor for Academic Affairs may then either refer the case back to the APT Committee, and ask for reconsideration of its recommendation or make his or her decision without referral after consultation with Executive Vice Chancellor. On any one case the originating academic unit and/or candidate is limited to one appeal. Generally if a candidate's tenure dossier is forwarded by the academic unit, the APT Committee will consider the candidate only once. Thus, a faculty member whose tenure review is undertaken by the APT Committee during his or her initial contract term, and who is turned down for tenure by the University, shall be allowed to complete the term of the original appointment, but his or her tenure track appointment shall not be renewed or extended. However, a tenure track faculty member who has been turned down for tenure by the University may apply during an authorized search for an existing non-tenure track position at Duke Kunshan.

When the Vice Chancellor for Academic Affairs' recommendation is favorable, the Vice Chancellor for Academic Affairs shall consult with the Executive Vice Chancellor. With the Executive Vice Chancellor's approval, the Vice Chancellor for Academic Affairs shall submit the recommendation to the Board of Trustees for final action.

Records of each case shall be properly safeguarded and when the case is completed, retained or deposited under appropriate controls in the University archives for a period to be determined by the University counsel.

### *Post-Tenure Review*

To encourage, support and ensure the continued academic productivity and excellence in teaching of all faculty members at Duke Kunshan University, and to promote and support continued faculty development, every tenured faculty member shall be reviewed through the post tenure review process every five (5) years after having been tenured. Exceptions may be granted at the discretion of the Vice Chancellor for Academic Affairs for faculty members who have submitted a letter of intent to resign. Faculty in administrative positions covered by a regulation requiring a regularly scheduled review of administrative performance are not subject to this regulation until they have served in a position with primarily faculty responsibilities for five (5) years. An extension of up to one (1) year may be granted with the approval of the Vice Chancellor for Academic Affairs when compelling circumstances make completing the review during the fifth year an undue burden on the faculty member and/or the academic unit.

Post-tenure review is not a re-evaluation of tenure. Rather, it is an assessment of continued performance post-tenure. It will be conducted in a manner that protects academic freedom and the quality of education. The office of the Vice Chancellor for Academic Affairs will establish detailed procedures for post tenure review, to include a comprehensive, periodic, review of the performance of each tenured faculty member. The product of the review will be a written report and conversation with the Executive Vice Chancellor and the Vice Chancellor for Academic Affairs concerning overall performance in the preceding 5-year period and a professional development plan for the next five years.

### **Procedures for Appointments, Reappointments, and Promotions for Non-Tenure Track Faculty** ([return to top](#))

#### *Duke Kunshan Faculty Appointment Committee*

The Duke Kunshan Faculty Appointment Committee will be responsible for all regular rank, initial tenure track, and non-tenure track appointments and reappointments, and non-tenure track promotions. The Duke Kunshan Faculty Appointment Committee consists of nine faculty members appointed as follows: five members of the Duke University Faculty (to be nominated by the Duke University Provost), two members of the Wuhan University Faculty (to be nominated by Wuhan University) and two members of the Duke Kunshan faculty (to be nominated by the Duke Kunshan University Vice Chancellor for Academic Affairs). The Duke and Wuhan representatives shall be senior faculty members with substantial engagement with Duke Kunshan University. Once the Duke Kunshan full-time faculty has reached its critical mass, this responsibility will shift more towards the Duke Kunshan full-time faculty upon the approval of the Duke Kunshan Board of Trustees.



## New appointments

The Vice Chancellor for Academic Affairs establishes policy regarding whether a search is required for new appointments. The Vice Chancellor for Academic Affairs also defines the procedures for such a search, and establishes the criteria for evaluating new appointments with input from the head of the units.

### *Criteria for appointment, reappointment and promotion*

The criteria for evaluating candidates for appointment, reappointment and promotion in regular, non-tenure track ranks will ensure comparable standards throughout the University. Candidates for reappointment or promotion will have access to these criteria prior to their review. Criteria should be more rigorous for each higher level of faculty rank and in general should be parallel to but not necessarily equivalent to those used for tenure track or tenured faculty. The Vice Chancellor for Academic Affairs is responsible for ensuring equally rigorous criteria in different academic units. Appointment or promotion to the rank of Research Professor or Professor of the Practice requires outside review according to procedures that are determined by the Vice Chancellor for Academic Affairs.

### *Selection of the Review/Search Committee*

The head of the academic unit nominates a review committee consisting of at least three faculty members. In the case where a new appointment requires a search, the review committee acts as the search committee. Members of the committee<sup>9</sup> must hold a position higher than that of Lecturer or Instructor and, for appointments and promotions, must also be of equivalent or higher rank than that to which the nominee is to be appointed or promoted. For reappointments, members of the committee must be of higher rank than the candidate except in the case of reappointments at the levels of Research Professor and Professor, where members of the committee will be of equivalent rank. The heads of the academic units do not serve as members of the review/search committee unless approved to do so by the VCAA, as in cases where no other member of the academic unit has equivalent expertise or when members of appropriate rank in other academic units are unavailable.

The following definitions are only for the purpose of determining eligibility to serve on review/search committees for regular non-tenure track faculty and to vote on the recommendations of such committees at the academic unit level:

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<sup>9</sup> Before Duke Kunshan establishes a sizable faculty body, such committees will be staffed mostly by Duke University faculty.

Assistant Professor, Assistant Professor of the Practice of..., and Assistant Research Professor, are equivalent.

Associate Professor, Associate Professor of the Practice of..., and Associate Research Professor, are equivalent.

Professor, Professor of the Practice of ..., and Research Professor, are equivalent.

### *Review/Search Committee action*

For all appointments, reappointments and promotions, the review/search committee assembles a dossier containing the candidate's CV and any other relevant materials, and evaluates the candidate using the criteria established by the office of the Vice Chancellor for Academic Affairs. In the case of a new appointment requiring a search, a search committee is set up, and it follows the procedures established by the office of the Vice Chancellor for Academic Affairs. The committee then prepares a written report to the Vice Chancellor for Academic Affairs. The Chair of the committee transmits the candidate's dossier, other relevant materials and a cover letter reporting the recommendation of the committee.

The entire dossier, together with the committee report and transmittal letter are forwarded to the Duke Kunshan Faculty Appointment Committee through the office of the VCAA for its evaluation. In the case of a favorable recommendation from the Duke Kunshan Faculty Appointment Committee, the Vice Chancellor for Academic Affairs decides whether to proceed with the initial appointment, reappointment or promotion and forwards a recommendation to the Executive Vice Chancellor, who, upon favorable evaluation, takes it to the Board of Trustees for approval. If the Vice Chancellor for Academic Affairs' decision differs from the committee recommendation, she/he explains her/his reasons to the committee and sends a letter to the candidate informing her/him of the decision.

In the case of an unfavorable committee decision, the Vice Chancellor for Academic Affairs also sends a letter to the candidate informing her/him of the decision. Within two weeks of receiving this letter, the candidate may appeal the unfavorable committee decision to the Vice Chancellor for Academic Affairs.

### **Promotions**

All reviews for promotion should include an evaluation for reappointment as well. An unfavorable decision for promotion should not influence the decision for reappointment, which is based on less rigorous criteria.

### *Periodicity of review*

Initial appointments are reviewed for either reappointment or promotion within four years or less. Subsequent reviews are done at least every five years. More frequent review is at the discretion of the Vice Chancellor for Academic Affairs. Reviews for appointment, the first review after appointment, and promotion should be detailed; reviews for subsequent reappointment may be less detailed.

### *Relationship between the review and the contractual processes*

For appointments in different units, the contractual cycle might be different. For example, where contract renewal is dependent on the availability of soft funds such as research grants, which have their own renewal cycles, it may not be feasible to synchronize the review and contractual processes. Therefore, it is necessary to distinguish between the two. The purpose of review for appointment, reappointment or promotion should be to evaluate an individual's qualifications for a specific faculty title and in most cases for a specific task. Successful review is not necessarily synonymous with contract renewal, although it might be considered to be so. For instance, if a research grant is due for renewal in less than a year, it might be impossible to offer more than a one-year contract to an Assistant Research Professor who has just completed a successful review, even though the previous contract had been for a longer period. The use of short-term contracts demands, however, that the Vice Chancellor for Academic Affairs consider carefully the nature of the "intent of ongoing contractual relationship [of the faculty member] to the University", since such intent is a requirement for regular non-tenure track faculty. In summary, for regular non-tenure track faculty a successful review is necessary but not sufficient to permit renewal of a contract that is dependent on the availability of funding support.

In some cases it might be possible to solve the problem of asynchrony through the use of rolling contracts. For example, if a review during the third year of a five year contract were favourable, a new five year contract could be made which started at the end of the review year and extended to the end of year eight. Unfavourable review would allow the individual to continue to the end of the current five year contract.

When review for reappointment is unfavourable while a contract is still in force, an individual might continue at the same or similar task with a different title, one that does not convey regular faculty status. It is conceivable that the individual might even be offered a new contract, as in the case where failure to reappoint is due to the loss of an instructional component in the position, but the individual still performs a valuable service.

## Guidelines for Adjunct Faculty Appointment at Duke Kunshan University<sup>10</sup>

### *General Criteria for Adjunct Faculty*

Individuals who are interested in engagement in the DKU community may be considered candidates for an adjunct faculty appointment if they are committed to one of the following four activities at DKU.

1. Teaching a course or guest lecturing on a regular basis at DKU.
2. Advising DKU students or serving on graduate committees on a continuous basis.
3. Collaborating on research with DKU faculty, ideally on projects involving DKU students.
4. Providing strategic advice to DKU at the university level or at the program level, helping raise the visibility of DKU within and outside China.

All adjunct faculty positions are approved in advance by the Vice Chancellor for Academic Affairs (VCAA), and adjunct faculty can be hired with or without a search. Initial appointment can be made any time.

Appointments may be offered at any of the established ranks or titles for which the person is qualified. The “adjunct” designation precedes the specific rank in the title. The particular rank offered shall be commensurate with the candidate’s current rank in their primary academic appointment elsewhere. If the individual does not have a current primary academic appointment elsewhere, the rank offered will be commensurate with education, experience, and professional distinction.

### *Initial Appointment Procedure with No Search:*

1. In the no search scenario, a unit head (including division chair) in the relevant hiring unit submits a nomination letter to all regular rank faculty in the hiring unit. The hiring unit can be any of the five academic divisions at DKU (UG SS, UG NS, UG AH, LCC, Graduate Program), or an interdisciplinary research center. The letter should state why the candidate merits consideration for adjunct status and should propose the adjunct faculty rank or title (e.g., adjunct assistant professor, adjunct associate professor, adjunct professor, etc.). The nomination letter must be accompanied by the candidate’s CV.
2. Regular rank faculty in the relevant hiring unit vote on the candidate. If approved by a majority vote<sup>11</sup> of regular rank faculty in the hiring unit<sup>12</sup>, the hiring unit’s recommendation for appointment is submitted in writing by the unit head to the VCAA along with the candidate’s CV.

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<sup>10</sup> Approved by the DKU faculty March 22, 2017

<sup>11</sup> Voting should be done anonymously and a quorum of two-thirds of faculty in the hiring unit is required.

<sup>12</sup> All faculty eligible to vote at meetings of the Faculty Assembly are regular rank faculty.

3. The VCAA will forward the hiring unit's recommendation and candidate's CV to the Adjunct Appointment Committee (AAC), who will make a final recommendation to the VCAA with a majority vote of 3/5 members. The AAC consists of five faculty members, one each from the five academic divisions at DKU (UG SS, UG NS, UG AH, LCC, Graduate Program) who are appointed by the VCAA. The VCAA reserves the right to consult independent assessors, such as Associate Vice-Chancellor for Undergraduate Studies and the Language and Culture Center, Associate Vice-Chancellor for Graduate Studies and Research, Senior Director of Human Resources, or Director of Faculty Advancement, in relation to any recommendation.
4. The VCAA will make a decision on the appointment. If the appointment is approved, the VCAA will decide on the rank and duration in consultation with the unit head, and the Associate Dean of Undergraduate Curricular Affairs, or Associate Vice-Chancellor for Graduate Studies and Research.

#### *Initial Appointment Procedure with Search:*

1. When the hiring unit, in consultation with the VCAA, determines that a search is required, a search committee is nominated by the hiring unit head to initiate and conduct the search. The search committee consists of at least three faculty members in the hiring unit. If any one of the hiring units cannot provide three such members to serve on the committee, the unit head must nominate an expert(s) in the candidate's field from Duke University or Wuhan University, who will be invited by the VCAA.
2. The search committee may also choose to nominate additional experts in the candidate's field from Duke University or Wuhan University to serve on the committee, to provide further quality assurance, but this is not required. The search committee keeps the relevant hiring unit(s) informed as to the progress of the search and draws up a shortlist for their approval.
3. Following interviews with the short-listed candidates, a selection is made by a majority vote from all regular rank faculty in the hiring unit(s)<sup>13</sup> and the committee presents the recommendation of the hiring unit in writing to the VCAA, along with the candidate's CV.
4. The VCAA will forward the hiring unit's recommendation and candidate's CV to the Adjunct Appointment Committee (AAC), who will make a final recommendation to the VCAA with a majority vote of 3/5 members.
5. The VCAA will make a decision on the appointment. If the appointment is approved, the VCAA will decide on the rank and duration in consultation with the unit head, and the Associate Dean of Undergraduate Curricular Affairs, or Associate Vice-Chancellor for Graduate Studies and Research.

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<sup>13</sup> Voting should be done anonymously and a quorum of two-thirds of faculty in the hiring unit is required.

### *Reappointment Procedure:*

1. Toward the beginning of each semester the VCAA solicits nomination letters from the unit head for all adjunct faculty members whose current appointments end during the current year.
2. The VCAA reviews the nomination letters to confirm that the adjunct faculty members are satisfying the requirements specified in the criteria above and assess whether there is a continued need for the adjunct position. (The VCAA may review other materials, such as teaching evaluations and publications reflecting DKU collaborations, to help his/her decision). The VCAA reports his/her summary findings to the relevant academic unit that hired the adjunct and asks regular rank faculty to discuss and vote on nominees who, in the VCAA's judgment, are **NOT** meeting the requirements.
3. The VCAA's office makes all nomination letters available to all regular rank faculty electronically (e.g., Sakai, Box). While all regular rank faculty can review nomination letters to foster transparency, regular rank faculty members in the relevant academic unit can review the letters and ask the VCAA for a discussion and vote on any nominees who, in their judgement, are **NOT** meeting the requirements.
4. Reappointment occurs if either (i) the VCAA reports that the nominee meets the requirements, and no regular rank faculty member asks for a discussion and vote; or (ii) the VCAA or a regular rank faculty member asks for a discussion and vote and the vote within the relevant academic unit is in favor of reappointment. The VCAA can also decide not to reappoint based on financial and other considerations and need.

### **Guidelines on Appointment of Research Faculty<sup>14</sup>**

Duke Kunshan University (DKU) Research Centers, Institutes or Divisions may choose to hire an Assistant Research Professor, Associate Research Professor or Research Professor for an up-to four-year, renewable term, to work on a research project typically funded by an external sponsor through a grant. These positions are non-tenure/non-tenure-track and have no formal teaching obligation. Decisions regarding appointment and reappointment of research faculty are based on research accomplishment and potential, and the availability of funding to support their work. The faculty in the hiring unit are best qualified to judge not only the quality of the candidate's past research accomplishment but his/her suitability to carry out the proposed research project based on his/her experience, in what might be a narrow field of study.

Research faculty positions are approved in advance by the Vice Chancellor for Academic Affairs (VCAA) in consultation with the Executive Vice Chancellor (EVC), and in some cases<sup>15</sup> the VCAA may waive the need for a search, provided that the identified candidate is approved by a majority vote<sup>16</sup> of tenure-track and research faculty in the hiring unit(s). The hiring unit's

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<sup>14</sup> Approved by the Duke Kunshan Faculty Assembly on November 26<sup>th</sup>, 2021

<sup>15</sup> For example, if the candidate is an author or co-author of the grant that will support them, or if the hiring unit has identified an individual with specific expertise

<sup>16</sup> Votes may be taken during a meeting or by e-mail

recommendation for appointment is submitted by the unit head to the VCAA along with the candidate's CV, relevant samples of their publications and at least three letters of recommendation. If the VCAA and EVC approve the appointment, the VCAA writes a letter of appointment to the candidate specifying the terms of his/her appointment and the funds from which his/her salary will be paid.

When a search is required, a search committee is nominated by the head of the hiring unit and approved by the VCAA to initiate and conduct the search. The search committee consists of at least two faculty members in the hiring unit (including the director). If the project for which the research faculty member is being hired is an interdisciplinary project involving collaboration with more than one unit, at least two members of each collaborating unit at or above the rank of the position must participate in the search. If any one of the hiring units cannot provide two such members to serve on the committee, the unit head must nominate an expert in the candidate's field from Duke or Wuhan University to serve on the search committee, who will be invited by the VCAA in consultation with the VCAA's counterpart at Duke or Wuhan University. The search committee may also choose to nominate additional experts in the candidate's field from Duke or Wuhan University to serve on the committee, to provide further quality assurance, but this is not required. The search committee keeps the relevant unit(s) informed as to the progress of the search and draws up a short list for their approval. Following interviews with the short-listed candidates, a selection is made by a majority vote<sup>17</sup> from all tenure-track and research faculty in the hiring unit(s) and the committee presents their recommendation in writing to the VCAA, including a full report of the search and the candidate's CV, samples of recent publications and at least three letters of recommendation. The unit head should provide his/her independent assessment of the finalist to VCAA. The VCAA reviews the materials before he/she approves the appointment in consultation with EVC. The VCAA writes a letter of appointment to the candidate specifying the terms of his/her appointment and the funds from which his/her salary will be paid.

### **Guidelines on Appointment of Secondary Faculty<sup>18</sup>**

Regular rank faculty who have full time appointments at either Duke or Wuhan University are eligible to be nominated for an up to 5-year, renewable, secondary faculty appointment at Duke Kunshan University (DKU). Secondary faculty are expected to be actively engaged with research at DKU and are not expected to teach<sup>19</sup>, advise undergraduates or serve on committees at DKU. Secondary faculty appointments are non-tenure/non-tenure track. The rank of a secondary faculty member is determined by the secondary institution and is no higher than his or her rank (or equivalent rank) in his or her primary institution. The primary institution is responsible for all actions in regard to his or her annual salary increase, reappointment, tenure, promotion or

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<sup>17</sup> Votes may be taken during a meeting or by e-mail

<sup>18</sup> Approved by the Duke Kunshan University Faculty on May 9<sup>th</sup>, 2018

<sup>19</sup>Secondary faculty who wish to teach a course at DKU must obtain approval from their primary Department Chair and the Dean of the college or school with which their primary department is affiliated, before making arrangements to offer a course at DKU.



termination, with inputs from the Vice Chancellor for Academic Affairs (VCAA) and/or the Executive Vice Chancellor (EVC) of DKU if relevant. The nomination is initiated by the DKU unit (Division, Research Center or Institute) in which the appointment is to be made in agreement with the nominee, and must be supported by a majority vote<sup>20</sup> of regular rank faculty in the nominating unit. The nomination must be supported by the head of the nominee's department and the dean of the school with which his or her department is affiliated, in his or her primary institution. The nominee is responsible for soliciting such support before an official nomination is made. The nominating unit submits a nomination to VCAA, which indicates the intended rank of the nominee and includes a rationale for the hire and the nominee's CV, and a cover letter. The nomination is reviewed by the VCAA, and if approved an offer of appointment is made in writing to the nominee outlining the terms of the appointment. The nominee is responsible for soliciting signatures of his or her department chair/head, and dean of the school with which his or her department is affiliated in his or her primary institution, on his or her acceptance letter, to indicate their endorsement of the appointment.

### **Termination of Employment by a Faculty Member**

This policy addresses the timing of faculty resignation with respect to the fulfillment of their academic duties in alignment with the academic calendar. Please refer to other policies and guidelines for information regarding employment termination procedures<sup>21</sup>. Faculty members who wish to resign from Duke Kunshan University are expected to follow a general code of ethics and to be mindful of the difficulties in finding personnel to cover scheduled courses and of finding a replacement for a faculty member. Faculty members may terminate their appointments effective at the end of the academic year provided they give notice in writing at the earliest opportunity and no later than May 1<sup>st</sup> or thirty days after receiving notification of the terms of employment for the coming academic year, whichever date occurs later. The resigning faculty member should write a letter to the Vice Chancellor of Academic Affairs that includes the date on which their employment is to be terminated. Faculty members may request a waiver of this requirement (of notice by May 1<sup>st</sup> or thirty days after receiving notification of their terms of employment) if they need to terminate their employment before the end of the academic year due to exceptional circumstances beyond their control, or in a situation where they would otherwise be denied substantial professional advantage or opportunity. The resigning faculty member must request the waiver in writing to the VCAA, explaining the circumstances of their resignation. The VCAA will examine the needs of the University together with the request and make a

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<sup>20</sup> Votes may be taken during a meeting or by e-mail

<sup>21</sup> Information regarding ownership of equipment purchased with faculty funds can be found in the Guidelines for Faculty Funds 2018 (chapter 4); Information about return of DKU-provided computers can be found in the DKU IT Faculty and Staff General Computer Usage Policy and the DKU Laptop User Policy. For general information regarding employment termination procedures, consult with HR



recommendation to the Executive Vice Chancellor (EVC), whose decision to approve or not approve the waiver is final. The faculty member's e-mail account will be terminated on his or her last termination date unless an extension is requested<sup>22</sup>. Remaining active research funds from external sponsors will be transferred to the faculty member's new institution (if applicable) transferred to a new project PI, or returned to the sponsor, in compliance with the sponsor's instructions. Research funds provided by the University will be returned to the Office of the Vice Chancellor of Academic Affairs and used at his or her discretion. If a faculty member has been provided with on-campus housing, he or she will be given a grace period of 14 days to move out of the housing following his or her last work day. If the faculty member is receiving a housing allowance for off-campus housing, the allowance will end on the last day of his or her employment.

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<sup>22</sup> Refer to the DKU, IT e-mail Retention Policy

## Chapter 3. Faculty Responsibilities and Academic Regulations [\(return to top\)](#)

### Duke Kunshan University Faculty Code of Conduct<sup>23</sup>

Duke Kunshan University is dedicated to pursuing its missions of education and scholarship and furthering the search for wisdom. The University is committed to fostering a working environment that encourages unfettered inquiry and the free and open exchange of ideas. DKU seeks to create an environment that effectively supports the mission of the University, is free of behaviors that undermine the mission or the effective functioning of the University, and in which members of the University community are civil and respectful to others. To this end, the University has a policy on Faculty Professionalism (below) which states that, Duke Kunshan University faculty members have an explicit responsibility to foster an environment of honesty, fairness, trust, courtesy and respect.

The Faculty Code of Conduct aims to preserve the highest standards of professionalism, teaching and scholarship and to advance the missions of the University through policies consistent with the principles established in section A of the Faculty Charter of August 2016. The code elaborates standards of professional conduct and expounds the responsibility of the University to maintain conditions supportive of the faculty's pursuit of the University's central functions. Refer to [Appendix D](#) for the complete code of conduct

### Duke Kunshan University Policy on Faculty Professionalism<sup>24</sup>

Duke Kunshan University faculty members have an explicit responsibility to foster an environment of honesty, fairness, trust, courtesy and respect. Faculty members are expected to model professionalism and ethical conduct and respond to unprofessional behavior on the part of others.

Professionalism refers to the ethical, legal and appropriate conduct adopted when at work. Unprofessional behaviors include, but are not limited to, behavior that is; intimidating, disruptive, threatening, violent, abusive, dishonest, offensive, illegal, or against university policy. Inappropriate behaviors will be addressed with interventions intended to promote insight,

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<sup>23</sup> Reviewed by the Duke Kunshan Faculty, October 30, 2020; Approved by the Board of Trustees on December 2, 2020

<sup>24</sup> Revised and approved by Duke Kunshan Faculty, October 25, 2017, Approved by the Board of Trustees on November 17, 2017.

accountability and appropriate changes in behavior. Behaviors that embody professionalism include, but are not limited to

- Adhering to high ethical standards
- Conducting academic work with honesty and integrity, and adhering to policies on responsible conduct of research (appended in the faculty handbook)
- Demonstrating core humanistic values including compassion, empathy, collegiality and respect
- Taking personal action to support equity and inclusion
- Responsible fiscal management
- Responsible, caring supervision of staff and mentorship of students
- Exercising accountability
- Dealing appropriately with high levels of complexity
- Reflecting on one's decisions and actions, and assuring one's own fitness for duty

### **Faculty Responsibilities to Students** [\(return to top\)](#)

Faculty members have a responsibility to promote a climate of academic integrity. This includes talking with students about the importance of academic integrity, serving as role models for students, creating an environment that promotes trust and setting clear expectations for the class, including expectations relating to appropriate attribution and the extent to which collaboration is permitted.

The DKU faculty takes its teaching very seriously. Members of the faculty expect DKU students to meet high standards of performance and behavior. It is only appropriate, therefore, that the faculty adheres to comparably high standards in interactions with students. The following list of specific faculty responsibilities to students is predicated on the fact that students are fellow members of the University community, deserving of respect and consideration in their interactions with the faculty.

### ***Syllabi***

All syllabi go through a rigorous review process at Duke University before the course is accepted for teaching at DKU. Once the syllabus has been approved, the professor may then make minor adjustments to the content and structure of the syllabus at his or her discretion. It is also useful for faculty to share their course plans with the appropriate deans or program directors at DKU.

At the beginning of each semester, faculty members will distribute course syllabi to their classes in order to provide students with clear learning objectives, a prospectus on attendance and grading policies, and schedules and deadlines for exams and term papers. Syllabi should include a schedule of topics and all texts to be used so that students may prepare in advance for classes, and a statement about academic integrity (including a clear statement indicating that violations will be reported to the Dean of Undergraduate Studies or Director of Graduate Programs, and on

how violations will be penalized). Each semester, faculty will provide a digital copy of their current syllabi to their appropriate program coordinator for the University record.

Please note that coordination must be maintained among all of our various activities, both academic and extra-curricular, and any changes made to an ongoing course may affect other elements of the program. Thus, while teaching a course, if a faculty member decides to make significant changes to the course content, deadlines, or assessments, this is best done in discussion with the appropriate program dean or program director so as to minimize any adverse impact on the program as a whole.

### *Textbooks*

Textbooks will be listed in the syllabi and will be available for purchase at DKU. Copies will also be in the library. Students are responsible for the assigned material in the textbooks. Students are expected to either purchase them or to use library copies. According to Chinese copyright laws, photocopying of textbooks is not permitted.

### *Course Content*

Instructors will update their courses periodically to reflect the latest scholarship in the fields they teach.

### *Scheduling of Field Trips*

Field trips for undergraduate and graduate programs should be scheduled on Fridays when there are no classes. Field trips must be scheduled with the appropriate program coordinator to ensure minimal clustering of field trips on the same day. In cases where a student is taking two classes that have a field trip on the same day, the student may choose which one to attend, and is responsible for informing both faculty members of his or her choice. For the Master of Management program, which has a less regular class schedule, fields trips should be scheduled in consultation with the program coordinator.

### *Technology for Teaching*

Faculty are expected to use the current DKU-adopted teaching platform for each of their courses.

### *Reporting Grades*

Instructors will make clear on their syllabi at the outset how grades will be determined, what work in the course will be graded, and what standards will be applied. At the appropriate times each term, instructors are notified via email that on-line grading for that term is open. The

instructor submits the grades, via the student information system (DukeHub for graduate programs and DKUHub for undergraduate program), to the Office of the Registrar. All grades must be submitted within seventy two (72) hours after the final examination is given. Graduating students' grades are due within twenty-four (24) hours after the final examination is given.

### *Exams*

The Associate Registrar will set the dates for final exams and will notify faculty well in advance of the final exam. It is the responsibility of the faculty to administer the exams, collect them, and to ensure a fair and equitable examination. We encourage faculty to space out students in the classroom and to run exams that will not encourage cheating, and we encourage essay-based or problem-solving exams rather than multiple choice exams.

### *Class Attendance*

Instructors are expected to attend all class meetings<sup>25</sup>. Faculty using flipped classrooms and other remote technology for the delivery of classes should seek approval from the Dean of Undergraduate Studies or the Director Graduate Programs

### *Office Hours*

Faculty members (including part-time faculty) teaching in the undergraduate and graduate programs will be available in their offices at least four hours per week for each four-credit 7-week semester course and two hours per week for a 14 week semester course or a two-credit 7-week course, and by appointment at mutually convenient times. If unable to keep the posted times, a faculty member will post a note to that effect. For the Master of Management Studies program, in which each course is taught in an intensive 2-week format, faculty are expected to be available for student consultation outside of their time in the classroom during the two weeks in which they are in residence at DKU.

### *Letters of Recommendation*

Students depend upon faculty recommendations when applying for jobs or graduate school. If a faculty member agrees to write such a letter, it will be prepared promptly, accurately, and thoroughly. The registrar's office may release academic information about the student on request, only with written permission from the student. Students will be advised by their academic advisors to provide faculty members a sufficient time window for such letters, and the recommended window is three weeks, but no less than two weeks.

### **Accessible Education and Resources for Teaching and Learning**

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<sup>25</sup> Refer to the DKU Policy on Faculty Absence from Campus during the Academic Year; Approved by the Duke Kunshan Faculty on May 9<sup>th</sup>, 2018

## *Accessible Education Policy*

Duke Kunshan University is prepared to make reasonable academic adjustments and accommodations to allow students with documented disabilities full participation in the same programs and activities available to and intended to serve all students.

Documentation is established through the Student Affairs Office, which is responsible for assessing eligibility for accommodations using the Americans with Disabilities Act as guidance, informing a student's instructors of the need for accommodation, and providing guidelines for working with a student with a recognized disability. Students with long-term disabilities should have contacted the Student Affairs Office in advance of their arrival on campus, and faculty member(s) will be contacted if the student requires accommodations that impact teaching. Faculty members should not grant accommodations without appropriate documentation through the Student Affairs Office. If a student under a faculty member's supervision (in a course or working on a research project) acquires a short-term disability such as an athletic injury, or if he/she asks for accommodations for a disability that he/she hasn't reported to Student Affairs, the faculty member should refer him/her to the Student Affairs Office which can advise him/her regarding appropriate documentation for any accommodations he/she may need. Students are responsible for working with the faculty to make appropriate, mutually-agreeable arrangements for accommodations as needed (such as extended time for an exam), as soon as they receive notification from Student Affairs.

## *Counseling and Psychological Services (CAPS)*

Faculty members are encouraged to be vigilant in their interactions with students and pay attention to signs that indicate a student may be experiencing emotional difficulties. Signs include, but are not limited to; changes in behavior, absences from class, failure to complete assignments, unwillingness to participate, social withdrawal or avoidance. If a faculty member encounters a student who is struggling in class, he/she should make an appointment with the student to offer help and attempt to get a sense of the situation. The student may simply be overloaded with other commitments, in which case a solution may easily be negotiated. However, if the student appears to be, or self-reports that he/she is having emotional difficulties, he/she should be encouraged to seek an appointment with the campus psychological counselor: [fan.yang@dukekunshan.edu.cn](mailto:fan.yang@dukekunshan.edu.cn) and the Associate Dean of Student Affairs should be notified. Students should be assured that this service is confidential and will not affect their academic record. Counselors should work with faculty member(s) if the student requires academic dispensations, with the student's permission. Faculty members should not attempt to diagnose or counsel students themselves. Students may evade intervention attempts because of fear of being stigmatized. Any faculty member who is unsure whether the student has sought counseling and/or if the problem persists, should consult with the Associate Dean of Student Affairs. In cases where a student's behavior becomes

disruptive or abusive and is not curtailed by normal intervention, the faculty member should consult with the Dean of Undergraduate Studies or the Associate Dean for Graduate Programs and/or the Associate Dean of Student Affairs. In cases where there appears to be a risk that a student may harm him/herself or another person, or if there is evidence that the student may be suicidal and/or is in imminent danger, the faculty member may dial the campus emergency number 0512-3665-7110, and/or consult with the Dean of Undergraduate Studies or the Associate Dean for Graduate Programs and the Associate Dean of Student Affairs immediately. Evidence of suicidal tendencies often appears in a student's writing. Be vigilant if a student writes about a desire to end his or her life or to harm his or herself or others.

### *Academic Resource Center*

Students who are struggling in a course because of academic difficulties should be encouraged to seek help. Faculty members are expected to offer individual help to students, but should be mindful of the need for students to develop as independent scholars and be cautious of "handholding." Students should also be encouraged to seek help from the Academic Resource Center, which offers various academic support programs for students.

### *Center for Teaching and Learning*

The Center for Teaching and Learning (CTL) plays a key role in helping DKU faculty to create the highest quality educational experiences for students. The CTL works with faculty to implement evidence-based strategies for effective student learning. The CTL offers training on educational technology, consultation on syllabi and instruction in specific classroom techniques to improve the practice of teaching and learning. The CTL is guided by an educational philosophy based on active learning, team collaboration, interactive classrooms and learning assessment.

<https://dukekunshan.edu.cn/en/academics/center-teaching-and-learning/about>

### *Non-discrimination*

In matters of employment, admission, campus life and academics, DKU will not discriminate on the basis of race, color, religion, national origin, ethnic origin, gender, disabilities, sexual orientation, or age.

### *Academic Code of Conduct*

All DKU students are responsible for adhering to the DKU Community Standard that states:

Duke Kunshan University (DKU) is a community comprised of individuals from diverse cultures and backgrounds. We are dedicated to scholarship, leadership, and service and to the principles of honesty, fairness, respect, and accountability. Members of this community commit to reflecting

upon and upholding these principles in all academic and non-academic endeavors, and to protecting and promoting a culture of integrity and trust.

To uphold the DKU Community Standard

- I will hold myself to the highest standards for honesty, integrity, fairness, and responsibility in my academic and non-academic endeavors
- I will respect other cultures and embrace all forms of diversity
- I will uphold the standards if they are compromised

### *Upholding Academic Integrity and Community Standards*

#### *Students*

Each student admitted to DKU is required to sign the Community Standard before classes begin. The DKU Community Standard (DCS) stresses the commitment that students share with all members of the community to enhance the climate for honesty, fairness, respect, and accountability at DKU. Students affirm their commitment to foster this climate by signing a pledge that includes taking constructive action if they witness or know about behavior they perceive to be inconsistent with the DCS, which may include violation of university policies. Although there are no disciplinary sanctions associated with the failure to act, students are nonetheless expected to take appropriate action as a responsibility of membership in the DKU Community. The University recognizes that it is not always easy to act in these situations, but several alternatives are available to suit a student's level of comfort and confidence. These alternatives are not mutually exclusive, such as:

- For incidents involving social behaviors, alerting residence hall, Student Affairs, or other university staff. The information provided will give staff an opportunity to address the matter informally or through appropriate formal channels.
- For cases involving academic integrity, alerting the instructor that cheating may be occurring in the course. This alert can be in any form, including anonymous notification, and the reporting student will not be identified. The information provided will allow the faculty member to consider corrective measures, in consultation with the Dean of Undergraduate Studies or Associate Dean for Graduate Programs.
- Directly alerting the Dean of Undergraduate Studies or Associate Dean for Graduate Programs, who will confer with the faculty member involved, if an academic issue, or with other parties as appropriate to the situation, to strategize the best, next steps. Maintaining the confidentiality of the source is possible, but may limit the extent of action that can be taken.



## Faculty

Faculty play a critical role in creating a climate of honesty, trust, fairness, respect and responsibility.<sup>26</sup> Students rely on the faculty to establish clear class expectations, to promote an atmosphere in which learning with integrity is encouraged, and to confront situations of academic dishonesty. Faculty teach in different formats and have differing philosophies about teaching. Here are several useful general strategies that teachers are encouraged to adopt in the classroom:<sup>27</sup>

- Include a statement about the DKU Community Standard in your syllabus.
- Prior to completing an exam or assignment, ask students to write and sign a pledge that states “I will adhere to the DKU Community Standard in completing this assignment.”
- Stress the importance of academic integrity in class. Discuss why it should matter to the student, why it matters to you, to your discipline, and to DKU. Indicate how citation shows respect for other scholars.
- Be a role model: Cite sources in your lectures.
- Encourage students to come to you or provide resources if they are confused about citation practices or other research standards.
- Make sure your students understand not only what counts as plagiarism and cheating but also how to avoid engaging in these practices. Talk to them about managing their time, taking effective notes, and using the Internet appropriately.
- Explain your expectations clearly. Provide written guidelines about collaborating with peers, citing sources, using notes or exams from previous classes, and accessing information during an examination.
- Assign focused and specific research topics and don’t allow last-minute changes of topic.
- Reduce the opportunities and hence the temptation to cheat on exams; one method for doing so is to change exam questions between semesters or distribute alternate versions of the same exam.
- Act on suspected cases of academic integrity violations—students interpret inaction as a lack of caring about the issue. Discuss these cases with the Dean of Undergraduate Studies or Associate Dean for Graduate Programs.

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<sup>26</sup> The five fundamental values of academic integrity endorsed by the Center for Academic Integrity at Duke University.

<sup>27</sup> Modified from information found in McCabe, D. L. and Pavela, G. (1997), “The Principled Pursuit of Academic Integrity.” *AAHE Bulletin*, vol. 50 no. 4, 11-12, and Cole, S. and Kiss, E. (2000), “What Can we do About Student Cheating?” *About Campus*, vol. 5, no.2, 5-12.

## Academic Integrity Policies

All DKU students are responsible for adhering to the Duke Kunshan University (DKU) Community Standard as set forth in the DKU Student Handbook and the DKU Undergraduate Programs Bulletin. Students are responsible for maintaining high standards of academic honesty and personal integrity in all matters, including reporting the results of their studies and research, completing assignments, and taking quizzes, tests, and examinations. When confronted with a possible violation of academic integrity, it is important that faculty members deal fairly and consistently with students.

The University's disciplinary process is independent of, and in addition to, an instructor's decision on how to grade academically dishonest work. Instructors are expected to communicate with students their policy regarding grading of an academically dishonest assignment (e.g., zero on the assignment, reduced/failing grade for the course, or other approach). An instructor may only implement this penalty if the student has accepted responsibility for academic dishonesty (by accepting the penalty) or has been found responsible for such through the proceedings of the Graduate Academic Review Board or Undergraduate Academic Review Board (UARB).

Any case reviewed by either the Graduate Academic Review Board or the UARB shall be kept strictly confidential and only those parties involved in investigating and resolving the case should know the details of the case and its resolution.

Violations of academic integrity that occur while the student is residing at Duke University or other institution (for example, during a study-abroad program) will be handled by the host institution according to the host institution's policies, although DKU reserves the option to investigate the case and impose additional penalties if such action is deemed warranted.

### *Academic Integrity: Graduate Program Policies*

Students and faculty in the DKU graduate programs are subject to the regulations and procedures of the Duke University Graduate School, as set forth in the *Graduate School Student Handbook*; the Fuqua School of Business, as set forth in the *Fuqua School of Business Bulletin*; the Nicholas School of the Environment, as set forth in the *Nicholas School Honor Code*; and the Pratt School of Engineering as set forth in the *Pratt School of Engineering Professional Programs Bulletin*, whichever is appropriate to the program in question<sup>28</sup>.

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<sup>28</sup> In the case of the MSc. Medical Physics and Global Health programs, the matter would be referred to the Duke Graduate School. In the case of the Master of Management Studies program, the matter would be referred to the Fuqua School of Business. In the case of the Electrical and Computer Engineering program, the matter would be referred to the Pratt School of Engineering. In the case of the International Master of Environmental Policy, the matter would be referred to the Nicholas School of the Environment, by

For cases involving graduate students, faculty members should consult with the Director for Graduate Programs at DKU, who maintains a record and determines if there have been previous violations. Minor, first-time infractions (those that would not be grounds for suspension or more severe censure if proven true) may be resolved between the faculty member and the student. In more serious cases, cases that are not the first infraction, or in cases when the student is dissatisfied with the resolution, the program's Director requests an investigation within seven business days and informs the student that he/she is under investigation. The investigation is carried out by the DKU Graduate Academic Review Board.

Currently the DKU Graduate Academic Review Board consists of three DKU graduate programs' Directors of Graduate or Professional Studies and two graduate students and was appointed by and presided over by the Associate Dean of Graduate Programs (Director of Graduate Programs in the future). Members of the Graduate Academic Review Board serve a two year term. Serious and complex cases regarding academic integrity that are passed on to the Director of Graduate Programs will be reviewed by all the members of the Graduate Academic Review Board within 20 business days, who will make a collective decision concerning the next steps. If the case is brought to the Graduate Academic Review Board at the end of a semester, they should complete their review within 20 days of the beginning of the following semester at the latest. In a case where such an extended review may prevent a student from graduating on time, the Graduate Academic Review Board may proceed without the input of the student members.

An established, centralized procedure ensures that a student who commits repeated academic honesty violations will not go undiscovered as a result of being dealt with by independent faculty and/or administration members in isolation. The Graduate Academic Review Board is charged with handling cases in a manner that upholds the DKU, Duke, Fuqua, Nicholas and Pratt Schools' Honor Codes, and balances students' educational interests with the University's interests in maintaining consistent and high standards.

The Graduate Academic Review Board, if finding a violation has occurred, will refer the matter to the Duke University school from which the student will receive a degree, in which case the procedures governing the investigation and adjudication of the matter will be those of the appropriate Duke University school, with the proviso that the adjudicating body specified in these procedures incorporates representatives of DKU faculty and staff as appropriate and is adapted to the geographic separation between DKU and Duke University.

- In the case of the MSc. Medical Physics (MMP) and Global Health (MGH), the case will be reviewed by the Duke Graduate School Judicial Board<sup>29</sup>.

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agreement between the Sanford School of Public Policy and the Nicholas School of the Environment, the two schools issuing a joint degree to the iMEP students.

<sup>29</sup> The Duke University Graduate School Judicial Board consists of two faculty members, two students and a program director, appointed by the Dean of the Graduate School.

- In the case of the Master of Management Studies (MMS), the case will be reviewed by the Fuqua School Judicial Board<sup>30</sup>.
- In the case of the International Master of Environmental Policy (iMEP), the case will be reviewed via a Nicholas School of the Environment administrative hearing.
- In the case of the Master of Electrical and Computer Engineering (MECE) the case will be reviewed via a Pratt School of Engineering administrative hearing.

The student may be present at the hearing and may bring an advisor. The advisor must be a current member of the DKU community (faculty or staff). The advisor may confer with the student, but is not to advocate for the student or participate in the hearing.

The investigation must be completed within 20 business days of its initiation. The appropriate adjudicating body (described above) will determine if a violation of academic integrity has occurred, will impose the consequences, and will write a summary of the case for the Associate Dean for Graduate Program's records, which will be copied to the Dean of the Graduate School, the Dean of the Fuqua School, the Director of Professional Studies of the Nicholas School or the Associate Dean of Master's Programs at the Pratt School of Engineering as appropriate. Convictions imposed by the Fuqua and Nicholas Schools' adjudicating bodies are noted on the student's transcript, but may be removed by request to the program director after a period of time determined by the appropriate investigating body.

The student may appeal the investigating body's decision by requesting a third hearing by whichever means is appropriate: In writing to the Dean of the Graduate School or in writing to the Dean of the Fuqua School; or by requesting a hearing by the Nicholas School Judicial Panel<sup>31</sup> or by requesting a hearing by the Pratt School Student Conduct Panel<sup>32</sup>. In the event that a student requests a third hearing under the Duke Graduate School's, the Fuqua School of Business', the Nicholas School of the Environment's or the Pratt School of Engineering's regulations and procedures, the Duke judicial body charged with adjudicating the matter will include representation from DKU and the procedure will be adapted to take account of the geographic separation between DKU and Duke University.

### *Academic Integrity: Undergraduate Program Policies*

Members of the faculty teaching undergraduates are expected to consult with the Dean of Undergraduate Studies regarding cases of possible academic misconduct. Minor, first-time infractions (those that would not be grounds for suspension or more severe censure if proven

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<sup>30</sup> The Fuqua School Judicial Board consists of four faculty members (one of whom serves as chair) and three students

<sup>31</sup> The Nicholas School Judicial Panel consists of two students, two faculty members and the Associate Dean of the Nicholas School of the Environment

<sup>32</sup> The Pratt School Student Conduct Panel consists of two students and two faculty members from the Pratt School of Engineering

true) may be resolved between the faculty member and the student. The faculty member should submit a written record of the violation and how it was resolved to the Dean of Undergraduate Studies who maintains a record and determines if there have been previous violations. If the student is dissatisfied with the resolution, he or she may appeal to the Dean of Undergraduate Studies. More serious cases, second-time offenses, or student appeals must be handled more formally through the Undergraduate Academic Review Board (UARB).

### *Undergraduate Academic Review Board (UARB) Procedures*

This body includes three full-time, DKU faculty members whose primary teaching affiliation is with the undergraduate program as well as two undergraduate student representatives and is presided over by the Dean of Undergraduate Studies. UARB members are appointed by the Dean of Undergraduate Studies for a period of two years. In order to accommodate faculty schedules and review cases in a timely manner, the Dean may also appoint a pool of DKU faculty members who can serve in the place of unavailable regular UARB members. Following their appointment, the members of the UARB will meet with the Dean of Undergraduate Studies for a briefing on their duties and responsibilities.

Should the UARB be called upon by the Dean of Undergraduate Studies to adjudicate a case involving one or more undergraduate students, the procedure is as follows:

- 1) The Dean of Undergraduate Studies will alert the UARB members of the case and will begin the process by calling for an investigation of the case.
- 2) The UARB shall investigate the case gathering all relevant materials from all parties involved (faculty, administrators, students) in a timely manner, then convene a hearing. The members of the UARB shall independently review all pertinent documentation relating to the case. This should be done as quickly as possible and at least within 20 business days of the opening of the case. If the case is brought to the UARB at the end of a semester, they should complete their review within 20 days of the beginning of the following semester at the latest. In a case where such an extended review may prevent a student from graduating on time, the UARB may proceed without the input of the student members.
- 3) The UARB should also meet with the student and the instructor to discuss the case in greater detail.
- 4) In line with the policies of Duke University's Undergraduate Disciplinary System, the student may be present at the hearing and may bring an advisor. The advisor must be a current member of the DKU community (faculty or staff). The advisor may confer with the student, but is not to advocate for the student or participate in the hearing. (<https://studentaffairs.duke.edu/conduct/undergraduate-disciplinary-system/disciplinary-process/disciplinary-hearing-types#complaints>)
- 5) The UARB shall inform the student and the faculty member bringing the case, in writing, of their conclusion, within 30 business days of the opening of the case. All records of the case should be provided to the Dean of Undergraduate Studies for his or her records.

- 6) As long as the UARB concludes that a violation of academic integrity has occurred, the instructor's penalty will be upheld<sup>33</sup>
- 7) Unless otherwise noted by the UARB, the resolution decision will be effective immediately.
- 8) If the student is dissatisfied with the resolution of the case because he/she believes there was a procedural error or because new information has become available, the student may appeal the case (under these grounds only) to the Vice Chancellor for Academic Affairs. This must be done so within one week of the student receiving notice of the UARB's resolution or the resolution will stand.

## Disruptive Students

The successful conduct of a course depends upon a spirit of mutual respect and cooperation among its participants. If a student disrupts a class in such a way that it seriously compromises the educational experience of the course for other students and/or prevents the instructor from accomplishing the goals of the course as outlined in the syllabus, the instructor may require the student to leave the class meeting. In the case of undergraduate students, the Dean of Undergraduate Studies will be notified of this action. In the case of Graduate students, the Associate Dean for Graduate Programs should be notified.

The following process will then be implemented as necessary and appropriate:

- The student may not return to the course until the matter has been resolved. It is expected that the instructor and the student will meet to discuss and agree upon the conditions under which the student may return to the course. These conditions will be set out in writing and the Dean of Undergraduate Studies or the Associate Dean for Graduate Programs will receive a copy of them.
- If the disruptive behavior continues in spite of this agreement, or if the instructor and the student fail to reach an agreement, the matter is referred to the Dean of Undergraduate Studies or the Associate Dean for Graduate Programs who will begin the process of removing the student from the course. If the student is permanently excluded from the course, the instructor will assign a grade of W, and in the case of graduate students, the matter will be reported to the appropriate Duke University School with which the student's program is affiliated.
- The Dean of Undergraduate Studies or the Director of Graduate Programs may also refer the matter to the Associate Dean of Student Affairs or CAPS, who will determine whether the student should be formally charged with violation of university policies such as "Classroom Disruption," "Disorderly Conduct," and/or "Failure to Comply", and/or should be offered counseling

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<sup>33</sup> The UARB may recommend a penalty to the instructor in cases where they deem the instructor's penalty to be inappropriate

- If the student wishes to appeal his or her exclusion from a course, the appeal is to be directed to the Vice Chancellor of Academic Affairs, who serves as the academic appellate officer. The decision of the Vice Chancellor of Academic Affairs in such a case is final.

### **Academic Freedom of Students**

When and if a complaint is lodged against any faculty member asserting that he or she has abridged an individual's academic freedom, the Dean of Undergraduate Studies or Associate Dean for Graduate Programs shall receive that written complaint and use his or her good offices to resolve the matter in an agreeable fashion. If either wishes faculty aid in establishing the merits or extent of the complaint, he or she should appoint a non-conflicting two-person subcommittee from the faculty to provide advice. Cases not resolved may be brought to the attention of the Vice Chancellor for Academic Affairs.

### **Sexual Assault, Sexual Misconduct Harassment and other forms of Intimidation**

Sexual misconduct, harassment, discrimination and intimidation are inconsistent with the maintenance of academic freedom at DKU. All unprofessional treatment of students and colleagues is unacceptable; cases of misconduct against a student may result in sanctions for a faculty member or employee. Faculty members have an obligation to avoid exploitation of students and to provide a safe and hospitable environment for them. When planning class discussions or debates, faculty members should establish clear ground rules for students to avoid situations where discussion may be perceived as offensive on the grounds of race, gender, sexual orientation, religion, or socio-economic background. If student-student harassment occurs in the classroom, the faculty member should intervene. Often, apparent harassment results from misunderstanding; faculty members are encouraged to treat minor incidents as educational opportunities and help both parties better understand each other. In cases where harassment is malicious, disruptive or unresponsive to intervention, the faculty member should consult with the Dean of Undergraduate Studies or the Associate Dean for Graduate Programs and the Associate Dean of Student Affairs, who will refer the case to the Assistant Dean for Campus Engagement and Student Conduct. If a student feels that he/she has been a victim of harassment by a faculty member, he/she should report the incident to the Dean of Undergraduate Studies or Director of Graduate Studies. If a faculty member believes he/she has been a victim of harassment or intimidation, he/she should report the incident to his/her immediate supervisor or the Director of Human Resources. Supervisors should report claims of harassment to the Director of Human Resources. Such claims will be investigated promptly. Employees must cooperate with such investigations and the University will not permit retaliation against employees or students who are cooperating with an investigation.

Using the U.S. Title IX Amendment of the Higher Education Act 1963 as guidance, Duke Kunshan University Student Affairs Office has established in the Counseling & Psychological Services Clinical Manual, a Sexual Assault Response Protocol that lists policies and procedures to assist,



counsel and provide follow-up support to victims of sexual assault. The Student Handbook (Section 11) also informs students of policies of zero tolerance of any form of harassment, bullying, sexual assault, or any other forms of sexual misconduct. Harassment is a violation of the community standard. Behaviors that disrupt or obstruct the normal operation or activities of the University, or infringe upon the rights of members of the University community, are grounds for discipline. In addition, the University has an obligation to report all incidences of sexual assault as well as other types of assault or violent crime, to the local public security office. All such incidents that come to the attention of a faculty member must be reported to the Associate Dean of Student Affairs. Anyone who witnesses an incident directly should comfort and assure the victim of their safety, inform them that the incident will be reported and handled in a sensitive and confidential manner, and urge them to seek counseling. Faculty members should not attempt to counsel victims of assault themselves. The Student Affairs Office will provide counseling and the Campus Health Center will provide medical aid for the victim as necessary.

## **Policy on Consensual Sexual or Romantic Relationships between Faculty and Students**

### ***Rationale***

Duke Kunshan University (DKU) is committed to maintaining learning environments as free as possible from exploitation, favoritism, and conflicts of interest.

The integrity of the student-teacher relationship is of fundamental importance to the central mission of the University. Students look to their professors/mentors for guidance and depend upon them for assessment, advancement, and advice. Faculty-student romantic or sexual consensual relationships create obvious dangers for abuse of authority and conflict of interest that can be actual, potential, and/or apparent.

Faculty-student romantic or sexual relationships are problematic under any circumstance. The inherent power differential between faculty and students undermines the possibility of meaningful consent. Such relationships introduce dynamics that detract from the educational mission of the University.

### ***Policy***

Consensual romantic or sexual relationships between faculty members and students enrolled in Duke Kunshan University or participating in Duke Kunshan educational programs are prohibited<sup>1</sup>.

This policy will apply to any consensual romantic or sexual relationship between a faculty member and a student that exists on the date this policy becomes effective. However, any faculty member in such a relationship may apply to the Vice Chancellor for Academic Affairs for an exception to this policy. Such application should be made within thirty (30) days of the effective date of this policy.



Any violation of this policy shall be deemed misconduct as that term is used in the Faculty Handbook. Violation of the policy may result in sanctions for the faculty member, including but not limited to, mandatory training or counseling, reprimand, probation, suspension, loss of privileges, demotion, removal of title(s), or termination. The Vice Chancellor for Academic Affairs, in consultation with faculty member's immediate administrative supervisor (e.g., program director, center director, dean), shall determine sanctions for violations. The faculty member may appeal the decision on sanction to the Executive Vice Chancellor.

### *Teaching Assistants, Research Assistants, Tutors, Graders, and Other Students Charged with Academic Instruction of Other Students*

Consensual romantic or sexual relationships between a student charged with academic instruction and students receiving instruction from the student are prohibited. This applies to teaching assistants, research assistants, tutors, graders and any other students who provide academic instruction to any other student. A student who is already dating a peer student may not teach (TA, tutor) any courses in which his/her spouse/partner is enrolled.

The relevant program director or dean is empowered to address and remediate situations in which students charged with academic instruction are involved in a consensual romantic or sexual relationship with any student subject to such instruction. Remedial measures may include regading exams or papers or no longer allowing a student to continue serving in an instructional role. Any violation of this policy by students may violate student conduct policies.

### *Definitions*

**Faculty:** all Duke Kunshan University regular rank faculty and all non-regular-rank faculty titles in the Faculty Handbook, faculty of other institutions when teaching and/or doing research at DKU or in DKU programs, and faculty of other institutions who participate in DKU academic matters affecting students.

**Students:** all those enrolled full-time or part-time in any undergraduate, graduate, or non-degree program of Duke Kunshan University. A student's status as "student" ceases at the time the student graduates or otherwise separates from his or her educational program at DKU.

**Spouse:** a partner in marriage

**Domestic Partner:** a person in an interpersonal relationship with another individual with whom they live and share a common domestic life but are not married.

**Consensual Relationships:** romantic or sexual relationships willingly undertaken by the parties. It is recognized that in faculty-student relationships the power dynamic is inherently unequal, and the willingness of a student to enter such a relationship may be driven in part by pressure from the more powerful faculty member. However, for the purposes of this policy, any relationship which is presented by the consenting parties as consensual will be treated as such. (This policy does not apply to cases where one party accuses the other of coercion.)

NOTE: Consensual relationships between employees, including between faculty members, are covered under DKU Human Resources policies. For purposes of this policy, trainees such as postdoctoral appointees are considered employees.

## **Academic Procedures, Grades and Schedules** [\(return to top\)](#)

### ***Course Drop/Add Dates***

Each 7-week session and full semester calendar will have specified dates for drop/add and the last day that students can withdraw from a course. The withdrawal dates can be found on each academic year calendar. All courses in the MMS curriculum are required and cannot be dropped without approval by the Director of Graduate Programs.

### ***Course Cancellation***

With the exception of the MMS program, if a course has four registered students or less, the course may be cancelled. This will be decided on a case by case basis by the VCAA.

### ***Undergraduate Course Load***

Candidates for degrees must carry a normal course load (i.e., at least 16 credits (4 course credits) for undergraduates) each semester unless they have received permission from the Dean of Undergraduate Studies.

### ***Enrollment Caps***

Undergraduate classes are capped at a certain number to maintain small class sizes. Except in exceptional circumstances<sup>34</sup>, students may only be added to a class that has reached its capacity with the approval of the instructor. Instructors are encouraged to take into account students' circumstances when considering such requests.

### ***Graduate Course Load***

Graduate students should defer to the specific requirements of their program and the advice of their faculty advisors when determining which courses to study over the course of their programs.

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<sup>34</sup> If not taking the class will result in a student not being able to reach the minimum required course load, not graduating on time or not meeting a required prerequisite for a graduate program, the Dean of Undergraduate Studies may authorize the student to enroll.

For academic policies regarding withdrawal, repetition of courses etc. in the graduate programs, refer to the Duke University Faculty Handbook: <https://provost.duke.edu/policies-resources/faculty-handbook/>.

### *Policy for Repeating a Course at DKU*

If a student fails a course or wishes to improve his/her grade, he/she may repeat it once. The student needs to talk to his/her advisor to obtain permission to do so. The grade received for both the first attempt and second attempt will be published on the student's transcript, but only the grade received for the second attempt will be used to calculate the final GPA, regardless of whether it is better or worse than the first grade. If the student wishes to repeat a course for a second time, he/she must submit an appeal in writing to his/her assigned academic advisor explaining purpose of repeating the course and outlining a plan of study, including a plan to seek help from either the professor and/or the Academic Resource Center to demonstrate intention to improve his or her chances of passing the course. The advisor will make a recommendation to Dean of Undergraduate Studies or Director of graduate Programs, whose decision to grant permission or not is final.

A course taken at another institution with a grade of C- or above and not transferred to Duke Kunshan may not be repeated at Duke Kunshan. If it is determined such a course has been taken elsewhere and repeated at Duke Kunshan, the Duke Kunshan course will be removed from the academic record. A course previously passed at another educational institution, however, may be audited at Duke Kunshan. Physical education activity courses may be repeated, but only one full credit of these courses counts toward graduation.

In all cases where a course is repeated, only the credits accrued from the final attempt count toward the required number of courses for year-to-year continuation and the 136 credits required for graduation<sup>35</sup>.

### *Assignments*

The schedule for assignments, papers, texts and final examinations will be included in the syllabus. The instructor will provide the weighting formula that is the foundation for the grade. Instructors should make every effort to return graded assignments in a timely fashion so that students can apply feedback to their next assignment and are aware of their academic standing throughout the course. Whenever feasible, faculty should inform

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<sup>35</sup> Exception might be made only when the final attempt takes place in the semester when a student is expected to graduate.

students in advance that they are at risk of failing and refer such students to their advisor for consultation.

### *Grading*

The grade point averages and grading symbols used at DKU for the Undergraduate and graduate courses are as follows:

A+	4.0
A	4.0
A-	3.7
B+	3.3
B	3.0
B-	2.7
C+	2.3
C	2.0
C-	1.7
D+	1.3 (Undergraduate only)
D	1.0 (Undergraduate only)
D-	1.0 (Undergraduate only)
F	0

A: Exceptional

B: Superior

C: Satisfactory

D: Low pass (Undergraduate only)

F: Failing

I: Incomplete

S: Satisfactory (issued when a course is completed on a Satisfactory/Unsatisfactory basis, equivalent to a letter grade of C or better)

U: Unsatisfactory (issued when a course is completed on a Satisfactory/Unsatisfactory basis, equivalent to a letter grade of D+ or worse for undergraduate courses)

X: Absence from final exam (+/- additional work)

Z: Continuing Course

W: Withdrawal

AD: Audited course

WA: Withdrawal from an audited course

A grade of F or U indicates that the student has failed the course and does not receive credit. The course must be repeated and a passing grade earned in order for credit to be awarded. A grade of W indicates the student officially withdrew from the course.

### *Grading—Master of Management Studies (MMS) Courses*

Consistent with the Fuqua School of Business, the Master of Management Studies program at DKU will use the following grading system:

- Superior Pass (SP) 4.0
- High Pass (HP) 3.5
- Pass (P) 3.0
- Low Pass (LP) 2.5
- Fail (F)-0

Faculty teaching in the Master of Management Studies program are advised to follow the Fuqua recommended distribution of grades for CORE courses:

- No more than 25 percent SP
- 40 percent HP
- At least 35 percent P, LP and F

### *Incomplete course work*

If, because of illness, emergency, or circumstances outside of the student's control, a student cannot complete work for a course, the student may request in writing to his or her instructor the assignment of an I (incomplete) for the course. If the request is approved, then the student must satisfactorily complete the work by the last class day of the fifth week of the subsequent regular semester except, when an earlier deadline has been established by the instructor.

### *Audit*

With the written consent of the instructor, a full-time degree student is allowed to register to audit one or more courses in addition to his/her normal load. Students who audit a course submit no daily work and take no examinations, but are expected to attend class sessions. They do not receive credit for the course, but the audited class will appear on his/her transcript. Graduate students have the option of officially auditing and having their audited classes appear on their transcripts as such. While studying at Duke, graduate students will follow Duke's calendar and procedures for auditing. Graduate students wishing to officially audit a course at DKU should first approach the Director of Graduate Studies or Director of Professional Studies of the program in which they are enrolled and ask for approval. Conditional on that approval, they may then ask the faculty member of the course they wish to audit for permission to audit. That faculty member reserves the right to decide whether or not auditing by that student is appropriate. If the faculty

member chooses to allow the student to audit the course, the faculty member should provide the student with a set criteria that the student must meet in order for the audit to be recorded on the student's transcript. If a faculty member is approached by a student wishing to unofficially audit the faculty member's course, the faculty member is encouraged to refer the student to the Director of Graduate Studies or Director of Professional Studies of the program in which the student is enrolled for guidance about the appropriateness of auditing the course by the student.

## **Scheduling of Classes and Attendance Regulations**

### ***Deviations from Regularly Scheduled Class Times***

Classes must meet only at the times for which they are regularly scheduled unless prior permission is received from the Dean of Undergraduate Studies or Associate Dean for Graduate Programs, with the exception of field trips which are scheduled on Fridays.

### ***Religious Holidays***

In recognition that observances of religious holidays may affect classroom attendance and the submission of graded work, members of the various religious affiliations should inform their instructor of major religious holidays that occur when classes are being held at or before the beginning of each semester. In the event of a conflict, students wishing to observe a specific religious holiday should request that their instructors arrange for a postponement or makeup of work. Duke Kunshan University encourages all faculty to make reasonable accommodations necessary for students' religious observances

## **Policy on Faculty Absence from Campus during the Academic Year**

*Approved by the Duke Kunshan University Faculty on May 9<sup>th</sup>, 2018*

Faculty members are responsible for meeting their obligations during instructional, advising and examination periods. The education of students is the first priority of all faculty and regularly scheduled classes should not be cancelled unless absolutely necessary. Faculty who must be absent from campus during scheduled class periods should make all reasonable effort to ensure the education of their students isn't compromised.

### ***Absence due to illness or accident***

The faculty member must notify the impacted academic program director or dean if they are unable to be present at a class due to illness, accident or other circumstance beyond their control. The faculty member must also notify the appropriate program coordinator so that the students may be notified of relevant changes.

In the case of graduate classes, a make-up class may be arranged at a time that is consensually agreed upon with the students.

In the case of undergraduate classes, the faculty member should make reasonable efforts to arrange an approved, qualified substitute to teach the class (preferably a colleague whom the faculty member knows to be qualified). In the case of an emergency, if the faculty member is unable to organize an alternative arrangement in time, the program director or dean should make reasonable efforts to do so on the faculty member's behalf.

### *Absence due to travel for academic purposes*

Faculty members should avoid arranging trips that cause them to be absent from regularly scheduled classes. However, DKU allows faculty members to be absent from campus during the scheduled class period to attend conferences, meetings or workshops that significantly enhance their professional development and visibility, provided that,

- They consult with the impacted program's director or dean at the earliest opportunity prior to arranging their travel
- They make reasonable efforts to arrange an approved, qualified substitute as described above.
- In the case of graduate classes, a make-up class may be arranged at a time that is consensually agreed upon with the students.

A planned absence for reasons other than those stated above requires prior approval from the Vice Chancellor of Academic Affairs.

### **Academic Advising**

Undergraduate students will be assigned a faculty advisor. The faculty advisor will schedule times to meet with the student and is expected to meet with his or her advisees every semester; advisor approval is required for course registration. Advisors may also be asked at the behest of another faculty to consult with an advisee if the student is acting in a disruptive manner in that faculty's course or if a student is performing poorly, in which case the advisor can help ascertain if intervention (such as tutoring or counseling) is required, or if a student is considering taking less than or more than the standard course load.

## **Education Records**

DKU adheres to a policy permitting students access to their education records and their confidential financial information while at DKU. Students may request to review any information that is contained in their DKU education and financial records and may, using appropriate procedures, challenge the content of these records.

No information, except directory information (see below) contained in any student records is released to unauthorized persons outside the University or to unauthorized persons on the campus, without the written consent of the student. It is the responsibility of the student to provide the University's registrar and other university offices, as appropriate, with the necessary specific authorization and consent.

Directory information includes name, addresses, e-mail addresses, telephone listing, photograph, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and most recent previous educational institution attended. This information may be released to appear in public documents and may otherwise be disclosed without student consent unless a written request not to release this information is filed in the University's registrar.

### ***The Provision of Academic Information to Parents and Guardians***

It is primarily the responsibility of students to keep parents and guardians informed of their academic standing and progress as well as any difficulties that may affect their performance. Faculty and staff may not release or discuss information regarding grades or academic standing of a student with his/her parents or guardians, unless written permission is provided by the student. The University's registrar does not release end of term or midterm grade information to parents and guardians without students' written permission. If a student's academic standing at the University changes, the Office of the Vice Chancellor for Academic Affairs may notify parents and guardians in writing. Parents and guardians may also be alerted to emergency and extraordinary situations that may impinge upon a student's well-being.

### **Procedures for Resolution of Students' Academic Concerns**

DKU provides formal educational opportunities for its students under the assumption that successful transmission and accumulation of knowledge and intellectual understanding depend on the mutual efforts of instructors and students. Ideally, the University offers a range of learning experiences in which students strive to learn enough to be able to test their ideas against those of the faculty, and faculty, through the preparation of course materials and the freshness of views of their students, discover nuances in their disciplines.



Sometimes, however, student-faculty interactions or relationships in certain courses give rise to concerns that, for whatever reason, can inhibit successful teaching and learning. When this occurs, students often need assistance in resolving the issues. The faculty and administration of DKU attempt to be genuinely responsive to all such matters and a student should not hesitate to seek assistance from faculty and administrative officers in resolving problems.

### ***Grade Review Procedure***

Questions about course content, an instructor's methods of presentation, the level of discourse, criteria for evaluation of students, grades or administrative procedures in a course should be first directed to the instructor of the course. If a student believes that productive discussion with the instructor is not possible, courtesy requires that the instructor be informed before the student refers questions about the course to a higher level. In the case of undergraduate courses, the student may refer the matter to the Dean of Undergraduate Studies and then, if necessary, to the DKU Undergraduate Academic Review Board. In the case of the graduate programs, the program directors and the Director of Graduate Programs will inform each graduate student of the appropriate channels of appeal of a student grievance, which are based on the appeal processes of the Duke University versions of these programs, adapted to include representation of DKU and to accommodate the geographic separation of DKU and Duke University.

### ***Formative Assessment of Curricula***

Teaching quality is of high priority at DKU. DKU strives to encourage a culture of formative assessment and improvement, of courses, curricula and programs. Faculty are expected to use assessment to inform their teaching and to help make programmatic updates. When preparing syllabi, faculty should develop appropriate learning objectives that are guided by DKU's mission and core educational principles and are articulated clearly to the students. Faculty should also develop ways to effectively assess whether their students are obtaining those learning objectives and to keep records of information revealed by assessment. Faculty should make use of such records and data, along with student feedback and course evaluations, to inform their future teaching and course design. The Dean of Undergraduate Studies and Associate Dean for Graduate Programs should regularly collect information about the content and learning objectives of all the courses in their programs to ensure that the program is meeting its learning objectives and consult with the Director for Assessment to ensure the effective assessment of courses in their programs.

### ***Evaluation of Teaching Effectiveness***

As teachers, faculty members have a responsibility to remain current about student learning styles and effective teaching techniques and to use informative assessment to make adjustments and improvements. DKU has a responsibility to ensure that all faculty are effective teachers.

Faculty are expected to attend faculty development workshops and activities aimed at improving teaching and are expected to participate in dialogue with other faculty to ensure that shared teaching objectives are being met. DKU has a responsibility to facilitate venues and activities that promote dialogue about teaching. Evaluation of teaching is part of the annual, reappointment, and tenure and promotion review processes<sup>36</sup>.

### **Policy on Distribution of and Access to Course Evaluations** *(approved by the faculty, December 4<sup>th</sup>, 2019)*

Course evaluation is one measure to assess teaching quality to help improve the overall effectiveness of teaching, student learning outcomes, and student experience at DKU. Care and sensitivity is important in handling information of such evaluations, particularly with students' written comments. This policy is prepared to explain how course evaluations are reported and shared at DKU.

#### ***Graduate and Professional Courses***

Graduate course evaluation (excluding courses offered by the MMS<sup>37</sup> Program) is overseen and managed by the Director of Graduate Programs & Recruitment (DGPR), with technical support from the Office of Assessment. During the last week of instruction, the Office of Assessment helps generate assessment links for DGPR to distribute to instructors who invites students to complete evaluations before final exams (evaluations will not be available during or after final exams). After course grades are recorded in the Student Information System (SIS), the Office of Assessment exports course evaluation reports that contain averaged scores and student comments, organizes them in the Duke Box, and shares the folder links with corresponding instructors. Instructors may share their own course evaluations results as they see appropriate (e.g., applying for an award or another job, and/or seeking consultations). Following three or five working days after instructors review their course evaluations, the Office of Assessment sends all graduate course evaluation reports to DGPR, who distributes reports of each program to the Director of that respective program, and prepares a bi-annual report to be shared with Program Directors and the Vice Chancellor of Academic Affairs (VCAA), who may share it with the Executive Vice Chancellor (EVC), the Chancellor, and the relevant graduate or professional schools at Duke. Such bi-annual reports should not include individual student comments, but rather a general summary of the nature of frequent comments. Individual student responses cannot be shared with anyone without permission from the VCAA. Other than the DGPR, the

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<sup>36</sup> See also Duke Kunshan University Guidelines on Evaluation of Teaching (under review)

<sup>37</sup> Course evaluations for the Master of Management Studies (MMS) program are handled directly by the Fuqua School of Business at Duke, who shares aggregate evaluation results with the DGPR at DKU.

Deans of the relevant graduate and professional schools at Duke may also access the aggregate course evaluations for courses relating to the schools.

### *Undergraduate Courses*

Undergraduate course evaluation is overseen and administered by the Office of Assessment. The course evaluation window would fall in the last two weeks of instruction (usually the 6<sup>th</sup> and/or 7<sup>th</sup> week) and close prior to final exams so that students will no longer be able to access evaluations during or after final exams (instructors need to notify the Office of Assessment if their final exams are scheduled before the 8<sup>th</sup> week). The Dean of Undergraduate Studies (DUS), with the help of the Director of Assessment, distributes course evaluation links to instructors who share such links with students. Instructors are encouraged to use strategies that would improve response rates, such as allocating 10-15 minutes of class time for students to take evaluations, or communicating with students about the importance of course evaluations and the planned use of the results for course improvement. After course grades are finalized and released, the Office of Assessment generates and shares a course evaluation report of each course with the instructor who taught that course. A course evaluation report<sup>38</sup> would include a summary of the course, session, instructor and response rate, aggregate ratings<sup>39</sup> of each question, and compiled student comments. Instructors may share their own course evaluations results as they see appropriate (e.g., applying for an award or another job, and/or seeking consultations).

Course evaluation results will be shared with appropriate parties in three to five business days after the results have been shared with instructors. The following people would have access to course evaluations relating to faculty in their own division/center/program.

- The Dean for Undergraduate Studies (DUS) – all undergraduate courses
- Dean of Undergraduate Curricular Affairs and Faculty Development (DUCFD) –all undergraduate courses
- The Division Chairs, the Director of the Language and Culture Center, and the Athletic Director –courses taught by faculty affiliated with the division/center/program, and division/center/program-affiliated courses taught by visiting faculty.
- Senior Advisor to Chancellors for Partner and External Relations –summer courses required for Chinese mainland students, taught by Wuhan University faculty (APT) –courses taught by faculty who are up for review by the committee
- Course evaluations pertaining to Duke professors (DINS courses) may be additionally shared with Duke personnel according to Duke policies.

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<sup>38</sup> A sample report is available upon request.

<sup>39</sup> Aggregate course evaluation results refer to compiled summaries or summary reports, for the purposes of public reporting or statistical analysis. Aggregate results, presented as average scores or percentages of students picking each rating scale/option, can reveal trends, patterns and insights that would not be shown via individual student responses, and can best eliminate identifiable information to protect the confidentiality of individual students, instructors, and/or courses.

The VCAA, the EVC, the Chancellor, and the Provost's Office at Duke will receive bi-annual reports that contain aggregate results and breakdowns (e.g., by types of courses, or groups of students) at the program, division and university levels. More frequent reporting might be required when needed. The same levels of course evaluation results may also be shared with appropriate undergraduate workgroups or committees (e.g., UG Taskforce), and used for external reporting mandated by external agencies, such as China's Ministry of Education (MOE), Jiangsu Education Department (JED), and (SACSCOC).

Individual student course evaluation responses should never be accessible to anyone, and exceptions have to be thoroughly evaluated and approved by the VCAA.

## Chapter 4. Research - Organizational Structure for Sponsored Projects and Research Related Policies [\(return to top\)](#)

### Organizational Structure

#### *The Authorized Officials*

Proposals, grants, contracts, collaborative agreements and ancillary contracts between DKU and outside organizations involving sponsored projects require institutional signatures for submission and acceptance. For the University, the following positions are designated “Authorized Officials” by the DKU Board of Trustees. Only these officials can provide a signature and the University seal:

- The Chancellor
- The Executive Vice Chancellor
- The Vice Chancellor for Academic Affairs
- The Chief Financial Officer

#### *The Vice Chancellor for Academic Affairs*

The Vice Chancellor for Academic Affairs (VCAA) has oversight of the Office of Research Support and Technology Transfer (ORSTT), guiding its activities and advising its staff. In addition, this position is authorized to grant exceptions, when appropriate, to the general rules and regulations in place for sponsored projects such as granting special PI status, granting exemptions for late proposal review, allowing cost-sharing, etc. The Vice Chancellor for Academic Affairs and the Office of Research Support and Technology Transfer work together to promote faculty research and to ensure that the interests of the University are also protected.

#### *The Office of Research Support and Technology Transfer (ORSTT)*

The ORSTT (Formerly the Research Support Office; RSO) is the main office charged to provide assistance for the grant activities of the faculty and researchers in the University’s research centers and instructional programs. Its scope is comprehensive and includes:

- assistance with finding funding opportunities
- proposal review and institutional signoff
- award review, negotiation and institutional signoff
- award management
- award closeout

- tracking compliance requirements mandated by the nature of the research – human subjects protections, animal use and care, conflict of interest or commitment, etc.
- sending due date notifications to the responsible parties for required reporting on active awards and for compliance renewals
- managing research results and intellectual property rights generated from research results, filing, maintaining and managing patents
- negotiating technology transfer and technology commercialization

The ORSTT reports to the Vice Chancellor for Academic Affairs in regard to sponsored projects and compliance requirements for the research undertaken by faculty, their staffs and students. The ORSTT works closely with a variety of offices at the University including General Operations, Human Resources, Procurement and Development. It has joint responsibility with the Finance Office for financial monitoring and reporting of expenses on all sponsored projects, helping to ensure that project expenditures meet sponsors' requirements.

The ORSTT is responsible for reporting on the University's sponsored research activity to the Chancellors Office and to government agencies. It keeps the institutional record of every proposal submitted and award received. In addition, it archives and holds the administrative file of record for every expired award.

### *The Finance Office*

At the request of the ORSTT, the Finance Office (FO) assigns restricted fund codes (and sub-codes as needed) to new awards. Based on the award analysis provided by the ORSTT, the FO sets up each award in the financial system and subsequently provides quarterly expense reports to the ORSTT and PIs for review. It sends official financial reports or invoices to sponsors as required by the terms of each award. Only the Finance Office can provide official, certified financial reports or invoices to a sponsor.

During the life of a sponsored project the ORSTT and FO work jointly with PIs to monitor expenditures on grants and ensure they are correctly charged (the PI's review), allowable according to award terms (the ORSTT's review) and accurate (the Controller's review). The PI and the two offices are also monitoring for burn rate and balances to ensure the funding will support the project for the entire project period. At closeout, expenses are carefully re-checked for adherence to the sponsor's approved budget plan and balances or overdrafts are resolved. Once the final financial report is prepared by the FO and audited following the sponsor's requirements led by the FO, it is given to the ORSTT for submission to the sponsor along with the final technical report and any required publications, inventions and assets reports required by the sponsor.

In addition the FO archives and holds the financial file of record for every expired award for its required retention period. This is the file that will be made available if an audit is requested.

### *Other Offices*

General Operations: The General Operations Department is in charge of asset management for the University. It is responsible for tagging and tracking equipment purchased on sponsored projects and keeping the record of its ownership (DKU or sponsor), maintenance and final disposition. In addition the Department assists in the development of the indirect costs rate for the University by surveying and keeping the records of space usage and utility and maintenance costs.

Human Resources: Human Resources assists with searches for research staff and technicians and with their hiring for work on sponsored programs.

Procurement: The Procurement Department assists PIs with purchase of major equipment on sponsored projects, ensuring that sponsor requirements for vendor bids, and the needs of the project are met by the purchases made.

## **Research Related Policies** [\(return to top\)](#)

### *Fundamental Principles of Academic Quality*

“DKU faculty members shall be subject to a code of professional conduct that requires faithful performance of duties, avoidance of conflicts of interests, integrity in the conduct of research, and respectful treatment of students and colleagues. Violation of these standards may be subject to sanctions.” (From the *Articles of Association* Exhibit 5, Duke Kunshan University)

Seventeen research related policies have been approved by the Board of Trustees, and the full texts of these policies can be found in [Appendix G-W](#).

## **Data Management Plans**

Data Management Plans (DMPs) are an important tool in the management of research data. A DMP should incorporate data management into the research cycle to ensure that research data is properly managed at every stage and data can be made available and re-used to the maximum extent possible at the end of a project or grant.

Preparation of a DMP should be integral to the planning of a project, regardless of whether or not it is required as part of the formal research grant application. DMPs should follow relevant national and international recommendations for best practices and should be prepared in consultation with relevant institutional Data Managers and Data Stewards.

All Duke Kunshan University sponsored research projects are expected to include a data management plan. A data management plan is not a static document and will evolve over the lifetime of a project. However, certain matters should be considered from the start of project planning and plans should cover all research data expected to be produced as a result of a project, grant, or activity.

Please refer to [Appendix G](#), “Duke Kunshan University’s Policy on Data Management Plans” for details on how Duke addresses issues of data management plans.

### ***Research Data Management***

It is important that all research data are reasonably and appropriately managed to maintain data integrity, availability, and when required, confidentiality to protect against accidental or unauthorized access, modification, disclosure and destruction.

As stewards of Duke Kunshan University’s resources, all faculty, researchers, staff, and students are expected to exercise sound judgment to collect and use research data prudently and ethically. Additionally, various foreign, national, and provincial laws impose obligations on Duke Kunshan. Grants and contracts may impose requirements for the protection and preservation of associated research data. Special consideration to research data is warranted, as some research data may be classified as public and open, while other research data may require greater protections due to the sensitivity of the data.

This policy is not intended to impede the use or sharing of unrestricted (e.g. public) research data, but rather to provide the framework for determining where controls are required for sensitive or protected research. Please refer to [Appendix H](#), “Duke Kunshan University’s Policy on Research Data Management” for details on how the University addresses issues on research data management.

### ***Faculty Consulting or Outside Activities***

Faculty may spend up to four days per month in consulting work or outside activities, averaged over an annual period of service based on term of appointment. Such activities are to be listed on an individual’s financial conflict of interest disclosure form. All disclosed consulting relationships will be reviewed to determine if an overlap of interest exists that might be, or appear to be, a conflict of interest that would require management. Please refer to [Appendix I](#), “Policy and



Procedures Governing Faculty Consulting or Outside Activities” for details on how Duke addresses issues of faculty consulting and outside activities.

### **Financial Conflict of Interest in Research**

Duke Kunshan University is committed to ensuring members of its faculty, scholars, and staff are provided an open and productive environment in which to teach and conduct research. However, the ever-increasing complexity of our society and the various relationships between faculty, scholars, and staff and outside institutions require attention to ensure the avoidance of real or apparent conflict of interest issues.

A conflict of interest can be said to exist when a member of the University community (including her/his immediate family member(s)) has a relationship with an outside entity such that her/his activities on behalf of the University could be biased by that relationship in a direction that would ultimately provide direct financial benefit to the individual or the family member.

Please refer to [Appendix J](#), “Financial Conflict of Interest Policy” for details on how Duke addresses issues of financial conflict of interest.

### **Guidelines for Authorship and Authorship Dispute Resolution**

Within the academic environment there is often some level of expectation regarding authorship or acknowledgement on the part of those contributing to a work. As a result, it is an appropriate practice to address questions of authorship at the earliest practical stage of a research project. Such communication can clarify roles, spur motivation, and minimize disappointments among the participants. Please refer to [Appendix K](#), “Guidelines for Authorship and Authorship Dispute Resolution” for details on how the University addresses issues of authorship.

### **Intellectual Property Rights**

Duke Kunshan’s primary mission lies in the creation and dissemination of knowledge in works of the intellect, in whatever medium (tangible or otherwise) they may be embodied or expressed. Duke Kunshan’s policy on intellectual property rights (see [Appendix L](#)) recognizes and acknowledges that these rights arise from time to time as a result of efforts by members of the Duke Kunshan community. This policy addresses ownership with respect to such rights.

### **Inventions, Patents, and Technology Transfer**

The creation of knowledge in the service of society is at the core of the Duke Kunshan mission. When new inventions and patentable technology arise during the course of ongoing university research activity, researchers have a responsibility to disclose these new technologies and

inventions to the ORSTT for evaluation, protection, and potential licensing and translation. Duke Kunshan's policy on inventions, patents, and technology transfer (in [Appendix M](#)) has been written to assure that inventions resulting from Duke Kunshan research are used in a manner consistent with university policies and values. The policy is written to facilitate and encourage patent protection, licensing, new venture creation, and the development and marketing of inventions where appropriate.

### **Misconduct in research**

Misconduct in research is defined as fabrication, falsification, or plagiarism. In addition, other practices that seriously deviate from those that are commonly accepted within the research community for proposing, conducting, or reporting research may also constitute misconduct in research. These practices are covered by the Policy and Procedures Governing Misconduct in Research (in [Appendix O](#)). As noted in that policy, "misconduct" does not include honest error or honest differences in interpretations or judgments of data.

### **Open Access to Research**

The Faculty of Duke Kunshan University is committed to disseminating the fruits of its research and scholarship as widely as possible. The Faculty Council has adopted an open access policy, under which faculty authors grant to Duke Kunshan University permission to reproduce and distribute their scholarly articles at no cost to readers via a repository maintained by the library. Authors may opt-out of this default policy, or may place an embargo on their works if needed. The complete text of the policy is available in [Appendix P](#).

### **Principal Investigator Status**

It is university policy that only those with whom the University has or intends to have an ongoing contractual relationship may serve as principal investigator for projects - research or otherwise - supported by external funding sources. Please refer to [Appendix O](#), "Principal Investigator Status" for details on the policy on Principal Investigator Status.

### **Research Records**

The University, its faculty, and its trainees have a common interest and a shared responsibility to assure that research is appropriately recorded, shared, and retained. Consequently, researchers have a responsibility to retain original research results, in whatever form they may take, for a reasonable length of time to protect intellectual property rights, support scholarly collaboration and publication, and answer any questions that may arise about the conduct of the research. The University likewise has an interest in, and shared responsibility for, assuring that research is appropriately recorded, archived, and available for review under appropriate circumstances.

Please refer to [Appendix R](#), “Policy on Research Records: Sharing, Retention and Ownership” for details on how the University addresses issues of research record.

## **Research on Human Subjects**

In order to conduct research with human subjects, investigators at Duke Kunshan must do two things:

1. Become certified to conduct research with human subjects.
2. Obtain approval for research protocols.

Pertinent policies are discussed in [Appendix S](#).

## **Duke Kunshan University Guidelines for University-Industry Research Relationships**

The overriding goal of this policy is to promote close and imaginative working relationships between the University and industry that will nurture the development of new knowledge while still maintaining the integrity and independence of the University, its faculty, and students. Please refer to [Appendix T](#), “Duke Kunshan University Guidelines for University-Industry Research Relationships” for details on how the University addresses issues of research record.

## **Duke Kunshan University Regulatory Policies on Sponsored Research Funds Management**

This Policy is to establish and regulate management for externally sponsored funds and the processes needed to conform to the rules and regulations for sponsored research and projects at universities. Please refer to [Appendix U](#), “Duke Kunshan University Regulatory Policies on Sponsored Research Funds Management” for details on how the University regulates and manages sponsored research funds.

## **Duke Kunshan University Regulatory Policy on Indirect Costs Management**

This Policy is to establish and regulate the management of indirect costs charged to externally sponsored funds and the processes needed to conform to the rules and regulations for sponsored research and projects at the University. Please refer to [Appendix V](#), “Duke Kunshan University Regulatory Policy on Indirect Costs Management” for details on how the University regulate managing the indirect costs and what the University indirect costs rate is.



## Chapter 5. Faculty Compensation, Benefits and Services

### Introduction [\(return to top\)](#)

All salary, fringe benefits and college service policies are determined by the Duke Kunshan University Board of Trustees on the recommendations of the Executive Vice Chancellor, the Vice Chancellor for Academic Affairs and the Chief Financial Officer. Faculty members receive salaries as compensation for their contributions to the University in the form of teaching, research, and university service. Salaries are set on an annual basis, but increases are not automatic. The annual salaries of members of the faculty are normally adjusted for the ensuing academic year each July 1. Salary adjustments reflect a variety of factors, including consideration of the level of activity and quality of individual performance in teaching and research; contributions to the University community; competitive salaries in particular fields; budgetary constraints; cost of living adjustment, and other factors.

The controller's office deals directly with payroll processing, arrangements for any salary, grant and travel advances and reimbursements and accounting for them. The Human Resources Office deals directly with all fringe-benefit matters.

### Compensation [\(return to top\)](#)

#### *Payroll*

The fiscal year of Duke Kunshan University runs from July 1 to June 30th the following year. Annual faculty salaries are for nine or twelve months' work and are paid in twelve (12) equal installments, July 31st through June 30th the following year, inclusive.

Faculty members with 9-month appointments work the 9-months of the academic schedule, i.e. the beginning of the Fall Semester and ending with commencement exercises each spring.

Faculty members with 12-month appointments are compensated for services performed on a twelve calendar month basis.

Checks will be deposited in the account of a faculty member at most Chinese banks once direct deposit is set up. Otherwise, they will be mailed to a campus or home address.

Salary checks will be subject to the following deductions: individual income withholding tax, statutory social security, statutory housing fund and medical insurance premiums.

## Guidelines for Withdrawal of Summer Salary

*Approved by the Chancellor on September 13th 2018*

Faculty nine-month academic year salaries are paid in 12 installments throughout the year; the 9-month academic year coincides with the academic year calendar. A faculty member may request to supplement his or her salary<sup>40</sup> during the months of June, July and August with external funding, and/or any other allowable sources (e.g. discretionary funds resulting from an academic salary buy-out<sup>41</sup>)<sup>42</sup>, but with no more than three ninths (3/9<sup>th</sup>) of their 9-month base salary in total from all sources combined, provided that,

- Summer salary supplementation is allowed by the funding agency (if applicable)
- The faculty member making the request is the PI or co-investigator on the contract to which the summer salary is to be charged.
- There is enough money in the appropriate portion of the fund code balance which can be used for such expenditure types as summer salary to cover the requested amount
- The faculty member will be actively working on the contract to which the summer salary will be charged during the whole salaried period<sup>43</sup>

For the purpose of drawing summer salary only, the Duke Kunshan University (DKU) academic year will be considered September 1<sup>st</sup> – May 31<sup>st</sup>; summer salary may be withdrawn for June, July and August that succeed the academic year<sup>44</sup>. A faculty member may request salary for a fraction of the month if he or she doesn't intend to work for the full month, of no less than ¼ (1 week).

A faculty member requesting summer salary must submit his or her request to the office of Human Resources by May 15<sup>th</sup>, using the Summer Salary Request Form, after verifying that the sponsored contract or grant allows charges for summer salary. The Office of Research Support and Technology Transfer can provide assistance in clarifying the allowances of the contract or grant.

The request will be forwarded to the Office of Research Support and Technology Transfer and the Finance Office for confirmation of the contract/grant allowance and confirmation that the fund code balance(s) is/are sufficient to support the request, then forwarded to the Director of

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<sup>40</sup> Faculty members who are paid a 12-month salary are not eligible for additional summer salary supplementation

<sup>41</sup> Policy for Academic Salary Buyouts, approved by the Duke Kunshan faculty on October 25<sup>th</sup> 2017, Approved by the Chancellors' Executive Meeting of Duke Kunshan University, April 13<sup>th</sup>, 2018

<sup>42</sup> Compensation for teaching summer classes will be arranged with the University and is not subject to this policy

<sup>43</sup> Faculty who are working on a locally-based project funded by a local agency (e.g. located in Jiangsu Province) are expected to periodically be present on campus

<sup>44</sup> Faculty members may request a summer salary with the approval of the VCAA under the exceptional circumstance that their appointment at DKU commenced before the summer and they arrived with active funding from a sponsored contract or grant

Human Resources for final approval; if approved, the summer salary will be incorporated into the faculty member's payroll and is taxable.

Faculty members who receive a summer salary will be expected to submit a report following the salaried period describing what they did, for future internal audits

## **Withholding Tax**

Individual income tax is computed in accordance with the government percentage method which based on the amount of the income. Social Security tax will be computed in accordance with the stipulations of local Labor Social Security Bureau.

### ***Individual Income Tax***

The employee is responsible for his/her individual income tax. The University will make the appropriate deduction from salary and make the tax payment on the employee's behalf.

According to regulations from the State Administration of Taxation, following circumstances where Individual Income Tax self-reporting should be made by individuals are:

- where the individual derives an annual income of more than RMB120,000;
- where the individual derives salary and wages from two or more sources within China;
- where the individual derives an income from outside of China; or
- where the individual derives taxable income but does not have a withholding agent.

The employee will have the sole responsibility for self-reporting and any consequences if he/she fails to self-report his/her income. The University is not responsible for an individual's self-reporting nor does the University assume any of the consequences for an individual's under-or over-reporting of their income.

For DKU expats, the monthly basic salary is taxable with the threshold of ~RMB 4,800 per month (2015). DKU engages a tax consulting firm to withhold and file for the tax on a monthly basis.

A faculty member with main responsibilities in teaching or research, certified as a tax residence of a foreign country which has double tax treaty with China, may be eligible for China individual income tax exemption for 2 or 3 years. During the period of exemption, all of the compensation and benefits from DKU in China or Duke are free of individual income tax. The tax consulting firm will help faculty members to assess their exemption eligibility and apply for the exemption, if applicable. The faculty member may be required to provide a tax resident certificate from the

country at which he or she pays personal income tax. - When the exemption period ends, the salary and benefits are subject to China individual income tax.

## **Benefits** [\(return to top\)](#)

### **Faculty Funds Guidelines:**

Effective July 1, 2018

The funds described below must be used for university purposes. Using these funds must follow applicable university policies<sup>45</sup>. Items purchased with these funds are DKU property<sup>46</sup> and must remain at DKU if the faculty member leaves the University. The specific requirements of sponsored research agreements should be followed with priority; it is the principal investigator's responsibility to make sure he or she understands the requirements of the sponsored research agreement, in consultation with the Office of Research Support and Technology Transfer.

### ***Fund Types:***

- 1) **Start-up Funds:** Provided by the University at the time of appointment. The amount and duration of availability is specified in the faculty member's letter of appointment. Normally, these funds should be used by the end of the fiscal year (June 30<sup>th</sup>) of the specified duration but may be carried forward with special approval from the VCAA.
- 2) **Professional Discretionary Funds:** Provided by the University to each faculty member annually. These funds should be used by the end of the fiscal year (June 30<sup>th</sup>). Normally these funds cannot be carried forward unless specified in the letter of appointment.
- 3) **Reserve Discretionary Funds:** These are funds derived from external sources. Examples of such sources include, but are not limited to honoraria paid to the University to recognize a particular faculty member's contribution (article, talk, manuscript or program review, etc.), gifts designated for the support of a particular faculty member, program or department and not otherwise restricted as to purpose, residuals from sponsored research agreements provided the sponsor does not expect return of any residuals, honoraria paid directly to faculty members that may be used at the recipient's discretion.
- 4) **Other Discretionary Funds controlled by the VCAA:** The office of the VCAA controls a central research fund from which bridge-loans may be requested<sup>47</sup>.

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<sup>45</sup> DKU Reimbursement Policy (9-1-2018)

<sup>46</sup> Unless otherwise specified by a donor or sponsored research agreement

<sup>47</sup> For more information see the DKU policy for Academic Salary Buyout, approved by the DKU Faculty on October 25<sup>th</sup>, 2017



### *Allowable Expenses:*

- Computing and auxiliary equipment such as desktops, laptops, tablets, printers, scanners, cameras, presentation projectors, etc.
- Research related software packages, databases and computing services.
- Research equipment, equipment and space rental. Service contracts for equipment are normally covered by the operating funds of the research center or institute; faculty should obtain confirmation that a service contract can be covered, and approval from the center or institute director before purchasing equipment.
- Data, books for research or teaching including textbooks needed for class preparation, subscriptions, reprints of journal articles, library copying.
- Educational or professional advancement support related to the faculty member's discipline (e.g. online courses, workshops, class tuition).
- Journal submission fees, publishing fees.
- Dues for membership in professional associations.
- Office equipment, furniture and office supplies, in addition to what is provided in the office that you have been assigned and the standard supplies provided by the DKU Supply Room. All furniture purchases from a DKU fund must have prior approval from the Director of Operations.
- Hiring of personnel (including the provision of stipends to summer research students) based on DKU's HR guidelines<sup>48</sup>.
- Travel to professional meetings or to sites where research or other scholarly activity is conducted, following the University's reimbursement guidelines and standards<sup>49</sup>.
- Meals and refreshments for lab group meetings, journal clubs or seminars.
- Reasonable honorarium or fees for invited speakers.

Expenses other than the above will require prior written approval by the Vice Chancellor of Academic Affairs.

Some examples of inappropriate uses are items of personal gain including home equipment or furniture, services not directly related to university activities, assistance provided to students (such as tuition for courses), membership in airline travel clubs, upgraded travel or accommodations, individual holiday gifts, travel for family members or other non-Duke Kunshan associates who are not involved in the research or scholarly work, etc.

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<sup>48</sup> DKU HR policy and guidelines (under review)

<sup>49</sup> For the procedure for the reimbursement of travel expenses, please refer to the Duke Kunshan University Reimbursement Policy, 9-1-2018

### *Control of Funds*

The management authority for fund types (1), (2) and (4) is with the Vice Chancellor of Academic Affairs who can delegate the authority to others, while the faculty manage fund type (3). It is, however, incumbent on responsible officers in the finance office to provide oversight for use of the funds. In particular, finance officers must ensure that appropriate review and approval of the appropriate level and the supporting documents are followed.

### *Procedure for Reimbursement:*

1. File the “Expense Report” in the NC online reimbursement and attach scanned copies of all supporting documents. Write the Doc No. issued by NC on the original supporting document and sign it. For reimbursement of expenditures made by faculty members or somebody else on behalf of the faculty members, a *fapiao* must be provided in addition to any other supporting documents.
2. Once the request has been approved in the NC system, print the approved expense report and submit it along with the original supporting documents to Finance
3. Please ensure that the submitted information is accurate and is done with your approval even if completed by someone else you designate.

All expenditures should follow the University’s regulations and procedures<sup>50</sup>.

- a) Purchases over RMB 4,000 or USD 600 need to follow DKU procurement policies.
- b) Honorariums & expenses paid to invited speakers or stipends/compensation to visiting faculty or researchers must be done so through Procurement if the compensations are over RMB 4,000 or USD 600; HR should be consulted when the independent service provider is a Mainland China Resident and he/she stays at DKU for over 30 days, or the independent service provider is a Non-Mainland China Resident and he/she stays at DKU for over 15 days.
- c) Honorariums paid to other DKU personnel must be reported to HR in advance, and HR will add the payment to the recipient’s salary.
- d) Before purchasing computing and auxiliary equipment such as desktops, laptops, tablets, printers, scanners, cameras, presentation projectors, etc., research related software packages, databases and computing services, faculty members are requested to consult the Director of IT for better and effective computer hardware and software resources usage at the University. Business-related computers and other equipment, if purchased by start-up or discretionary funds, are Duke Kunshan University property.
- e) The discretionary fund of the on-board year will be prorated according to the following table.

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<sup>50</sup> Including but not limited to DKU Reimbursement Policy (9-1-2018), DKU HR policies (under review), and DKU Procurement Policies and Procedures (under review).

On Board Date	Percentage
Jul-Sep	100%
Oct-Dec	75%
Jan-Mar	50%
Apr-Jun	25%

### **Policy for Academic Salary Buyout**

*Approved by Duke Kunshan University Faculty, October 25, 2017.*

*Approved by the Chancellors' Executive Meeting of Duke Kunshan University, April 13<sup>th</sup>, 2018*

#### **Overview**

The purpose of this policy is to create a mechanism for faculty members to self-fund their discretionary accounts and for the University to develop a central research account by charging academic salary plus fringe to external contracts. Subject to the required approval process, each faculty member may buy out up to 100% of his/her academic salary plus fringe using external funds.

Use of funds from external contracts for academic salary buy outs should comply with the contractual terms on usage of such funds

The academic year salary plus fringe savings may be used to pay the faculty member's summer salary at the normal rate during the summer at the end of the fiscal year. For instance, if the buy outs occur during the fiscal year of 2017/2018, the funds can be used to pay the summer salary for the period of June - August in 2018. The remaining balance after deducting the summer salary should be used to cover the indirect cost (IDC) up to the default DKU IDC rate, if the funds come from a research contract charging a lower IDC rate than the default rate. The remaining funds are divided at the end of the fiscal year, with 70% being returned to the faculty member for his/her immediate use in a faculty discretionary account and the other 30% being deposited to a central research account managed by the VCAA's office.

The funds in the central research account should be used for research purposes only, including (but not limited to) the following scenarios:

- Provide a bridge loan to faculty to support his/her research staff.

- Provide strategic investment to grow new research initiatives with substantial long-term impacts.
- Provide start-up research funds for new faculty hiring.

The VCAA's office will record the amount of funds contributed by each research center and use the information to rank the priority of each center. When dispersing the funds, the VCAA office will take into account both the priority and the needs for the requests submitted by different research centers.

This policy is intended primarily to encourage faculty to create bridge-funding reserves at multiple levels in order to keep research labs running smoothly during fluctuations in external funding. Whenever an emergency situation occurs, a faculty member should use his/her own discretionary funds to cover the expenses. In case his/her own discretionary funds are not sufficient, he/she may request a bridge loan from the VCAA's office but must pay off the loan as soon as he/she is able to secure sufficient external funding.

### *Procedure*

The following steps describe the detailed procedure for academic salary buy outs:

- A faculty member decides the research contract(s) to charge his/her academic salary and submits a completed request form to the director of the research center that manages the research contract(s) and/or the faculty member is affiliated with. The request form should specify the fund code(s), salary plus fringe, the reason why funds are available for academic salary buy outs, and the time period that salary plus fringe will be charged to the contract(s). The request form can be found in Appendix 1.
- The research center processes the request form to get the approval signature from the director of the research center, the director of the parent institute (if applicable), the director/associate director of the Office of Research Support and Technology Transfer, the director of the Finance Office, and the VCAA. Office of Research Support and Technology Transfer should validate the legal allowance for academic salary buy outs based on the research contract(s).
- The Finance Office will deposit the funds to a temporary account.
- Before the end of May within the fiscal year, the faculty decides the amount of funds that should be used to pay his/her summer salary for the period of June - August.

### **Policy on Course Buyout**

*Approved by the Faculty of Duke Kunshan University on November 15, 2017*

*Approved by the Chancellors' Executive Meeting of Duke Kunshan University, April 13<sup>th</sup>, 2018*

### ***Introduction:***

Duke Kunshan University values the importance of securing grant funding to support programs of research, and aims to strengthen its research structure by developing policies that are responsive to faculty needs. The purpose of this policy is to create a way for regular-rank faculty who have grants or fellowships that cover a substantial part of a semester's salary to reduce their teaching load so that their time may be focused on their research.

Faculty may, with prior approval of their center director or unit head and the programs that depend on their teaching (undergraduate, graduate) apply for permission to buy out courses with external funding. They may use any source of funding that is large enough to cover a substantial portion of their salary as long as the terms of that funding allow course buy out. Funding from the Chinese Government is often not permitted to be used for course buy out, according to government regulations. It is the faculty applicant's responsibility to make sure that they understand the terms and stipulations of their funding before they submit an application for permission to buy out.

### ***Criteria for Eligibility:***

- The applicant must be a regular rank faculty member and must be the PI or co-Investigator on the grant or fellowship being used to fund the buy out
- The applicant must provide evidence that buying out a course doesn't violate any terms or stipulations of the grant or fellowship that will be applied to the buy out
- The application to buy out must have the support of the applicant's center director or unit head and the director of the parent institute (if applicable); letters of support must be provided with the application materials (section 4)
- The applicant must seek approval to buy out a course from the corresponding Academic Unit Head and the Dean of Undergraduate Programs, if the course is affiliated with undergraduate programs. He/she must seek approval from the Director of the Graduate Program and the Associate Dean of Graduate Programs, if the course is affiliated with a graduate program. Letters of approval must be submitted with the application materials (section 4)
- The Dean of Undergraduate Programs or Director of the Graduate Program and Associate Dean of Graduate programs, whichever is appropriate (see above), must affirm in their letter of approval that they have arranged coverage of the course to be bought out with a known and competent adjunct or other appropriate personnel
- The course to be bought out must be scheduled within the funding cycle of the grant or fellowship being used to buy it out. Grants that have closed out can't be used to buy out a course even if there are remaining funds

- Each applicant will be limited to one course per year for buy-out<sup>51</sup>
- Each applicant must teach at least one course per semester after buy-out
- Priority will be given to applicants who hold significant and prestigious external funding and who have contributed significantly in terms of scholarly works

### *Cost of buying out one course*

The cost of buying out a course (table 1) assumes a 9 month salary, and is inversely proportional to teaching load.

Table.1. Examples of the cost of buying out one course<sup>52</sup> (*calculated as 9-1 month/courses taught per year. E.g. for a faculty member who teaches 4 courses,  $8/4 = 2$  month's salary*)

Teaching Load (courses)	Cost of buyout
4	2 months salary + fringe benefits
5	1.6 months salary + fringe benefits
2	4 months salary + fringe benefits

Monies gained by the University from a course buy out will be used to pay for adjunct or overload coverage of the bought-out course, with the surplus being deposited into a central research account managed by the Vice Chancellor for Academic Affairs (VCAA). Central research funds should be used at the discretion of the VCAA for research purposes only. When dispersing funds, the VCAA should take into account the priorities and needs of requests submitted by the research centers and institutes.

### *Application procedure*

- The applicant must obtain evidence that the terms and stipulations of his/her funding permit use of the funding for course buy out. The office of research Support will provide help in understanding funding contracts if required.
- The applicant must obtain letters of support from their center director or unit head and the director of the parent institute if applicable.

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<sup>51</sup> Exceptional cases in which a faculty member holds a fellowship whose funding requirements allow for a reduced course load will be reviewed on an individual basis and further course buy out will be permitted at the discretion of the VCAA

<sup>52</sup> Exceptional cases in which a fellowship doesn't fully cover the cost of a course buyout will be reviewed on an individual basis and a reduced cost of course buy out may be applied

- The applicant must obtain a letter of approval from either the Dean of Undergraduate Programs or the Associate Dean of Graduate Programs, in which plans to cover the course with and adjunct or other personnel must be described.
- The applicant must complete a Course Buy Out request form (available at <https://dukekunshan.edu.cn/en/academics/faculty-home/policies-and-procedures> ). The request form should specify the fund(s) code(s), salary plus fringe, the reason for requesting the buy-out, the course that is being bought out, the program with which the course is affiliated (undergraduate or graduate) and the semester in which the course is scheduled.
- The applicant must submit the above materials, along with a short resume to the center director or unit head, who must forward copies to the Associate Director of Research Support, the Director of Finance and the VCAA.
- The Office of Research Support and Technology Transfer must validate the legal allowance for course buy out based on the contract of the fund(s) to be used. The finance department will deposit the funds in a temporary account.
- The application will be reviewed by the office of the VCAA, and the VCAA will make the decision and inform the applicant of his/her decision in writing.
- After deducting the buyout cost (e.g., paying for adjunct or overload coverage of the bought-out course), the finance department will deposit the remaining funds into the central research account.

### **Faculty Scholarship and Travel Award:**

Faculty may submit proposals for the Faculty Scholarship and Travel Award (FSTA), to fund new and innovative research projects, or travel to prestigious conferences, by March 1<sup>st</sup>, annually. Proposals are reviewed by an FSTA review committee appointed by the Director of Faculty Affairs. Information about the application process and criteria for selection is announced annually by the Office of Faculty Affairs in a “Call for Proposals” announcement

### **Children School Tuition**

Under the DKU faculty benefit policy, for Assistant Professor and above faculty, the University supplements the tuition fee for up to 2 children at the nearby Canadian International School in Kunshan (CISK) and Singapore International School in Suzhou, or Dulwich College, Suzhou.

### **Retirement Plan**

In addition to the pension fund in the statutory social security, the University provides a cash supplemental retirement benefit. It is paid together with the salary and taxable.



## Leaves

The university observes all statutory public holidays designated by the Chinese government. Faculty are responsible for meeting their obligations during the academic year. Before planning leaves, please refer to DKU's [policy on Faculty Absence during the Academic year](#).

### *Maternity Leave*

Faculty members are entitled to one hundred and fifty-eight (158) calendar days of full-paid maternity leave. The later 30 days of maternity leave will be carried forward if they fall on statutory holidays.

### *Paternity Leave*

Faculty members whose spouses give birth are entitled to fifteen (15) calendar days of paternity leave provided it is taken within three months of the date of the spouse's childbirth. The paternity leave will be carried forward if it falls on a statutory holiday.

### *Marriage Leave*

A newly married employee with a marriage certificate is entitled to thirteen calendar days of marriage leave to be taken once-off, continuously or as two separate, 5-working days leaves.

### *Medical Leave*

Faculty members may take up to 12 days paid medical leave per year with written permission from the VCAA. If faculty must miss scheduled classes because of medical leave they should inform their division chair or unit head, and make reasonable effort to ensure the education of their students isn't compromised. Unused medical leaves may not be carried over into the following fiscal year.

### *Parental Leave*

Faculty members who have children may take up to 10 days of paid parental leave per year, in total no more than 30 days before the child reaches the age of 3. National statutory holidays are not counted into parental leave. The annual parental leave is not cumulative according to the number of children.

### *Bereavement Leave*

Up to six calendar days may be allowed to attend a funeral of a spouse, child, parent, sister, brother, half-brother, grandparent, stepchild or stepparent or the employee. Bereavement leave may not be granted for the purpose of settlement of estates. If additional leave is need, unpaid leave may be used with permission.

### *Pre-Tenure Sabbatical Leave*

Full time tenure-track faculty holding the title Assistant Professor, whose primary appointment is at DKU, are eligible to apply for a pre-tenure sabbatical leave, to be taken in their fourth, fifth or sixth year and following a minimum of three years active service to DKU. The purpose of granting sabbatical leave is to increase a faculty member's value to his/her profession and to Duke Kunshan University (DKU), and to support his/her professional development. The purpose of granting a pre-tenure sabbatical leave is to help tenure-track assistant professors to establish sustainable, productive scholarship programs in preparation for their tenure review and for their professional development beyond tenure. This might involve opportunities for faculty to set up collaborations with colleagues at other institutions, to learn new techniques or access resources not available at DKU, and to remain at the forefront of their disciplines by working in research-focused institutions.

The pre-tenure sabbatical leave is half of a nine-month period and may be taken,

- a) Over a full semester with full pay, during which the faculty member is relieved of all teaching and service duties.
- b) Over any two consecutive 7-week sessions, including those that overlap 2 semesters (e.g. sessions 2 & 3 or 4 & 1) with full pay. The faculty member will be granted a maximum release of 8 workload credits unless he/she already has a reduced teaching load, during the sessions in which he/she is on leave. Additional course releases may be granted contingent on teaching needs of the program at the discretion of the Vice Chancellor for Academic Affairs (VCAA).

Faculty members who have been granted a reduced tenure clock due to service accrued at a previous institution are not eligible for a pre-tenure sabbatical leave.

Faculty who have taken the pre-tenure sabbatical leave are not precluded from going up for tenure early. See [Appendix F](#) for the Policy on Pre-Tenure Sabbatical Leaves

### *Unpaid Leave*

Unpaid leaves will not normally be granted unless there is an emergency and the annual leave has been used up. Faculty who need an unpaid leave should submit an application to the VCAA and the Office of Human Resources in advance (or in the case of an emergency, as soon after the emergency as possible). The granting of unpaid leave is strictly on a case by case basis and is at the discretion of the VCAA.

### **Statutory Social Security**

In accordance with relevant laws and regulations, all general full-time employees of the University before China's mandatory retirement age are eligible to participate in the Mandatory Social Benefits Programs including Pension Fund, Unemployment Insurance, Medical Insurance,

Maternity Insurance, Occupational Injury Insurance and Housing Provident Fund etc. The University will pay the employer's portion while the employee portion will be deducted from the eligible employee's payroll. The Mandatory Social Benefits Contribution will be submitted to the government on a monthly basis. Payment of these statutory insurances and funds will be made and adjusted according to the stipulations of local Labor Social Security Bureau from time to time. For non-Chinese citizens, the employee's portion can be withheld after the end of the employment at DKU.

### **Health Insurance and Commercial Insurance**

Under the DKU faculty benefit policy, the health insurance is provided with coverage for Mainland China and the faculty's home country. A certain amount of premium needs to be paid by the employee according to the policy.

The University also provides competitive commercial insurance programs to employees, which includes supplementary medical insurance, AD&D insurance, life insurance, etc. All these benefits programs will be subject to change or adjustment due to university policy updates, with advance notice to be given to employees.

Please refer to the HR Department if you would like to know more details or discuss benefit plans in further details.

### **Housing Benefit**

Duke Kunshan University maintains a faculty housing program to enable some of its faculty members to live on or in proximity to the campus. The faculty housing program is open to members of the faculty and certain administrative officers. The phase 1 on-campus housing consists of 16 apartments (8 one-bedroom, 4 two-bedroom and 4 three-bedroom) and 20 hotel suites in the Duke Kunshan University conference center. More campus housing units will be available once the phase 2 campus construction is complete. When on-campus housing is not available for a faculty member, a housing supplement for an off-campus apartment at the discretion of the Executive Vice-Chancellor will be provided.

### **Home Travel Support**

Under the DKU faculty benefit policy, for those whose permanent residence is outside of China, the University provides one round trip in a year at economy fare.

## Chapter 6. Other University Policies Affecting Faculty

### Code of Business Conduct & Ethics [\(return to top\)](#)

#### Harassment

The University is committed to providing a work environment that is free from all forms of unlawful harassment. The University strictly prohibits unlawful harassment of any kind, including harassment on the basis of sex (including pregnancy, childbirth or related medical condition), race, color, religion, gender, age, mental or physical disability, legally protected medical condition, national origin, marital status, veteran status, sexual orientation, or any other legally protected characteristic or condition. This policy covers all forms of harassment by, among and/or between employees, customers, contractors, vendors or other university occupants.

Harassment may take many forms, and includes, but is not limited to:

- Verbal harassment, e.g., jokes, epithets, derogatory comments, or slurs on the basis of sex, race, national origin, or other prohibited basis;
- Physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement of an individual on the basis of sex, race, national origin, or other prohibited basis;
- Visual harassment, e.g., derogatory posters, e-mail, pictures, cartoons, graffiti, or drawings on the basis of sex, race, national origin, or other prohibited basis.

This is not a complete list of what may be deemed to be discriminatory harassment prohibited by law. As a general guideline, however, problems in this area can be avoided if we act professionally and treat each other with respect.

#### *Definition of Harassment*

In general, harassment is defined as inappropriate, unwelcome or offensive conduct based upon a legally protected characteristic or condition where:

- submission to such conduct is made an explicit or implicit term or condition of employment; or
- submission to, or rejection of such conduct is used as a basis for employment decisions; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or working conditions by creating an intimidating, hostile, humiliating, or offensive work environment.

While in some cases individuals may make comments, jokes or personal advances without intending harm, such actions can be unwanted, offensive, threatening and perceived as harassment. Stopping harassment and discrimination in its many forms requires an increased awareness by everyone of the impact that such actions may have on others.

Sexual harassment includes harassment of women by men, of men by women, and same-sex gender-based harassment.

### ***Complaint Process***

If an employee encounters conduct which the employee believes to be inconsistent with this policy, the conduct should be reported immediately to the employee's supervisor. If for any reason the employee is not comfortable reporting such conduct to the supervisor, the employee should immediately report the conduct to the Human Resources Office or the next level supervisor. Harassment claims will be investigated thoroughly and promptly. The University will not retaliate against any employee who reports harassment, discrimination or intimidation and will not permit retaliation or intimidation by management or employees against any employee for cooperating with an investigation or making a complaint of harassment.

If harassment that violates this policy has occurred, the University will take appropriate corrective action. After an investigation, any supervisor, agent or other employee who has been found by the University to have violated this policy will be subject to appropriate sanctions depending on the circumstances, from a warning up to and including termination. Retaliation is a separate violation of this policy and if substantiated, will be subject to appropriate sanctions.

The University strongly encourages employees to bring concerns and complaints about harassment to the immediate attention of management.

### ***Drugs in the Workplace***

The University is committed to programs that promote safety in the workplace as well as employee health and well-being. Consistent with this commitment, the University has developed this policy statement regarding the sale, use, possession or distribution of drugs and alcohol by all employees.

### *Use, Sale, Possession*

Use, possession, sale or distribution of illegal drugs by anyone while on university property, while on duty or conducting the University's business, or while operating a vehicle or potentially dangerous equipment owned or leased by the University, is strictly prohibited and may result in discipline including the possibility of immediate dismissal.

Employees are also prohibited from working while under the influence of or impaired by alcohol or illegal drugs.

For purpose of this policy, a drug will be considered an illegal drug if its use is prohibited or restricted by law, and an employee improperly uses or possesses the drug, regardless of whether such conduct is an illegal act or whether the employee is criminally prosecuted for such conduct. Legally prescribed medications and over-the-counter drugs are not prohibited; however, the University does prohibit the misuse of such drugs. If usage of prescription or over-the-counter drugs prevents you from performing the essential functions of your job effectively or if such drugs create a safety risk for yourself or others at work, you are expected to inform your supervisor or the Human Resources Office of such usage. It is the employee's responsibility to determine from the employee's health care provider whether a prescribed drug may impair job performance or create safety risks. Nothing in this policy is intended to diminish the University's commitment to employ and reasonably accommodate individuals with disabilities in a manner that is consistent with its legal obligations.

An employee who uses, possesses, sells or provides illegal drugs off duty may be subject to disciplinary action, up to and including termination if, in the opinion of management, the off-duty conduct adversely affects job performance or has a negative impact on university personnel or property.

All employees are required to notify the University of any criminal drug statute conviction within five days after the conviction. Failure to comply with this notification requirement may result in disciplinary action, up to and including termination. Where the conviction is based on a workplace violation or in the University's judgment otherwise relates to the employee's ability to perform his or her job safely or efficiently, the employee could be subject to disciplinary action, up to and including termination.

### **Gambling**

Betting on any event related to the University could result in disciplinary action, up to and including termination.

## **Solicitation of Advertising Sponsors and/or Trade**

The University employees shall not contact, approach or in any way solicit from an advertising sponsor usage of their products and/or services at a complimentary or discounted price for either personal or business use without the prior approval of the Senior Leadership of the University.

## **Conflict of Interest**

Faculty should refrain from engaging in activities which do, or may, create a conflict of interest where employees must choose between advancing personal interests or those of the University. All employees must declare potential conflicts of interest annually. Examples of activities that may lead to a conflict of interest include, but are not limited to: Accepting gifts such as money, entertainment or gifts of substantial value, from students and/or their parents, or from any other third party, when the gift may be construed as an inducement of any kind; offering an honorary or courtesy authorship of a scholarly publication in return for favors; maintaining a relationship with an outside entity such that her/his activities on behalf of the University could be biased by that relationship in a direction that would ultimately provide direct financial benefit to the individual or a family member (see Appendix I).

## **Media Relations**

Since the University is a high profile entity, we often receive inquiries from the media. Unless you are the designated party of the University (such as communications or media relations personnel) or the inquiry is about your research/scholarly interest, you may NOT make official comments representing the University to the media. Immediately inform your supervisor if you receive any request for information from the media.

Any violation of this policy may result in disciplinary action, up to and including termination.

## **Disability Policy**

Duke Kunshan University is an equal opportunity employer. The University does not discriminate in any way in any employment decision or action against any qualified individual on the basis of disability or qualifying medical condition, nor do we condone such discrimination.

## ***Reasonable Accommodation Procedure – The Interactive Process***

The University considers requests for reasonable accommodations on a case-by-case basis, with attention to the individual circumstances of the employee or applicant requesting the

accommodation. Such accommodations may be sought at any time during the application process or during employment, including most typically: (a) as part of the application or interviewing process; (b) after the University has offered employment to an applicant, but before the applicant has started working; or (c) at any time after an employee has begun employment at the University.

No matter when an accommodation is sought, the University will work in good faith with the employee requesting the accommodation as part of something called the “interactive process.” The process should begin with a written request by the employee or applicant submitted to the Human Resources Office. Once we have received your request, the University will evaluate the request in consultation with you and others as needed to determine what (if any) accommodation will enable you to perform the essential functions of the job. No accommodation will be provided that imposes an undue hardship on the University or poses a direct threat to the health or safety of the University’s employees, customers or vendors.

The University needs your help to make the interactive process work. Employees or applicants are expected to submit their requests for accommodation as soon as they recognize or believe that the accommodation is or will be needed. In most cases, these requests should be submitted to the Human Resources Office at least two weeks in advance of the need for accommodation if the need can be anticipated, especially where leave is requested, but all requests will be assessed as expeditiously as possible.

Employees must also cooperate in good faith in the University’s efforts to evaluate the accommodation. This may involve meetings or discussions with you, the Human Resources Office and/or your supervisors or others to discuss the accommodation, or may involve gathering additional information from your health care provider or others regarding the accommodation.

If you have any questions about the proper completion of the application, or require some assistance in completing the applications, please contact the Human Resources Office.

### ***Unlawful Harassment or Discriminatory Treatment on the Basis of Disability***

The University is committed to providing a work environment free from all forms of intimidation, retaliation or unlawful harassment, including harassment or discriminatory treatment of any of its employees on the basis of their disability or medical condition. If you believe that any person is experiencing such harassment or discrimination, you should utilize the complaint process procedures set forth in this Handbook and elsewhere regarding harassment in general.



## ***Strict Confidentiality of Information Regarding Disability or Medical Condition***

The University makes every effort to fully comply with applicable laws by holding an employee's personal information regarding disability or medical condition confidential, unless you have provided us with express, written authority to release such information. You should note that these laws recognize the University's legitimate rights to share some otherwise private, personal information about disability or medical condition with those who have a legitimate need to know.

## **DKU Acceptable [computer, e-mail] Use Policy**

*Drafted by IT, Under Review by the Chancellors, December 2019*

Duke Kunshan University (DKU) cherishes freedom of expression, the diversity of values and perspectives inherent in an academic institution, the right to acknowledgment, and the value of privacy for all members of the DKU community. At the same time, DKU may be required by the laws of the People's Republic of China (PRC) to access and disclose information from computer and network users' accounts or may find it necessary do so in order to protect DKU's legal interests, uphold contractual obligations, or comply with other applicable DKU policies. DKU may also be required to access information to diagnose and correct technical problems.

Under some circumstances, as a result of investigations, subpoenas, lawsuits or threatened litigation, DKU may be required by PRC law to provide electronic or other records or other information related to those records or relating to use of information resources ("information records"). In the rare cases where DKU determines that a review of information records is needed but not legally compelled and the DKU Chancellor and/or Executive Vice Chancellor give explicit approval, DKU may, in its reasonable discretion, conduct such a review. In addition, system failures may lead to loss or exposure of data, so users should not assume that their messages and files are secure. For these reasons, the ultimate privacy of messages, network transmissions and files cannot be ensured.

A DKU account owner should not reveal a password to an IT support technician or any other individual, even though they may claim to work for the IT service (over the phone or in person). If, in the professional judgment of the user, it is necessary to share a password with an IT support technician or any other individual, the password must be changed as soon as possible thereafter. Once shared, a password is considered compromised and must be changed immediately.

Neither DKU nor its agents restrict the content of material transported across its networks. While DKU does not position itself as a censor, it reserves the right to limit access to its networks or to remove material stored or posted on DKU computers when applicable DKU policies, contractual obligations, or PRC laws are violated. In addition, users bear a personal responsibility to comply with all DKU policies, contractual obligations, and PRC laws and regulations, including protecting the private information of others. Alleged violations will receive the same due process as any other alleged violation of DKU policy, contractual obligations, or PRC laws.

## **Policy on University Confidential Information**

University Confidential information belongs to the University. It is the responsibility of all the University employees to safeguard sensitive university information.

Many DKU employees have access to proprietary and/or confidential information. Any such information whether it be verbal, written, faxed, photographic, or electronic is considered as “privileged” and should be maintained in such a way that its privacy and safety are ensured. Furthermore, work-related information should not be discussed in open areas such as hallways, elevators, lobbies, break rooms, cafeterias, etc. Use of confidential or proprietary university information by an employee for the employee's own gain or that of relatives, friends, or business associates is a misuse of university property. Even if the University does not suffer an obvious monetary loss, it can be injured in other ways that cannot be tolerated. Any employee who makes use of employment knowledge of the University's interest in certain property or transactions in order to obtain a profit for the employee in a transaction is guilty of a gross impropriety. Continued employment with the University is contingent upon compliance with this policy. Any employee who violates this policy by divulging or discussing such information except as necessary to complete assigned duties will be subject to disciplinary action, up to and including termination. All employees are required to sign an Agreement in Respect of Confidential Information.

## **Open Door Policy**

The University believes in an open communication policy and has established this policy to encourage employees to raise work-related concerns internally through the University Open Door Policy.

Employees are welcome to express their suggestions, concerns and questions to Human Resources

Employees, who have work-related problems, disagreements either with co-workers or a supervisor, are encouraged to try to resolve these issues by discussing them frankly with their supervisors. At the same time, the University recognizes that not all problems can be resolved in this manner, and employees may sometimes be reluctant to approach their supervisors. An employee who has a problem is encouraged to report that problem either to the immediate supervisor, the head of the employee's department, or the Human Resources Office. Normally this discussion should be held within 3-5 days of the incident. The supervisor, department head

or Human Resources Office should try to reach a solution through a thorough discussion of the issue with the employee.

Keep in mind that it will not always be possible to reach the result that satisfies the employee, but through this process the University will attempt to explain the result and the basis for its decision to the employee. If the employee feels actions taken or decisions reached by the supervisor, department head or Human Resources Office are unacceptable or wishes to pursue the matter further, the employee should prepare a written statement of the problem within 5 days of the discussion with the supervisor, department head or Human Resources Office. Management will provide any necessary assistance in preparation of this report. The employee's supervisor or department head should prepare a separate report. These documents should be submitted to the Director/Corporate Human Resources, who will review the facts and, where appropriate, issue a written decision and/or meet with the employee to discuss the issue.

If agreement still cannot be reached, the problem may be referred in the same manner to successively higher levels of management, up to and including the members of senior leadership. Any decision made by the senior leadership will be final. All parties should make every effort to resolve the problem at the earliest stages and to deal in good faith throughout the process.

The program is intended to provide a forum where problems can be resolved fairly, consistently and in an atmosphere of open communication. As such, this program is intended to supplement, not replace any other university guidelines that might pertain to the problem. The Human Resources Office will be available to assist you throughout this process and direct you to the most appropriate methods for you to resolve any problems.

## **Employment of Relatives**

Relatives of employees may not be employed under each other's direct supervision without the prior consent of the Human Resources Department. For purposes of this provision, relatives are defined as spouse, domestic partner, mother, father, sister, brother, child, stepmother, stepfather, stepsister, stepbrother, stepchild, niece, nephew, cousin, uncle, aunt, grandparents, grandchild, and in-laws.

Employees who marry, or who become related by marriage, or register to become domestic partners, may continue their employment if they do not work in a direct supervisory relationship or otherwise present problems in supervision, safety, security, or morale. If there are problems, the University will attempt to reassign one or both of the employees to an available position for which the employee is qualified, but if no such position is available, one of the employees shall

voluntarily resign. The employees will decide who will resign. If the employees do not decide within 10 days, both could be deemed as a serious violation of university rules and thus be terminated.

**Please consult with Human Resource Office regarding any issues related to the policies in this section.**

## Chapter 7. Facilities and Services [\(return to top\)](#)

### Identification Cards

The DKU identification card is a multifunctional card which is intended to serve as proof of an individual's status with Duke Kunshan University. It facilitates authorized access to secured university locations and provides access to many resources and services, including dining, E-printing, office supplies, and the library. All students, faculty and staff will be issued with an identification card when they arrive at DKU. The Cards are needed for entry to the buildings, living areas and classrooms. The cards are also used to purchase meals and to check out library books while on campus. HR will apply for the ID card from the Office of Operations on behalf of the faculty and staff.

### Library

#### *Reference/Research Assistance*

The DKU Library staff offer general assistance in locating and retrieving information and in evaluating information sources. They are also available for consultation regarding research methods and tools; copyright and scholarly communication issues; and data management and analysis. In addition, subject librarians in a wide range of academic disciplines, area studies librarians, and specialists in data and GIS services at the Duke University Libraries are available for consultation through email and instant messaging: <https://library.duke.edu/research/ask>.

#### *Checking out Books*

Though the library collection is primarily electronic, the DKU Library maintains a core collection of print books and magazines. DKU faculty and students may check out most of the print books with a valid ID card.

#### *Access to E-Resources*

Faculty and students at DKU have access to most of the electronic journals, databases, and books owned and licensed by the Duke University Libraries: <https://library.duke.edu/>. These include over 220,000 electronic journal titles, 886 databases, and more than 2,000,000 electronic books.

#### *Textbooks on Reserve*

For each course, the library will reserve copies of the assigned textbooks for the course, which may be checked out for up to three hours at a time. You should work with your program coordinator to arrange for reserve copies of any materials you will use in your course.

## *Document Delivery*

The library provides a document delivery service through which faculty and students may obtain book chapters, journal articles, reports, and other materials not available at DKU. Within the limits of fair use under copyright provisions, the staff of Duke University Libraries will supply electronic copies of relevant materials using Document Delivery /Interlibrary Loan Service upon request for DKU faculty and students. Information about document delivery is available at: <https://dukekunshan.edu.cn/en/academics/library>

## *Checking out DVD Players and Headsets*

Equipment such as DVD players and headphones can be checked out for class and library use from the library.

## **DKU IT**

### *DKU IT Service Desk – 8:30am-5pm, Mon-Fri*

- Email: [service-desk@dku.edu.cn](mailto:service-desk@dku.edu.cn)
- Phone: 3665 7100
- IT Offices: Academic Building, 3084  
Conference Center, 1050
- Visit our Information Technology page for further details:  
<https://dukekunshan.edu.cn/en/it-support>

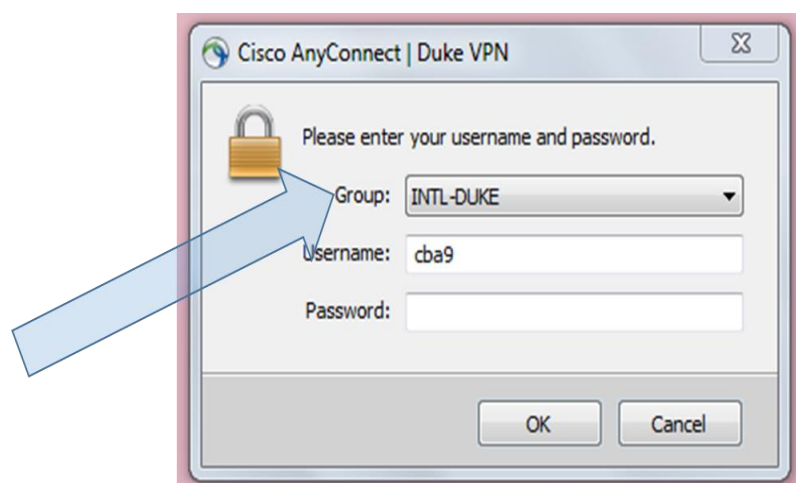
### *Phone dialling instructions:*

- All numbers at Duke Kunshan start with 3665 7 (then 3 more digits). Example: 3665 7100. Dial all 8 digits to reach another office.
- The landline phones in your residences and offices can dial the US: to dial Duke University's 919 area code, dial #9 - 919 xxx xxxx An example number at Duke: #9 919 684 2200
- To dial any other US area code, dial #91 followed by the area code. An example number in New York: #91 - 212 123 1234.
- You cannot dial 800 numbers. You cannot dial countries other than China and US.

- Calling Kunshan Dial the number (ex: 185 XXXX-XXXX)
- Other cities Dial 0 then city code then the number (ex: 0-XXX-XXXX-XXXX)

### *VPN Tips – Virtual Private Network:*

- We use “Cisco AnyConnect” for the VPN. The group is INTL-DUKE. (Use OpenConnect with Androids.)
- When using the VPN: Internet data goes to Duke in USA, then to its destination (it can be a LONG journey for data).
- Use the VPN when needed, disconnect it when not needed
- VPN Examples:
  - Needed: For accessing YouTube Video
  - Needed: For accessing Duke Box
  - Not Needed: Accessing Baidu.com
  - Not needed: For accessing Duke E-mail



Connecting to the VPN requires phone verification through Duo Mobile. After entering your user name and password, you will be prompted to enter a verification code which you obtain through the Duo Mobile app' on your phone. For assistance uploading and setting up Duo Mobile please take you phone to the IT help desk.

### *DKU NetID*

A DKU NetID and password are required to gain access to the campus network and most university information technology services and online resources. HR is responsible for applying

for NetID numbers on behalf of new faculty and staff, and the DKU IT Office will set up the DKU email account on receipt of the NetID application.

## **Visa Services for International Faculty**

For a non-Chinese citizen to work at Duke Kunshan University for more than ninety days, a Foreign Expert Permit is required. It is the legal authorization for working at DKU. DKU HR will assist employees to apply for the permit. The individual should work with HR to provide the documents required by the Chinese Government. If the application is rejected by the authorized official department, the individual's appointment with DKU will end.

## **Campus Services and Facilities**

### ***Office Supplies, and Print Services***

Letters and files will be dispatched to your office every working day. Packages can be picked up from Office 2004 in the Academic Building during working hours after you receive the package pick-up notification email.


Common office supplies can be collected from Office 2004 in the Academic Building during working hours with a DKU identification card.

### ***Reserving Campus facilities***

The procedure to reserve the classroom and meeting rooms.

1. Visit <https://dku.yarooms.com> and sign in as guest





昆山杜克大学  
DUKE KUNSHAN  
UNIVERSITY

Login to your account


Email

Password

☐ Remember me for 30 days

Or

2. Check if the meeting room is available at your requested time.



Week Schedule < 13 Jun - 19 Jun >

Search for meetings

	13 Monday	14 Tuesday	15 Wednesday	16 Thursday	17 Friday	18 Saturday	19 Sunday
RM 2021A Inert to ... Capacity: 3 Non-bookable					1		
RM 2052 (Round Ro... Capacity: 24 Non-bookable							
RM 2075 Inert to B... Capacity: 3 Non-bookable							
RM 2202 (Blue Roo... Capacity: 3 Non-bookable							
RM 2204 (Blue Roo... Capacity: 3 Non-bookable							
RM 2206 (Blue Roo... Capacity: 3 Non-bookable							
RM 2152 (South sec... Capacity: 3 Non-bookable							

Public User

3. Email DKU Space Reservation [space-reservation@dukekunshan.edu.cn](mailto:space-reservation@dukekunshan.edu.cn) with the following information

- 1) Date
- 2) Time Duration

3) Meeting Subject

4) Number of Attendees

4. You will receive a system confirmation email when your booking is confirmed.

For more information or questions regarding the reservation of meeting rooms, please contact [space-reservation@dukekunshan.edu.cn](mailto:space-reservation@dukekunshan.edu.cn)

## *Health and Fitness*

### *Athletic Facilities*

There are 2 gyms on DKU campus, one is located on the 3rd floor, middle section of the Conference Center, which opens from 6:30am to 12:00 midnight, and the other is located next to the lounge of the faculty residence building, which opens 24/7.

Both gyms are equipped with cardio vascular equipment, such as treadmills, elliptical cross-trainers, and strength training equipment, and the Conference Center gym has an aerobics studio.

Fitness classes, organized by Campus Student Activities of the Student Affairs Office, are also offered throughout the semester and open to faculty, with options such as yoga, Pilates, tai-chi, dance etc. Off-campus facilities at the Kunshan Sports Center (accessible by campus shuttle or public buses: #31, #32) offer discounted entrance fees to Duke Kunshan University students, staff and faculty for swimming, bowling, squash, badminton, tennis, basketball, etc.

### *Dining*

University Dining is located on the 1st floor of Academic Building (AB), services hours are as below,

- Breakfast: 7:00am – 9:30am
- Lunch: 11:00am – 1:30pm
- Dinner: 5:30pm – 7:30pm
- University Café: 7:00am – 8:00pm

Variation in dietary needs will be accommodated where possible, including western and Asian preferences, noodle bar, salad bar and distinctive dietary needs (e.g., vegetarian diets).

A Halal Bistro is located on the 1<sup>st</sup> floor of the Conference Center, and serves Halal and vegetarian noodles. Service hours are the same as for the AB cafeteria.

Meals can be paid for with your DKU ID. You can refill the card with cash (RMB) or WeChat at the Academic Café from 7:00am to 8:00pm.

Drinking water is available on campus at designated locations and in all guest rooms of the Conference Center and Faculty Residence Hall.

### *Conference Center*

The Conference Center on DKU Campus provides guests with hotel-standard accommodations. Each guest room, has high-speed Internet access, local and international channels on a large-screen LCD television(s), on-tap drinking water, a generous work area with ergonomic desk and chair and a well-appointed bathroom. Guest suites also have a living room and kitchenette.

The front desk staff at the Conference Center help guests to check in. You're a passport/ID is required when checking in. Each guest at the Conference Center will be assigned a card key to the room, which may be used in the dining hall to purchase food after money has been added to it at the Academic Café.

### *Shuttle Service*

The DKU shuttle runs a designated route to places of interest. This free shuttle service connects students, faculty, staff, and guests to several locations in the Kunshan area, including Kunshan South Rail Station, Kunshan Sports Center, and the city center. The shuttle schedule is available from the front desk of the Conference Center.

### *Facility Maintenance Services*

For facility maintenance requests, please contact DKU Campus Services as below,

Email Address: [campus-services@dukekunshan.edu.cn](mailto:campus-services@dukekunshan.edu.cn)

Phone Number: 0512-36657111

Working Hours: 8am-8pm (Mon-Fri), 9am-6pm (Sat-Sun, excluding public holidays)

### *Campus Health Center*

The mission of the Campus Health Services (CHS) is to promote and enhance good health and well-being of the students. The CHS aims to support student success and to augment the quality of campus life at Duke Kunshan University. The CHS's goals are to continually improve the quality and efficiency of its services to best meet the needs of the student population. Specifically Student Affairs is committed to recruiting and hiring skilled and compassionate clinical staff,

developing innovative preventive programs, and to serving the health and well-being needs of all patients. The CHS regularly evaluates its work to improve quality and efficiency.

**All services are exclusively for the Duke Kunshan University students.** In the case of a medical emergency involving a faculty or staff member, call the **DKU Emergency Hotline: 0512-3665-7110**. If required a bilingual staff member will call an ambulance on your behalf and alert the receiving hospital that you are coming so that a bilingual doctor or staff member can be assigned to your case.

## Nearby Medical Facilities

Kunshan has a number of local hospitals within close proximity to the Duke Kunshan University campus. Please note that most hospitals in China will not accept international medical insurance, with the exception of those clinics specializing in treating an international clientele. Western-style medical facilities with an international staff are available in Shanghai, Suzhou, and other large cities. Many other hospitals in major Chinese cities have VIP wards that feature up-to-date medical technology and physicians who are both knowledgeable and skilled. Most VIP wards also provide medical services to foreigners and have English-speaking doctors and nurses.

Below is a list of hospitals in Kunshan, Suzhou and Shanghai: Please check with HR or your health insurance provider to make sure you have appropriate coverage before making an appointment with one of these clinics

<b>KUNSHAN PEOPLE'S NO. 1 HOSPITAL</b> 91 Qianjin Road, Kunshan	(TEL: 0512-5750-1937)
<b>SUZHOU PARKWAY HEALTH</b> Building 10, Li Gong Di Phase III, Suzhou SIP	(TEL: 0512-6790-3490)
<b>SUZHOU KOWLOON HOSPITAL</b> 118, Wan Sheng Road, Suzhou Industrial Park, Suzhou	(TEL: 0512-6262-7705/7999)
<b>SUZHOU SINGHEALTH MEDICAL</b> 198 Xinghai Road, XingHai Building, Suzhou	(TEL: 0512-6767-1655/1611)
<b>SUZHOU SINGHEALTH MEDIACL/DENTAL</b> 18 Rong An Street, Suzhou SIP	(TEL: 0512-6299-0301)
<b>LL DENTAL SUZHOU</b> 4 <sup>TH</sup> Floor Jingchen Neighborhood Center, 65 Jiuhua Road, Suzhou	(TEL: 0512-6273-0598)

**SUZHOU PUBLIC EYE HOSPITAL** (TEL: 0512-6516-3588)  
18 Shuyuan Lane, Suzhou

**BENQ INTERNATIONAL MEDICAL CENTER** (TEL: 0512-8083-8800 \*5800)  
East Gate, No 181 Zhuyuan Road, New District, Suzhou

**SHANGHAI UNITED FAMILY HOSPITAL** (TEL: 021-400-639-3900)  
1139 Xianxia Road, Changning District, Shanghai

**JIAHUI INTERNATIONAL HOSPITAL** (TEL: 400-868-3000)  
No 689 Guiping Road, Xuhui District, Shanghai

**PARKWAY HEALTH SIP MEDICAL AND DENTAL CENTER** (TEL: 400-819-6622)  
203-4 West Retail Plaza, 1376 Nanjing Xi Road, Shanghai

### **School Information for Families with Children**

If you are considering having your children attend local schools, the following international schools are located nearby. DKU's Mobility Officer can arrange for visits to schools of interest for you to learn more about their curricula and admissions requirements.

*Canadian International School Kunshan (K---12)*  
<http://www.ciskunshan.org>

*School (K---12, Suzhou Singapore International IB World School)*  
<https://www.suzhousinternationalschool.com/>

*Dulwich College Suzhou (K---12)*  
<https://suzhou.dulwich.org/>

## Chapter 8. Living in Kunshan [\(return to top\)](#)

### City of Kunshan

Kunshan lies in the heart of the Yangtze River Delta Region, one of the most developed areas in China. Bordering Shanghai to its east and Suzhou to its west, Kunshan is an emerging industrial and commercial city with a history dating back more than 2,000 years. Kunshan occupies an area of 931 square km (359 square miles), one quarter of which is covered by lakes and rivers. Established in 1989, the city of Kunshan is currently regarded as one of the most economically successful county-level administrations in China. It has been ranked 1st among the "100 Best County-level Cities in China" nine times in recent years.

While the city has experienced tremendous economic growth, Kunshan preserves its rich cultural and historical resources. Kunqu Opera, one of the oldest forms of Chinese opera, originated in Kunshan and is now listed by UNESCO as a Masterpiece of the Oral and Intangible Heritage of Humanity. Three of Kunshan's ancient water towns; Zhouzhuang, Jinxi, and Qiandeng, are among China's nominations for inclusion in UNESCO's World Heritage List.



## Local Transportation



### *Taxi and Didi*

Taking a taxi is an easy way to travel in major Chinese cities. Yellow taxi cabs may be hailed in the street, or Didi cars may be obtained by using the Didi Chuxing ([https://en.wikipedia.org/wiki/DiDi\\_\(company\)#Didi\\_Dache\\_\(June,\\_2012\\_-\\_February,\\_2015\)](https://en.wikipedia.org/wiki/DiDi_(company)#Didi_Dache_(June,_2012_-_February,_2015))) application on a smart device (both Chinese and English versions are available). Taxi drivers in China generally do not speak English, but the Didi app' translates text messages to and from your driver. If using a yellow taxi service, write down your destination in Chinese to hand to the driver. Yellow taxi drivers use a meter and you will need to pay in cash (RMB). Tipping is not necessary or expected.

### *Bike and Bus*

Kunshan has one of the most extensive bike sharing programs in China. You can register at a bus station (requires a deposit fee of 200 RMB) for a Green Bike Card. With this card you can borrow a green bike to use for one hour and return it at any one of the many Green Bike stations at no charge. There is a nominal fee if you use the bike for longer than one hour.

The Bike Card will also accept additional cash deposits and can be used for payment when you ride local public buses. Using a Bike Card gives you a discount of 40% off your fare for public buses.

### *Subway*

Shanghai's No.11 subway extends to Kunshan's Huaqiao area (40 minutes by car from DKU Campus). A future subway system will connect Kunshan, Suzhou and Shanghai.

### *High Speed Rail*

Many people use the extensive rail systems in China for inter-city travel. Many of the larger cities, including Shanghai and Suzhou, also have intra-city rapid transit systems. Investment by China in its rail transport system has brought Kunshan much closer to its surrounding areas. Frequent high-speed trains connect Shanghai and Suzhou to Kunshan within 20 minutes.





High speed train tickets can be reserved online at the following websites

- **C-trip:** <https://www.trip.com/>
- **Travel China Guide:** <https://www.travelchinaguide.com/china-trains/>

**Shanghai–Nanjing Intercity High-Speed Railway** is another part of the Gao Tie system. It stops at Yangcheng Lake Railway Station, the Kunshan South Railway Station and the Huaqiao Railway Station. Train numbers on this line also begin with a “G” (e.g. G7033). For the Shanghai–Nanjing Intercity High-Speed Railway only (“G” trains between Shanghai and Nanjing) you can purchase a multi-use railcard at Kunshan South Station. The railcard (China Railway and Bank Express Card) costs RMB 30, plus an initial RMB 300. Expats will need a passport to buy the railcard, but then won’t need a passport for subsequent travel. Tickets for longer distances still need to be purchased using a passport.

The **Beijing-Shanghai High-Speed Railway** stops at the Kunshan South Railway Station. It is part of the “Gao Tie”, China’s recently built high speed train systems and operates at speeds near 300 kilometers per hour (186 mph). Train numbers on this line begin with a “G” (e.g. G7045)

The **Jinghu Railway** goes from Beijing to Tianjin and then Shanghai. It crosses Kunshan at the Kunshan Railway Station and offers overnight “sleeper” cars to Beijing. It is somewhat slower than the Beijing-Shanghai High Speed Railway, but still quite comfortable for traveling between Beijing and Shanghai. Train numbers on this line generally begin with a “D” (e.g. D7068)

***Note:** Buy your ticket before you board and be prepared to present proper identification, such as your passport or Chinese ID card.*

## Things to Do in Kunshan

### *Dining and Cuisine*

With a history of more than 5,000 years, China is an ancient civilization, and its cuisine holds an important place in Chinese culture. Chinese cuisine is characterized by its special seasonings and cooking methods, diverse cooking materials, and distinctive flavors, all of which make it highly-appreciated among gourmets both in China and abroad. Chinese cuisine is generally



divided into Eight Culinary Traditions: Guangdong (Cantonese) cuisine, Shandong cuisine, Jiangsu cuisine, Sichuan cuisine, Fujian cuisine, Hunan cuisine, Anhui cuisine and Zhejiang cuisine. The first four are the best known and most influential. Cuisines of different styles have their own features, both in cooking methods and seasonings.

Kunshan city itself also has several famous traditional dishes, such as Yangcheng Lake Hairy Crab, Aozao Noodles, Zhengyi Green Dumplings, and Zhoushi Soy-sauced Duck.

Besides delicious local Chinese food, restaurants serving Italian, Indian and Mexican food, cafes such as Starbucks, and the fast food chain McDonalds, are all located close to Duke Kunshan University campus.

**Ao Zao Guan 奥灶馆**

Over 100 years old and famous for ao zao noodles: noodles in braised broth.

*155 Ting Lin Road*

亭林路 155 号

**Suswagth Indian Restaurant** Vegan-friendly

*No. 3 Dongxin Road*

*Golden Eagle Park*

(1585) 037 6483

**Penang Station 1**

Asian, Malaysian & Chinese food; Vegan-friendly

*Baisheng Shopping Center*

*No.300 Qianjin West Road,*

(1365) 522 3456

**Xin Mei Hua 新梅华**

local Suzhou food. Avg Price: 60rmb.

*2/F, 9 Square Shopping Center, No.666 Xiao Lin Middle Road*

萧林中路 666 号九方城购物中心二楼

**Spicy Hotpot 辣府**

Spicy Sichuan hotpot with various taste. Avg Price: 100rmb.

*4/F, Auchan, No.48 Bai Ma Jing Road 白*

马泾路 48 号欧尚商业广场附楼 4 楼(华夏银行)

**North Xinjiang 北疆饭店**

Xinjiang-styled lamb and naan

bread. Avg Price: 80-100rmb.

*4/F, Auchan, No.46 Bai Ma Jing Road, Yu Shan Town*

白马泾路46号欧尚4楼东

**Meng Tian Xiang Cao 梦田香草**

Authentic Taiwanese

cuisine. Avg Price: 80rmb.

B101, New Life Hub, No.2200 Qian Jin Road

前进西路2200号新江南生活荟B101号

**La Taverna 露娜意大利餐厅**

Italian Restaurant with arguably the best pizza in Kunshan. Avg Price: 80rmb.

No.B-4, Hushi Plaza, No.88 Hei Long Jiang Road (close to

Starbucks coffee) (DKU Shuttle: Kunshan Sport Center)

开发区黑龙江北路88号B-4号沪士广, 近星巴克咖啡) (DKU Shuttle: Kunshan Sport Center) 体育中心

**Gold Thai 金泰泰国餐厅**

Thai curry, Pad Thai and Fried Rice.

2/F, New Life Hub, No.2200, Qian Jin Road

前进路与祖冲之路交界新江南生活荟F栋2楼

**Blue Elephant Thai Restaurant 蓝象泰国餐厅**

Signboard Malay curry sirloin and lemon perch are customers' favorite dishes. Avg Price: 80rmb.

5/F, 9 Square Shopping Center 九方城

**Oasis**

Kunshan's most popular expat bar. Claims to have the best burgers in town. Avg Price: 30 rmb onwards.

No.60 Zhong Ying Street

中茵街60号

<http://oasiskunshan.com/>

**Rock**

Kunshanese' favorite bar. Live performance bands every day. Avg Price: 46rmb.

No.16 West Street

玉山镇西街16号

**Lucky Monkey 万吉美式餐厅**

Authentic American restaurant. Avg Price: 60rmb.

Kai Yue Community, No.177, Heil Long Jiang North road

黑龙江北路177号凯悦花园(市政府东侧)

**Vegetarian Restaurant 奇素蔬食餐苑**

Offers healthy vegetarian dishes. Avg Price: 70rmb.

No.218 Ma An Shan Middle Road, North of Chang Hong Bridge

马鞍山中路 218 号长虹大桥北侧(靠近鱼尾狮山庄南门)

**Pizza Hut 必胜客**

No.666 Xiao Lin Middle Road

萧林中路 666 号

For more information on shops, discounts, and restaurants in Kunshan and nearby cities such as Suzhou and Shanghai, please check out the links below for more current information:

<http://jiangsu.chinadaily.com.cn/kunshan/> (Website in English)

**Shopping Centers & Malls****New Life Hub 新江南生活荟**

The nearest Shopping Center to campus, including restaurants, café, gym, supermarket, pharmacy, and barbershop.

No.2200 Qian Jin Road

前进西路 2200 号

**Parkson Mall 百盛**

Caters to diverse shopping needs. The mall includes KTV, and Galaxy Nightclub.

No.300, Qian Jin West Road (DKU Shuttle: Parkson stop 校园班车: 百盛站)

前进西路 300 号

**Auchan Mall 欧尚**

Shopping complex, includes a large grocery store, furniture store, KTV, and a movie complex.

No.46, Bai Ma Jing Road

白马泾路 46 号

**9 Square 九方城**

A large-scale shopping mall offers a comfortable shopping experience and a good grocery store

No.666 Xiao Lin Middle Road

萧林中路 666 号

**Golden Eagle Shopping Mall 金鹰**

In the city center.

No.288 Yellow River Middle Road

黄河中路 288 号

**Kun Cheng Mall 昆城广场**

The largest and newest shopping center in the city center. Near Kunshan South Station.

*No.1128 Ren Min South Road*

人民南路 1128 号

**Wanda Plaza 万达广场**

Shopping complex, with many good choices of restaurants

*No.238 N Road*

青阳北路 238 号

**Metro 麦德龙**

Supermarket with imported food and good quality products

No.200 North Huangpu River Road

黄浦江北路 200 号

**RT-MART 大润发**

A hypermarket chain from Taiwan which offers fresh foods and daily necessities

No.518 Middle Chaoyang Road

朝阳中路 518 号

***Movie theatres*****Grand Poly International Theater 保利大剧院**

Biggest Movie complex in Kunshan including IMAX.

Shows movies in several languages including English

*Kunshan Sports Center (DKU Shuttle: Kunshan Sport Center) 体育中心*

**Xi Yuan Cinema 西园影城**

One of the earliest-established cinemas. It has a 4D screening.

*No.35 South Back Street*

南后街 35 号

**China Film International Cinema 中影国际影城**

The second nearest cinema which has a very large movie screen and IMAX.

*4/F, 9 Square Shopping Center*

九方城 4 楼

## *Parks*

### **Center Lake Park 中心湖公园**

The nearest park for walking and cycling.

*Xiao Lin West Road*

萧林西路

### **Forest Park 森林公园**

The biggest park in the east of China; 3150 acres; free admission, open to the public, large urban wetland park; a wide variety of plants and animals.

*No.888 Ma An Shan West Road*

马鞍山西路 888 号

### **Tinglin Park 亭林公园**

Tinglin Park, home of the Kunqu Opera, is situated at the east foot of Ma'an Mountain (also named Kunshan Mountain) in Kunshan City. There are many attractions located within the park, such as a zoo, an amusement park, a bonsai garden and a Buddhist temple.

*No.1, Ma An Shan East Road*

马鞍山东路 1 号

### **Yangcheng Lake 阳澄湖**

Located west of Kunshan and northeast of Suzhou City, Yangcheng Lake, a part of Taihu Lake, is one of the important freshwater lakes in Jiangsu Province. It is most known for its famed "hairy crabs." The Fairmont Hotel is located by this lake.

江苏省昆山市马鞍山西路 3668 号 (Fairmont Hotel)

## *Water towns*

### **Zhouzhuang Water Town 周庄水镇**

Zhouzhuang, the No.1 water town of China, is situated in Kunshan City. It is noted for its profound cultural background, the well-preserved ancient residential houses, the elegant views and the strong local colored traditions and customs. 60 percent of the existing structures here were built during the Ming and Qing Dynasties, which is from 1368 to 1911. During the Spring and Autumn Period (770-476 BC), the small town was a part of the fief Yaocheng and called Zhenfengli. After being donated to Full Fortune (Quanfu) Temple by Zhou Digong, a very devout Buddhist, in 1086 during the Northern Song Dynasty (960-1127), it got its present name as a memorial of the donor.

Transport: 1 hour by bus (take the 161 from the Sports Center bus station) or 40 minutes by taxi.

### ***Jinxi 锦溪镇***

Jinxi is located in the southwest of Kunshan City. It is a typical water township of southern China with 16 lakes of different sizes and 238 river ways. Jinxi is an old town with a history of over a thousand years. Many buildings still remain that were built in Ming (1836-1644) or Qing (1644-1911) dynasties. The man-made sceneries, such as Wenchang Pavilion, Lotus Pool Temple, together with the ancient bridges and alleyways present an elegant relaxing image of this ideal travel destination. The Eight Sceneries here are historically well known. Many ancient poets came here and composed poetry after seeing the picturesque little town. Now, the gleaming Tomb of Concubine Chen, the antique Wenchang Pavilion and Lotus Pool Temple attract more and more visitors day by day. Transport: ~40 minutes by taxi.

### ***Qiandeng Ancient Town 千灯古镇***

With a history of over 2,500 years, Qiandeng town is a famous historical and cultural town in Kunshan, and it is the cradle of Kun Opera. It was originally named “Qiandun” (literally means “the thousandth mound”) and then turned to “Qiandeng” because the pronunciation “deng” and “dun” are the same in Wu Dialects. Qiandeng town is now a national historical and cultural town in China. Qiandeng has a rich cultural heritage, it was the native place of Gu Jian, founder of Kunqu. It was also the birthplace famous Ming dynasty writer Gu Yanwu. Transport: ~40 minutes by taxi.

### ***Luzhi 角直***

Luzhi is another old but extremely beautiful water town in Kunshan. With a history of more than 2,500 years, it compares favorably to Zhouzhuang Water Town. Covering about 247 acres (100 hectares). The natural beauty of the town is indescribable. Old stone bridges, limpid water, maidenhair trees and old-style dwellings. In addition, the town is noted for several historical and cultural relics, such as Baosheng temple, the Wansheng Rice Company and the White Lotus Flower Temple built in the Northern Song Dynasty (960-1279). It's not only famous as a water town, but also well-known for women's clothing, in the style of the Han nationality's dress of China. Transport: ~35 minutes by taxi.

## ***Museums & Galleries***

### **Houbeiren Art Museum 侯北人美术馆**

West street 昆山市西街 [www.hbrmsg.com](http://www.hbrmsg.com)

### **Kunlun Art Gallery 昆仑堂美术馆**

Collection of more than three hundred pieces of ancient paintings.

No.109 Qia Jin Middle Road

前进中路109号(昆山市科学文化博览中心内)

[www.ksklt.com](http://www.ksklt.com)

## *Fitness*

### **Xin Jia Mei Gym 新嘉美健身**

Located in the New Life Hub with a swimming pool.

*New Life Hub*

前进西路与祖冲之路交叉口（新江南生活荟）

### **Kunshan Sports Center 昆山体育中心**

Swimming pool, badminton court, basketball court, tennis court, football field, and squash.

*No.1519 Ma An Shan West Road (DKU Shuttle: Kunshan Sport Center)*

马鞍山西路 1519 号 (DKU Shuttle: Kunshan Sport Center) 体育中心

## **Cities Nearby**

### *Suzhou 苏州*

Closest major city and commercial center of Jiangsu Province. Famous for its beautiful gardens (e.g. Humble Administrator's Garden), Ancient Town and Grand Canal. Suitable for a day trip. Suzhou also has a modern center with modern malls (at Times Square and Suzhou Center), stylish restaurants and an extensive subway system.

High speed rail: 15 mins. C1 Bus from Kunshan Sports Center, 45 minutes, Taxi/Didi ~30 minutes.

### *Shanghai 上海*

China's most modern metropolitan and a world-class city. Diverse cuisines and interesting night life. Go-to spots: The Bund, Shanghai Museum, Yu Garden. Easy access via the high speed rail: ~15-20 minutes.

### *Nanjing 南京 Capital city of Jiangsu Province.*

A former capital of China, historical sites including Sun Yat-Sen Mausoleum, Nanjing Massacre Memorial, Nanjing City Wall, and Qian Wu Lake. Nightlife: 1912 District.

### *Hangzhou 杭州*

Capital city of Zhejiang Province.

High-speed rail: 1.5 hours.

Famous sites include Ling Yin Temple, Fei Lai Mountain, and Lei Feng Pagoda. Recommend taking boat rides and cycling around the west lake!

## **Spiritual Life**

DKU recognizes the importance of spiritual life for individual members of the campus community. The following is a list of places of worship in Kunshan and the surrounding area (list is not exhaustive):

### *Places of Worship in Kunshan Area*

- Kunshan Catholic Church, Zhonghuayuan Rd, Kunshan, Jiangsu
- Hongfen Christian Church of Kunshan, No. 153, Hongfeng East Road, Kunshan, Jiangsu
- Hengtang Catholic Church, Xiao Heng Tang, Kunshan, Jiangsu
- Lu Jia Sacred Heart of Jesus Church: Kunshan, Suzhou, home town of Lu Church Road on the 8th
- St. Peter's Church: Kunshan, Suzhou, Zhou Ming City Town Village
- St. Joseph Church: 110 Kunjia Road, Development Zone, Kunshan, Suzhou
- Sacred Heart of Mary Church: Suzhou, Kunshan Development Zone, China Road Church
- St. Michael Church: Kunshan, Suzhou, Zhouzhuang Town Lake Village Church
- St. Andrew's Church: Kunshan, Suzhou, Pai fishing village Church
- St. Joseph Church: Kunshan, Suzhou, Wang Jing Zhou town village 11 group (blue water harbor) Church
- Zhoushi St. Peter's Church, Yonggong Rd., Kunshan, Jiangsu

### *Places of Worship in Suzhou Area*

- Yang Bridge Cathedral of Our Lady of Seven Sorrows: Suzhou Sanxiang Road No. 1162, built in 1887
- Dah Sing Lane Joseph's Church: Suzhou Daxin Village No. 14, built in 1902, also known as Graceland
- Yangcheng Bishop's House: Construction



## *Places of Worship in the Shanghai Area*

[http://www.smartshanghai.com/listings/travelsightseeing/place\\_of\\_worship/](http://www.smartshanghai.com/listings/travelsightseeing/place_of_worship/)

## **Banks**

### *China Construction Bank*

- **Kunshan Branch:** No. 228 West Qianjing Road; Mon-Sun: 8:00-16:45; Tel: (0512) 57556083
- 中国建设银行昆山分行营业部: 昆山市前进西路 228 号; 8: 00 至 16: 45 (全年无休); 电话: 0512-57556083

### *Bank of Communications*

- **Kunshan Branch:** No. 263, West Qianjing Road; Mon-Sun: 8:00-16:45; Tel: (0512) 57557653

交通银行昆山支行: 前进西路 263 号; 周一到周日 8:00-16:45; 电话: (0512) 57557653

### *Bank of China*

- **Kunshan Branch:** No.306, Middle Qianjin Road; Mon-Sat: 8:00-17:00; Tel: (0512) 57398653
- 昆山市前进中路 306 号; 周一到周六 8:00-17:00; 电话: (0512)57398653

### *HSBC*

- **Kunshan Branch:** Huali Hotel, No.237, Middle Qianjin Road; Mon-Fri: 9:00-17:00; Tel: (0512) 6763-8338
- 昆山支行: 前进中路 237 号华利大酒店; 周一到周五 9:00-17:00; 电话 (0512)6763-8338

## **Post Offices**

- Renmin North Road Branch  
No. 102, North Renmin Road, Kunshan  
昆山市人民北路 102 号
- Tinglin Road Branch  
No. 28, Tinglin Road, Kunshan  
昆山市亭林路 28 号

## Appendix A: Proposal for Academic Organization Structure at Duke Kunshan University [\(return to top\)](#)

*Approved by the Duke Kunshan University Faculty on September 26<sup>th</sup>, 2018*

*Revisions Approved by the Duke Kunshan Faculty on January 23<sup>rd</sup>, 2019*

Duke Kunshan University (DKU) started in fall 2014 with three graduate degree programs and a non-degree undergraduate global learning semester program. DKU has been successfully growing small-size graduate programs during phase 1 (2014-2018) with currently four graduate degree programs in operation and a fifth one to be launched in fall 2019. In August 2018, DKU launched the 4-year undergraduate degree program, which marked the beginning of the phase 2 (2018-2022) era of DKU. With a full-time DKU faculty number at 50 and more coming on board in the next a few years, and also the rapid expansion of the student population on campus, the phase 1 ad hoc faculty organizational structure can no longer meet the growing needs of the academic programs, and faculty development and management such as annual performance, mid-term, and tenure and promotion reviews, teaching assignments, etc. Consequently, it is necessary to re-visit and update the current academic organization structure to accommodate the needs of phase 2 keeping in mind the evolving nature of the University. Towards this goal, an ad hoc committee on academic structure has been appointed by the Vice Chancellor for Academic Affairs (VCAA). The committee is composed of ten members. The committee has met weekly and consulted with other faculty and staff members at DKU. After extensive discussions, the committee has reached the proposed transitional organization structure shown in diagrams to follow<sup>53</sup>, and has made a recommendation that a second review of the organization structure be conducted in 2022 with a view to developing a single organization structure and common set of procedures for the whole University.

### 1. DKU Faculty

Faculty members hired primarily to teach in the undergraduate programs, excluding LCC faculty, should have an academic home in one of the three divisions. Faculty hired primarily to teach in the graduate programs and/or by a research institute or center, should have an academic home in the program, institute or center that hired them.

Importantly, DKU will serve as the tenure home<sup>54</sup> for all faculty members whose primary appointment is at DKU. All promotion and tenure reviews will be coordinated by the Office of

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<sup>53</sup> As the University grows in size, the flexibility to modify this structure if needed, (including the addition of personnel) to ensure the smooth running of the University will be maintained, with a view to establishing a more permanent structure after the second Academic Structure Review in 2022.

<sup>54</sup> Tenure home refers to the unit in which a faculty member's tenure resides. Once the University has reached a more stable structure, the primary hiring unit (e.g. division, graduate program) will serve as the tenure home

the VCAA following procedures documented in the *DKU Academic Tenure and Faculty Appointment, Promotion and Tenure Policy*.

As a new and fast-evolving university, DKU will move through several re-organizations before reaching an equilibrium structure. Therefore, it is the best strategy to define the University as the tenure home, as opposed to specific academic units within the University. At least initially, academic units may not have a sufficient number of tenured faculty members to constitute an efficient reporting unit. In addition, academic units may change, even disappear, over time, as DKU evolves. While the University serves as the tenure home of all faculty, it is important that the tenure process initialize from an academic unit, ideally from tenured faculty in the same academic unit.

## **2. Undergraduate Programs<sup>55</sup>**

The undergraduate programs are composed of three academic divisions: (1) arts and humanities, (2) social sciences, and (3) natural and applied sciences. Each division has its own chair, with the following responsibilities:

- The Division chairs report to the VCAA in matters that pertain to faculty affairs (including but not limited to recruiting, hiring, performance reviews, tenure and promotion). The VCAA carries out annual performance reviews of division chairs.
- The Division chairs work closely with the Dean for Undergraduate Studies in matters concerning the management of the undergraduate programs, and the Dean of Undergraduate Curricular Affairs and Faculty Development for matters concerning the UG curriculum and faculty recruitment. The two deans will work with the division chairs on matters that intersect their responsibilities (e.g., teaching assignments and planning, and new course or new major development and review)

The three divisions will play an important role in recruiting and managing faculty members.

- Recruitment and hiring of faculty for the undergraduate degree program, excluding faculty for the language and culture center (LCC) and graduate programs, is coordinated by the Dean of Undergraduate Curricular Affairs and Faculty Development, in close consultation with VCAA. As the number of DKU faculty grows, DKU faculty will become increasingly involved in the selection, recruiting and hiring process. Recruiting and hiring new non-LCC faculty will always involve Duke University.
- Each division is responsible for initializing faculty mentoring, annual reviews, mid-term reviews, and promotion and tenure reviews in consultation with the VCAA who will engage

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<sup>55</sup> The organization structure described in this section is for undergraduate programs. The organization structure of other academic units (e.g., the graduate programs, the language and culture center, and research centers) are discussed in subsequent sections.

the relevant committees with involvement by Duke<sup>56</sup>.

The division is also responsible for its own staff recruitment and review. Each division chair is responsible for teaching assignments of faculty in his or her division in consultation with the Dean of Undergraduate Curricular Affairs and Faculty Development. Division chairs may arrange to have faculty members in their divisions assist with the management of majors.

Since most undergraduate majors at DKU are interdisciplinary, it is not possible to assign every major to a single division. To encourage interdisciplinary majors and courses, an Undergraduate Studies Committee (USC) will be formed as a standing committee and appointed by the VCAA. The USC will be co-chaired by the Dean of Undergraduate Studies and the Dean of Undergraduate Curricular Affairs and Faculty Development, and the three division chairs will be expected to serve as USC members. The USC should include additional faculty members from DKU and may invite faculty from Duke University and Wuhan University. The USC is responsible for making recommendations to the VCAA and Executive Vice Chancellor (EVC) regarding curriculum design, student management and undergraduate education, encouraging cross-divisional teaching opportunities, and balancing teaching loads with research activities for faculty. While Duke is currently in charge of curriculum development, DKU is expected to take the role of curriculum design in the future in collaboration with the Dean of Undergraduate Curricular Affairs and Faculty Development and in consultation with Duke.

The USC may further set up a number of sub-committees to handle specific tasks such as curricular design. Each sub-committee should be nominated by the USC and then appointed by the Dean of Undergraduate Studies and the Dean of Undergraduate Curricular Affairs and Faculty Development. All sub-committee members are expected to meet regularly to work on specific tasks, in collaboration with the USC, the Dean of Undergraduate Studies and the Dean of Undergraduate Curricular Affairs and Faculty Development.

The USC facilitates the formation of focused interest groups to meet and share education and research ideas on a regular basis. For instance, DKU strongly encourages faculty members from relevant undergraduate majors and graduate programs to participate in focused interest groups to promote interdisciplinary discussions. Any DKU faculty member may join these focused interest groups.

The Director of Undergraduate Assessment is responsible for coordinating outcomes assessment of the majors in collaboration with the Dean of Undergraduate Studies and the division chairs, and reports to the Dean of Undergraduate Studies.

The Associate Dean of Academic Advising is responsible for coordinating, support and assigning advising roles and overseeing the Academic Resource Center. The Associate Dean of Academic Advising reports to the Dean of Undergraduate Studies.

The office of study abroad is responsible for finding study abroad opportunities for students

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<sup>56</sup> Duke faculty participation on various DKU faculty appointment, review and promotion related committees is defined in DKU "Policy on Academic Tenure and Faculty Appointment, Promotion and Tenure".

and coordinating student study abroad trips (course matriculation and transfer of credits, and travel) including the semester at Duke. The Director of Office of Study Abroad reports to the Dean of Undergraduate Studies.

The Undergraduate Support Office is responsible for administrative support of undergraduate programs. The Undergraduate Program Coordinators report to the Dean of Undergraduate Studies.

### **3. Graduate Programs**

Most of the DKU graduate programs are part of a larger program/institute at DKU such as the Global Health Program, the Environmental Program, and the Institute of Applied Physical Sciences and Engineering (iAPSE). The corresponding program/institute director is ultimately responsible for both the graduate and research programs.

Each graduate program has a director of graduate studies who is responsible for student recruitment, curriculum development and assessment, and staff recruitment and review in collaboration with the corresponding program/institute director, and the appropriate Duke schools/programs from which the students will receive their degrees. The Duke Graduate School and/or the relevant professional schools provide oversight of these programs to ensure the quality of the programs. The Duke Graduate School appoints a Director of Graduate Studies nominated by DKU for those DKU programs receiving degrees from the Duke Graduate School. For other programs, the appointments of graduate program directors are made in close consultation with the relevant schools at Duke.

The program/institute should also initialize the process for faculty recruitment and mentoring, annual review, mid-term review, promotion and tenure. Graduate Faculty are hired through search processes that engage the relevant academic units at Duke. A Director of Graduate Programs and Recruitment will be appointed by DKU to oversee the activities of all graduate programs, including assessment, in close collaboration with the directors of graduate studies of individual graduate programs, and the relevant schools at Duke University.

All directors of graduate studies report to the Director of Graduate Programs and Recruitment, and also report to the relevant program/institute director if applicable. The Director of Graduate Programs and Recruitment and program/institute directors report to the VCAA. The performance of all directors of graduate studies should be evaluated by the corresponding program/institute director. If graduate programs grow substantially in the future (including the possibility of PhD programs), it is recommended to appoint an Associate Dean of Graduate Programs and Recruitment. The Associate Dean of Graduate Programs and Recruitment should report to the VCAA and will provide strategic oversight and leadership for all DKU graduate programs.

Graduate programs are currently separate from undergraduate programs, because they were created independently and award different degrees. Undergraduate and graduate programs are currently using different procedures for faculty recruitment. While the eventual goal is to develop a single organization structure and common set of procedures for the whole University, the

current setup of undergraduate and graduate programs needs a transitional organization structure that allows all DKU programs to consolidate their roles and identities within the University over the next 5-10 years. The committee recommends a second, formal review of academic structure after 5 years (i.e., 2022). During this transitional period, the undergraduate and graduate programs will function separately in terms of their administrative structures. However, both undergraduate and graduate faculty members are strongly encouraged to actively engage with each other about research, teaching, and graduate and undergraduate research supervision, etc.

#### **4. Language and Culture Center (LCC)**

The LCC is an independent unit within DKU which serves both undergraduate and graduate programs, and - to a lesser extent - the language learning needs of faculty and staff at DKU. The LCC Director is responsible for initializing faculty recruitment and mentoring, review and promotion, curriculum and program design, and oversight of its subsidiary units (e.g., Language Learning Studio). He/she reports to the VCAA.

Similar to other academic units such as undergraduate divisions and graduate programs, the LCC is responsible for representation on the USC and organizing tenure review committees for tenure-track LCC faculty.

#### **5. Research Centers**

DKU currently has 10 research centers, some of which are affiliated with graduate programs and/or research institutes; others may be created in the future. An Associate Dean of Academic Research should be appointed to manage all research centers and the Research Support Office. He/she is responsible for annual and three-year reviews of all existing centers, overseeing the development of internal research policies by the Research Support Office, overseeing creation of new research centers, initiating campus-wide research activities, securing large-scale external research resources, etc. The Associate Dean of Academic Research reports to the VCAA. All center directors report to the Associate Dean of Academic Research, and also the corresponding program/institute directors whenever applicable.

The Research Support Office is responsible for developing research-related policies and the administration of sponsored research projects and programs. An Associate Director currently manages the Research Support Office and currently reports to the VCAA. In the future the Associate Director of the Research Support Office will report to the Associate Dean of Academic Research.

Research centers are expected to link academic programs together to pursue interdisciplinary education and research activities. Faculty members and students from undergraduate and graduate programs may become affiliated with the research centers through their research projects. In addition to externally funded projects, DKU is expected to provide funding resources to research centers to support undergraduate research projects. In this regard, the Associate Dean of Academic Research is also expected to further promote undergraduate research within DKU.

## **6. Other Academic Units**

The registrar office is responsible for student registration and scheduling of classes. An Associate Registrar currently manages the registrar's office and reports to the VCAA.

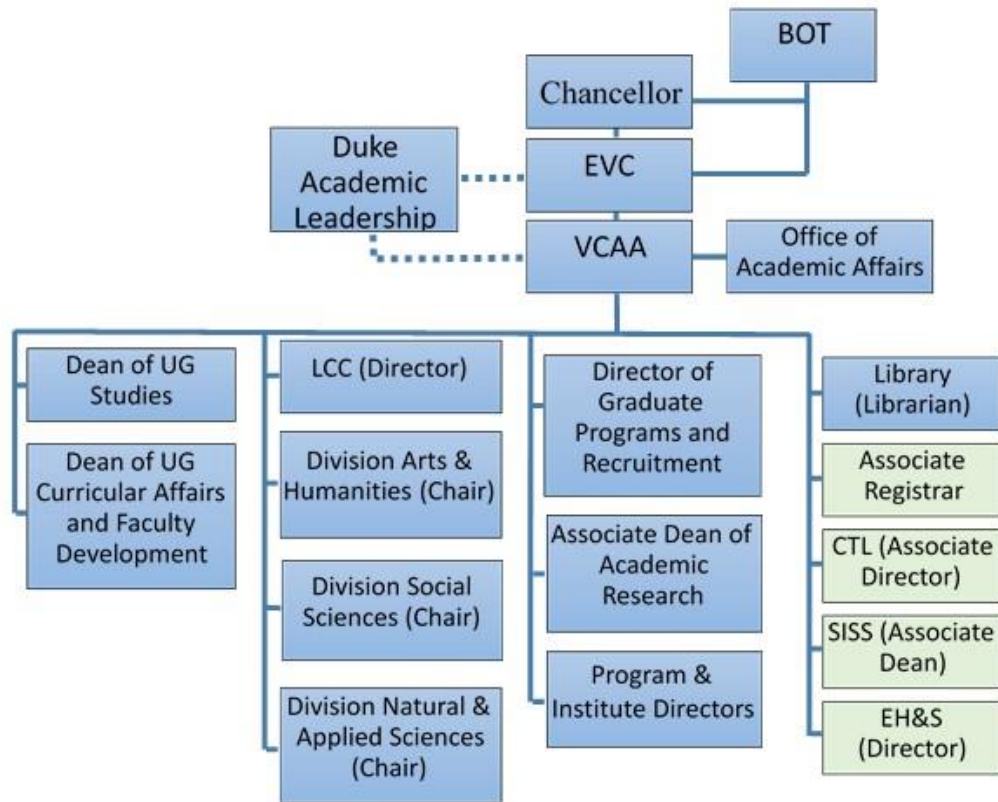
A university librarian currently manages the library and reports to the VCAA. He/she is expected to provide leadership, vision, and strategic direction for the library by managing all aspects of its operations in concert with Duke University Libraries (DUL) strategies and policies.

The Center for Teaching and Learning is responsible for implementing and training with instructional technology and pedagogy training for faculty. An Associate Director currently manages the Center for Teaching and Learning, and reports to the VCAA. A director (a faculty member) will be appointed or recruited in the near future who reports to VCAA, and the Associate Director will report to the Director.

The office of Student Information System and Service (SISS) provides multiple information systems that support student services and functions. It works closely with academic leaders, school administrators and information technology to anticipate and meet service needs. It provides critical support to the operations of academic units to enable effective and efficient work efforts. An Associate Dean manages SISS and reports to the VCAA.

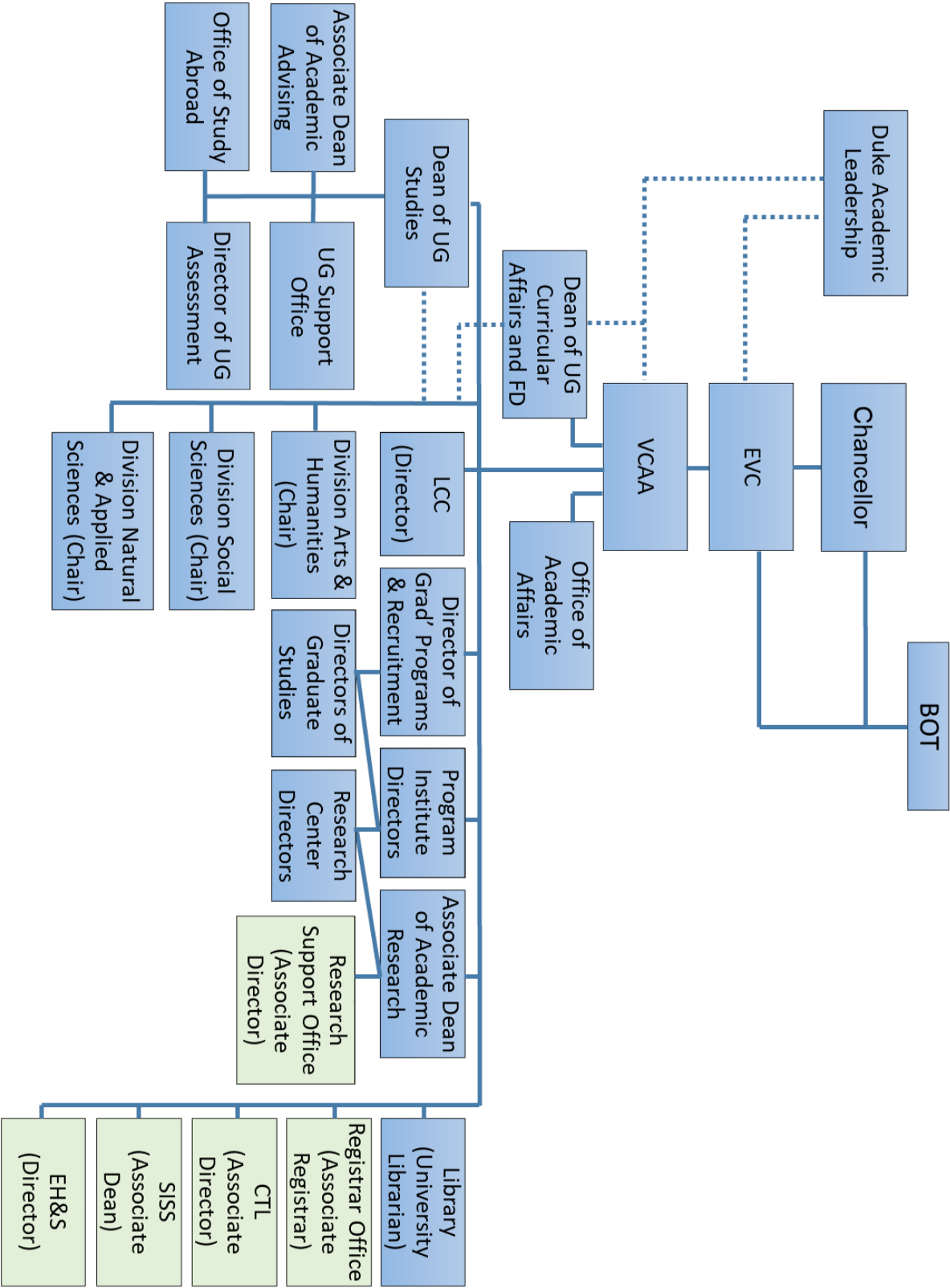
The Environmental Health and Safety Office (EH&S) is responsible for ensuring health and safety compliance of campus facilities and labs, health and safety training of faculty and students and overseeing emergency response protocols. The Director currently manages the EH&S and reports to the VCAA.

## Academic Organization Structure





Academic Organization Structure (Details)



## Appendix B: Proposal for Descriptions of Faculty Ranks at Duke Kunshan University (DKU) [\(return to top\)](#)

*Approved by the Duke Kunshan faculty on April 11, 2018*

Proposes that DKU,

2. Doesn't adopt the modified ranks of Professor of the Practice, Associate Professor of the Practice and Assistant Professor of the Practice as full-time regular-rank<sup>57</sup> faculty at DKU

*Rationale: These ranks are not commonly used in other universities; they are typically reserved for personnel who are appointed because of skills acquired in non-academic careers.*

3. Grandfathers out the ranks of non-tenured Professor, non-tenure track or non-tenured Associate Professor, non-tenure track Assistant Professor<sup>58</sup>, reducing<sup>59</sup> their use in the future.

*Rationale: These positions have been given to persons who have a Ph.D., but whose primary role is teaching. However, this may lead to a perception of inequality if their teaching load is higher than that of tenure-track faculty with the same titles. It is hard to promote these persons without creating a feeling of inequity for tenure-track faculty who are expected to do scholarship for promotion.*

Faculty who accepted a non-tenure-track, Assistant, Associate or full Professor appointment offer at DKU before January 1<sup>st</sup>, 2018, are eligible to be grandfathered into the new ranking system and may submit a request to be considered for a tenured or tenure-track appointment to the VCAA. Faculty must serve at least one full term (defined in their letter of appointment) before such a change of status takes effect. Requests made before the end of the first term will be considered at the time of the reappointment review and should be submitted at least 30 days prior to the onset of the review. Appointments that confer tenure will be reviewed by the

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<sup>57</sup> Professor of the Practice titles may be given to visiting professionals who are appointed to teach special courses related to skills they have acquired in non-academic careers

<sup>58</sup> DKU made such appointments prior to its Board of Trustees approval of a tenure-track/tenured faculty system

<sup>59</sup> DKU may use these ranks occasionally to recruit high-quality teaching professors, who have a Ph.D., who are anticipated to contribute significantly to DKU's academic programs

Appointment Promotion and Tenure Committee as described in the Academic Tenure and Faculty Appointment, Promotion and Tenure Policy<sup>60</sup>

Conversion from non-tenure-track to tenure-track will be on the recommendation of a review committee, and will be based on teaching, scholarship and evaluations from at least three external evaluators, and the endorsement by the DKU Faculty Appointment Committee. External evaluators should be arms-length to the candidate (are not nor have been, colleagues, students, or supervisors of the candidate, nor have collaborated with the candidate for at least seven years)

For searches conducted after academic year 2016/17, the search committees will recommend the rank for which the appointment is intended (see below) and whether the appointment be tenure-track or non-tenure-track. Each appointment will require the endorsement of the Faculty Appointment Committee. Faculty who accepted/accept a non-tenure-track position after January 1<sup>st</sup>, 2018, will not be eligible for changes in status except in exceptional circumstances<sup>61</sup>.

4. Adopts two categories of ranks whose qualifications, job descriptions and paths to promotion are clearly defined
  - a. Non-tenure track teaching faculty (scholarship is not expected). Usually given to persons whose highest degree is a masters or equivalent but may be given to a person with a Ph.D. who chooses to serve primarily through teaching and service, and who wishes to be evaluated based on only these two areas.
    - i. Instructor – entry level; MA, MSc or equivalent, some teaching experience (TA or other). May be promoted to Lecturer after one term. Duties include: Predominantly teaching, with some service.
    - ii. Lecturer – Ph.D., MA, MSc or equivalent + several years of college-level teaching experience. May be promoted to Senior Lecturer after two terms. Candidates with a Ph.D. may be considered for an earlier promotion review, depending on their experience and record of contribution to educational programs or to the field of education. Duties include: Teaching and service to the University. On-going professional development is expected, as is participation in and service to the profession.
    - iii. Senior Lecturer – Ph.D. or MA, MSc or equivalent, a long-record of college-level teaching and a strong record of contribution to educational programs or to the field of

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<sup>60</sup> DKU's Academic Tenure and Faculty Appointment, Promotion and Tenure policy was approved by the faculty on December 7, 2016, and by the Board of Trustees, December 14, 2016

<sup>61</sup> Faculty with an exceptional and outstanding scholarship record may be nominated to apply for appointment to a tenure-track position by the VCAA

- education in forms such as leadership roles, publishing of teaching materials, or scholarship. Service to the program, university or profession is expected.
- b. Tenure-track faculty (scholarship expectation). All ranks must hold a Ph.D. or equivalent<sup>62</sup> and obtain tenure and/or promotion according to a schedule and procedure described in the DKU Appointment, Tenure and Promotion Policy.
- i. Assistant professor
  - ii. Associate Professor
  - iii. Professor
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In addition to the proposed ranks described above DKU currently has the following modified ranks.

Research Assistant Professor, Research Associate Professor and Research Professor: These non-tenure track positions are typically supported by external funding and as such have no teaching requirement. Appointment of research faculty is through nomination by the host unit and must be approved by the VCAA and EVC. A search may be waived for appointing a research faculty member by the VCAA in consultation with the EVC<sup>63</sup>. The criteria for promotion of these ranks are based on research productivity (e.g. quantity and quality of publications, procurement of funding) and reappointment is dependent on sustained external funding.

Adjunct Assistant Professor, Adjunct Associate Professor and Adjunct Professor; Visiting Assistant Professor, Visiting Associate Professor and Visiting Professor: These ranks are typically aligned to the holder's current level of experience and their duties are contract-based<sup>64</sup>.

Secondary Faculty: are faculty whose primary position is at Duke or Wuhan University. Appointment of secondary faculty is through nomination by the host unit (research center, institute or division) at DKU, and must be approved by: The chair of the nominee's department and the dean of the school with which his or her department is affiliated in his or her primary institution; the VCAA and EVC of DKU<sup>65</sup>. Secondary faculty are expected to be actively engaged

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<sup>62</sup> Faculty members who hold an approved terminal degree appropriate to their discipline may be considered for tenure-track faculty ranks

<sup>63</sup> The procedure for appointing research faculty is described in the Duke Kunshan University Guidelines for Appointment of Research Faculty (under review)

<sup>64</sup> The procedure for appointing Adjunct Faculty is described in Guidelines for Adjunct Faculty Appointment at Duke Kunshan University, Approved by the DKU faculty March 22, 2017

<sup>65</sup> The procedure for appointing secondary faculty is described in the Duke Kunshan University Guidelines for Appointment of Secondary Faculty (under review)

with research at DKU, and/or in teaching<sup>66</sup> or student advising. Tenure and/or promotion is carried out by their primary institution according to that institution's policies.

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<sup>66</sup> Arrangement needs to be made separately with the secondary faculty's primary unit and the affiliated school at his/her primary institution before he/she teaches a course at DKU.

## **Appendix C: Bylaws of the University Faculty** [\(return to top\)](#)

*Originally Adapted from Bylaws of the University Faculty and Bylaws of Arts and Sciences at Duke University. Adopted by DKU Faculty: March 31, 2016; Approved by the DKU Board of Trustees: August 12, 2016; Revised and Approved by DKU Faculty: October 16th, 2020; Approved by the Chancellors: November 16th, 2020; Approved by the DKU Board of Trustees: December 2, 2020, revised by the Faculty Assembly September 9, 2023.*

### **General**

These Duke Kunshan University Faculty Bylaws (“DKU Faculty Bylaws”) express the Faculty view on the role of the Faculty in the governance of DKU and the manner by which the Faculty express itself with regards to DKU governance. “Faculty” refers to the Duke Kunshan University (DKU) faculty acting in its collective role in faculty governance, while “faculty” refers to individual faculty members. Any reference to “the University” refers to DKU.

DKU Board of Trustees (“the Board”) approval of DKU Faculty Bylaws expresses the Board’s acknowledgement of the Faculty view in regards to DKU governance and a commitment to generally honor the Faculty view while also considering and remaining ultimately faithful to the Cooperative Education Agreement (CEA) and Articles of Association (AOA).

### **1. Membership**

The University Faculty shall be composed of the Chancellor, Executive Vice Chancellor, and Vice Chancellor for Academic Affairs of the University as specified in the Articles of Association; administrative personnel who have been granted faculty status, all Regular and Non-Regular rank faculty as described below; and such other persons designated in an ex-officio capacity by the Chancellor, the Executive Vice Chancellor and approved by the Board. The composition of Faculty is outlined in the Faculty Handbook and the ‘Proposal for Descriptions of Faculty Ranks at Duke Kunshan University (DKU)’ and/or any other documents approved by the Faculty describing the composition of the Faculty.

### **2. Shared Governance and Faculty Self-Governance**

This section presents the Faculty’s understanding of two interrelated but distinct concepts: shared governance and faculty self-governance.

#### **2.1 General Statement on Shared Governance**

Shared governance entails varying levels of participation by the administration, Faculty, students and staff in the complex process leading to decision-making at DKU by the Board or those it delegates authority to.

## **2.2 General Statement on Faculty Self-Governance**

Faculty self-governance refers to the institutions, rules, and processes under and through which the Faculty gather information, agree to meet, deliberate, and voice their judgments within the University structures, and especially to the Chancellor, Vice Chancellors, and Board.

## **2.3 Application of this Distinction**

While the Faculty's authority within the University will vary according to context and the subject under consideration, it is able, as a part of the shared governance concept, to constitute its own institutional mechanisms for gathering information and conveying its judgments to the relevant stakeholders within the University. The Faculty is free to organize its meetings and deliberations.

## **3. Shared Governance**

The Faculty participates in the affairs of the University through advising the Chancellor, EVC and other senior administrators of the position and decisions adopted at meetings of the Faculty Assembly.

### **3.1 Role of the Faculty with regard to Academic Curriculum**

The Faculty advises and assists the Vice Chancellor for Academic Affairs in all aspects of undergraduate and graduate education. The Faculty contributes to the adoption of academic regulations and co-legislate on all curricular and co-curricular programs with all relevant parties and institutional actors stipulated in the CEA and AOA, except with regard to those programs that are solely governed by the relevant entities at Duke University. To this end, the Faculty should be involved in the elaboration of these regulations and programs through its Curriculum Committee, in collaboration with the University administration and relevant authorities at Duke University. The Faculty also advises and assists the VCAA or other senior administrators on all other matters affecting the academic life and learning environment of students. The Faculty can undertake initiatives to develop and propose appropriate means of encouraging and recognizing academic achievement of superior quality among students; ensure equity and balance across all academic disciplines; and contribute to the creation of new undergraduate and graduate degree and certificate programs, subject to approval by the Board, that will allow DKU to remain at the forefront of developing fields of knowledge.

### **3.2 Recommendations to the Chancellor and other Relevant Administrators at DKU**

The Faculty advises the Chancellor and other relevant administrators with respect to policies, and procedures concerning academic issues that come before the Chancellor, EVC, and VCAA. The advice of the Faculty also ought to be sought when DKU policies and procedures significantly affect faculty interests. This includes, but is not limited to, issues of budget that significantly and directly affect academic affairs; faculty development, compensation, benefits and evaluation; support and policy for faculty research; teaching, research and administrative facilities;

organization of divisions, programs and centers within the Faculty; areas of interaction between graduate and undergraduate programs such as teaching assistantships, instructional budgets, teacher training, and others; campus resources and wellness. For this to occur, the Chancellor, EVC and other senior administrators ought to provide the Faculty Assembly, or its Executive Committee when actually in existence, timely notice of such matters and provide an opportunity to contribute to the matter in its development phase. Typically, draft policies are communicated to the Faculty Assembly Agenda Committee, which takes appropriate measures leading to the formulation of Faculty opinion in accordance with the self-governance procedures described in section 4 of these bylaws. The Faculty recognize that this will not always be possible due to emergencies, legal restrictions or considerations, or other University policy or procedure.

### **3.3 Faculty Investigations**

The Faculty may also investigate and express its views on any matter of particular concern to the Faculty. In the process of investigations, the Faculty Assembly or Faculty Assembly Committees may request information from the University administration and the leadership, which should make their best efforts to provide this information as completely as possible, or, if they cannot, to provide an explanation of why they cannot or why they are excused from doing so by applicable law or policy. This should happen within a reasonable time frame, so as to enable the Faculty to formulate and express its view before related decisions are made.

### **3.4 Recommendations to the Board**

When matters that significantly affect academic affairs are presented to the Board for consideration, the Chancellor and EVC shall ensure that the Faculty's views are transmitted, along with the administration's proposals, to the Board when it considers the plans and decisions included in the Board communications. As permitted by the CEA and AOA, the Board may choose to appoint additional individuals to attend Board meetings as ex officio members with the approval of two thirds majority of the Board. The Faculty will recommend, through the Chancellor and EVC that the Faculty Chair serve as such an ex officio, non-voting member of the Board. If approved by the Board, this representative will attend the meetings of the Board, speak on behalf of the Faculty within the scope of the mandate of the Faculty Assembly when the Board agenda calls for Faculty input, and report back to the Faculty Assembly. The Faculty Assembly votes to mandate the representative with the views or messages that the Faculty Assembly wishes to convey to the Board.

## **4. Faculty Self-Governance**

### **4.1 Faculty Assembly**

Faculty business is conducted in plenary meetings of the Faculty Assembly. The Faculty Assembly shall be presided over by a Chair and a Vice-Chair. The Faculty Assembly comprises all Regular Rank and Non-Regular Rank Faculty, as well as all other administrators who have



been granted Faculty status. The Chancellor, the EVC, the VCAA, the Associate Vice-Chancellor for Undergraduate Programs, Associate Dean of Undergraduate Curricular Affairs, the Associate Vice-Chancellor for Graduate Studies and Research, and the Director of Faculty Affairs are all ex officio members of the Faculty Assembly, regardless of their Faculty status. Others holding administrative positions may retain voting rights of Faculty if they have been granted Faculty status. The Faculty Assembly membership status of future Dean and/or Chancellor positions will be determined by the Faculty Assembly.

#### **4.1.1 Functions of the Faculty Assembly**

The meetings of the Faculty Assembly are where faculty debate, deliberate and vote to make decisions to endorse policies and regulations, adopt resolutions, or make recommendations. The Faculty Assembly also votes to elect the Faculty Chair and Vice-Chair, to establish Faculty Assembly Committees and to elect the membership of Standing and Ad-Hoc Faculty Assembly Committees. Meetings of the Faculty Assembly can also be used by the Faculty to invite administrators and university leadership to make presentations or answer questions of interest to the Faculty.

#### **4.1.2 Attendance to Faculty Assembly Meetings**

Attendance to Faculty Assembly meetings can be done either in person or remotely via videoconference. The Agenda Committee coordinates the organization of remote attendance according to the procedures adopted by the Faculty Assembly. Those attending remotely shall count as present at the meeting for the purposes of quorum, full participation, and voting. Because the University values in-person communication and deliberation, members of the Faculty Assembly should only choose to attend remotely if they are out of town or are otherwise unable to attend the meeting in person. Though the best efforts shall be made to facilitate remote attendance, due to the potential unreliability of technology, the right to attend and vote remotely is not strictly guaranteed.

#### **4.1.3 Eligibility to vote at meetings of the Faculty Assembly**

Those eligible to vote at meetings of the Faculty Assembly shall exclude non-regular rank faculty and faculty with secondary appointments, as defined in the documents mentioned in article 1 of these Bylaws. Ex officio members of the Faculty Assembly and Faculty Assembly Committees do not vote. The Faculty is empowered to determine which faculty titles are consistent with the above criteria and which faculty members are therefore eligible to vote in the meetings of the Faculty Assembly.

#### **4.1.4 Voting Procedures at meetings of the Faculty Assembly**

Voting can be done in person, by proxy, or remotely. Only faculty attending the Faculty Assembly meeting remotely can vote remotely, according to the procedures adopted by the Faculty Assembly. Each voting member of the Faculty shall have one vote on issues before the Faculty in its meetings. The Chair shall not vote except in the case of a tie vote.

#### **4.1.4.1 Quorum**

Quorum means the minimum number of voting faculty who must be in attendance for the meeting to proceed. At least one half of the voting members of the Faculty must be present to constitute a quorum.

#### **4.1.4.2 Majority**

Excepting conditions stipulated in this document, a simple majority of the voting members of the Faculty attending, in person or remotely, a meeting of the Faculty Assembly is sufficient to pass decisions at such meeting of the Faculty Assembly, provided quorum is satisfied.

#### **4.1.4.3 Voting Practices**

Excepting elections for Chair, Vice-Chair, and Membership of Faculty Assembly Committees, all votes shall be by voice vote. In the event the outcome is uncertain, the Chair may prescribe that the results be tabulated by a show of hands. The Chair may, at their discretion, direct that a vote be conducted by secret ballot. Any member of the faculty may introduce a motion to employ a secret ballot on any issue. The Faculty shall adopt rules and procedures to enable faculty attending remotely to participate in all votes and elections, including those conducted by secret ballot. Proxy Voting is permitted, but no member may hold more than one proxy vote, and a faculty member entrusted with a vote must submit written indication of permission from the member upon whose behalf he or she is voting. The authority to cast a proxy vote may only be granted for one meeting of the Faculty Assembly.

#### **4.1.5 Faculty Chair and Vice-Chair**

The Faculty Chair presides over all meetings of the Faculty Assembly and is also Chair of the Agenda Committee. The Vice-Chair shall assist the Faculty Chair in preparing for and managing the Faculty Assembly and managing the business of the Agenda Committee. If the Chair is unavailable, the Vice-Chair will preside over the meeting. The Faculty Chair must be a tenured faculty member or hold the rank of Full Professor. The Vice-Chair may be a non-tenured faculty member. Faculty members also holding the rank of Assistant Dean or above are prohibited from serving as Faculty Chair or Vice-Chair. The Faculty Chair and Vice-Chair shall be elected by the Faculty during the first meeting of the Faculty Assembly of the academic year or when either position becomes vacant. To obtain either position, a candidate must gain an absolute majority of votes. In the event that no candidate obtains an absolute majority, the two candidates obtaining the most votes for the position shall be placed in a run-off election. The Faculty Chair and the Vice-Chair each serve a two-year term that may be renewed once consecutively. Candidates elected for two consecutive terms are eligible to serve in either of these positions again, provided that at least two academic years have elapsed since the last term served. Votes to elect the Faculty Chair and the Vice-Chair shall be tallied by two members of the Faculty Assembly nominated and approved by the Faculty Assembly immediately before these elections. Results shall be

reported to the current Chair, who shall report them promptly to the Assembly. The newly elected Chair and Vice-Chair shall begin their service at the subsequent meeting of the Agenda Committee. In the event of a permanent vacancy in the office of the Chair, the Vice-Chair of the Faculty Assembly shall serve as Acting Chair. The Acting Chair shall call a special election to elect a new Chair to serve the remaining period of the preceding Chair's term. Such special election shall be conducted at the earliest practicable regular or special meeting of the Faculty Assembly. The Faculty can vote to recall the Faculty Chair. This decision must be adopted by a two-thirds majority of votes and precipitates an immediate election for a new Faculty Chair.

#### **4.1.6 Schedules of the Faculty Assembly meetings**

Generally, the Faculty Assembly shall convene monthly at dates, times and places specified by the Agenda Committee during the regular academic year. The first meeting, at which elections to open seats are to be held, should occur in August, before the end of the first week of class. The date and time of meetings of the Faculty Assembly should ensure the largest possible participation from Faculty members. The Chair of the Faculty may cancel or postpone regularly scheduled meetings for lack of business or emergency circumstances. The Faculty Assembly shall also meet at the request of the Chancellor, the EVC or the VCAA, or upon the written request of 10% or more of the voting members of the Faculty Assembly.

#### **4.1.7 Agenda of the meetings of the Faculty Assembly**

The agenda shall be established by the Agenda Committee. Agenda items can be suggested to the Agenda Committee by individuals or groups of faculties, Faculty Assembly Committees, as well as members of the University administration and leadership. The Agenda Committee is responsible for establishing and communicating customary rules for the submission of agenda items, including reasonable deadlines. Once adopted by the Agenda Committee, the Agenda and all relevant documents shall be transmitted by electronic means at least five days in advance of each meeting of the Faculty Assembly to all members of the Faculty.

#### **4.1.8 Rules of Order**

Debates and discussions at meetings of the Faculty Assembly shall follow the rules established by Robert's Rules of Order.

#### **4.1.9 Parliamentarian**

The Chair shall appoint one member of the Faculty Assembly to serve as Parliamentarian who is conversant with the Faculty Bylaws and Robert's Rules of Order. The Parliamentarian shall advise the Chair on proper procedures for meetings and rule on contested points of order.

#### **4.1.10 Open and Closed Sessions of the Faculty Assembly**

Meetings of the Faculty Assembly are open meetings. Those without membership in the Faculty Assembly, including other faculty members and non-faculty members of the University, may be invited to speak at the meetings of the Faculty Assembly by decision of the Agenda Committee or on the invitation of a Standing or Ad-Hoc Faculty Assembly Committee, with the approval of

the Agenda Committee. Any member of the Faculty Assembly may at any time propose an executive session. Executive sessions exclude the Chancellor and EVC, and only Faculty Assembly members may be present. Executive sessions may be convened with the support of a majority of the Faculty Assembly.

#### **4.1.11 Meeting Minutes and the Record of Faculty Business**

Minutes of each meeting of the Faculty Assembly shall be taken by a member of the Agenda Committee designated by the Chair of the Faculty Assembly, and promptly distributed in draft form to the entire Faculty by electronic means by the Agenda Committee. Minutes may be corrected by Faculty members when they are approved at the following meeting of the Faculty Assembly. All of the documents of interest to the Faculty shall be preserved digitally on a secure platform to which all Faculty members have remote access. This includes but is not limited to: the approved minutes of the meetings of the Faculty Assembly, the minutes of the meetings of Standing and Ad-hoc Faculty Assembly Committees, and the draft policies and relevant documents, which are made available to the Faculty Assembly to support its investigations and deliberations of diverse issues. No minutes, data, un-adopted judgments and decisions, or other similar work product of the Faculty Assembly shall be disclosed or distributed, except by saving them to the aforementioned electronic platform accessible to all Faculty members.

#### **4.1.12 Executive Committee of the Faculty Assembly**

During the period between the end of the final exam period of session IV and the beginning of session I of the subsequent academic year, the Agenda Committee, the Chair of the Curriculum Committee, the Chair of the Faculty Development Committee, and the Chair of the Research Committee shall constitute an Executive Committee of the Faculty Assembly, which is empowered to act on behalf of the Faculty Assembly. All of the documents of the Executive Committee of interest to the Faculty shall be preserved digitally as stipulated in article 4.1.11. A detailed summary of any business conducted by this Executive Committee, including the full text of any policy or resolution considered or approved, and the minutes of any meeting thereof, must be submitted in writing to the Faculty Assembly no later than the second meeting of the Faculty Assembly in the subsequent academic year.

### **4.2. Faculty Assembly Committees**

#### **4.2.1 Purpose of the Faculty Assembly Committees**

The primary purpose of Faculty Assembly Committees is to discuss and prepare documents for review by the Faculty Assembly; to serve as advisory bodies to the Faculty Assembly; and to serve as conduits through which faculty concerns can be expressed and reviewed before a larger discussion by the Faculty Assembly. Faculty Assembly Committees neither make decisions, nor make recommendations to the administration on behalf of the Faculty; they only prepare reports

and recommendations that the Faculty will consider and judge. All meetings of Faculty Assembly Committees are open to Faculty Assembly members. All Faculty Assembly Committees are accountable to and report to the Faculty Assembly, except for confidential personnel matters.

#### **4.2.2 The Relationship of Faculty Assembly Committees to Other University Committees**

Faculty Assembly Committees exist to organize coherently representative Faculty opinions on relevant issues. As such, they are distinct from, and do not obviate the need for, other committees independent of the Faculty Assembly, hereafter referred to in this document as “University Committees,” even when University Committees, created by relevant University authorities, and Faculty Assembly Committees address overlapping issues.

#### **4.2.3 The Role of the Faculty Chair with respect to the Faculty Assembly Committees**

The Faculty Chair, in consultation with the Vice-Chair, receives recommendations from the academic community and forwards these concerns to the relevant Faculty Assembly Committee for study and deliberation before presentation to and deliberation by the Faculty Assembly. The Chair and Vice Chair consult with the relevant Faculty Assembly Committees when necessary and expedite the flow of information to the Agenda Committee and the Faculty Assembly.

#### **4.2.4 Conduct, Election, and Composition of Faculty Assembly Committees**

Each Faculty Assembly Committee develops its own procedures for meetings and conducts its business in accordance with Robert’s Rules of Order and these Faculty Bylaws. In general, Standing Faculty Assembly Committees are expected to convene six times per year, except for the Agenda Committee, which meets monthly to prepare the Faculty Assembly meetings.

**4.2.4.1** All Faculty Assembly Committees keep and distribute minutes of meetings to Faculty Assembly Committee members. Copies of the minutes shall be made available in a timely manner and saved electronically on a platform accessible to all members of the Faculty. No minutes, data, judgments, or other similar work product of Faculty Assembly Committees, nor any other account of meetings of the Faculty Assembly Committees, shall be disclosed or distributed, except to the Agenda Committee, the Faculty Assembly when assembled and its individual members, and by saving them to the aforementioned electronic platform accessible to all Faculty members.

**4.2.4.2** Every Faculty Assembly Committee shall submit an annual report to the Faculty Assembly at the last meeting of the Faculty Assembly of the academic year, reflecting on what they have done. These reports will be made available in a manner consistent with the procedures laid out in 4.2.4.1.

**4.2.4.3** A Faculty Assembly member may be elected to no more than one Standing Faculty Assembly Committee. Faculty members also holding the rank of Assistant Dean or above are prohibited from being elected to Faculty Assembly Committees.

**4.2.4.4** The membership of all Faculty Assembly Committees shall reflect the comprehensive diversity of the Faculty and include a fair and equitable representation of perspectives, particularly from institutionally underrepresented groups. The nomination of candidates for

elections to Faculty Assembly Committee membership shall uphold the principles of gender equality and inclusion of diversity<sup>67</sup>. Every Faculty Assembly Committee shall include within their annual report to the last Faculty Assembly Meeting of the academic year a statement addressing what they have done to advance the Faculty Assembly's diversity and inclusion goals. To ensure a fair hearing of minority opinion, Faculty Assembly Committee members may include their individual opinions alongside this statement.

**4.2.4.5** All Faculty Assembly Committee members are elected by secret ballot. Standing Faculty Assembly Committee members are elected at the first meeting of the Faculty Assembly, which shall be held at the beginning of the fall semester. Ad-Hoc Faculty Assembly Committee members are elected when the committee is constituted or when a position becomes vacant.

**4.2.4.6** With the exception of the Faculty Chair, elections shall be by plurality vote. If there is a tie for the most votes, then there will be a run-off election between those persons tied.

**4.2.4.7** While winners of all Faculty Assembly Committees elections will be announced, vote totals will not be announced unless approved by the Faculty Assembly in a resolution.

**4.2.4.8** Unless specified otherwise, the chair of each Faculty Assembly Committee is elected by the membership of the respective Committee at its first meeting of the academic year. A Committee Chair who cannot attend a meeting shall designate an interim Chair from the current Committee membership. Excepting the Chair and Vice-Chair of the Faculty Assembly, all chairpersons are elected on an annual basis.

**4.2.4.9** Faculty Assembly Committee membership shall be divided as equitably as is practicable among the relevant academic divisions of the University: Natural Sciences, Arts and Humanities, Social Sciences, Graduate Programs, and the Language and Culture Center ("LCC").

**4.2.4.10** For the purposes of the Faculty Assembly, the Physical Education faculty shall caucus with the Division of Social Sciences and the Library faculty shall caucus with the LCC.

#### **4.2.5 Standing Faculty Assembly Committees**

The Faculty Bylaws establish four Standing Faculty Assembly Committees hereafter described. The Standing Faculty Assembly Committees perform functions essential to Faculty Governance. Standing Faculty Assembly Committee membership is for a two-year period and one renewal is permitted consecutively. Faculty Assembly Committee elections ought to be staggered so as to allow for regular turnover.

**4.2.5.1** The **Agenda Committee** is responsible for the preparation and distribution of the agenda

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<sup>67</sup> As is consistent with regular order under Robert's Rules, members of the Faculty Assembly can add nominees to any slate of nominees that does not yet uphold these principles before voting occurs, and can also motion to reopen nominations after nominations are closed, so as to add to the slate of nominees and thereby make it appropriately equitable.

of the Faculty Assembly meetings; for extending invitations to non-Faculty Assembly members and administrators to attend a meeting of the Faculty Assembly to present or answer questions of interest to the Faculty; for overseeing the process of updating the Faculty Handbook and distributing revisions to it. Agenda Committee membership includes: Chair of the Faculty Assembly (Chair of the Agenda Committee), Vice-Chair of the Faculty Assembly, and three elected Faculty members. At minimum, this committee must be populated by one faculty member in the Undergraduate Program, one faculty member in LCC, and one faculty member in the graduate program.

**4.2.5.2 The Curriculum Committee** is the Faculty's representative body for collaboration with the University administration and Duke University Faculty's efforts to create, revise, and implement the University's curriculum. Curriculum Committee membership includes: five elected Faculty members, representing a minimum of five academic divisions. The Associate Vice-Chancellor for Undergraduate Programs, the Associate Dean of Undergraduate Curricular Affairs, the Associate Vice-Chancellor for Graduate Studies and Research, and the Registrar shall be ex officio members.

**4.2.5.3 The Faculty Development Committee** makes recommendations concerning ways to improve the Faculty's ability to advance as productive scholars; the committee sponsors workshops and other programs to aid faculty members in their professional development. It recommends the avenues for dispersion of the faculty development budget and assists in the review of applications for pre-tenure sabbatical. Faculty Development Committee membership includes: five elected Faculty members from a minimum of five academic divisions and the Director of Faculty Affairs (ex officio).

**4.2.5.4 The Teaching and Advising Committee** is responsible for making recommendations to improve the Faculty as teachers and advisors. To that end, it works collaboratively with the Center for Teaching and Learning and the Office of Undergraduate Advising to assist in the development of efforts to enhance Faculty capacity in these areas. Teaching and Advising Committee membership includes: five elected Faculty members from a minimum of five academic divisions and the Associate Vice-Chancellor for Undergraduate Programs (ex officio).

**4.2.5.5 The Research Committee** is responsible for making recommendations to improve the research and scholarship of DKU faculty, including the establishment and renewal of research centers. To that end it works collaboratively with the undergraduate and graduate programs, research centers and the associate vice chancellor for graduate studies and research to assist in the development of efforts to enhance faculty capacity in these areas.

Research committee membership includes: five elected faculty members from a minimum of five academic divisions, the DKU-based directors of all the research centers (ex officio), and the associate vice chancellor for graduate studies and research (ex officio).

#### **4.2.6 The Creation and Disbanding of Ad-hoc Faculty Assembly Committees**

From time to time, the Faculty Assembly may judge it necessary to create or disband an Ad-hoc Faculty Assembly Committee. The Faculty Assembly Chair should solicit the judgment of the VCAA before voting on the formation of Ad-hoc Faculty Assembly Committees. As a general rule, the Faculty shall guard against the unnecessary proliferation of committees.

**4.2.6.1** Ad-hoc Faculty Assembly Committees may be created by the Faculty Assembly by a simple majority vote. Any Ad-hoc Faculty Assembly Committee created by this mode has the full privileges of a Faculty Assembly Committee, as described above in 4.2. The mandates of all Ad-hoc Faculty Assembly Committees expire on October 1, annually; to continue operation as a Faculty Assembly Committee after that date, the Chair of any Ad-hoc Faculty Assembly Committee created after October 1 of the previous year must seek the approval of the Faculty Assembly.

**4.2.6.2** Ad-hoc Faculty Assembly Committees may be disbanded by a simple majority vote of the Faculty Assembly.

**4.2.6.3** The provisions of article 4.2 in no way infringe upon either faculty members' ability to form committees independent of the Faculty Assembly or faculty members' ability to serve on other University Committees.

#### **5. Entry into Force and Amendment of the Faculty Bylaws**

These Faculty Bylaws shall enter into force upon obtaining the final approval by the Faculty Assembly, recommendation of approval from the Chancellor and EVC to the Board, and final approval by the Board. These Faculty Bylaws may be amended by a two-thirds majority vote of the Faculty Assembly, provided that the text of any proposed amendment has been circulated to the members of the Faculty Assembly at least five days prior to the meeting at which such a vote occurs. Amendments of provisions in section 4 'Faculty Self-Governance' shall become effective immediately upon adoption by the Faculty Assembly. Amendments to all other provisions shall become effective upon recommendation of approval from the Chancellor and EVC to the Board and final approval by the Board.



## Appendix D. Duke Kunshan University Faculty Code of Conduct

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*Reviewed by the Faculty Council October 16, 2020; Reviewed by Faculty, October 30, 2020; Approved by the Chancellors November 18, 2020; Approved by the Board of Trustees December 2, 2020*

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### **I. PREAMBLE**

Duke Kunshan University (hereafter DKU or the University) is dedicated to pursuing its missions of education and scholarship and furthering the search for wisdom. The University is committed to fostering a working environment that encourages unfettered inquiry and the free and open exchange of ideas. DKU seeks to create an environment that effectively supports the mission of the University, is free of behaviors that undermine the mission or the effective functioning of the University, and in which members of the University community are civil and respectful to others. To this end, the University has a policy on Faculty Professionalism which states that,

Duke Kunshan University faculty members have an explicit responsibility to foster an environment of honesty, fairness, trust, courtesy and respect. Faculty members are expected to

model professionalism and ethical conduct and respond to unprofessional behavior on the part of others.

Professionalism refers to the ethical, legal and appropriate conduct adopted when at work. Unprofessional behaviors include, but are not limited to, behavior that is; intimidating, disruptive, threatening, violent, abusive, dishonest, offensive, illegal, or against university policy. Inappropriate behaviors will be addressed with interventions intended to promote insight, accountability and appropriate changes in behavior. Behaviors that embody professionalism include, but are not limited to,

- Adhering to high ethical standards
- Conducting academic work with honesty and integrity, and adhering to policies on responsible conduct of research
- Demonstrating core humanistic values including empathy, collegiality and respect
- Taking personal action to support equity and inclusion
- Responsible fiscal management
- Responsible, caring supervision of staff and mentorship of students
- Exercising accountability
- Dealing appropriately with high levels of complexity
- Reflecting on one's decisions and actions and assuring one's own fitness for duty.

This Faculty Code of Conduct aims to preserve the highest standards of professionalism, teaching and scholarship and to advance the missions of the University through policies consistent with the principles established in section A of the Faculty Charter of August 2016. The code elaborates standards of professional conduct and expounds the responsibility of the University to maintain conditions supportive of the faculty's pursuit of the University's central functions.

## **II. SCOPE**

This document serves as a statement of principles and responsibilities for the University Faculty. Codes of conduct exist elsewhere for students<sup>68</sup> and staff<sup>69</sup>. Much of the following can be found in existing, approved university policies; footnotes refer the reader to the appropriate policies throughout.

## **III. STATEMENT OF ETHICAL PRINCIPLES**

This Statement of Ethical Principles sets forth overarching ethical principles to which members of the University faculty are expected to adhere. This code of conduct applies to full-time, part-

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<sup>68</sup> Refer to the Duke Kunshan University Student Handbook.

<sup>69</sup> Refer to the Duke Kunshan University Employee Handbook.

time and visiting faculty while at DKU, and staff who have been granted faculty status. These ethical principles are intended to provide a foundation for conduct in support of the University's mission. This Statement of Ethical Principles should be used as a general guide in making ethical decisions that affect the University community.

As stewards of university resources, faculty members are expected to exercise sound judgment in the performance of their responsibilities and to ensure that all university resources are used prudently, ethically, and for their designated purposes.

All members of the DKU community should conduct their activities with integrity, both in fact and in appearance. Activities, pursuits or interests that detract from the ability to perform their duties or affect independence and objectivity of judgment should be avoided. The University faculty should demonstrate sensitivity in identifying potential conflicts of interest or commitment, whether of a financial, personal, or professional nature. It is impermissible to use positions of authority to secure private, personal advantage or gain.

#### **IV. TYPES OF UNACCEPTABLE FACULTY CONDUCT**

Derived from ethical principles, the examples below are examples of unacceptable faculty conduct that are subject to university discipline because they are not justified by ethical principles and/or impair the University's central functions. The examples of types of unacceptable faculty conduct set forth below are not exhaustive. It is expected that case adjudication, the lessons of experience and evolving standards of the profession will promote reasoned adaptation and change of this Code.

##### **IV. 1. Noncompliance with Chinese Laws or University Policies**

Various DKU policies summarize the rights and responsibilities of DKU faculty, consistent with Chinese law. As stipulated in the Policy on Academic Tenure and Faculty Appointment (1.C.5)<sup>70</sup> 'As members of learned professions, faculty members of Duke Kunshan University should remember that the public may judge their professions and their institution by their actions. They should also remember that in a deeper sense they cannot separate freedom as a member of the academic community from their responsibility as a privileged member of society. When speaking, writing, or acting in the capacity of a private citizen, faculty members should do so consistent with applicable Chinese laws and make every effort to indicate that they are not spokespersons or representatives of the University.' Similarly, the Faculty Charter stipulates 'that the charter is and will remain compatible with Chinese national laws<sup>71</sup>. According to such Chinese laws, for example, no religious activities should be carried out on DKU campus.

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<sup>70</sup> Refer to the Duke Kunshan University Policy on Academic Tenure and Faculty Appointment, Promotion and Tenure, approved by the Board of Trustees, November 17<sup>th</sup>, 2017.

<sup>71</sup> Refer to the Duke Kunshan University Faculty Charter, approved by the Board of Trustees, August, 2016.

Managers and supervisors are responsible for knowing the legal and regulatory requirements that pertain to their areas of oversight and responsibility. They are responsible for determining and ensuring that each community member has adequate knowledge in order to do his/her work correctly and receives appropriate information and training on an ongoing basis. Confidentiality of individuals reporting violations of laws, rules or policies will be maintained to the extent practicable, and individuals reporting violations in good faith will be protected from retaliation.

#### **IV. 2. Failure to Meet the Responsibilities of Instruction**

Faculty have a responsibility to uphold the highest standards of education and a responsibility to students that is predicated on the fact that students are fellow members of the university community, deserving of respect and consideration in their interactions with the faculty. The responsibilities of faculty to students are outlined in the Duke Kunshan Academic Policies<sup>72</sup> and elsewhere, and include but are not limited to responsibility to,

- Provide a course syllabus that provides adequate information regarding readings, texts, course activities and grade calculation, and/or significant deviation from an approved syllabus
- Attend all class meetings unless there is an exceptional circumstance<sup>73</sup>
- Ensure fair and equitable exams
- Grade assigned work in a timely manner, and to assign fair and equitable grades
- Offer and attend office hours
- Avoid discrimination of a student on the basis of race, color, religion, national origin, ethnic origin, gender, disabilities, sexual orientation, socioeconomic background or age
- Create a climate of honesty and trust, to educate students about the importance of academic integrity and to comply with university policies on academic integrity including the reporting of violations and upholding students' rights
- Uphold the academic freedom of students
- Not engage in unprofessional treatment; harassment, sexual misconduct and other forms of intimidation, of students (see also section V. 3.)
- Not require students to involuntarily participate in activities that are unrelated to learning, scholarship or social services
- Adequately accommodate students who require academic accommodations due to a physical or learning disability as described in the accessible education policy<sup>74</sup> (see also <https://dukekunshan.edu.cn/en/academics/advising/academic-accommodations> )

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<sup>72</sup> Refer to Duke Kunshan Academic Policies, approved by the DKU faculty in December, 2015.

<sup>73</sup> Refer to the Duke Kunshan University Policy on Faculty Absence from Campus during the Academic Year, approved by the DKU Faculty on May 9th, 2018.

<sup>74</sup> Refer to the Duke Kunshan University Faculty Handbook.

- Meet academic advising responsibilities:  
<https://dukekunshan.edu.cn/en/academics/advising/principles>.

#### **IV. 3. Engaging in Employment, Consultation or other Compensated Activities**

Faculty may not engage in compensated external employment other than consulting work (see below) for any employers other than DKU while they are considered to be “on-contract” to DKU, which is during the academic year for faculty with nine-month contracts (defined here as the date of opening convocation until the date of the graduation ceremony) or as defined in the letter of appointment for faculty with longer contracts. Examples of external employment include, but are not limited to,

- Part time or full-time employment for another company, organization or institution in exchange for compensation and/or benefits
- Teaching a course at another institution
- Teaching a course online which is not for DKU or Duke University credit and without prior agreement with DKU
- Receiving a salary supplement from an external funding source or another institution in return for collaborative research efforts.

During the period when faculty are “off-contract” they may engage in compensated employment outside of DKU, but are expected to meet their duties in service of DKU, such as scheduled committee meetings, scheduled summer classes *etc.*

Faculty who are on active leave and receiving full pay from DKU may not supplement their pay with additional employment. However, faculty on active leave who are receiving less than full pay from DKU may supplement their salary with part time employment, such as teaching a course for another institution, as long as it is approved by the Vice Chancellor of Academic Affairs.

Faculty may supplement their salary from their own external funding if allowable by the source, for research activities carried out while they are off contract; faculty who are paid a 12-month salary are not eligible for summer salary withdrawal from external funding sources<sup>75</sup>.

Professional service to the Community, such as participation on visiting committees, on advisory boards, on boards of trustees of other colleges and universities, or in professional associations, and consulting as a specific part of research with colleagues elsewhere, are acknowledged as part

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<sup>75</sup> Refer to Duke Kunshan University Guidelines for Withdrawal of Summer Salary from Sponsored Research Contracts and Other Allowable Externally-Generated Sources, approved by the Chancellors, September 13<sup>th</sup>, 2018.

of faculty's professional metrics. Duke Kunshan therefore encourages such activity provided that<sup>76</sup>,

- The faculty member's full time appointment employment obligations to DKU are met
- DKU is not party to consulting agreements made between faculty and external organizations
- Consulting activities are disclosed on an individual's Duke Kunshan University annual conflict of interest disclosure form
- The faculty member does not have an active personal consulting agreement and a sponsored research project with one sponsor simultaneously.

Full-time faculty may spend up to four days per month on consulting, averaged over an annual period of service based on term of appointment (e.g., nine-months or eleven months).

#### **IV. 4. Harassment, Discrimination, Sexual Misconduct and other types of Intimidation**

##### **DKU Statement on Diversity and Inclusion**

Duke Kunshan University welcomes passionate, creative, and intellectually-driven students, faculty, and staff from all walks of life, from all over the world. We affirm the diverse histories, perspectives, experiences, identities, languages, and cultures that enhance our community, and we aim to create an environment where all members of our community are accepted, appreciated, and celebrated. Our commitment to inclusivity is grounded in the University's mission. DKU is a community where those who study, live, and work see difference as an opportunity for meaningful dialogue, creative expression, and innovative thinking. The University aspires to foster mutual respect and understanding among and for all people, regardless of differing cultures, ethnicities, races, religions, genders, sexual orientations, ages, national origins, socioeconomic backgrounds, capabilities, or any other category that can be used to divide people. Our uniquely rich cultural community is designed to cultivate informed and engaged citizens of the world.

##### **IV.4.1. Harassment and Discrimination**

The University is committed to providing a work environment that is free from all forms of unlawful discrimination or harassment. The University strictly prohibits unlawful discrimination

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<sup>76</sup> Refer to Duke Kunshan University's Policy and Procedures Governing Faculty Consulting, adopted by the Board of Trustees, June 7<sup>th</sup>, 2016.

or harassment of any kind, including discrimination or harassment on the basis of sex (including pregnancy, childbirth or related medical condition), race, color, religion, gender, age, mental or physical disability, legally protected medical condition, national origin, marital status, veteran status, sexual orientation, or any other legally protected characteristic or condition. Harassment may take many forms including but not limited to,

- Verbal harassment, e.g., jokes, epithets, derogatory comments, or slurs on the basis of sex, race, national origin, or other prohibited basis
- Physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement of an individual on the basis of sex, race, national origin, or other prohibited basis
- Visual harassment, e.g., derogatory posters, e-mail, pictures, cartoons, graffiti, or drawings on the basis of sex, race, national origin, or other prohibited basis.

This is not a complete list of what may be deemed to be discriminatory harassment prohibited by DKU policy. As a general guideline, however, problems in this area can be avoided if we act professionally and treat each other with respect. The University's faculty harassment policies are described in more detail in the Faculty Handbook<sup>77</sup> as well as the Duke Kunshan University Policy on Prohibited Discrimination, Harassment, and Related Misconduct<sup>78</sup>

#### **IV.4.2. Sexual Misconduct**

It is everyone's responsibility to combat sexual harassment, but it is specifically the duty of officers, Deans, Divisional Chairs, faculty, directors, and supervisors to: foster an atmosphere in which such conduct is not tolerated; when proved, deal with such conduct firmly under the policies and procedures established by the University<sup>79</sup>; develop a greater awareness of the problem so that sexual harassment may be prevented; eliminate all forms of sexual harassment and intimidation of which they are aware. Sexual misconduct includes harassment of women by men, of men by women and same sex or gender-based harassment. Types of unacceptable sexual misconduct include, but are not limited to,

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<sup>77</sup> Refer to the Duke Kunshan University Faculty Handbook.

<sup>78</sup> Refer to Duke Kunshan University Policy on Prohibited Discrimination, Harassment, and Related Misconduct, under review November 5<sup>th</sup> 2020

<sup>79</sup> Procedures for addressing complaints of sexual misconduct by students are described in the Duke Kunshan University Student Handbook and the Duke Kunshan University Policy on Prohibited Discrimination, Harassment, and Related Misconduct under review November 5<sup>th</sup> 2020. Procedures for addressing complaints of sexual misconduct by faculty are described in the Duke Kunshan University Faculty Handbook and the Duke Kunshan University Policy on Prohibited Discrimination, Harassment, and Related Misconduct under review November 5<sup>th</sup> 2020.

- Sex or gender-based harassment
- Demands for sexual favors in return for rewards
- Sexual violence or sexual harassment of a student
- Unwelcome sexual advances, verbal or physical conduct of a sexual nature, and inappropriate display of sexual materials and/or acts in the workplace
- Consensual romantic or sexual relationships between faculty members and students enrolled in Duke Kunshan University or participating in Duke Kunshan educational programs are prohibited<sup>80</sup>.

#### **IV.5. Misconduct in Research**

Duke Kunshan University strives to foster an atmosphere of honesty and trust in which pursuit of knowledge can occur. Integrity of research forms the foundation of respect among scholars and students and between the academic world and the public. All members of the University faculty share responsibility for maintaining this climate of trust. Occasionally, however, scholars may, inadvertently or not, violate accepted norms of professional behavior, thereby jeopardizing the reputation of the University and possibly damaging their careers and those of colleagues. Misconduct is especially serious in collaborative research, where the reputations of several researchers pursuing different components of an integrated project may be damaged by the actions of one or more partners. Colleagues in a cooperative venture bear mutual responsibility for ensuring the integrity of research performed and published jointly under their names. Examples of activities representing misconduct in research include, but are not limited to,

- Claiming the ideas or words of another to be one's own
- Including false statements or data in research proposals, progress reports, publications, or related documents
- Manipulating research procedures or data so as to bias results
- Misusing confidential material such as manuscripts and grant proposals received in the peer review process and proprietary information or materials
- Unethical treatment of research subjects. All faculty research that intends the use of human or animal research subjects must be approved by the Institutional Review Board or the Institutional Animal Care and Use Committee respectively.

Procedures for investigating and handling allegations of misconduct in research are described in detail in the Duke Kunshan University's Policy and Procedures Governing Misconduct in Research<sup>81</sup>.

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<sup>80</sup> Refer to the Duke Kunshan University Policy on Consensual Romantic or Sexual Relationships between Faculty and Students, approved by the Chancellors, November 5<sup>th</sup>, 2018.

<sup>81</sup> Refer to Duke Kunshan University's Policy and Procedures Governing Misconduct in Research, approved by the Board of Trustees, June 7<sup>th</sup>, 2016.



#### IV.6. Abuse of Academic Resources

Duke Kunshan University is committed to excellence in scholarship and teaching and provides certain resources to faculty in pursuit of this goal. Academic resources available to faculty include

- Research awards discretionary funds and other subsidies provided by the University to support teaching or scholarship activities, or travel for the purpose of teaching or scholarship advancement
- Access to library resources including DKU and Duke University owned books, subscriptions and permissions to electronic and printed materials
- Equipment and consumables purchased by the University for the purpose of teaching or scholarship activities
- Buildings, laboratories, classrooms and other facilities located on campus or borrowed from off campus organizations for the purpose of teaching or scholarship activities.
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Examples of abuse of academic resources include,

- Misuse of University funds, or sponsored research funds: Funds provided by the University or sponsored research agreements must not be used for purposes other than those for which they were intended. Items purchased with university funds are DKU property and must remain at DKU if the faculty member leaves the University. A full list of allowable expenses is described in the Duke Kunshan University Faculty Funds Guidelines<sup>82</sup>. The specific requirements of sponsored research agreements should be followed with priority; it is the principal investigator's responsibility to make sure he/she understands the requirements of the sponsored research agreement, in consultation with the Office of Research Support and Technology Transfer.
- Misuse of library resources: Faculty have access to materials that are protected by copyright because the University has purchased the materials or a subscription to access the materials. Whole books may not be photocopied, and copies of non-open access articles or other protected digital material may not be uploaded to websites where others may access them freely. Articles, portions of films (not whole films) and sections of books for use in a class may be uploaded to the University Sakai site and made accessible only to the students who are enrolled in the class, provided that the author's name and the work's title are specified and all other requirements for "reasonable use" as defined by applicable law are satisfied. For more information on copyright see: <https://scholarworks.duke.edu/copyright-advice/>.

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<sup>82</sup> Refer to Duke Kunshan University Faculty Funds Guidelines, approved by the Vice Chancellor of Academic Affairs, June, 2018.

- Misuse of equipment and facilities: equipment and facilities owned by the University must be used for university business. Faculty may not use equipment or facilities for personal gain such as private enterprise. Faculty using university equipment and facilities must have adequate safety training and observe guidelines related to environment, health and safety: <https://dukekunshan.edu.cn/en/environmental-health-safety/about>.

#### IV.7. Conflict of Interest

Faculty should refrain from engaging in activities which may create a conflict of interest where faculty must choose between advancing personal interests or those of the University<sup>83</sup>. All employees must declare potential conflicts of interest annually.

The following examples represent situations where a conflict of interest may occur,

- Accepting money, entertainment or gifts of substantial value, from students and/or their parents, or from any other third party, when the gift may be construed as an inducement of any kind<sup>84</sup>.
- Offering an honorary or courtesy authorship of a scholarly publication in return for favors<sup>85</sup>.
- The University employees shall not contact, approach or in any way solicit from an advertising sponsor usage of their products and/or services at a complimentary or discounted price for either personal or business use without the prior approval of the Senior Leadership of the University<sup>86</sup>.
- Exploiting public offices for personal gain in the name of the school, using school's emblem or other resources. The Executive Vice-Chancellor is responsible for maintaining the University seal and its use or authorizing its use<sup>87</sup>.
- Showing favoritism or offering unfair advantages to prospective students during the admissions process: All faculty and staff participating in the student recruitment and admissions review work of Duke Kunshan University are required to uphold professionalism and the principle of "fairness and equity", and safeguard DKU's reputation and prospective students' legitimate rights and interests<sup>88</sup>.

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<sup>83</sup> Refer to Duke Kunshan University Faculty Handbook.

<sup>84</sup> Refer to Duke Kunshan University Faculty Handbook.

<sup>85</sup> For a list of acceptable criteria for authorship, refer to the Duke Kunshan University Guidelines for Authorship and Authorship Dispute Resolution, adopted by the Board of Trustees, June 7<sup>th</sup>, 2016.

<sup>86</sup> Refer to Duke Kunshan University Faculty Handbook.

<sup>87</sup> Refer to Duke Kunshan University Faculty Handbook.

<sup>88</sup> Refer to the Duke Kunshan University Code of Conduct for Recruitment and Admissions Review.

- Showing favoritism to students or adopting unfair practices when assigning grades: Faculty should provide students with clear learning objectives and their grading policies on course syllabi and ensure that their grading policies are fair and equitable. Students who deem their grade to be unfair have the right to take the matter to the Dean of Undergraduate Studies or if necessary, the Undergraduate Academic Review Board<sup>89</sup>.

#### **IV.8. Drugs, Alcohol and Gambling in the Workplace**

The University prohibits the sale, possession and use of drugs in the workplace. All employees are required to notify the University of any criminal, drug statute conviction within five days of the conviction. All employees are also prohibited from working under the influence of alcohol in the workplace. All employees are prohibited from betting on any university event. For more details regarding the University's drugs, alcohol and gambling policies see the Faculty Handbook<sup>90</sup>.

### **V. INVESTIGATION OF ALLEGATIONS OF FACULTY MISCONDUCT**

Possible violations of university policy and/or incidences of misconduct by a faculty member should be reported to the Vice Chancellor of Academic Affairs (VCAA), who consults with the DKU Compliance Committee (CC) to determine the investigation procedure to follow. If a faculty member violates a university policy that includes an approved investigation procedure, the approved procedure must be followed. This Code also provides a procedure for investigation of allegations of misconduct in cases where no existing university policy does so (see V.2. below). In such a case, the VCAA initiates an investigation when the allegation is of academic misconduct or violation of an academic policy. If it is determined by the VCAA and CC that the allegation involves a non-academic policy, the case may be investigated by the CC. The VCAA informs the faculty member under investigation immediately upon initiation of the investigation.

Allegations of discrimination, harassment or related misconduct involving a faculty member should be reported to the VCAA who initiates the investigation in consultation with the Senior Director of Human Resources<sup>91</sup>. The Office of Human Resources will establish any needed interim protective measures to provide for the safety of the parties and the campus community. Based on the decision made on a conduct case pursuant to this section, the VCAA may conduct appropriate disciplinary actions such as education, warning and other disciplines. If a faculty

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<sup>89</sup> Refer to Duke Kunshan Academic Policies, approved by the DKU faculty in December, 2015.

<sup>90</sup> Refer to Duke Kunshan University Faculty Handbook.

<sup>91</sup> Refer to Duke Kunshan University Policy on Prohibited Discrimination, Harassment, and Related Misconduct, under review November 5<sup>th</sup> 202

member appears to have violated a law or committed a crime, the case will be referred to the EVC and Chancellor, the appropriate authorities may be notified, and he/she may be subject to judicial procedures.

### **V.1. Reporting a Violation of Policy or Concerns about Possible Misconduct**

If a faculty member witnesses or is asked to participate in actions that are not consistent with DKU's values, policies, standards or laws, he/she may ask his/her unit head or the VCAA for advice. If that is not possible, he/she may contact [dku-compliance@dukekunshan.edu.cn](mailto:dku-compliance@dukekunshan.edu.cn) to report a concern. Faculty may also directly contact the Office of Human Resources or the Office of Audit and Internal Compliance. These resources are available during normal business hours for confidential advice and consultation.

### **V.2. Investigation Procedure**

Allegations of a violation of a university policy or an incidence of misconduct should be in writing. The VCAA may reject an allegation that does not adequately identify the nature of the violation, the evidence to support it or the evidence to show a good-faith effort to resolve the incidence.

The VCAA, upon request, shall have access to such university records, accounts, files, and other sources of information as may be pertinent to the case. The VCAA may additionally solicit written responses to the allegation from any or all parties named.

The VCAA will appoint an independent ad hoc committee to objectively examine the evidence and produce a report which concludes whether or not a violation of policy or a misconduct has occurred. The VCAA shall notify the faculty member under investigation of the names of the committee members, and he/she may challenge a member on grounds of personal interest or bias. If the VCAA agrees that a challenge is appropriate, he/she will appoint a replacement.

The VCAA must deliver a confidential written report of his/her investigation to the EVC within 20 working days<sup>92</sup> of initiating the investigation, which shall include the names of the parties concerned, the investigation process, an explanation of the findings, a conclusion and preliminary discipline recommendation.

The EVC shall read the VCAA's report and determine the final outcome based on the recommendation of the VCAA, in consultation with the Chancellor. The EVC may initiate further investigation if he/she deems that there is insufficient evidence to support the findings in the VCAA's report. Upon the decision of the EVC, the VCAA notifies the relevant parties of the final outcome in writing. A final report of the case shall be prepared by the EVC, reviewed and approved by the Chancellor and stored along with copies of all written evidences and correspondences relevant to the case for a period required by applicable regulations and university guidelines. The report shall remain confidential and will not be shared with other parties unnecessarily. However, while DKU is committed to respecting the confidentiality of all

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<sup>92</sup> An extension may be approved by the EVC under exceptional circumstances in complex situations.

parties involved in the process, it cannot guarantee complete confidentiality. Examples of situations in which confidentiality cannot be maintained include cases where DKU is required by law to disclose information and cases where confidentiality concerns are outweighed by DKU's interest in protecting the safety or rights of others.

Proceedings to dismiss a member of the University faculty who has tenure or whose term appointment has not expired shall be initiated by the EVC only after sufficient investigation has been made to determine that reasonable grounds exist, pursuant to the procedures and policies articulated in the Duke Kunshan University Policy on Academic Tenure and Faculty Appointment, Promotion and Tenure.<sup>93</sup> Suspension of a faculty member during dismissal proceedings is justified only if serious harm to himself/herself or to others is threatened by the continuance in the performance of his/her duties. Such suspension shall not interrupt the payment of the faculty member's salary and other compensation.

If the relevant parties are not satisfied with the decision of the EVC they may submit a complaint and corresponding evidence to the EVC within 15 days of receipt of the VCAA's written notification. The VCAA appoints the Faculty Hearing Committee or an ad hoc Hearing Committee in cases outside of the jurisdiction of the Faculty Hearing Committee, which committees will begin their investigation immediately. The Faculty Hearing Committee's composition and jurisdiction are described in the Duke Kunshan University Policy on Academic Tenure and Faculty Appointment, Promotion and Tenure<sup>94</sup>.

Detailed procedures for a hearing conducted by the Faculty Hearing Committee are described in the Duke Kunshan University Policy on Academic Tenure and Faculty Appointment, Promotion and Tenure<sup>95</sup>. Decisions of the Faculty Hearing Committee may be appealed to the Board of Trustees. The procedures for appeal are described in the Duke Kunshan University Policy on Academic Tenure and Faculty Appointment, Promotion and Tenure<sup>96</sup>. Decisions of the aforesaid ad hoc Hearing Committee may also be appealed to the Board of Trustees following procedures for appeal by reference to those mentioned in the immediately preceding sentence.

All reports produced as a part of the investigation, copies of written correspondences between the faculty member and relevant parties, as well as the final, Chancellor-approved report by the EVC shall be retained in a way as required by applicable regulations and university guidelines.

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<sup>93</sup> Refer to the Duke Kunshan University Policy on Academic Tenure and Faculty Appointment, Promotion and Tenure, approved by the Board of Trustees, November 17<sup>th</sup>, 2017.

<sup>94</sup> For a description of the Faculty Hearing Committee and more details, refer to the Duke Kunshan University Policy on Academic Tenure and Faculty Appointment, Promotion and Tenure, approved by the Board of Trustees, November 17<sup>th</sup>, 2017.

<sup>95</sup> Refer to the Duke Kunshan University Policy on Academic Tenure and Faculty Appointment, Promotion and Tenure, approved by the Board of Trustees, November 17<sup>th</sup>, 2017.

<sup>96</sup> Refer to the Duke Kunshan University Policy on Academic Tenure and Faculty Appointment, Promotion and Tenure, approved by the Board of Trustees, November 17<sup>th</sup>, 2017.

All parties involved in the case shall maintain confidentiality at all times. Any member of the investigating party who has a conflict of interest shall recuse him/herself, and a replacement shall be appointed by the VCAA.

## **Appendix E: Academic Tenure and Faculty Appointment, Promotion and Tenure Policy** [\(return to top\)](#)

*Adapted from Academic Freedom, Academic Tenure and Faculty Appointment, Promotion and Tenure at Duke University and Revised and Approved by Duke Kunshan Faculty, December 7, 2016, and approved by the Board of Trustees of Duke Kunshan University, December 14, 2016. Revised and approved by Duke Kunshan Faculty, October 25, 2017, and approved by the Board of Trustees of Duke Kunshan University, November 17, 2017, Footnote 14 added September 25, 2017, and approved by Duke Kunshan Faculty, October 25, 2017, and revisions following November 2017 DKU Board of Trustees Meeting.*

### **I. Academic Tenure**

#### **A. Academic Tenure**

1. Academic tenure may be achieved for a specific period of time in the case of "term appointments" or indefinitely in the case of "continuous academic tenure appointments." Members of the University Faculty with an unmodified rank of assistant professor, associate professor or professor in the defined faculty unit (including programs, centers) of their primary appointment shall have tenure after eight years of continuous service at the University<sup>97</sup>, or such shorter period as may be determined for individual cases by the Board of Trustees.
2. A faculty member at the regular tenure track rank of assistant professor or above with continuous full-time service at Duke Kunshan University for a total period of eight years in the unmodified rank of assistant professor, associate professor, or professor, and whose appointment extends beyond the eighth year of full-time service, attains continuous academic tenure at the beginning of his or her ninth year of service. By specific action of the Board of Trustees, a full-time faculty member at the regular tenure track rank of assistant professor or above may be granted continuous academic tenure before completing eight years of full-time continuous service at the University. If years of service at other institutions are to be counted toward the award of continuous academic tenure, this fact will be stated in the initial letter of appointment with no more than three years of full-time service to be credited. Appointments at the rank of associate professor with tenure or at the rank of full professor with tenure made from outside Duke Kunshan University are discussed in Section II D.
3. Persons holding administrative positions achieve academic tenure by reason of their academic instructional rank as provided by paragraph 2 above.
4. A faculty member who has been granted continuous academic tenure will not lose his or her tenure status if, with mutual consent of the University and the faculty member

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<sup>97</sup> Ordinarily, the pre-tenure period is seven years, with the tenure review occurring in the seventh year of continuous service and tenure beginning in the eighth year (section IIA). Duke Kunshan University has a responsibility to ensure the review is completed at the latest by the end of the eighth year or to automatically grant tenure, in which case tenure begins in the ninth year.

and with periodic review of the University, he or she transfers to part-time service.

## **B. Responsibilities**

The University faculty shall be responsible for the conduct of instruction and research in the various programs, centers and divisions in the University. The University faculty shall be subject to a code of professional conduct that requires faithful performance of duties, avoidance of conflict of interest, integrity in the conduct of research, and respectful treatment of students and colleagues. It may also consider and make recommendations to the Chancellor regarding any and all phases of education at the University. The University faculty shall approve and recommend to the Board of Trustees the persons it deems fit to receive degrees or other marks of distinction, and the establishment of any new degree or diploma.

## **C. Mutual Obligations**

The principles of academic tenure impose certain obligations both upon Duke Kunshan University and upon members of the faculty.

1. The University will give a faculty member at the time of appointment a precise statement in writing of the conditions of the appointment. This statement should include the rank, the salary, and the duration of the appointment (a date of termination or a statement that the appointment carries continuous academic tenure)<sup>98</sup>. All subsequent letters involving reappointment or promotion should specify the rank and the duration of the appointment.
2. With regard to the academic staff members who have concluded employment agreements with the University, the University may terminate the agreements prior to the expiration of terms by reaching mutual agreements with such staff members or terminate the agreements on the grounds provided in the relevant Chinese laws, even if the academic staff members are with a tenured appointment. The University shall pay severance to the staff members in accordance with the relevant provisions in Chinese laws. Whenever an appointment is terminated because of a decision not to continue a segment of the research or educational program, every effort will be made to reassign the academic staff involved to other University programs. If an academic position is terminated, it will not be reestablished and filled with new academic staff within a period of two years unless the appointment has been offered to the staff member who was originally displaced, and he or she has declined the appointment.
3. If termination of a tenured appointment is necessary because of a change in an academic program or its elimination, and reassignment to another faculty position is not feasible, the University will so inform the affected faculty in writing as soon as such a conclusion is reached. If the faculty member remains at Duke Kunshan and continues to teach in the academic program until the date on which the change or elimination of the program

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<sup>98</sup> Faculty of non-Chinese citizenship require a work permit to work in China and will be given a renewable, 5-year contract upon receiving tenure consistent with the Chinese work permit duration. Because of the nature of their tenure appointment, their contract with the University will be automatically renewed without the requirement for a review. However, the University cannot guarantee renewal of the work permit.



becomes effective, Duke Kunshan will, in addition to the faculty member's regular remuneration for their services to the University, provide to the faculty member a non-salary cash payment equal to one year of the faculty member's academic base salary, which payment shall include any statutory severance pay due under Chinese laws. Duke Kunshan University will bear the financial burden resulting from a termination in the event only a specific program is affected. The two partners, Duke University and Kunshan municipal government, will bear the financial burden resulting from a termination due to the closing of the entire University. Tenure-track faculty on term appointments who have not been awarded tenure will be treated consistent with other faculty on term appointments and given notice of the early termination of their appointment consistent with Chinese law in the event of a change in an academic program or its elimination, and in the case that reassignment to another position is not feasible.

4. In case of a term appointment, the University will notify the incumbent in writing of its intention to renew or not to renew the appointment as follows:
  - a. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
  - b. No later than January 15 of the second or subsequent academic years of service, if the appointment expires at the end of that year; or if an initial two-year appointment terminates during an academic year, at least five months in advance of its termination.
  - c. If the University is unable to provide notice of its intention not to renew the appointment by the date or time specified above, it will pay the incumbent the appropriate fraction of his or her academic year's salary in lieu of notice, appropriate being understood as the fraction covering the period between the required notification date and the date on which notification was actually provided.
5. As members of learned professions, faculty members of Duke Kunshan University should remember that the public may judge their professions and their institution by their actions. They should also remember that in a deeper sense they cannot separate freedom as a member of the academic community from their responsibility as a privileged member of society. When speaking, writing, or acting in the capacity of a private citizen, faculty members should do so consistent with applicable Chinese laws and make every effort to indicate that they are not spokespersons or representatives of the University.
6. A faculty member who resigns voluntarily should give due consideration to the problems that may arise in obtaining a replacement and should fix the effective date of resignation with this commitment in mind.
7. A faculty member should devote his or her professional efforts primarily to the promotion of the academic objectives of the University.
8. Tenure ceases to exist upon resignation of the faculty member from the University.

## II. Faculty Appointment, Promotion, and Tenure

The quality of its faculty is the most vital determinant of a great university. Further, the highest standards of appointment, promotion, and awarding of tenure are best achieved by a process of careful examination and review. Such review is most effectively accomplished by a collaborative process whereby the faculty itself, through highly respected representatives, provides its best judgment and advice to the responsible administrative officers.

Judgments of academic excellence are complex. They cannot be reduced to a quantitative formula nor can the considerations that must be applied in each individual case be completely described in general terms. At the same time, the criteria to be applied in all cases must represent excellence in the quality of the candidate's performance, especially as a teacher and as a scholar. Scholarly productivity must reflect a serious and sustained commitment to the life of scholarship.

All tenured members of the University's regular rank faculty are appointed or promoted by the Board of Trustees upon the recommendation of the Vice Chancellor for Academic Affairs, with the approval of the Executive Vice Chancellor.

### A. Tenure Requirement

#### 1. *Eligibility*

In order to be eligible for a tenured or tenure-track appointment, a faculty must:

- Be serving the University as a full-time faculty member.
- Not be (or not be in the process of becoming) tenured at another institution<sup>99</sup>.
- Hold the unmodified rank of professor, associate professor, or assistant professor. A faculty member whose title includes the words "of the practice" or "research" will not be considered to have an unmodified rank.

Eligibility for tenure or tenure-track does not guarantee tenure will be awarded.

#### 2. *Criteria*

The three primary criteria that are used to evaluate faculty members are quality of: 1. Teaching; 2. Research and/or other scholarly activities; 3. Service to the University.

Faculty of diverse talents, backgrounds and interests will be required if Duke Kunshan is to offer both an elite liberal arts education and an environment in which premier research centers can flourish. As a whole, the Duke Kunshan faculty will have strong commitments to teaching and research, and outstanding quality in both research and teaching will be highly valued.

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<sup>99</sup> Faculty tenured at Duke University will not have tenure at Duke Kunshan University.

Tenure at Duke Kunshan University, whether awarded to a faculty member currently on the Duke Kunshan faculty or offered to a scholar who is being recruited to the Duke Kunshan faculty, should be reserved for those who have clearly demonstrated the ability to serve as highly effective teachers with a strong commitment to Duke Kunshan University's educational programs, which place particular emphasis on liberal arts undergraduate education. Also important is faculty performance as scholars whose work has been widely perceived among peers as outstanding. The weighting of scholarship and teaching will depend on the nature of the appointment as defined by the expectations set forth in the original offer letter to the faculty. The expectation of continuous intellectual development and leadership as demonstrated by published scholarship that is recognized by leading scholars at Duke Kunshan, Duke, Wuhan Universities and elsewhere will be an indispensable qualification for tenure at Duke Kunshan University for those whose appointments include a significant research component. Highly effective teaching, strong commitment and dedication to innovations in pedagogy in liberal arts teaching, and contribution to the University community will be paramount for those for whom teaching was most heavily weighted in the original appointment letter; scholarship broadly defined, i.e. varying from one area of expertise and interest to another, will also be evaluated.

Tenured full professors play a critical role in determining the intellectual quality of the University. Thus, the rank of professor should be reserved for those who have clearly met the criteria for tenure and have demonstrated their continuous intellectual development and leadership. It should be clear that appointment to associate professor does not necessarily imply eventual promotion to full professor. Promotion to full professor should be reserved for those who have an academic record documenting a continuous high-quality performance level in at minimum two of the following three required components--research, teaching and service--together with a good performance record in the third required component. Length of service alone should not produce an expectation for promotion.

### **3. Pre-Tenure Period**

The pre-tenure period is seven years of full-time service<sup>100</sup>. The pre-tenure period shall begin when the faculty is first appointed to the rank of Assistant Professor or a higher rank. However, for a faculty member appointed to the rank of Assistant Professor or higher rank, who at the time of appointment does not have a Ph.D. or its equivalent, Duke Kunshan and the faculty member may decide at the time of appointment whether the pre-tenure period will begin at the time of appointment or upon receipt of by the faculty member a Ph.D. or equivalent. For a faculty member who has been employed as full-time faculty in the ranks of Assistant Professor, Associate Professor, or Professor at other institutions of higher education,

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<sup>100</sup> Policy and procedure for tenure clock relief is contained in the appendix.

Duke Kunshan and the faculty may agree (but neither is required to do so) that the faculty member be given credit for up to three years of prior full-time service to be included in the pre-tenure period, thereby enabling the faculty member to request an earlier tenure review.

Normally, the tenure review for a full-time, tenure-track faculty member will commence at the beginning of the seventh year of service. If the University notifies the faculty member in writing by the end of the seventh year of the pre-tenure period that tenure has not been awarded, employment agreement will terminate after the end of the eighth year. Tenure-track faculty members, however, may request consideration for tenure before completing six years of full-time service at Duke Kunshan in a tenure-track position.

## **B. Initial Appointment without Tenure**

Faculty appointments may be made without tenure either in a tenure track or a non-tenure track. The terms of that appointment shall be made clear to the faculty member at the time of appointment.

Tenure track positions are normally filled by faculty with the Ph.D. at the three regular rank tenure track titles of assistant professor, associate professor, or professor. Regular rank faculty without the Ph.D. are commonly appointed at the non-tenure track rank of lecturer or instructor. When such an appointment is made, the faculty member will not begin to accrue time toward tenure until the degree is awarded and he or she has been given a tenure track appointment. Subject to variations in hiring units, initial appointment to a regular rank tenure track position without tenure will be for a term of four years.

Faculty who do not hold tenure track positions will be given modified titles. The complete set of modified titles for non-tenure track faculty, approved by the Faculty Council and affirmed by the Board of Trustees, appears in the bylaws of the University faculty.

To ensure the hiring of high-quality faculty, it is essential to engage the corresponding departments and programs at Duke in the search process so that they feel they together with Duke Kunshan faculty, jointly “own” the program and feel that Duke Kunshan is a natural extension of their academic home and intellectual interests. In the early years of Duke Kunshan, all Duke Kunshan faculty searches will be conducted by search committees at Duke with participation of Duke Kunshan faculty whenever appropriate. Once the Duke Kunshan full-time faculty has reached its critical mass, this responsibility will shift more towards the Duke Kunshan full-time faculty. The Duke Kunshan Vice Chancellor for Academic Affairs (VCAA) will review the final short list from the search committee and make her/his recommendation to the Duke Kunshan Faculty Appointment Committee. The Duke Kunshan appointment committee will recommend the finalist(s) to the Duke Kunshan Executive Vice Chancellor (EVC). The VCAA will provide her/his independent evaluation and recommendation to the EVC. For joint appointments with Duke, the appropriate Duke faculty hiring process will be followed, and the Duke Kunshan VCAA will work closely with the dean or director of the corresponding school or program/institute at Duke. An agreement will be signed between Duke Kunshan and Duke for each joint appointment.

### **C. Annual Reviews and Reappointment to a Second Term**

Annual reviews of regular rank non-tenured tenure track faculty will be conducted by the director of a program/center, or dean for the purpose of providing direction and advice to the faculty member regarding progress at Duke Kunshan. In general, the advice of senior faculty in the unit will be solicited for this review. Renewal of the initial tenure track appointment for a second term which may extend through the end of the pre-tenure period will be made only on the basis of careful review at the academic unit (division or program/center), favorable recommendation by the Duke Kunshan Faculty Appointment Committee, and favorable recommendation by the Vice Chancellor for Academic Affairs. The purpose of this comprehensive review is to develop a judgment as to the faculty member's probable suitability for tenure at Duke Kunshan. The office of the VCAA will provide details of the reappointment review such as the timeline, the materials required, and any other procedural information.

### **D. Appointment and Promotion with Tenure**

All promotions that confer tenure and promotions to the rank of professor with tenure shall be considered by the APT committee.

Reviews for granting tenure or for promotion to associate professor with tenure or to professor shall initiate in the basic academic unit (division, or program/center). It is the responsibility of the recommending unit to assemble all the materials necessary for the review. The head of the unit initiating the recommendation (e.g., director of a program, or center, or a divisional dean) has the responsibility of insuring that the dossier sent out for review is as complete as possible. Once each academic unit reaches a critical mass in its tenured faculty, the head of the academic unit recommends to VCAA and the VCAA appoints an ad hoc tenure review committee within the unit to assemble the entire tenure dossier.

The complete list of materials to be included in the dossier is provided to the head of the academic unit by the Office of the Vice Chancellor for Academic Affairs.

The head of the academic unit will examine the dossier for completeness. If the head of the academic unit considers the dossier adequately presented and documented, it will be forwarded to the Vice Chancellor for Academic Affairs. However, the head of the academic unit may seek supplementary information to make his or her recommendation. All such requests and the resulting information shall be added to the dossier and kept confidential. The head of the academic unit shall present in writing his or her assessment of the candidate's scholarly credentials and suitability for tenure, or promotion. For the purposes of the APT Committee's consideration, the head of the academic unit should address only the candidate's scholarship, teaching, and service. If he or she so wishes, in a separate letter addressed only to the Vice Chancellor for Academic Affairs, the head of the academic unit may also present in writing additional information about the unit, its goals, needs, and the relation of the dossier to them; this institutional information is solely for the Vice Chancellor for Academic Affairs's consideration and is not germane to the considerations of the APT Committee. Such strategic

considerations are not to be considered by the APT Committee, but to be considered by the Vice Chancellor for Academic Affairs in cases of internal promotion to tenure.

The APT committee must formulate its own recommendations for presentation to the Vice Chancellor for Academic Affairs. When the APT committee and the Vice Chancellor for Academic Affairs' recommendations are favorable, the Vice Chancellor for Academic Affairs shall consult with the Executive Vice Chancellor (EVC). With the EVC's approval, the Vice Chancellor for Academic Affairs shall submit the recommendation to the Board of Trustees for final action.

For appointments hired at the rank of associate professor with tenure or at the rank of full professor made from outside Duke Kunshan University, the evaluation process can be initiated at any convenient time. Although the thoroughness and completeness of the process must not be compromised, sometimes the evaluation may pose problems in the recruitment process and must be conducted with delicacy and dispatch. The procedures to be followed are essentially the same as those for promotion described above and will be initiated whenever the outside scholar indicates a willingness to become a candidate and the authorized unit places his or her name in nomination along with a dossier.

Records of each case shall be properly safeguarded and when the case is completed, retained or deposited under appropriate controls in the University archives for a period to be determined by the University counsel.

## **E. Schedule**

Formal review procedures for promotion to full professor and/or granting tenure shall be initiated in the spring or summer of the academic year prior to that in which action by the Board of Trustees is required. It should, however, be noted that the work of the APT committee is conducted principally during the fall and spring semesters of the regular academic year. Faculty members will be notified of the Vice Chancellor for Academic Affairs' decision by April 1 when the recommendation of the academic unit and the complete dossier, including the written assessment from the head of the academic unit, are submitted to the APT through the office of the VCAA no later than November 1 for promotion to full professor and December 1 for promotion with tenure.

## **F. Responsibilities of the Appointment, Promotion and Tenure Committee (APT Committee)**

All appointments and promotions that confer tenure and promotions to the rank of professor shall be considered by the APT Committee, while the Duke Kunshan Faculty Appointment committee will be responsible for the remaining faculty appointments and promotions: tenure track, and non-tenure-track appointments, and non-tenured reappointments. The APT committee will initially consist of seven Duke University tenured faculty members with at least two of them having strong affiliations with Duke Kunshan

through research and/or teaching, and /or academic administration, and two Wuhan University senior faculty members. The criteria and nomination procedure for the APT committee members are the same as articulated in Exhibit 5 of the Cooperative Educational Agreement. In making nominations, consideration should be taken for balance among divisions, programs, and academic disciplines within the faculty. The appointment term should be two years and the membership can be extended by one additional term in the early stage of the University's development to provide the needed continuity. The chair shall be selected by the committee and will be appointed for a one-year term, renewable.

Once Duke Kunshan establishes a sizable (6-10) tenured faculty base, the Duke Kunshan APT committee will have two tenured faculty members from Duke Kunshan to replace two members from Duke. As soon as there are enough (10 or more) tenured full professors at Duke Kunshan to staff the full APT committee, this responsibility will move fully to Duke Kunshan<sup>101</sup>.

The APT Committee is charged with evaluating the dossiers forwarded to it, consistent with standards enunciated in this document. If the APT Committee has questions about materials in the dossier, or if it lacks certain documentation, the committee will ask the head of the originating unit for clarification or additional materials. The APT Committee may supplement the outside letters received about a candidate with additional letters or reports from evaluators who are competent to judge the candidate's scholarship. Should the APT Committee decide, in its sole discretion, that it needs additional advice, it reserves the option to establish an ad hoc panel to review the dossier. This panel may gather additional information, if necessary, and will be asked to provide the APT Committee with a written evaluation. Panel members will be selected on the basis of their knowledge of the candidate's field and an overall balance of perspectives. An APT Committee member normally will serve as liaison between the ad hoc panel and the APT Committee.

Individual faculty members may write to the APT Committee (or to the Vice Chancellor for Academic Affairs, who will refer such letters to the APT Committee) with regard to any case being considered by that committee. Such communications will be added to the dossier and kept confidential.

The APT Committee must then formulate its own recommendations for presentation to the Vice Chancellor for Academic Affairs. In general, a quorum requires seven voting members unless a sufficient number of votes, affirmative or negative, has been cast to represent an absolute majority (five) of the committee. A recommendation should be considered definitive only if it has been supported, affirmatively or negatively, by vote of an absolute majority (five) of the APT Committee. In the event the APT Committee's recommendation is negative, the Vice Chancellor for Academic Affairs will review the dossier (prior to notification of the candidate or academic unit) to determine whether all factors relating to the merit and value of the candidate, including ethnic, racial, and gender diversity, have been fully and adequately considered.

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101 There should be flexibility in adjusting the composition of the APT upon the recommendation by VCAA and EVC, and the approval by the DKU Board of Trustees.

The Vice Chancellor for Academic Affairs will inform the APT Committee of his or her decision. Should the Vice Chancellor for Academic Affairs choose not to accept the recommendation made by the APT Committee, the Vice Chancellor for Academic Affairs shall consult with the Executive Vice Chancellor and so inform the committee in writing and indicate the basis for the decision. The Vice Chancellor for Academic Affairs will communicate to the appropriate head of the unit his or her decision and the major factors underlying it. The head of the unit will communicate this to the candidate. If the Vice Chancellor for Academic Affairs intends to render a negative decision on a case already considered by the APT Committee, the Vice Chancellor for Academic Affairs will inform the candidate and the head of the unit. An appeal of the Vice Chancellor for Academic Affairs' impending decision, from any or all of these two parties, may then be made within the following two weeks, submitted through the head of the unit. The Vice Chancellor for Academic Affairs will also provide a copy of the official APT memo summarizing the case and the deliberations of the APT Committee. If the Vice Chancellor for Academic Affairs intends to act contrary to a positive recommendation from the APT Committee, the Vice Chancellor for Academic Affairs must provide the basis for this decision. On the basis of this appeal, the Vice Chancellor for Academic Affairs may then either refer the case back to the APT Committee and ask for reconsideration of its recommendation or make his or her decision without referral after consultation with Executive Vice Chancellor. On any one case the originating academic unit and/or candidate is limited to one appeal. Generally, if a candidate's tenure dossier is forwarded by the academic unit, the APT Committee will consider the candidate only once. Thus, a faculty member whose tenure review is undertaken by the APT Committee during his or her initial contract term, and who is turned down for tenure by the University, shall be allowed to complete the term of the original appointment, but his or her tenure track appointment shall not be renewed or extended. However, a tenure track faculty member who has been turned down for tenure by the University may apply during an authorized search for an existing non-tenure track position at Duke Kunshan.

When the Vice Chancellor for Academic Affairs' recommendation is favorable, the Vice Chancellor for Academic Affairs shall consult with the Executive Vice Chancellor. With the Executive Vice Chancellor's approval, the Vice Chancellor for Academic Affairs shall submit the recommendation to the Board of Trustees for final action.

Records of each case shall be properly safeguarded and when the case is completed, retained or deposited under appropriate controls in the University Archives for a period to be determined by the University counsel.

## **G. Post-Tenure Review**

To encourage, support and ensure the continued academic productivity and excellence in teaching of all faculty members at Duke Kunshan University, and to promote and support continued faculty development, every tenured faculty member shall be reviewed through the post tenure review process every five (5) years after having been tenured. Exceptions may be granted at the discretion of the Vice Chancellor for Academic Affairs for faculty members who have submitted a letter of intent to resign. Faculty in administrative positions covered by a



regulation requiring a regularly scheduled review of administrative performance are not subject to this regulation until they have served in a position with primarily faculty responsibilities for five (5) years. An extension of up to one (1) year may be granted with the approval of the Vice Chancellor for Academic Affairs when compelling circumstances make completing the review during the fifth year an undue burden on the faculty member and/or the academic unit.

Post-tenure review is not a re-evaluation of tenure. Rather, it is an assessment of continued performance post-tenure. It will be conducted in a manner that protects academic freedom and the quality of education. The office of the Vice Chancellor for Academic Affairs will establish detailed procedures for post tenure review, to include a comprehensive, periodic, review of the performance of each tenured faculty member. The product of the review will be a written report and conversation with the Executive Vice Chancellor and the Vice Chancellor for Academic Affairs concerning overall performance in the preceding 5-year period and a professional development plan for the next five years.

## **H. Confidentiality Policy**

Pursuant to University custom and policy, all documents contained in the dossier with the exception of the materials directly submitted by the candidate are considered confidential, as is the identity of all external reviewers. The total dossier is made available only to those individuals officially responsible for recommendations and/or decisions on the candidate's status. These individuals include (1) the head of the unit and administrative assistants of the head; (2) the Vice Chancellor for Academic Affairs and his/her staff, the APT committee and related committees; (3) the Executive Vice Chancellor; and (4) the Board of Trustees. All individuals participating in the APT process are expected to adhere to this statement regarding confidentiality.

Ad hoc panels and/or individual additional external reviewers may be consulted by any of the above listed university administrators or faculty bodies with the expectation that the privacy and confidentiality of the dossier is protected.

## **III. Procedures for Appointments, Reappointments, and Promotions for Regular, Non-Tenure Track Faculty**

### **A. Duke Kunshan Faculty Appointment Committee**

The Duke Kunshan Faculty Appointment Committee will be responsible for all regular rank, initial tenure track, and non-tenure track appointments and reappointments, and non-tenure track promotions. The Duke Kunshan Faculty Appointment Committee consists of nine faculty members appointed as follows: five members of the Duke University Faculty (to be nominated by the Duke University Provost), two members of the Wuhan University Faculty (to be nominated by Wuhan University) and two members of the Duke Kunshan faculty (to be

nominated by the Duke Kunshan University Vice Chancellor for Academic Affairs). The Duke and Wuhan representatives shall be senior faculty members with substantial engagement with Duke Kunshan University. Once the Duke Kunshan full-time faculty has reached its critical mass, this responsibility will shift more towards the Duke Kunshan full-time faculty upon the approval of the Duke Kunshan Board of Trustees.

## **B. Authorization**

The Vice Chancellor for Academic Affairs authorizes academic units to recommend new appointments. Academic units themselves originate recommendations for reappointments and for promotions of full-time faculty in regular, non-tenure track ranks.

## **C. New appointments**

The Vice Chancellor for Academic Affairs establishes policy regarding whether a search is required for new appointments. The Vice Chancellor for Academic Affairs also defines the procedures for such a search and establishes the criteria for evaluating new appointments with input from the head of the units.

## **D. Criteria for appointment, reappointment and promotion**

The criteria for evaluating candidates for appointment, reappointment and promotion in regular, non-tenure track ranks as described in Appendix 2 and Appendix 3b (research and scholarship in the creative arts) will ensure comparable standards throughout the University. Candidates for reappointment or promotion will have access to these criteria prior to their review. Criteria should be more rigorous for each higher level of faculty rank and in general should be parallel to but not necessarily equivalent to those used for tenure track or tenured faculty. The Vice Chancellor for Academic Affairs is responsible for ensuring equally rigorous criteria in different academic units. Appointment or promotion to the rank of Research Professor or Professor of the Practice requires outside review according to procedures that are determined by the Vice Chancellor for Academic Affairs.

## **E. Selection of the Review/Search Committee**

The head of the academic unit nominates a review committee consisting of at least three faculty members. In the case where a new appointment requires a search, the review committee acts as the search committee. Members of the committee<sup>102</sup> must hold a position higher than that of Lecturer or Instructor and, for appointments and promotions, must also be of equivalent or higher rank than that to which the nominee is to be appointed or promoted. For

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<sup>102</sup> Before Duke Kunshan establishes a sizable faculty body, such committees will be staffed mostly by Duke University faculty.

reappointments, members of the committee must be of higher rank than the candidate except in the case of reappointments at the levels of Research Professor and Professor of the Practice of ..., where members of the committee will be of equivalent rank. The heads of the academic units do not serve as members of the review/search committee unless approved to do so by the VCAA, as in cases where no other member of the academic unit has equivalent expertise or when members of appropriate rank in other academic units are unavailable.

The following definitions are only for the purpose of determining eligibility to serve on review/search committees for regular non-tenure track faculty and to vote on the recommendations of such committees at the academic unit level:

Assistant Professor, Assistant Professor of the Practice of..., and Assistant Research Professor, are equivalent.

Associate Professor, Associate Professor of the Practice of..., and Associate Research Professor, are equivalent.

Professor, Professor of the Practice of ..., and Research Professor, are equivalent.

## **F. Review/Search Committee action**

For all appointments, reappointments and promotions, the review/search committee assembles a dossier containing the candidate's CV and any other relevant materials and evaluates the candidate using the criteria established by the office of the Vice Chancellor for Academic Affairs. In the case of a new appointment requiring a search, a search committee is set up, and it follows the procedures established by the office of the Vice Chancellor for Academic Affairs. The committee then prepares a written report to the Vice Chancellor for Academic Affairs. The Chair of the committee transmits the candidate's dossier, other relevant materials and a cover letter reporting the recommendation of the committee.

The entire dossier, together with the committee report and transmittal letter are forwarded to the Duke Kunshan Faculty Appointment Committee through the office of the VCAA for its evaluation. In the case of a favorable recommendation from the Duke Kunshan Faculty Appointment Committee, the Vice Chancellor for Academic Affairs decides whether to proceed with the initial appointment, reappointment or promotion and forwards a recommendation to the Executive Vice Chancellor, who, upon favorable evaluation, takes it to the Board of Trustees for approval. If the Vice Chancellor for Academic Affairs' decision differs from the committee recommendation, she/he explains her/his reasons to the committee and sends a letter to the candidate informing her/him of the decision.

In the case of an unfavorable committee decision, the Vice Chancellor for Academic Affairs also sends a letter to the candidate informing her/him of the decision. Within two weeks of receiving this letter, the candidate may appeal the unfavorable committee decision to the Vice Chancellor for Academic Affairs.

## **G. Promotions**

All reviews for promotion should include an evaluation for reappointment as well. An unfavorable decision for promotion should not influence the decision for reappointment, which is based on less rigorous criteria.

## **H. Periodicity of review**

Initial appointments are reviewed for either reappointment or promotion within four years or less. Subsequent reviews are done at least every five years. More frequent review is at the discretion of the Vice Chancellor for Academic Affairs. Reviews for appointment, the first review after appointment, and promotion should be detailed; reviews for subsequent reappointment may be less detailed.

## **I. Relationship between the review and the contractual processes**

For appointments in different units, the contractual cycle might be different. For example, where contract renewal is dependent on the availability of soft funds such as research grants, which have their own renewal cycles, it may not be feasible to synchronize the review and contractual processes. Therefore, it is necessary to distinguish between the two. The purpose of review for appointment, reappointment or promotion should be to evaluate an individual's qualifications for a specific faculty title and in most cases for a specific task. Successful review is not necessarily synonymous with contract renewal, although it might be considered to be so. For instance, if a research grant is due for renewal in less than a year, it might be impossible to offer more than a one-year contract to an Assistant Research Professor who has just completed a successful review, even though the previous contract had been for a longer period. The use of short-term contracts demands, however, that the Vice Chancellor for Academic Affairs consider carefully the nature of the "intent of ongoing contractual relationship [of the faculty member] to the University", since such intent is a requirement for regular non-tenure track faculty. In summary, for regular non-tenure track faculty a successful review is necessary but not sufficient to permit renewal of a contract that is dependent on the availability of funding support.

In some cases, it might be possible to solve the problem of asynchrony through the use of rolling contracts. For example, if a review during the third year of a five-year contract were favorable, a new five year contract could be made which started at the end of the review year and extended to the end of year eight. Unfavorable review would allow the individual to continue to the end of the current five-year contract.

When review for reappointment is unfavorable while a contract is still in force, an individual might continue at the same or similar task with a different title, one that does not convey regular faculty status. It is conceivable that the individual might even be offered a new contract, as in the case where failure to reappoint is due to the loss of an instructional component in the position, but the individual still performs a valuable service.

## **IV. The Faculty Hearing Committee**

### **A. Composition of the Committee**

The Faculty Hearing Committee (FHC) shall consist of five tenured faculty members appointed as follows: three members of the Duke University Faculty to be nominated by the Duke University Provost in consultation with the Duke Kunshan University Vice Chancellor for Academic Affairs, and two members of Wuhan University (to be nominated by Wuhan University). All the members shall have substantial engagement with Duke Kunshan. The body of the committee shall be a reasonable representation of the academic fields at Duke Kunshan.

Once Duke Kunshan establishes a sizable (6-10) tenured faculty base, the Duke Kunshan FHC committee will have two tenured faculty members from Duke Kunshan to replace one member each from Duke and Wuhan, respectively. As soon as there are enough tenured Duke Kunshan faculty members to staff the full FHC committee, this responsibility will move fully to Duke Kunshan<sup>103</sup>.

The Faculty Hearing Committee shall select its own chair from among its members.

### **B. Jurisdiction**

The FHC shall have jurisdiction to consider complaints from faculty and instructional staff concerning one or more of the following matters:

- a. Dismissal for misconduct or neglect of duty.
- b. Termination of appointment prior to its expiration date;
- c. Disputed claims by a faculty member regarding the existence of tenure;
- d. Allegations of violation of academic freedom;
- e. Allegations of violation of academic due process with respect to an adverse employment or disciplinary action, including allegations of biased or prejudiced conduct by a decision-maker of a substantial nature that likely had a material impact on the outcome of the proceedings;
- f. Allegations of adverse employment action involving discrimination on the basis of race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, sex, genetic information, or age. Adverse employment actions include actions with respect to the member's rank, salary, fringe benefits, sabbatical and other leaves with or without compensation, workload or work assignment, promotion, tenure, and extension or termination of employment.

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<sup>103</sup> There should be flexibility in adjusting the composition of the FHC upon the recommendation by VCAA and EVC, and the approval by the DKU Board of Trustees.

- g. Allegations of damaging instances of harassment directed against the complainant by other members of the University community after failure of a University officer or agency to resolve the matter.
- h. Appeals from the findings by a harassment grievance hearing panel or the decision by a responsible official based on such findings.

## **C. Procedures**

### **1. *Hearing Procedures for Cases Involving Dismissal***

- a. Proceedings to dismiss a member of the University faculty who has tenure or whose term appointment has not expired shall be initiated by the EVC only after he or she has made sufficient investigation to determine that reasonable grounds exist. The EVC should ordinarily discuss the matter informally in personal conference with the faculty member in question. If the EVC discusses the matter with other officers of the University and with other members of the faculty, care should be taken to keep in confidence any accusations that may reflect adversely on the faculty member under investigation.
- b. If a mutually satisfactory adjustment does not result from the informal discussions contemplated in paragraph a, the EVC may then commence formal proceedings to consider the question of dismissal by service of a written notice on the faculty member. The written notice shall include a statement informing the faculty member of the grounds proposed for dismissal set forth in as much detail as is practicable, and of the right, if he or she so requests, to a hearing to be conducted by the Faculty Hearing Committee at a time and place specified by the committee. The written notice shall also be accompanied by copies of or references to the applicable bylaws and other governing documents of the University establishing the faculty member's rights and by a summary of the evidence on which the charges are based and a preliminary list of witnesses to be called to testify at the hearing. The faculty member should reply in writing to the charges and specify whether he or she wishes a hearing.
- c. Procedures for the hearing are described in IV. C. 2.
- d. Suspension of the faculty member during the dismissal proceedings is justified only if serious harm to himself or herself or to others is threatened by the continuance in the performance of his or her duties. Such suspension shall not interrupt the payment of the faculty member's salary and other compensation.
- e. Except for announcements to inform interested persons of the time and place of the hearing and similar matters, public statements about the case shall be avoided in so far as is possible until the proceedings have been completed. If a public announcement of the final decision is made by the EVC, it will include a statement of the Faculty Hearing Committee's recommendations.

## 2. *Hearing Procedures*

The Faculty Hearing Committee may act on disputed claims within their jurisdiction under the procedures described below.

- a. Complaints and all supporting evidence shall be in writing. The FHC may reject any complaint that does not adequately identify the nature of the complaint, the evidence to support the allegations, and the evidence to show a good faith attempt to resolve the complaint. The FHC shall reject any complaint that has been the subject of a previous proceeding, unless significant new facts are presented. The FHC, upon request, shall have total access to such university records, accounts, files, and other sources of information as may be pertinent to the complaint or respondent's reply.
- b. The complaint shall be filed with the FHC as soon as possible after the occurrence of the action that is the subject of the complaint. The complaint shall:
  - 1) Identify the complainant and the respondent;
  - 2) State the action(s) complained of and whether all action is considered complete or still in process;
  - 3) Specify the nature of the complaint;
  - 4) Identify all efforts by the complainant to resolve the dispute;
  - 5) Propose a desired remedy;
  - 6) Include such attachments, exhibits, and statements in support of the complaint as can reasonably be included;
  - 7) Name any persons thought contributory to decisive action who are also to be considered hostile toward or biased against the complainant.
- c. In cases involving dismissal or termination, the respondent is the Executive Vice Chancellor or the Executive Vice Chancellor's designate. In other cases the respondent designated by the FHC will usually be the head of the academic unit in which the complainant is a member. Complaints shall be brought by individuals and not on behalf of a class.
- d. Upon receipt of a complaint, the chair of the FHC may require written response to the grievance from any or all respondents named, and additional written submissions from either party, to focus the area of disagreement between the parties. Failure of timely response shall be grounds for finding against the non-responsive party. When the Executive Vice Chancellor is a respondent, and is represented by a non-responding representative, the Executive Vice Chancellor shall have reasonable opportunity to name another representative.
- e.
  - 1) If the chair of the FHC considers that a complaint falls within the jurisdiction of the FHC, as specified in section IV.C.2.b above, the chair of the FHC shall

appoint a panel to conduct a hearing (if the panel decides that a hearing is necessary), to prepare a report, and to make recommendations. If the chair of the FHC considers that jurisdiction is in question, that question shall be decided in a meeting with at least two other members of the FHC. If there is a finding of jurisdiction, the chair shall appoint a panel to conduct a hearing (if the panel decides that a hearing is necessary), to prepare a report, and to make recommendations. If the finding is that the complaint is not within FHC jurisdiction the chair shall report that conclusion of the complaint to the complainant. To the extent possible, panels shall be drawn from the current members of the FHC, and if possible, it is advisable that at least one member of each panel be trained in law. The chair of the FHC shall notify both parties of the names of the panel members. Either party may challenge a panel member on grounds of personal interest or bias. If the chair agrees that a challenge is appropriate, the chair shall appoint a replacement panel member. The chair shall designate one of the panel members to act as presiding officer. The chair shall notify the complainant and the respondent of the membership of the panel and of the presiding officer.

- 2) Except in cases of denial of tenure or denial of reappointment, where panels should include five members, the chair of the FHC has discretion, after notifying both parties and considering any objections, to name panels of only three members in cases where time available, workloads, and FHC member availability make it necessary. Former FHC members may also be appointed in cases of such necessity.

f.

- 1) If a panel deems a hearing necessary, it shall be held as expeditiously as possible at a time and place mutually agreeable to the hearing panel, the complainant, and the respondents. In case of dispute, the presiding officer shall set the time and place.
- 2) The hearing shall be conducted in private unless the complainant and respondents both/all agree otherwise. The Chancellor, Executive Vice Chancellor or the Vice Chancellor for Academic Affairs, if a party, shall have the option of attending the hearing, and may also designate an appropriate representative, who shall not be trained in law, and shall not be anyone designated a respondent under IV.C.2.b.7)., to develop the case before the panel. Neither party may have an attorney present at the hearing to serve as an advisor. Advisors may be present but may not take an active part in the hearing nor be someone with a law degree. The presiding officer shall be responsible for maintaining decorum, assuring that the parties have a reasonable opportunity to present relevant oral and documentary evidence, determining the order of procedure, and making all procedural decisions. The hearing need not be conducted strictly in accordance with rules of evidence, but the presiding officer may exclude irrelevant evidence.



- 3) During the hearing, each party shall have the right, within reasonable limits set by the hearing panel, to:
    - i. Call, examine, and cross-examine witnesses;
    - ii. Introduce exhibits;
    - iii. Rebut any evidence. If the complainant has difficulty securing the attendance of witnesses to testify on the complainant's behalf, the University administration shall assist by requesting such witnesses to appear.
    - iv. All evidences, written and oral, shall be recorded by a means furnished by the University.
  - 4) A panel may hold sessions involving just the panel and the parties, in order to hear arguments and rulings germane to further hearing sessions.
  - 5) The complainant shall have the right to confront at the hearing all witnesses or other persons the complainant considers adverse, including those named in IV.C.2.b.7), above, as subsidiary respondents, except as provided herein. Where unusual and urgent reasons move the hearing panel to permit the introduction of particular testimony taken outside of the hearing, the identity of each such outside witness, as well as the statements taken outside, should be disclosed to the complainant. Subject to these safeguards, statements may, when necessary, be taken outside of, and reported at, the hearing.
  - 6) In cases involving dismissal for misconduct or neglect of duty or in the case of termination of an appointment prior to its expiration date, the burden shall be upon the Executive Vice Chancellor or his/her representative to prove by a preponderance of the evidence the existence of misconduct or neglect of duty justifying dismissal or termination. In all other cases, the burden shall be on the complainant to prove by a preponderance of the evidence that the action complained of involved a violation of university policy.
  - 7) The hearing panel and the parties shall not disclose information of a private or confidential nature obtained in the course of these proceedings, except as directed in IV.C.2.g. below or where required by law.
- g. Findings and Recommendations
- 1) Except in demonstrated extraordinary circumstances, the hearing panel shall have ninety days from the time the panel is constituted in which to prepare a report of its findings and recommendations. The report shall be by majority vote and shall be based on the evidence presented at the hearing. The report shall include the panel's findings of fact and its conclusions.
  - 2) The presiding officer shall send notice of the findings and recommendations of the hearing panel to the parties, the chair of the FHC, the chair of the Faculty Council, the Vice Chancellor for Academic Affairs, and Executive Vice

Chancellor. If the Executive Vice Chancellor is also a respondent, the report shall be sent directly to the Chancellor.

- 3) If due process is found to have been violated in a decision not to renew a term appointment, grant tenure, or promote in rank, the hearing panel may request that the decision be reconsidered, along with recommended procedures. The Vice Chancellor for Academic Affairs may request that the FHC modify or amend its request for reconsideration or recommendation of procedures in instances where effectuation of the FHC panel decision is seen as imprudent, impractical, or unnecessarily repetitious. The Vice Chancellor for Academic Affairs shall implement the FHC recommendation unless he or she determines that it is outside the jurisdiction of the FHC; that it is not supported by substantial evidence, is clearly erroneous, or violates fundamental university policy; or that other extraordinary and unusual circumstances require non-implementation. The Vice Chancellor for Academic Affairs must state in writing the reasons for not implementing the FHC recommendation and refer the matter to the Executive Vice Chancellor. The faculty member and the FHC shall be informed of the action of the Vice Chancellor for Academic Affairs and given the opportunity, if they wish, to present reasons why the FHC recommendations should be accepted.
- 4) In all cases within its jurisdiction, except those cases enumerated in subparagraph 3) immediately above, the FHC may recommend any remedy not inconsistent with university policy.

#### ***h. Appeals***

- 1) Decisions of FHC panels in the further class of cases involving disputed claims by a faculty member to the existence of tenure, involving academic freedom, involving dismissal for misconduct or neglect of duty, or involving termination of an appointment prior to its expiration date are subject to review only by the Board of Trustees pursuant to the request of the complainant or respondent. Any such request for review must be made in writing and within ten business days after receipt of the FHC panel decision. If the Board of Trustees wishes to consider taking action in the case, its review shall be based on the record of the hearing, accompanied by opportunity for argument, oral or written or both, by the principals at the hearing or their representatives. The Board of Trustees may also consult with the hearing panel. The Board of Trustees may accept, reject, or modify the findings or recommendations of the FHC.
- 2) In cases involving allegations concerning academic due process:
  - a) A complainant not satisfied with the findings and recommendations of the FHC may appeal in writing to the Executive Vice Chancellor within ten business days of receipt of the FHC report, giving reasons why he or she

believes that the FHC erred and specifying what actions he or she believes the FHC should have recommended, except that in cases also covered by paragraph 3). below the time for appeal in the aspect of the case coming under this paragraph 2). shall be the same as for the aspect governed by paragraph 3).

- b) If the Vice Chancellor for Academic Affairs does not wish to implement any or all of the FHC recommendations (for grounds of possible refusal, see paragraph IV.C.2.g.3).), he or she must state in writing within ten business days of receipt of the FHC report the reasons why he or she believes that one or more of the grounds for refusal is applicable and refer the matter to the Executive Vice Chancellor.
  - c) The appeal statement of a complainant, or the reference of a matter to the Executive Vice Chancellor by the Vice Chancellor for Academic Affairs, with statement of reasons, shall be made available to the adverse party and to the FHC at the same time it is sent to the Executive Vice Chancellor. The adverse party and/or the FHC may within ten business days of receipt of the appeal or reference submit to the Executive Vice Chancellor reasons why the FHC's refusal to recommend relief should be upheld or the FHC's findings and recommendations accepted. The Executive Vice Chancellor shall respond within thirty days thereafter to the appeal or reference.
  - d) A complainant not satisfied by the action of the Executive Vice Chancellor may by letter to the University Secretary, request review by the Board of Trustees within ten business days of notice of the Executive Vice Chancellor decision. The Board of Trustees may consider review under the terms and conditions defined in subparagraph 1)., immediately above.
- 3) Decisions of the FHC in cases involving discrimination as defined in section IV.B.f. above or harassment as defined in section IV.B.g. or section IV.B.h. above shall be submitted to the Executive Vice Chancellor who shall decide within ten business days after receipt of the FHC decision whether to accept, reject, or modify the findings or recommendations of the hearing panel. The decision of the Executive Vice Chancellor may be appealed to the Chancellor by the respondent or complainant within ten business days after receipt of the decision. The Chancellor shall make a decision within thirty days of the request for review. The decision of the Chancellor may be reviewed by the Board of Trustees pursuant to the request of the complainant. Any such request for review must be made in writing and within ten business days after receipt of the decision by the Chancellor. The Board of Trustees may consider review under the terms and conditions defined in subparagraph 1)., immediately above.
- i. Records. A file in the FHC shall be maintained for retention of all records created pursuant to these procedures. The office of the Faculty Council shall also seek and

accept records arising from FHC chair and panel activities. Such records shall be kept in both custodies for at least three years.

## **Appendix E1: Tenure Clock Relief**

A non-tenured member of the faculty shall be eligible for an extension of the tenure probationary period for life events that can reasonably be expected to markedly delay the research process. Extensions can be for either one or two semesters, where a semester is defined as six months in duration. For life events in category 1, there is no limit in the number of extensions that can be granted. For each of the life events numbered 2-6 below, a maximum of two extensions of the tenure probationary period will be granted for separate events. Excluding category 1 extension, it is expected that in total, a three-year overall limit in tenure clock relief will not be exceeded. Life events that can be expected to markedly delay the research process are defined as these circumstances:

1. a child is born or adopted into the faculty member's household (one year relief; if both parents are untenured faculty members and both are significantly engaged in caring for the new child, then each parent in the household is eligible for one year of relief)
2. by reason of a serious health condition persisting for a substantial portion of a semester, the faculty member is required to act as the primary caregiver for a parent, child, spouse, or domestic partner (one semester relief)
3. by reason of a serious health condition persisting for a substantial portion of the period for which the extension is sought, the faculty member is unable to perform the functions of her or his position (maximum two semester relief)
4. by reason of death of a parent, child, spouse, or domestic partner (one semester relief)
5. by reason of a catastrophic residential property loss (each faculty member in the household eligible for one semester relief)
6. by reason of other family or personal priority for which the faculty member has received approval for a Flexible Work Arrangement (three months relief for each year of approved Flexible Work Arrangement, rounded up if needed to match the next existing date – September 15th or December 1st – when tenure case materials are due in the VCAA's office)

If the birth of a child results in a serious health condition for either the birth mother or child (as in 2 or 3 above), an additional semester could be added to the tenure clock relief due to said serious health condition, thus making three semesters the maximum relief for the birth.

Extensions of the tenure probationary period will also be granted for the following reasons and will not count toward the limit in the number of extensions specified above. However, it is expected that in total, a 3-year overall limit in tenure clock relief will not be exceeded. Extensions will be granted:

1. by reason of specialized experience or training approved by the head of academic unit, when during such experiences, research publications and other tenure-related activities are expected to be significantly reduced or interrupted
2. by reason of significantly increased administrative duties that were unanticipated at the time of tenure-track appointment

Requests for all extensions shall be made in writing to the head of the academic unit as a first step where appropriate and forwarded to the Vice Chancellor for Academic Affairs for final approval. Requests for extensions shall be made within 3 months of the onset of the life event, or as soon as practicable once the situation has been identified. Extensions of midterm reviews when appropriate will be granted upon request as well. Finally, invoking an extension does not commit the person to wait the full extent of the probationary period before requesting tenure review.

## **Appendix E2: Tenure Criteria**

### ***DKU Tenure criteria from tenure-track Assistant Professor to Associate Professor with tenure***

Tenure at DKU is based on professional accomplishment across three areas; scholarship, teaching, and service. Professional accomplishment means a significant contribution to academe as demonstrated by the following: a) scholarly publication, design and development of new innovations or artistic production, and sustained intellectual development; b) demonstrated excellence in teaching, a significant contribution to higher education such as influential contributions to education literature, advancement of educational practice, development of new curricula or publication of text books; c) effective participation on University committees and/or in administrative roles, other service to the institution and student body, and/or service to the profession such as editing books, refereeing, professional organization committee duties or organizing conferences. Achievement in all three categories (research, teaching and service) is expected.

During the review process, we look for clear indications that the candidate's performance as scholar and teacher is widely perceived as outstanding. Seeking evaluations from external experts in the field of the candidate is a very important part of the tenure evaluation. Specifically, we ask potential letter writers to comment on the following:

1. The letter writer's relationship to the candidate.
2. The scope and significance of his/her scholarship and the degree of recognition achieved within his/her discipline. How does the candidate compare to other scholars in his/her discipline and field at similar stages in their careers?
3. The scope and significance of his/her teaching, teaching practice, and curriculum development. If possible, please also comment on the likelihood that he/she will contribute significantly to

DKU's educational mission.

4. The scope and significance of his/her service record including institution service, professional associations, and national and international activities.
5. A recommendation of four to five experts in the candidate's field who could also evaluate the candidate's accomplishments.

***DKU criteria for promotion from tenured Associate Professor to Full Professor with tenure or Appointment of Full Professor with tenure***

Full professors at DKU play a critical role in determining the intellectual quality of the University and are expected to stand in competition with scholars of similar rank in their fields. Promotion at DKU is not automatic regardless of length of service; the title of full professor is reserved for those who demonstrate continued excellence in teaching and who have made significant contributions to their discipline as demonstrated by an academic record documenting continuous, high-quality performance in the form of publication or artistic production and sustained intellectual development. Professional accomplishment is also expected in at least one of the following: a) significant contributions to higher education such as impactful pedagogy research, advancement of educational practices, development of new curricula or publication of textbooks; b) service to university life and/or service to the profession.

During the review process, we look for clear indications that the candidate's performance as scholar and teacher is widely perceived as outstanding. Seeking evaluations from external experts in the field of the candidate is a very important part of the tenure evaluation. Specifically, we ask potential letter writers to comment on the following:

6. The letter writer's relationship to the candidate.
7. The scope and significance of his/her scholarship and the degree of recognition achieved within his/her discipline. How does the candidate compare to other scholars in his/her discipline and field at similar stages in their careers?
8. The scope and significance of his/her teaching, teaching practice, and curriculum development. If possible, please also comment on the likelihood that he/she will contribute significantly to DKU's educational mission.
9. The scope and significance of his/her service record including institution service, professional associations, and national and international activities.
10. A recommendation of four to five experts in the candidate's field who could also evaluate the candidate's accomplishments.

## **Appendix E3: Research and Scholarship in the Creative Arts**

### **Background**

The Ad-Hoc Committee on Tenure in the Creative Arts was formed in November 2018, to advise on matters of tenure and tenure-track hiring in the creative arts. The committee considered the situation of faculty who work in the creative arts where a terminal Master's degree such as an MFA is the norm. The judgment of this committee is that hiring committees should be permitted to hire candidates with a terminal Master's degree as regular tenure-track or tenured faculty. Consequently, the creative work of such faculty should be evaluated for tenure using the same criteria of excellence as judged through peer review as the research output of faculty in other disciplines. Thus, the recommendations of the committee are,

1. In a field where a Master's is the terminal degree, faculty are eligible to be hired into tenure-track positions.
2. References in policy documents to research and/or scholarship as criteria for tenure shall always be understood to include artistic research-creation. Research-creation is understood to combine creative and academic research practices and supports the development of knowledge and innovation through artistic expression, scholarly investigation, and experimentation. The creation process is situated within scholarly activity and produces critically informed work which could be expressed in a variety of media and achieve artistic and/or scholarly recognition. Fields that involve research-creation may include, but are not limited to: architecture, design, creative writing, visual arts (e.g., painting, drawing, sculpture, ceramics, textiles), performing arts (e.g., dance, music, theatre), film, video, performance art, interdisciplinary arts, media and electronic arts, and new artistic practices.

## Appendix F: Policy on Pre-Tenure Sabbatical Leaves [\(return to top\)](#)

*Reviewed and revised by the Duke Kunshan Faculty Development Committee, approved by the Duke Kunshan Faculty Assembly on April 23<sup>rd</sup>, 2021, approved by the Chancellors on May 5, 2021, and approved by the DKU Board of Trustees on May 18, 2021*

- I. Purpose
- II. Criteria
- III. Selection Criteria
- IV. Procedure

### **I. Purpose:**

The purpose of granting sabbatical leave is to increase a faculty member's value to his/her profession and to Duke Kunshan University (DKU), and to support his/her professional development. The purpose of granting a pre-tenure sabbatical leave is to help tenure-track assistant professors to establish sustainable, productive scholarship programs in preparation for their tenure review and for their professional development beyond tenure. This might involve opportunities for faculty to set up collaborations with colleagues at other institutions, to learn new techniques or access resources not available at DKU, and to remain at the forefront of their disciplines by working in research-focused institutions.

The pre-tenure sabbatical leave is half of a nine-month period and may be taken,

- c) Over a full semester with full pay<sup>[1]</sup>, during which the faculty member is relieved of all teaching and service duties.<sup>[2]</sup>
- d) Over any two consecutive 7-week sessions, including those that overlap 2 semesters (e.g., sessions 2 & 3 or 4 & 1) with full pay. The faculty member will be granted a maximum release of 8 workload credits unless he/she already has a reduced teaching load<sup>[3]</sup>, during the sessions in which he/she is on leave. Additional course releases may be granted contingent on teaching needs of the program at the discretion of the Vice Chancellor for Academic Affairs (VCAA).

A faculty member who takes a pre-tenure sabbatical leave will be eligible to apply for a post-tenure sabbatical leave following six years of active service (period of employment at DKU excluding unpaid leaves of absence other than approved parental or medical leaves) after the end of the pre-tenure sabbatical leave, with eligibility for leave beginning in year seven following the pre-tenure sabbatical.<sup>[4]</sup>

Faculty members who have been granted a reduced tenure clock due to service accrued at a previous institution are not eligible for a pre-tenure sabbatical leave.



Faculty who have taken the pre-tenure sabbatical leave are not precluded from going up for tenure early.

## **II. Criteria:**

- Full time tenure-track faculty holding the title Assistant Professor, whose primary appointment is at DKU, are eligible to apply for a pre-tenure sabbatical leave, to be taken in their fourth, fifth or sixth year and following a minimum of three years active service to DKU.
- All time spent on unpaid leaves of absence other than approved medical leave or parental leave shall be excluded in determining years of active service prior to the pre-tenure sabbatical leave.
- The granting of a pre-tenure sabbatical leave is contingent upon reappointment following a third-year review.
- Each faculty member who is granted a pre-tenure sabbatical leave is expected to return to the university.
- Faculty who plan to take a pre-tenure sabbatical leave must work with their division chairs/program directors and the VCAA to produce a teaching plan that indicates how teaching requirements will be met taking into account the course releases.
- Faculty are responsible for ensuring that a sabbatical leave is allowed by their externally funded DKU research projects according to the sponsored research agreements. Faculty are encouraged to seek advice from the Office of Research Support and Technology Transfer regarding such agreements before applying for a sabbatical.
- The pre-tenure sabbatical leave counts as active service to DKU and is included in the tenure clock.
- Faculty members on pre-tenure sabbatical leave are exempt from teaching and all other university service not related to the sabbatical project, including but not limited to committee work and academic advising. Faculty members are responsible for notifying the Office of Academic Advising to ensure that their advisees are reassigned during the pre-tenure sabbatical leave.
- DKU will continue to contribute to fringe benefits and retirement during the pre-tenure sabbatical leave for faculty members on such leave.
- DKU will continue to contribute to health insurance (including coverage for dependents) during the pre-tenure sabbatical leave for faculty members on such leave.
- DKU will continue to contribute to housing benefits as agreed upon in the faculty member's contract during the pre-tenure sabbatical leave for faculty members on such

leave. Faculty will have the choice of using the housing benefit locally or in the sabbatical location.<sup>[5]</sup>

- DKU will continue to contribute to child tuition benefits as agreed upon in the faculty member's contract during the pre-tenure sabbatical leave for faculty members on such leave as long as the faculty member's child/children continue to attend an approved school in Kunshan, Suzhou, or Shanghai. In cases where faculty member brings a child/children on a sabbatical leave to a location where the child/children in question are legally prohibited from attending a public school, or to a location where a language issue makes attendance at public school unrealistic, DKU will contribute to child tuition benefits up to the amount specified by the faculty member's contract, but this will be examined on a case-by-case basis and subject to HR approval.
- The faculty members on pre-tenure sabbatical leave will continue to receive their full annual discretionary fund during such leave.
- Following the pre-tenure sabbatical leave, each faculty member taking such leave shall submit a full report of his/her activities during such leave. This report will be added to his/her tenure portfolio for evaluation by the Appointment Promotion and Tenure Committee and may also be used to inform subsequent decisions to grant post-tenure sabbaticals.
- The faculty member will be responsible for any additional taxes incurred as a result of taking a sabbatical leave outside China.

### **III. Selection Criteria:**

Eligibility for pre-tenure sabbatical leave does not guarantee that a pre-tenure sabbatical leave will be granted. The following will be taken into consideration for selection of successful applicants:

- A positive third year review report that indicates the applicant will be reappointed for a second term. Applicants who are denied reappointment following a third-year review will not be permitted to take a pre-tenure sabbatical leave in year four.
- A clear outline of the aims and plan for the applicant's intended project with a timeline indicating expected completion dates of all stages of the proposed project, and a clear explanation of how the project will advance his/her scholarship program toward tenure. This should include a discussion of the scholarly outcomes anticipated from the pre-tenure sabbatical leave.
- A clear indication from the applicant that he/she will complete his/her tenure review and remain at DKU for at least one year post tenure.
- A teaching plan, approved by the applicant's division chair/program director and the Dean of Undergraduate Curricular Affairs and Faculty Development or Dean of

Graduate Studies, indicating how teaching requirements will be met in the context of the pre-tenure sabbatical leave.

- A summary of how the proposed project will be successfully continued/completed following the pre-tenure sabbatical leave, within the constraints of the applicant's other duties.
- Conviction by the review committee that the pre-tenure sabbatical leave will support a successful program of scholarship and/or result in significant scholarly products (publications, grants or creative works).
- When all other criteria are met, priority will be given to applicants with fewer years of remaining eligibility to take a pre-tenure sabbatical.

#### **IV. Procedure:**

Pre-tenure sabbatical leave will be granted on merit of the proposed project, its potential to significantly enhance the applicant's professional development and DKU's ability to cover staffing needs. Faculty members who are eligible must submit an application with a proposal outlining the intended sabbatical project to the Faculty Development Committee. Sabbatical proposals will be reviewed by the Faculty Development Committee which will make a recommendation to the VCAA regarding the merit of the proposed project. The VCAA will make a final recommendation to the Executive Vice Chancellor (EVC) which takes into account both the recommendation of the Faculty Development Committee and the university's ability to cover staffing needs. The EVC will make the final decision on whether to grant the pre-tenure sabbatical leave or not. VCAA and EVC should take the initiative to report to and consult with the Chancellor to seek proper advice during the entire process of review under special and necessary circumstances.

- The applicant submits his/her application to the Director of Faculty Affairs (DFA) by October 1 of the year prior to the academic year that the intended pre-tenure sabbatical leave will start.
- Faculty are encouraged to apply for external funding to support scholarly work during their pre-tenure sabbatical leaves. In cases where the proposed sabbatical project depends on external funding which has not yet been awarded, the application must include a letter of intent regarding the external funding. The applicant must inform the DFA of the status of the external funding as soon as he/she is notified about it.
- The DFA will confirm eligibility of the applicant with Human Resources (HR) and check the completeness of the application materials, then forward the application to the chair of the Faculty Development Committee and VCAA for review.
- The Faculty Development Committee will rank the applications based on the following criteria:

- o Potential for the proposed project to significantly contribute to the applicant's professional development and advancement toward tenure.
  - o Likelihood that the proposed project will be completed within the proposed timeline, and will contribute to tangible products (grant proposal, publication, patent, performance, exhibit, etc.) or preliminary data/other work that establishes a sustainable long-term project with the potential to yield tangible products.
  - o Whether or not this is the applicant's second application. Since granting of pre-tenure sabbatical leaves is contingent not only on strength of the application but on the financial status of the university, second-time applications should be given due consideration.
- Based on the recommendation of the Faculty Development Committee, the VCAA will make a recommendation to the EVC regarding the ranking of the applications, who will make a decision to award each pre-tenure sabbatical leave or not based on financial considerations and his/her conviction that the approved teaching plan is adequate. The decision of the EVC is final.
- The VCAA informs the applicant and his/her unit head (division, program or center) of the decision no later than December 1<sup>st</sup> of the same year in which the application was received.
- As a special case, for the first application cycle (Fall 2021), there will be an early cycle, with a September 1 deadline, for applicants who intend to take a pre-tenure sabbatical leave for the spring 2022 semester. The VCAA informs the applicant and his/her unit head (division, program or center) of the decision no later than October 15, 2021.
- Applicants who are unsuccessful will be invited to reapply the following year as long as the timing of the intended pre-tenure sabbatical leave does not occur post year six of their service to DKU.
- Within six months of return from a pre-tenure sabbatical leave, the faculty member must submit a report to the VCAA describing his/her sabbatical activities, how they have contributed to his/her scholarship program and completed or pending scholarly outcomes (including an explanation if intended scholarly outcomes are not forthcoming). A copy of the report must be included in the faculty member's tenure dossier and subsequent sabbatical applications; subsequent sabbatical requests may be denied if the report indicates a lack of productivity during the pre-tenure sabbatical leave without good reason.
- An unsuccessful application, or a decision not to apply for a pre-tenure sabbatical, will have no bearing on future tenure decisions.

### **Application Materials:**

The following materials must be included in the application and submitted to the DFA. Electronic applications are acceptable.

- A completed application form (appendix 1), which states the applicant's name and unit with which the applicant is affiliated, a title and brief (<200 words) abstract of the intended project, the intended leave dates (sessions and year(s) during which the intended leave will be taken), and an explanation of external funding to be applied to the sabbatical project if applicable.
- A sabbatical project proposal that is explanatory and written in language comprehensible to someone outside of the applicant's discipline, which outlines:
  - The background and aims of the project
  - The plan for realization of the project
  - A description of how the project will advance the applicant's professional development and/or his/her scholarship program
  - A description of expected scholarly outcomes
- A teaching plan, signed by the applicant's division chair or program director and the Dean of Undergraduate Curricular Affairs and Faculty Development or Dean of Graduate Studies, indicating how the applicant will meet his/her annual teaching requirement minus the course release. The candidate is not responsible for finding an adjunct or proposing other solutions for staffing to cover his/her courses during the sabbatical.
- A letter of support, which is intended to aid the review process, written by one of the following: the applicant's academic unit head, sabbatical host, senior colleague, or collaborator in the same research field (within or outside DKU). It is a right of faculty members to apply for pre-tenure sabbatical leaves; division chairs/program directors may not withhold their support on grounds of staffing issues or concerns about teaching coverage, although they may offer perspectives on the timing of the leave.
- A short, up-to-date resume.

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<sup>[1]</sup> Faculty members who obtain paid fellowships at other institutions may request an unpaid leave of absence from the VCAA to make use of such opportunities. Such unpaid leaves of absence will be considered separately from a sabbatical leave.

<sup>[2]</sup> A full year at half pay can be requested, and the request will be subject to approval by the VCAA.

<sup>[3]</sup> Faculty members who already have a reduced teaching load may receive up to two course releases at the discretion of the VCAA, but the additional course release is not automatic.

<sup>[4]</sup> Contingent upon approval of a post-tenure sabbatical policy.

<sup>[5]</sup> In cases where the VCAA approves a full-year leave at half pay, the faculty member will receive the housing benefit for the full year but at half the amount specified annually according to the faculty member's contract.

### **Appendix 1: Application form for Pre-tenure Sabbatical Leave**

Name of Applicant: \_\_\_\_\_

Unit (research center, institute or division) with which applicant is affiliated:

\_\_\_\_\_

Sessions and year(s) during which the intended leave will be taken: \_\_\_\_\_

Project Title:

Abstract (<200 words):

Explanation of external funding that will be applied to the sabbatical project if applicable:

*I accept the terms and conditions of the pre-tenure sabbatical leave if granted.*

Signature:

\_\_\_\_\_ Date: \_\_\_\_\_

The following supplemental documents must be attached:

1. A sabbatical project proposal
2. A teaching plan, signed by the applicant's division chair or program director and the Dean of Undergraduate Curricular Affairs and Faculty Development or Dean of Graduate Studies as appropriate, indicating how the applicant's teaching requirements will be affected by the pre-tenure sabbatical leave
3. A letter of support
4. The applicant's resume

## **Appendix G: Policy on Data Management Plans** [\(return to top\)](#)

### **Duke Kunshan University's Policy on Data Management Plans<sup>104</sup>**

*Adapted from the policy of the Research Councils UK (RCUK), Guidance on best practice in the management of research data, revised by Duke Kunshan Research Policy Committee, and approved by University Faculty on April 20, 2016, and adopted by the Board of Trustees of the University, effective June 7, 2016*

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<sup>104</sup> With some adaptation, much of the body of this Data Management Plan Policy is taken from: Research Councils UK (RCUK). (2015, July). *Guidance on best practice in the management of research data: Annex A:*

## 1. Purpose

Data Management Plans (DMPs) are an important tool in the management of research data. A DMP should incorporate data management into the research cycle to ensure that research data is properly managed at every stage and data can be made available and re-used to the maximum extent possible at the end of a project or grant.

Preparation of a DMP should be integral to the planning of a project, regardless of whether or not it is required as part of the formal research grant application. DMPs should follow relevant national and international recommendations for best practices and should be prepared in consultation with relevant institutional Data Managers and Data Stewards.

DMPs should address requirements throughout the research activity and should be subject to regular review and amendment as part of normal research project management.

## 2. Scope

All Duke Kunshan University sponsored research projects are expected to include a data management plan. A data management plan is not a static document and will evolve over the lifetime of a project. However, certain matters should be considered from the start of project planning and plans should cover all research data expected to be produced as a result of a project, grant, or activity.

Topics to be included in data management plans include but are not limited to the following elements (See Appendix A: Recommended Elements of a Data Management Plan):

- Intellectual property rights
- Analysis of the gaps identified between the currently available research data and required data for the project
- Anticipated data volume or file size
- Measures to assure data quality
- Standards (including metadata standards) and methodologies that will be adopted for data collection and management, and why these have been selected
- Formats in which the data will be collected
- Relationship to data available from other sources
- Anticipated use for the completed datasets
- Expectations for sharing the data
- Storage methods and backup

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*Guidelines on data management plans.* Retrieved from <http://www.rcuk.ac.uk/RCUK-prod/assets/documents/documents/RCUKCommonPrinciplesonDataPolicy.pdf>



- Security protections
- Plans for retention, preservation, and/or disposal of the data

Allocation of storage space in Duke Kunshan University's protected network for research data is dependent upon the inclusion of a data management plan that contains the recommended plan elements (Appendix A).<sup>105</sup>

### **3. Principles, Standards, and Methodologies**

Plans should specify the principles, standards and technical processes for data management, retention and preservation that will be used in the course of the project. The area of research, funder requirements, university policies, or national/international regulations may determine these principles. Processes should be supported by appropriate standards addressing confidentiality and information security, legal compliance, monitoring and quality assurance, data recovery and data management reviews.

In order to maximize the potential for re-use of research data, researchers should, where possible, generate and manage data using existing, widely accepted formats and methodologies.

Plans should provide suitable quality assurance concerning the extent to which "raw" data may be modified. The processes for obtaining "derived" data should be specified and conform to the accepted procedures within the research field, if "raw" data is not be retained.

### **4. Documentation and Metadata**

Researchers should ensure that appropriately structured metadata, using recognized standard schema, where these exist, for describing their research data are created and recorded in a timely manner. The metadata should include information about regulatory and ethical requirements relating to access and use.

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<sup>105</sup> The P.I./researcher would be responsible for drafting the DMP for his/her research project. The Office of the VCAA would be responsible for approving/monitoring the DMPs until Duke Kunshan has a Chief Information Officer or Head of Information Security.

Protocols for the use, calibration, and maintenance of equipment should be clearly documented to ensure optimal performance and research data quality. When protocols change, they should be version controlled and the current version should be available and readily accessible.

Documentation may include: technical descriptions, code commenting, project guidelines, information supporting technical decisions, and resource metadata. All types of documentation may not be relevant to all projects and the quantity of documentation proposed should be proportionate to the anticipated value of the data.

Plans should consider dependencies on software and whether specific software packages or code will need to be made available to enable the data to be read and interpreted and results reproduced or reanalyzed.

## **5. Collaborative Research, Ethics, and Legal Compliance**

The ownership and custodianship of the research data should be clearly noted, including a provision for the event that researchers move from one organization to another. Projects that involve collaboration between separate legal entities should have formal agreements to clarify responsibilities and arrangements for access to data and managing permissions. Such agreements should be developed at an early stage and should take account of any applicable funding terms and conditions. In the case of international collaborations, researchers should address any national legal restrictions that affect their data collection, security, or storage.

Where sensitive research data are involved (data classified in Levels 3-5 as defined by Duke Kunshan's Research Data Management Policy), the terms of the consent should be considered and the data management plan should ensure that appropriate security measures are adopted and followed when handling and storing data. Researchers have a duty to understand and comply with the applicable laws and to seek advice if they have any questions about compliance.

A data management plan should refer to and, if necessary, describe the security and quality controls that will be implemented for any research data with restricted access.

## **6. Sharing**

Research data should be easily discoverable, accessible, assessable, intelligible, useable, and wherever possible interoperable to specific quality standards, while at the same time respecting concerns in relation to privacy, safety, security and commercial interests. An increased emphasis on sharing of data has the potential to stimulate new approaches to the collection, analysis, validation and management of data whilst, at the same time, recognizing that the risks to the privacy of individuals must always be considered where data arise from, or are derived from, personal identifiable data.

Research records must always be available to collaborators (co-investigators, supervisors and their trainees). In collaborative projects, all investigators should know the status of all contributing research records and have access to them consistent with confidentiality restrictions. Investigators also should be aware if their research records are subject to specific data sharing requirements of a sponsor.<sup>106</sup>

Data management plans should consider the viability of sharing the research data generated or collected by the research project. If data sharing may occur, a description of how data will be shared, including access procedures, embargo periods, technical mechanisms for dissemination and whether access will be open or granted only to specific user groups should be included in the DMP. A timeframe for data sharing and publishing should also be provided.

## **7. Storage and Backup**

Data management plans should provide for all retained data and related materials to be securely stored (based upon the classification level of the data and the appropriate securities defined in the Duke Kunshan University's Research Data Management Policy) while data are being collected, analyzed, and retained. The DMP should detail the plans for this storage and backup at each stage of the research process.

Research data should be preserved in such a way as to allow them to be accessed, understood, and used by any others with appropriate authorization. Plans should include provisions for the regular backup of any electronically held research data. Duplicate copies of research data should be held in secure and accessible formats where appropriate.

## **8. Retention**

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<sup>106</sup> Duke Kunshan University. (2014, June). *Policy on research records: Sharing, retention and ownership*.

Research records should be archived for a minimum of five years after final reporting or publication of a project (or longer if required by an external sponsor, law, rule or regulation). The archived records should be the originals. In addition, the records should be kept for as long as may be required to protect any patents resulting from the work.<sup>107</sup> The data management plan should describe the retention plan, the process for determining the feasibility of data disposal, and the disposal process.

## **9. Preservation**

It is expected that the preservation of research data will be managed through an established repository, such as one provided directly or indirectly by a university, or an independently managed subject specific database, unless there is a compelling reason not to do so. It may be appropriate to choose different repositories at different stages of the project. Plans should specify which data are to be deposited in which repository, where, and for how long, with appropriate justification. They should include specific provision for any data or metadata preparation to enable reuse.

Plans may reference the general policies for the chosen repository and, if appropriate, include further details related to the specific project. It is the responsibility of the person preparing the DMP to ensure the repository policy is appropriate. Where data are not to be managed through an established repository, the DMP should demonstrate reasonable assurance of the stability and sustainability of the proposed approach.

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<sup>107</sup> Duke Kunshan University. (2014, June). *Policy on research records: Sharing, retention and ownership*.

## Appendix C1: Recommended Elements of a Data Management Plan<sup>108</sup>

<b><u>Element</u></b>	<b><u>Description of Element's Content</u></b>
<b>Data Description</b>	A description of the information to be gathered; the nature and scale of the data that will be generated or collected.
<b>Existing Data</b>	A survey of existing data relevant to the project and a discussion of whether and how these data will be integrated.
<b>Format</b>	Formats in which the data will be generated, maintained, and made available, including a justification for the procedural and archival appropriateness of those formats.
<b>Metadata</b>	A description of the metadata to be provided along with the generated data, and a discussion of the metadata standards.
<b>Storage and Backup</b>	Storage methods and backup procedures for the data, including the physical and cyber resources and facilities that will be used for the effective preservation and storage of the research data.
<b>Security</b>	A description of technical and procedural protections for information, including confidential information, and how permissions, restrictions, and embargoes will be enforced.
<b>Responsibility</b>	Names of the individuals responsible for data management in the research project.
<b>Intellectual Property (IP) Rights</b>	Entities or persons who will hold the intellectual property rights to the data, and how IP will be protected if necessary. Any copyright restraints (e.g., copyrighted data collection instruments) should be noted.
<b>Access and Sharing</b>	A description of how data will be shared, including access procedures, embargo periods, technical mechanisms for dissemination and whether access will be open or granted

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<sup>108</sup> ICPSR: Data Management & Curation. (n.d.). *Elements of a data management plan*. Retrieved from <https://www.icpsr.umich.edu/icpsrweb/content/datamanagement/dmp/elements.html>

only to specific user groups. A timeframe for data sharing and publishing should also be provided.

<b>Audience</b>	The potential secondary users of the data.
<b>Selection and Retention Periods</b>	A description of how data will be selected for archiving, how long the data will be held, and plans for eventual transition or termination of the data collection in the future.
<b>Archiving and Preservation</b>	The procedures in place or envisioned for long-term archiving and preservation of the data, including succession plans for the data should the expected archiving entity go out of existence.
<b>Ethics and Privacy</b>	A discussion of how informed consent will be handled and how privacy will be protected, including any exceptional arrangements that might be needed to protect participant confidentiality, and other ethical issues that may arise.
<b>Budget</b>	The costs of preparing data and documentation for archiving and how these costs will be paid. Requests for funding may be included.
<b>Data organization</b>	How the data will be managed during the project, with information about version control, naming conventions, etc.
<b>Quality assurance</b>	Procedures for ensuring data quality during the project.
<b>Legal requirements</b>	A listing of all relevant federal, national, or international funder requirements for data management and data sharing.

## Appendix H: Policy on Research Data Management [\(return to top\)](#)

### Duke Kunshan University's Policy on Research Data Management

*Adapted from Duke Policy on Research Data Management, revised by Duke Kunshan Research Policy Committee, and approved by University Faculty on April 20, 2016, and adopted by the Board of Trustees of the University, effective June 7, 2016*

## Part 1: Research Data Security

### 1. Purpose

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It is important that all research data are reasonably and appropriately managed to maintain data integrity, availability, and when required, confidentiality to protect against accidental or unauthorized access, modification, disclosure and destruction.

As stewards of Duke Kunshan University's resources, all faculty, researchers, staff, and students are expected to exercise sound judgment to collect and use research data prudently and ethically. Additionally, various foreign, national, and provincial laws impose obligations on Duke Kunshan. Grants and contracts may impose requirements for the protection and preservation of associated research data. Special consideration to research data is warranted, as some research data may be classified as public and open, while other research data may require greater protections due to the sensitivity of the data.

This policy is not intended to impede the use or sharing of unrestricted (e.g., public) research data, but rather to provide the framework for determining where controls are required for sensitive or protected research. Any mention of data in this policy refers specifically to research data.

While every reasonable effort has been made to document the appropriate protections and responsibilities for research data, it is possible that a specific case or issue may not be addressed or may raise a question. In such a case, the department or user is strongly encouraged to contact the Office of the Vice Chancellor for Academic Affairs (VCAA) for assistance to determine the appropriate course of action.<sup>109</sup>

### 2. Policy Statement

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#### Research Data Classification Standards

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<sup>109</sup> IT Security Office, Duke University. (2015, Oct.). *Data security policy*. Retrieved from <https://security.duke.edu/sites/default/files/documents/Data-Security-Policy-10-2015.pdf>.

Each user is responsible for knowing Duke Kunshan's research data classification standard and the associated risks in order to understand how to classify and secure research data.<sup>110</sup>

Properly protecting research data is a fundamental obligation that is grounded in the values of stewardship, integrity, and commitment to the providers and sources of the data. This policy is particularly focused on the protection of research data that are confidential by reason of applicable law and regulation, agreements that cover the acquisition and use of the data, and university policies.<sup>111</sup>

To protect research data appropriately and effectively, the University's researchers, Data Stewards, Data Managers, the Research Policy Committee, and Information Technology Director must understand and carry out their responsibilities related to data security.

The following security levels (described in more detail, with examples, in Appendix A: Data Classification Table) reflect the basic principle that as the risk associated with the research data increases more exacting security requirements must be implemented:

**Level 5 - Extremely sensitive information:** Information that would cause severe harm to individuals or to the University if disclosed.

**Level 4 - Very sensitive information:** Information that would likely cause serious harm to individuals or the University if disclosed.

**Level 3 – Sensitive, or confidential information:** Information that could cause risk of material harm to individuals or the University if disclosed.

**Level 2 - Benign information to be held confidentially:** Information the University has chosen to keep confidential but the disclosure of which would not cause material harm.

**Level 1 - Non-confidential research information:** Public information<sup>112</sup>

## **Research Data Access & Usage**

Consistent with its classification, research data shall be accessible to authorized users to fulfill their duties and responsibilities.

## **Research Data Maintenance & Disposal**

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<sup>110</sup> IT Security Office, Duke University. (2015, Oct.). *Data security policy*.

<sup>111</sup> Office of the Provost for Research, Harvard University. (2014, Fall). *Harvard research data security policy (HRDSP)*. Retrieved from <http://vpr.harvard.edu/pages/harvard-research-data-security-policy>

<sup>112</sup> Office of the Provost for Research, Harvard University. (2014, Fall). *Harvard research data security policy (HRDSP)*.



A user with authorized access to research data will maintain the security (confidentiality, integrity and availability) of the data, consistent with Duke Kunshan requirements. When research data classified in Level 3, 4, or 5 must be disposed of that disposal must, to the extent permissible under law, be done in a manner that renders it unrecoverable.

## **Research Data Procedures**

All Data Stewards at Duke Kunshan must document their procedures and other requirements that pertain to the security of the research data for which they are responsible. This documentation must comply with all Duke Kunshan standards regarding research data management.

Possession of, access to, or storage of any research data that are classified as Level 3, 4 or 5 requires the advance review and approval of the Data Manager and Data Steward.

## **Incidents**

Any security incident, or suspected security incident, involving a Duke Kunshan system, particularly containing research data classified in Level 3, 4, or 5, must be reported immediately to the Office of the VCAA.

## **Violations**

Any violation of law or other applicable policies, standards or contracts may result in corrective action up to and including dismissal or termination.

## **Definitions of Terms**

An individual may fulfill the responsibilities of more than one position. Data Stewards and Data Managers also qualify as users with regard to fulfilling their duties on behalf of Duke Kunshan. Definitions of roles such as Data Steward, Data Manager, Researcher, and User are given in Appendix B: Definition of Terms.<sup>113</sup>

### **3. Scope**

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This policy applies to all research data stored on Duke Kunshan's communications resources, whether those resources are individually controlled, shared, stand-alone, or networked. It applies to all computers (including mobile devices) and communications facilities owned, leased, operated, or provided by Duke Kunshan, or that are otherwise connected to Duke Kunshan's

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<sup>113</sup> IT Security Office, Duke University. (2015, Oct.). *Data security policy*.

communications resources. This policy also applies to all personally owned devices used to store, process, or transmit such research data.

This policy applies to all research data regardless of the storage medium or format (e.g., disk drive, electronic tape, cartridge, disk, CD, DVD, external drive, paper, fiche, etc.) and regardless of form (e.g., text, graphic, video, audio, etc.), physically housed at Duke Kunshan University or stored remotely under the management of Duke Kunshan researchers.<sup>114</sup>

This policy applies to researchers and research team members who obtain, access or generate research data, in particular confidential information, and all data collected, stored, or processed by university staff or by third parties via contractual agreements with university departments or other organizational groups. The policy applies regardless of the source of funding for the research.

The policy also applies to Data Stewards, in assisting researchers in identifying and assessing data confidentiality risks, and to Data Managers and Information Technology Officers working with researchers and research team members to ensure implementation of the security controls for the requirements of the security level designated for research data.<sup>115</sup>

## **4. Roles and Responsibilities**

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Duke Kunshan University researchers (faculty, visiting scholars, post-doctoral fellows, other fellows, staff, and students), departments and schools that conduct research and the relevant research oversight bodies, information security officers and sponsored programs offices have defined roles and responsibilities.

### **A. Researchers:**

Researchers are responsible for:

1. Identifying confidentiality and research data security obligations, based on laws, regulations, policies, and binding commitments such as data use agreements and participant consent agreements.
2. Identifying the appropriate research data security level for research data, except in cases where this responsibility lies with the Data Steward.
3. Creating and maintaining data documentation, implementing the security controls corresponding to the requirements of the data security level and developing and following a data security plan and procedures over the course of their projects.

### **B. Data Stewards:**

A Data Steward is responsible for:

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<sup>114</sup> Office of the Provost for Research, Harvard University. (2014, Fall). *Harvard research data security policy (HRDSP)*.

<sup>115</sup> IT Security Office, Duke University. (2015, Oct.). *Data security policy*.

1. Assessing research data security risks associated with the research within their purview and assigning data security levels for the data.
2. Establishing procedures, in collaboration with the Data Manager, to set security levels, either on a project-by-project basis, or by category of research data.
3. Informing researchers about data security risks and working with them to set appropriate data security levels.

**C. Data Managers:**

A Data Manager is responsible for:

1. Assisting researchers with implementation of appropriate security controls in accordance with the level assigned by the Data Steward or specific controls outlined in a Data Use Agreement (DUA).
2. Reviewing DUAs for information security controls specified by a data provider.
3. Consulting the Duke University IT Security Office (ITSO) and OIT Global Technology Services' liaison regarding any proposed research uses of Duke University IT resources supplied to Duke Kunshan.

**D. Office of the Vice Chancellor for Academic Affairs (VCAA)**

Duke Kunshan's Office of the VCAA is responsible for implementing this policy by:

1. Working with Data Stewards, Data Managers, and other research oversight bodies to identify research data security risks and set data security levels.
2. Working with researchers and Duke Kunshan IT, and Duke University IT as appropriate, to foster awareness and understanding of the policy.
3. Periodically reviewing adherence to the policy<sup>116</sup>

**5. Procedures**

Procedures to implement this policy will be developed and maintained by the Office of the VCAA, in consultation with Duke Kunshan IT, Data Stewards, and other research oversight bodies as appropriate.

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<sup>116</sup> Office of the Provost for Research, Harvard University. (2014, Fall). *Harvard research data security policy (HRDSP)*.

## Part II: Research Data Storage

### 1. Purpose

Research data must be properly stored at all stages of the research life cycle in order to ensure that it is reasonably and appropriately managed to maintain integrity, availability, and when required, confidentiality to protect against accidental or unauthorized access, modification, disclosure and destruction. The level of security and the type of storage needed should be determined by the sensitivity of the research data.

The Duke Kunshan Security Policy defines a 5-level categorization schedule for research information and the minimum protections required for each level. The basic principle of this policy is that more exacting storage measures must be followed as the information risk posed by a research project increases.

### 2. Policy Statement

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To protect research data appropriately and effectively, the university's researchers, Data Steward, Data Manager, research oversight bodies, Information Technology Director, students, and staff must understand and carry out their responsibilities related to data storage. Each user is responsible for knowing Duke Kunshan's research data classification standard and for using the appropriate storage options in order to ensure that the research data is properly secured.

This Research Data Storage Policy applies to any confidential research data classified in Levels 2-5 in the Data Classification Table.

#### Confidential Information

- Confidential research data in any form must be appropriately protected.
- Confidential research data in any form must be appropriately disposed of when it is no longer needed after the required retention period as described in the Duke Kunshan Policy on Research Records.
- Any actual or suspected loss, theft, or improper use of or access to confidential research data must be reported promptly to the Duke Kunshan IT Director and the Office of the VCAA.

#### For All Users with Research Data classified in Level 2, 3, 4, or 5:

- Confidential research data must only be accessed for authorized purposes.
- Confidential research data must only be shared with those authorized to receive it.
- All devices (including desktops, laptops and mobile devices) storing or processing confidential research data must meet Duke Kunshan device protection requirements.
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### **For All Research Data in Physical/Paper Format in Level 2, 3, 4, or 5:**

- Access must be limited to those persons with valid reasons to access the research data.
- Research data must be locked up when not in active use.
- Any physical transfer of research data must use means that are appropriately secure and such transfers must be tracked to confirm that they actually reached the intended recipient.
- Destruction of research data must be accomplished by means that make it impossible to reconstruct the records after the required retention period as described in the Duke Kunshan Policy on Research Records.

## **3. Scope**

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The following policies apply to the specified level of classification of research data:

### **Level 2: Information the University has chosen to keep confidential but the disclosure of which would not cause material harm.**

Level 2 information includes unpublished research work, patent applications and work papers, drafts of research papers, and intellectual property not in Level 3 or 4; and information classified as Level 2 by the Institutional Review Board (IRB).

#### **User Devices**

- **Configuring Storage Devices:** All devices must be configured for secure storage, transport, and disposal of confidential research data.
  - All user devices must be configured for secure operation and to limit access to the specific person or persons authorized to use the device.
  - Research data stored on the device must be protected against access if the device is lost or stolen.
  - Client applications on the device that might be used to access or transfer confidential research data must be configured to protect their communications.
  - Upon disposal of the device, research data stored on the device must be protected to guard against access
  - Any actual or suspected loss, theft, or improper use of a device storing confidential research data must be reported promptly.

### **Level 3: Information that could cause risk of material harm to individuals or the University if disclosed.**

#### **User Devices**

- Research data designated Level 3 must not be stored on user devices, or portable media, unless the device or media is encrypted.

### **On Systems**

- Research data designated Level 3 may only be used, stored or processed on servers or services (such as file sharing or collaboration services, cloud-based email services, cloud-based backup and recovery services, etc.) that meet applicable Duke Kunshan data protection requirements.

### **Research Data in Physical/Paper Format**

- Level 3 research data can be faxed to a non-public fax machine only if arrangements have been made so that the intended recipient will take the copies off the machine immediately upon receipt.

### **Field Collection Security Requirements**

In the field, any collection of Level 3 research data must adhere to strict security protocols. The protocol(s) to be used must be approved by the appropriate authority.

Some examples include:

- Computer based collection in the field of Level 3 research data may only be done by saving the collected information to an encrypted disk or an encrypted thumb drive.
- The research data should be transferred to a secure server as soon as practical.
- Level 3 research data must remain encrypted until it is on a Level 3 system.
- Level 3 research data must be promptly and properly erased (i.e., overwritten) from the computer or media used to collect the Level 3 research data once the transfer has been completed and verified.<sup>117</sup>

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## **Level 4: Information that would likely cause serious harm to individuals or the University if disclosed.**

### **User Devices**

- Research data designated Level 4 or higher must not be stored on unencrypted user devices, including portable devices. Level 4 research data may be stored on portable encrypted media. (See note below about collecting Level 4 information)

### **On Systems**

- Research data designated Level 4 or higher may only be used, stored or processed on the Duke Kunshan Protected Network (DKPN) or on an alternative, Duke Kunshan-hosted or –approved alternative system.

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<sup>117</sup> Exception can be made for the duration of the project, with the written approval of the Data Steward and with appropriate safeguarding for access and confidentiality.

### Research Data in Physical/Paper Format

- All access to records containing Level 4 must be documented.
- Level 4 research data can be faxed to a non-public fax machine only if arrangements have been made so that the intended recipient will take the copies off the machine immediately upon receipt.

### Field Collection Security Requirements

In the field, any collection of Level 4 research data must adhere to strict security protocols. The protocol(s) to be used must be approved by the appropriate authority.

Some examples include:

- Computer based collection in the field of Level 4 research data may only be done by saving the collected information to an encrypted disk or an encrypted thumb drive.
- The information should be transferred to a secure server as soon as practical.
- Level 4 research data must remain encrypted until it is on a Level 4 system.
- Level 4 research data must be promptly and properly erased (i.e., overwritten) from the computer or media used to collect the Level 4 information once the transfer has been completed and verified.<sup>118, 119</sup>

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### Level 5: Information that would cause severe harm to individuals or the University if disclosed.

Level 5 research data includes individually identifiable information which if disclosed would create risk of criminal liability, loss of insurability or employability, or severe social, psychological, reputational, financial or other harm to an individual or group. Level 5 includes research information classified as Level 5 by the IRB.

Level 5 research data present a unique set of challenges, and a Duke Kunshan Protected Network (DKPN) (or Duke Protected Network) must be used to store research data that are classified at this level.<sup>120</sup> Duke Kunshan IT and Duke ITSO will review any research project requiring or requesting DKPN access to ensure it is an appropriate environment for the request and that the DKPN can meet any project-specific contractual requirements for data security.

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<sup>118</sup> Harvard University. (2015). *Information security requirements for all level 5 environments*. Retrieved from [http://policy.security.harvard.edu/files/it-security2/files/information\\_security\\_requirements\\_level\\_5\\_environments\\_11.12.14.pdf?m=1416344714](http://policy.security.harvard.edu/files/it-security2/files/information_security_requirements_level_5_environments_11.12.14.pdf?m=1416344714)

<sup>119</sup> Exception can be made for the duration of the project, with the written approval of the Data Steward and with appropriate safeguarding for access and confidentiality.

<sup>120</sup> Duke Kunshan devotes its best efforts to ensure the implementation of data security and management from Level 1 through Level 4. At the date of approving this policy, Duke Kunshan is on its way to developing the necessary means and infrastructure to implement Level 5. Faculty are advised to consult the IT Director and Office of the VCAA if the faculty member may generate from his/her research or acquire from a third party research data which may be classified in Level 5.

Duke OIT and Duke Kunshan IT will draft and implement supporting documentation. This policy will be used when documenting the DKPN to prospective data sources.<sup>121</sup>

## Operational Security Requirements

- There must be a written list of the individuals or the categories of people (e.g., research assistant, lab administrator) that are permitted to have accounts on the Level 5 systems ("the access policy") or otherwise have access to the data on portable media; the names or categories must be disclosed to the appropriate authorities.
- Users must only have access to the confidential information through their individually assigned (non-shared) user accounts.
- Only the applications that are actually required to support the services used in connection with the Level 5 data can be run on the servers.
- Servers must enforce Duke Kunshan standard password complexity rules.
- Confidential information placed into or taken out of the Level 5 server, in whatever form/way it may be (e.g., over a network, on portable storage, etc.), must be encrypted. Only designated super-users (e.g., Researcher or Data Manager) will be granted the ability to store or remove data; all other authorized users must work with the data within the DKPN.
- All portable media (including magnetic media such as portable disk or thumb drives and non-magnetic media such as optical disks or paper) containing Level 5 information must be encrypted or locked in a safe, which is in a physically secure room, when not actually in use.
- Servers and the applications must be designed so that passwords cannot be retrieved by anyone (including system administrators). (This should include a mechanism to ensure that access requires two-factor authentication, including the Duke Kunshan NetID plus a second-factor time-based code.)
- Interactive access to servers must be logged. The logs should include the identity of the user, the time and the function (login or logout).
- Users' access to Level 5 data or servers must be removed if they no longer have a reason under the access policy to access the information (e.g., they change jobs or leave the University).
- There must be a documented practice to ensure that any actual or suspected breach is promptly reported to the IRB, the IT Director, and the Office of the VCAA.<sup>122</sup>
- Level 5 research data is not permitted to be stored on any user computer or portable computing device (e.g., laptop, PDA, or smartphone). (See note below about collecting Level 5 information)
- Backup records containing Level 5 information must be encrypted.
- Disposal of electronic Level 5 research data must be by overwriting the information or by physically destroying the media.

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<sup>121</sup> OIT, Duke University. (2016, Jan. 30). *Abstract: Design of Duke Kunshan Protected Network environment*.

<sup>122</sup> Once an actual or suspected breach is reported, the Office of the VCAA will oversee the investigation.



- Disposal of unused or broken disk drives for Level 5 research data storage must be by overwriting the information or by physically destroying the media.
- Duke Kunshan employees working with any kind of confidential information should undergo information security training at least annually.<sup>123</sup>

### Field Collection Security Requirements

In the field, collection of Level 5 research data must adhere to strict security protocols. The protocol(s) to be used must be approved by the appropriate authority.

Some examples include:

- Computer based collection in the field of Level 5 research data may only be done by saving the collected information to an encrypted disk or an encrypted thumb drive.
- The research data should be transferred to a secure server as soon as practical.
- Level 5 research data must remain encrypted until it is on a Level 5 system.
- Level 5 research data must be promptly and properly erased (i.e., overwritten) from the computer or media used to collect the Level 5 research data once the transfer has been completed and verified.<sup>124,125</sup>

## 4. Storage Options

Users are responsible for ensuring that the appropriate storage option is secured and used for any research data. Specific storage options may be further determined by university affiliation and size of data files. Questions about affiliation or file size limits should be directed to the Duke Kunshan IT Director.

The following chart outlines which services are appropriate for use with research data classified in Levels 1-5:<sup>126</sup>

Service	Level 5	Level 4	Level 3	Level 2	Level 1
Duke OIT Common Internet File System Network File System (Home Drive Service (US-hosted))	No	No	With approval*	Yes	Yes
Duke OIT- or Dept. Hosted File Shares (US-hosted)	No	No	With approval*	Yes	Yes

<sup>123</sup> Harvard University. (2015). *Information security requirements for all level 5 environments*.

<sup>124</sup> Harvard University. (2015). *Information security requirements for all level 5 environments*.

<sup>125</sup> Exception can be made for the duration of the project, with the written approval of the Data Steward and with appropriate safeguarding for access and confidentiality.

<sup>126</sup> Adapted from OIT, Duke University. (2015). *Data services and data classification*. Retrieved from [https://security.duke.edu/sites/default/files/Services\\_Data\\_Matrix\\_2015.pdf](https://security.duke.edu/sites/default/files/Services_Data_Matrix_2015.pdf)

Duke/Duke Kunshan Asia-Pacific File Shares (Singapore-hosted)	No	No	With approval*	Yes	Yes
Duke Protected Network (US-hosted)	No	No	With approval*	With approval*	With approval*
Duke Kunshan Protected Network (PRC-hosted)	With approval*	With approval*	With approval*	With approval*	With approval*
Duke Shared Cluster Resource (DSCR)	No	No	With approval*	Yes	Yes
Duke University SharePoint	No	No	With approval*	Yes	Yes
Duke's Tableau Instance	No	No	With approval*	Yes	Yes
Duke's Wiki	No	No	With approval*	Yes	Yes

\*With approval from the Duke Kunshan IT Director and Data Manager.

### Use of Cloud Services

The following chart outlines the Duke Kunshan/Duke services appropriate for use with research data classified in Levels 1-5.

Service	Level 5	Level 4	Level 3	Level 2	Level 1
Duke's Box Service	No	No	With approval*	Yes	Yes
Duke's Qualtrics Service	No	No	With approval*	Yes	Yes
Duke's Microsoft OneDrive Service	No	No	With approval*	Yes	Yes
Amazon Web Services (AWS)	No (except AWS-Beijing, requires approval)	No (except AWS-Beijing, requires approval)	With approval*	Yes	Yes

\*With approval from the Duke Kunshan IT Director and Data Manager.

## **Duke Kunshan Protected Network**

Several research initiatives at Duke Kunshan require storage of sensitive/restricted data. Chinese laws and regulations may require some of this research (e.g., personally identifiable health information) to be stored within the PRC, which makes storage in the U.S. and/or Singapore undesirable.

Users of the Duke Kunshan Protected Network (DKPN) and Duke Protected Network (DPN) accept the policies and terms of use established for that network. For each research activity, a Data Steward is identified as responsible for maintaining contractual and/or legal obligations for data protection. An Administrator is also designated by the Data Steward to manage groups, and therefore, provision access to their project, directly. The Data Steward and the Administrator may be the same person.

Duke Kunshan IT and Duke ITSO will review any research project requiring or requesting DKPN access to ensure it is an appropriate environment for the request, and that the DKPN can meet any project-specific contractual requirements for data security.

Supporting documentation will be drafted by Duke OIT and Duke Kunshan IT and reviewed by Duke Kunshan and Duke research stakeholders and the ITSO, to be used when documenting the DKPN to prospective data sources.

Duke Office of Information Technology (OIT) will maintain the overarching environment (servers, systems, GPO design, etc.) and Duke Kunshan IT staff will be responsible for requesting researcher Virtual Machines (VMs), assigning researchers/staff appropriate access to VMs, auditing/reviewing server access log reports for compliance, and managing the secure load of data to and from the environment.

While the DKPN provides a reasonable environment for security, it will not meet every type of condition and restriction that can be commonly found in research contracts. The DKPN will address many, including country of data domicile (PRC), restricted physical access to systems (data center), management of end user systems to install updates and ensure security, secure password environment, restricted access to data store, separation of servers holding confidential data, logging of access rights, and IT access approval process.

## Appendix A: Data Classification Table<sup>127</sup>

Level	Data Classification and Examples
5	<p><b><i>Information that would cause severe harm to individuals or the University.</i></b></p> <ul style="list-style-type: none"> <li>• Research information classified as Level 5 by an IRB or otherwise required to be stored or processed in a high security environment and on a computer not accessible from the public Duke Kunshan data networks</li> <li>• Certain individually identifiable medical records and genetic information categorized as extremely sensitive</li> <li>• National security information (subject to specific government requirements)</li> <li>• Passwords and Duke Kunshan identifiers that can be used to access confidential information</li> </ul>
4	<p><b><i>Information that would likely cause serious harm to individuals or the University if disclosed.</i></b></p> <ul style="list-style-type: none"> <li>• High Risk Confidential Information (HRCI) and research information classified as Level 4 by an IRB</li> <li>• Personally identifiable financial or medical information</li> <li>• Information commonly used to establish identity that is protected by state, federal, or foreign privacy laws and regulations, including laws requiring data to be domiciled within the People's Republic of China (PRC).</li> <li>• Individually identifiable genetic information that is not Level 5</li> </ul> <p><b>Note:</b> Research data that must be stored within the PRC must be classified as Level 4 or Level 5.</p>
3	<p><b><i>Information that could cause risk of material harm to individuals or the University if disclosed.</i></b></p> <ul style="list-style-type: none"> <li>• Research information classified as Level 3 by an IRB</li> <li>• Student information or records</li> <li>• Duke Kunshan personnel records (employees may discuss terms and conditions of employment with each other and third parties)</li> <li>• Institutional financial records</li> <li>• Individual donor information</li> <li>• Other personal information protected under privacy laws not classified as Level 4 or Level 5</li> <li>• Building plans and information about the University's facilities</li> </ul>

<sup>127</sup> Harvard University. (2013, July). *Harvard data classification table*. Retrieved from [http://files.vpr.harvard.edu/files/vpr-documents/files/data\\_classification\\_table\\_abridged\\_7.23.13\\_0.pdf](http://files.vpr.harvard.edu/files/vpr-documents/files/data_classification_table_abridged_7.23.13_0.pdf)

	<b>Note:</b> By definition, Level 3 research data is not required by Chinese law or regulation to be stored within the PRC.
2	<p><b><i>Information the disclosure of which would not cause material harm, but which the University has chosen to keep confidential.</i></b></p> <ul style="list-style-type: none"> <li>• Unpublished research work and intellectual property not in Level 3 or Level 4</li> <li>• Research information classified as Level 2 by an IRB</li> <li>• Patent applications and work papers, drafts of research papers</li> </ul> <p><b>Note:</b> By definition, Level 2 data is not required by Chinese law or regulation to be stored within the PRC.</p>
1	<p><b><i>Public information.</i></b></p> <ul style="list-style-type: none"> <li>• Research data that has been de-identified in accordance with applicable rules</li> <li>• Published research</li> <li>• Published information about the University</li> <li>• Course catalogs</li> <li>• Directory information about students who have not requested a FERPA block</li> <li>• Faculty and staff directory information</li> </ul>

## Appendix B: Definition of Terms<sup>128</sup>

<b>Data Steward</b>	The individual(s), (Principle Investigator and/or Institutional Review Board) ultimately responsible for determining the sensitivity of the data, who can access it, and how it should be protected.
<b>Data Manager</b>	Typically, an IT administrator responsible for providing or recommending IT resources that appropriately secure data to

<sup>128</sup> IT Security Office, Duke University. (2015, Oct.). *Data security FAQ*. Retrieved from <https://security.duke.edu/sites/default/files/documents/Data-Security-FAQ-10-2015.pdf>

	the directives of the Data Steward. Data managers should have a good working knowledge of how to securely manage systems and applications.
<b>Data Use Agreement</b>	Data Use Agreements are legally binding contracts between the University and another executing party providing for the transfer of data from the provider organization to the recipient organization
<b>Data User</b>	The individuals who have been approved by the Data Steward to access the data. They are responsible for their access to the data, including the security of the account and any data they may access or possess.
<b>Researcher</b>	Research data may go through all classifications during the cycle of research. Researchers are responsible for understanding the requirements for data security at each stage of the research. Ultimately, the researcher is responsible and accountable for securing data in their possession, including following the standards promulgated by the Data Steward and using only those IT resources approved by the data manager for their project.
<b>Principal Investigator (P.I.)</b>	The P.I. is considered the Data Steward for the data in his or her project.
<b>Student</b>	Students involved in research are to follow the research protocols and security requirements and processes.
<b>IT Staff</b>	IT staff are not usually Data Stewards, so their responsibilities follow the Data Steward's designation and requirements.

## Appendix I: Policy and Procedures Governing Faculty Consulting or Outside Activities [\(return to top\)](#)

### Policy and Procedures Governing Faculty Consulting or Outside Activities

*Adapted from Duke University Policy and Procedures Governing Faculty Consulting, revised by the Duke Kunshan Research Policy Committee and Approved by Duke Kunshan Faculty March 31, 2016, and adopted by the Board of Trustees of the University, effective June 7, 2016*

Duke Kunshan University (Duke Kunshan) acknowledges that when faculty devote a portion of their professional effort to consulting or outside activities related to their areas of expertise, such effort can broaden their experience in ways that benefit teaching and research and can bring academic knowledge to the wider public in ways that contribute to the well-being of society.

Professional service to the community, such as participation on visiting committees, on advisory boards, on boards of trustees of other colleges and universities, or in professional associations, and consulting as a specific part of research with colleagues elsewhere, are acknowledged as part of faculty's professional metrics. Duke Kunshan therefore encourages such activity.

**While paid consulting on the part of faculty members is allowed, the terms of consulting agreements between faculty and extramural entities must be consistent with the following requirements:**

1. **Duke Kunshan University** ("the University") is not a party to consulting agreements between faculty and external organizations, shall have no obligation or potential liability under the agreements, and its rights may not be impaired in any way by the agreements. The University does not provide indemnity insurance for these activities.

**2. Faculty's Obligations to the University**

- Consulting or outside activities are permitted provided the faculty member's full-time appointment and obligations to the University are met.
- Duke Kunshan faculty members owe their primary professional allegiance to the University, and their primary commitment of time and intellectual energies should be to the education, research, service, and scholarship programs of the University. Outside professional activities must not detract from a faculty member's full-time obligation to these duties.

**3. Limitations on time spent and type of responsibilities as a consultant**

Full-time<sup>129</sup> faculty may spend up to four days per month on consulting or outside activities, averaged over an annual period of service based on term of appointment (e.g., nine-months or eleven-months).

**4. Restrictions concerning students and research staff**

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<sup>129</sup> The policy is meant for full-time faculty whose academic/research appointment (salary) is either 9-month or 12-month at Duke Kunshan. For visiting faculty from Duke University or other institutions, the consulting policy from their home institution should apply.

- The academic activities of students and postdoctoral scholars must be free from the personal commercial and consulting interests of the faculty member.

- The work of students, staff, postdoctoral fellows and collaborators must not be exploited in the course of a faculty member's outside obligations.

- A faculty member who wishes to hire a Duke Kunshan student in employment activities outside the Duke Kunshan while serving as the student's advisor, or as a participant on the student's dissertation committee, must follow the procedures defined in the disclosure and affirmation waiver process in the *Duke Kunshan University Policy on Financial Conflict of Interest in Research for Individuals*.

## **5. Restrictions on use of university resources**

- Duke Kunshan facilities, personnel and equipment may not be used except in a purely incidental way, as part of outside consulting activities.

- Preferential access to research results, materials or products generated from Duke Kunshan teaching or research activities may not be provided to an outside entity for personal financial gain.

- Confidential information acquired through the conduct of Duke Kunshan business or research activities may not be used for personal gain, nor may others be given unauthorized access to it; confidential information also includes any information that comes into the faculty member's possession as a result of his/her employment by Duke Kunshan, and that is not broadly available to the general public.

## **6. Ownership of intellectual property**

- Duke Kunshan owns the title to all potentially patentable inventions conceived or first reduced to practice, in whole or in part, by faculty in the course of fulfilling their university responsibilities, or with more than incidental use of university resources. Such title must be assigned to the University. Faculty members do not have the authority to assign or otherwise transfer the rights to any of the University's inventions.

- Any publication, invention, discovery, improvement, or other intellectual property that results solely and directly from faculty member's services in consulting or outside activities, either alone or with employees of or other consultants or advisors to the external organization, shall be in compliance with the *Duke Kunshan University Policy on Intellectual Property Rights* and *Duke Kunshan University Policy on Inventions, Patents and Technology Transfer*.

## **7. Use of the Duke Kunshan name**

- The Duke Kunshan name and logo may not be used in any private consulting activities.
- The faculty's office address and university email address may be used for convenient communication.

## **8. Authorship, speaking and marketing activities**

- If a faculty member is listed as an author on any publication resulting from performance of consulting services, a disclosure should be included stating that "Dr./Professor [NAME]'s contribution to this publication was not part of his/her Duke Kunshan University duties or



responsibilities". The same disclosure should be given in speaking activities related to consulting services.

## **Appendix J: Financial Conflict of Interest Policy** [\(return to top\)](#)

### **Duke Kunshan University Policy on Financial Conflict of Interest in Research for Individuals**

*Adapted from the Duke University Financial Conflict of Interest Implementation Guidelines and Revised by Duke Kunshan University Research Policy Committee 26th October, 2015, Approved by University Faculty on Dec 9, 2015, and adopted by the Board of Trustees of the University, effective June 7, 2016*

#### *The Policy*

Duke Kunshan University (Duke Kunshan) is committed to ensuring that all members of the University, including faculty, staff and students, are provided an open and productive environment in which to conduct their learning, teaching and research. This goal can be adversely affected if an individual researcher has a financial conflict of interest (FCOI).

Duke Kunshan is also committed to ensuring that the results of research conducted at the Institution, whether sponsored by external funding or supported by institutional funding, are free from bias or the perception of bias and can bring academic knowledge to the wider public in ways that contribute to the well-being of society.

A financial conflict of interest (FCOI) occurs when an individual's private interests and his or her obligations to the University converge to raise reasonable concerns of bias to an independent observer. Therefore, in order to manage situations where a potential for an FCOI arises, this Policy is intended to assist Duke Kunshan researchers in applying and complying with the requirements of Duke Kunshan regarding the disclosure, review and reporting of FCOI in research and with the requirements of the sponsors of Duke Kunshan.

#### *Policy Implementation Guidelines*

##### **1. Policy Statement**

A financial conflict of interest (FCOI) can be any situation in which financial or other personal considerations have the potential to compromise the professional judgment and objectivity in the design, conduct or reporting of research of an officer, a faculty member, a scholar, a researcher, a staff member or any other Duke Kunshan community member. Duke Kunshan University has a responsibility to ensure that its teaching and research environment fosters the generation of new knowledge, positive learning opportunities and experience for students and preserves the integrity of its research enterprise and the public's trust. The Duke Kunshan policy, therefore, requires that the officers, faculty, scholars, staff and other personnel of Duke Kunshan acting on its behalf avoid or mitigate real or perceived FCOI, and ensure that their activities and interests do not conflict with their obligations to Duke Kunshan. The Vice Chancellor for Academic Affairs is responsible for ensuring the implementation of this policy.

## 2. Scope

This Policy applies to all individuals (faculty and non-faculty) who meet any of the following criteria:

- a. Contribute to the design, conduct, or reporting of research;
- b. Teach; or
- c. Make or otherwise influence purchasing or contracting decisions related to research.

## 3. Definition of Terms

**“Entity”** means any domestic or foreign, public or private, for-profit or not-for-profit legal entity or organization other than Duke Kunshan, including any agency of the Chinese or the US government.

**“Equity”** means any interest in the profits of or other ownership interest in any commercial or non-profit enterprise, including common stock and other equity securities, and any right to acquire any of the foregoing such as an option, warrant or other security convertible into an equity security.

**“Financial Conflict of Interest (FCOI)”** means a significant financial interest that could directly and significantly affect the design, conduct, reporting of research, or adversely affect a technology transfer transaction.

**“Financial Interest”** means anything of monetary value or potential monetary value that reasonably appears to be related to the individual’s duties and responsibilities, including, but not limited to:

- a. Payments for services (e.g., consulting fees, lecture payments, paid authorship, or honoraria);
- b. Equity interests (e.g., stocks, stock options, or other ownership interests); and
- c. Intellectual property rights and interests (e.g., patents, copyrights, and royalties from such rights).

The term does *not* include:

- a. Ownership of shares in a mutual fund;
- b. Salary or other remuneration received from Duke Kunshan;
- c. Income from seminars, lectures, or teaching engagements sponsored by government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education;
- d. Income from service on advisory committees or review panels for government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education. Reporting *is* necessary when a foundation is supported by industry;

- e. Payments made to Duke Kunshan by an outside organization; and
- f. Income from investment vehicles, such as mutual funds and retirement accounts, as long as the Individual does not directly control the investment decisions made in these vehicles.

**“Individual”** means an investigator, project director, co-investigator, and any other person regardless of title (and her/his immediate family) who is responsible for the design, conduct, or reporting of research, regardless of funding source; who teaches; or who makes or otherwise influences purchasing or contracting decisions. The principal investigator is responsible for identifying others who work with him/her who are responsible for the design, conduct, and reporting of the research for which extramural funding is sought or received.

**“Immediate family”** means parent, spouse or spousal equivalent and dependent offspring.

**“Institutional responsibilities”** means an individual’s professional responsibilities on behalf of Duke Kunshan, which include activities such as research, research consultation, teaching, institutional committee memberships, and service on panels such as Institutional Review Boards or data and safety monitoring boards.

**“Investigator”** means the principal investigator and any other Individual regardless of title or position who has responsibilities for the design, conduct, or reporting of research, including, as applicable a consultant or collaborator, and includes the Investigator’s immediate family.

**“Manage”** means taking action to address an FCOI, which can include reducing or eliminating the FCOI, to ensure, to the extent possible, that the design, conduct, and reporting of research will be free from bias.

**“Research”** means a systematic investigation, study, experiment or project intended to develop or contribute to generalizable knowledge.

**“Significant Financial Interest”** means receiving anything of monetary value whether or not the value is readily ascertainable, that reasonably appears to be related to the Individual’s Institutional responsibilities, including, but not limited to:

- a. Payments for services (e.g., consulting fees, lecture payments, paid authorship, or honoraria);
- b. Equity interests (e.g., stocks, stock options, or other ownership interests); and
- c. Intellectual property rights and interests (e.g., patents, copyrights, and royalties from such rights).

The term does *not* include:

- a. Ownership of shares in a mutual fund;
- b. Salary or other remuneration received from Duke Kunshan;

- c. Income from seminars, lectures, or teaching engagements sponsored by government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education;
- d. Income from service on advisory committees or review panels for government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education. Reporting *is* necessary when a foundation is supported by industry;
- e. Payments made to Duke Kunshan by an outside organization; and
- f. Income from investment vehicles, such as mutual funds and retirement accounts, as long as the Individual does not directly control the investment decisions made in these vehicles.

#### 4. Disclosure Requirements

An annual disclosure form is required from all Individuals (faculty and non-faculty) who contribute to the design, conduct, or reporting of research regardless of funding source, who teach, and who make or otherwise influence purchasing or contracting decisions at Duke Kunshan. These include:

- a. Paid faculty;
- b. Individuals with an FCOI identified in the previous year;
- c. Investigators and other Individuals identified on government and private grants, collaborative agreements, and contracts who are involved in the design, conduct, or reporting of research;
- d. Investigators and other Individuals identified on IRB applications who are involved in the design, conduct, or reporting of research;
- e. Individuals with intellectual property (IP) managed by Duke Kunshan;
- f. Individuals with significant administrative responsibilities that include procurement activities; and
- g. Other Individuals or categories of Individuals that may be designated by the Conflict of Interest Committee.

Individuals required to provide an annual disclosure form must include all significant financial interests of USD\$5,000/RMB¥30,000 or more for themselves and their immediate family as well as other information required under law and university policy.

The Research Support Office will distribute an announcement of the need to complete the annual reporting form on a date to be set by the Conflict of Interest Committee.

Disclosure is accomplished by Individuals completing the Duke University interactive, online reporting form through the Internet. Individuals unable to access the online reporting form must contact the Research Support Office to make alternate arrangements to disclose.

Email reminders will be sent as a courtesy to individuals who have not completed the annual disclosure form. Not receiving an email reminder does not eliminate or alter an Individual's requirement to complete the annual disclosure form.

Updating the annual disclosures:

- a. Each Individual is responsible for maintaining a current, accurate reporting form with the Research Support Office;
- b. At the time a proposal is submitted and the Principal Investigator's Assurances on the Duke Kunshan University Proposal Review & Approval Form are signed, if an FCOI exists with the proposed sponsor the Principal Investigator must update his or her annual disclosure;
- c. An Individual is responsible for updating her/his reporting form within thirty (30) calendar days of discovering, acquiring, or establishing any new significant financial interest (e.g., through purchase, marriage, or inheritance) or changes in any existing significant financial interest that might reasonably be related to their research efforts, institutional responsibilities, or other basis for reporting.

## **5. Review of Disclosure Forms**

Disclosure forms are analyzed by Research Support Office staff to determine if any disclosed Significant Financial Interests are related to the disclosing Individual's research and, if related, whether the Significant Financial Interest is in fact an FCOI. The Research Support Office will develop and maintain standard operating procedures, approved by the Conflict of Interest Committee, on how disclosures and management plans are processed, routed, analyzed, classified, reviewed, and monitored.

## **6. The Conflict of Interest Committee**

- a. Charge to the Committee
  - a.1 The Committee's responsibility:

Review and manage reported or otherwise identified potential conflicts of interest regarding individuals with a primary appointment at Duke Kunshan.
  - a.2 The Committee's primary function:

Protect the integrity of Duke Kunshan's research and education missions, as well as the integrity of the Individual.

Where management of a potential conflict of interest is required, the Committee works with the Individual involved to consider all facts available and develop a management plan. Once developed, all management plans will be acknowledged by the Individual, tracked over time, and monitored.
- b. Appointment to the Committee

Voting Members of the COI Committee are appointed by the Executive Vice Chancellor. All appointments must also have the approval of the Chancellor.

Ex-Officio members of the Committee serve at the discretion of the Chair as a resource to aid the review and discussion of matters before the Committee.

## **7. Reporting of Financial Conflicts of Interest to a Sponsor**

For research supported by external sponsors, Duke Kunshan will report as required by those sponsors, by law, or by this Policy, as applicable.

## **8. Retrospective Review and Mitigation Reports**

Whenever a financial conflict of interest is not identified or managed in a timely manner, including (1) failure by the Individual to disclose a Significant Financial Interest that is determined by the Institution to constitute a FCOI; (2) failure by the Institution to review or manage such a FCOI; or (3) failure by the Individual to comply with a management plan, then Duke Kunshan will, within one hundred twenty (120) days of its determination of noncompliance, complete a “retrospective review” of the Individual’s activities and the research project to determine whether any of the research, or portion thereof, conducted during the time period of the noncompliance was biased in the design, conduct, or reporting of such research. Duke Kunshan will document the retrospective review, which will include at least the following key elements:

- a. Project number;
- b. Project title;
- c. Principal Investigator or lead Principal Investigator if a multiple PI model is used;
- d. Name of the Investigator with the FCOI;
- e. Name of the entity with which the Investigator has a FCOI;
- f. Reason(s) for the retrospective review;
- g. Detailed methodology used for the retrospective review (e.g., methodology of the review process, composition of the review panel, documents reviewed, etc.);
- h. Findings of the review; and
- i. Conclusions of the review.

If bias is found and the research is externally sponsored, Duke Kunshan will notify the sponsor promptly and submit a mitigation report. The mitigation report will include, at a minimum, the key elements documented in the retrospective review above, a description of the impact of the bias on the research project, and Duke Kunshan’s plan of action or actions taken to eliminate or mitigate the effect of the bias (i.e., impact on the research project, extent of harm done, including any qualitative and quantitative data to support any actual or future harm; analysis of whether the research project is salvageable). Thereafter, Duke Kunshan will submit FCOI reports annually if required.

If bias is found in internally funded research the results of which have gone into the public domain, Duke Kunshan will prepare a mitigation report as described above to assess the impact on the publications and presentations affected.

#### **9. Appeal of a Conflict of Interest Committee Decision**

If an Individual wishes to appeal the determination of the Committee, the Individual must submit a written appeal detailing the basis for the appeal to the Vice Chancellor for Academic Affairs or his/her designee within ten (10) calendar days of receipt of the decision.

The appeal will be presented by the Vice Chancellor for Academic Affairs to the Executive Vice Chancellor. The decision by the Executive Vice Chancellor is final. The procedure is an exclusive mechanism for resolution of FCOI issues. Other Institutional policies and procedures cannot be invoked in an effort to re-adjudicate the determinations of the Committee or the Executive Vice Chancellor.

#### **10. Consulting and Commercial Research Relationships**

An Investigator may not participate in sponsored research at Duke Kunshan University involving technology that is owned by or contractually obligated to a business in which the Investigator has a financial interest, or with which the faculty member has a consulting or other commercial research relationship, unless the participation is approved by the Committee.



## Disclosure and Affirmation Waiver

**Required Disclosure: Financial Conflict of Interest**

**Duke Kunshan University Policy:** Financial Conflict of Interest, Consulting or Outside Activities

**Company:**

**Faculty Member:**

**Relationship to Company:** Consultant

**Duke Kunshan Student/Postdoctoral Associate/Scholar:**

**Disclosure:**

I, **[[PI Name and Title]]**, hereby disclose my relationship, described above, with **[[Company Name]]**. It is the intent of me and **[[Student Name]]** to be engaged in activities at said company as outlined in the attached statement of work. I am requesting approval by Duke Kunshan University for **[[Student's Name]]** work described in the attached document.

**[[PI Name]]**. Date

Duke Kunshan University

**Affirmation:**

I, **[[Student Name]]**, hereby affirm that I have been informed of the potential complications that may arise because of my involvement in Professor **[[PI's Last Name]]** outside professional activities, in this case **[[describe outside activity]]** with **[[Company]]**. I understand that if I have any questions or concerns, I may contact the Assistant Director for Research Support Office, Mr. Jing Bai, (+86-512-36657024 or jing.bai@dku.edu.cn) or any of the individuals co-signing this document.

**[[Student Name]]** Date

Duke Kunshan University

The following hereby acknowledge receipt of this disclosure and affirmation and give approval for the involvement of the above listed Duke Kunshan Student/Postdoctoral Associate/Scholar's activities regarding the company listed above, and as outlined in the attached statement of work.

**[[Name]]**, **[[Title – Director, Chair, etc.]]** Date

**[[Program/Center]]**

Duke Kunshan University

## **Appendix A: Procedures**

### **1. The Conflict of Interest Committee**

#### **a. Quorum**

The Conflict of Interest Committee consists of a minimum of five members and more than two thirds of the Committee members make a quorum.

#### **b. Voting**

The “simple majority” rule applies to the voting and the Chair only votes to break a tie.

#### **c. Committee member conflict of interest**

When a conflict is disclosed by a Committee member, the Committee member’s recusal will be constitutionally required and the Vice Chancellor for Academic Affairs or her/his designate may step in as needed.

### **2. Management Plans for Financial Conflicts of Interest**

The FCOI in sponsored research must be managed prior to expenditure of any funds.

Simple FCOIs are managed by issuing a standard management plan to the Individual with the FCOI. A standard management plan will require that the Individual take certain steps, which may include but are not limited to one or more of the following: (1) follow-up with the IRB, IACUC, and/or Research Support Office; and (2) disclosure of the FCOI to potential research participants, academic journals and manuscript reviewers, audiences at conferences and seminars, and sponsors; and (3) recusal from directly influencing purchasing decisions. Standard management plans, which are issued by the Research Support Office, are reported and reviewed by the Conflict of Interest Committee at convened meetings. The Conflict of Interest Committee may accept or modify these plans as necessary.

Complex FCOI situations require careful consideration by the Conflict of Interest Committee. After confirming the accuracy and completeness of the reporting form and possibly obtaining additional information from the Individual, the Conflict of Interest Committee will convene a meeting and develop a custom management plan to manage, reduce, or eliminate the conflict.

The management plan details the conditions or restrictions imposed upon the Individual in the conduct of the research project or in the relationship with the business enterprise or entity. Examples of conditions or restrictions that might be imposed to manage an FCOI include, but are not limited to:

- a. Public disclosure of the FCOI (e.g., when presenting or publishing the research results);
- b. For research projects involving human subjects, disclosure of the FCOI to the Institutional Review Board (IRB) and directly to participants and potential participants;
- c. Appointment of an independent monitor capable of taking measures to protect the design, conduct, and reporting of the research against bias resulting from the FCOI;

- d. Modification of the research plan;
- e. Change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the research; or
- f. Reduction or elimination of the financial interest (e.g., sale of an equity interest).

### **3. Recordkeeping**

Duke Kunshan will maintain records of all financial disclosures and all actions taken by the Institution with respect to each FCOI as follows:

- a. In the case of grants or cooperative agreements, for at least three years from the date of submission of the final expenditures report, or from other dates as specified by the sponsor;
- b. In the case of research contracts, for three years after final payment or, where applicable, for the other time periods specified by the sponsor.

### **4. Noncompliance / Sanctions**

Any of the items in the following non-exclusive list are grounds for a finding of noncompliance and sanctions:

- a. Not complying with the terms of the Policy;
- b. Not submitting a truthful and timely disclosure form;
- c. Failing to update a disclosure form within thirty (30) calendar days when a new Significant Financial Interest is obtained;
- d. Failing to cooperate with or otherwise respond to requests for additional information from the Research Support Office, the Conflict of Interest Committee, other designated officials at Duke Kunshan, or a sponsor; and
- e. Failing to fulfill the terms and conditions of a conflict management plan.

Where noncompliance is perceived, the Research Support Office or Conflict of Interest Committee will review the matter and communicate with the Individual. The following non-exclusive list of possible actions is the means by which noncompliance may be resolved:

- a. Request that a disclosure form be completed, updated, amended, etc.;
- b. Provide the Individual with another opportunity to respond to requests for information or collaboration;
- c. Recommend a delay or cessation of disbursement of the Individual's grant funding;
- d. Conduct a retroactive review in compliance with applicable regulations and report the matter to the Conflict of Interest Committee or Sponsor, as appropriate;
- e. Submit notice of noncompliance to any of the following, as appropriate: the Vice Chancellor for Academic Affairs if the Individual is faculty, a supervisor if Individual is non-faculty, the Institutional Animal Care and Use Committee, and Institutional Review Board if appropriate; or

- f. Refer the case to the appropriate Duke Kunshan official or committee for progressive discipline action.

## **5. Student Involvement in Faculty's Outside Professional Activities**

In furtherance of the Duke Kunshan Consulting Policy, the Conflict of Interest Committee must review and approve, in writing, any participation by a student in the outside professional activities of an investigator.

The Research Support Office will meet with the student to discuss with him/her issues related to the performance of these activities. After the discussion, the student will have a choice to execute a disclosure affirmation waiver document (see attached Waiver Form), to signify her/his understanding of the issues involved, that will also be signed by the Vice Chancellor for Academic Affairs, the Principal Investigator and appropriate program director or center director. The arrangement shall not be approved where the quality of the student's education or other Duke Kunshan University interests are in jeopardy, including, but not limited to any potential publication restriction or impediment to completing a thesis, dissertation, post-doctoral program, etc.

The list of issues to be discussed with the student and a copy of the disclosure affirmation waiver includes:

- a. Potential Benefits
  - Educational enrichment through professional/practical application
  - Gain professional experience with an outside entity in a field related to your academic interests
  - Build up CV
  - Enhance faculty recommendation
  - Build professional equity
  - Earn extra money
- b. Potential Concerns
  - Difficult to safeguard the academic relationship
  - Blurs faculty-to-student/postdoc relationship
  - Harder to compartmentalize
  - Complicates the ability to discern an FCOI
  - More potential to over-commit – “harder to say no”
  - Authorship – publication of confidential information or trade secrets
  - Muddies the students’ effort reporting
- c. Other Issues for Consideration:
  - Tax issues
  - Limits imposed as a result of receiving financial aid
  - IP rights

## **Appendix K: Guidelines for Authorship and Authorship Dispute Resolution** [\(return to top\)](#)

### **Guidelines for Authorship and Authorship Dispute Resolution<sup>130</sup>**

*Adapted from Duke University Policy on Guidelines for Authorship and Authorship Dispute Resolution, Revised by the Duke Kunshan Research Policy Committee and Approved by Duke Kunshan Faculty March 31, 2016, and adopted by the Board of Trustees of the University, effective June 7, 2016*

#### **INTRODUCTION**

Duke Kunshan University has instituted authorship guidelines and dispute resolution procedures to supplement its policy on Misconduct in Research. A separate but complementary policy was deemed advisable because many allegations of misconduct actually stem from and involve disputes over authorship. Because disputes over authorship rarely involve research misconduct, the Misconduct in Research policy is usually not the appropriate mechanism for resolving such disputes.

#### **COMMUNICATING RESPONSIBILITIES AND EXPECTATIONS**

Within the academic environment there is often some level of expectation regarding authorship or acknowledgement on the part of those contributing to a work. As a result, it is wise to address questions of authorship at the earliest practical stage of a research project. Such communication can clarify roles, spur motivation, and minimize disappointments among the participants. Major questions that should be addressed are the following:

- ♦ Who will be named as an author or acknowledged as a contributor if the study is submitted for publication or presentation?
- ♦ What will be the order of authorship?
- ♦ What are the responsibilities and expectations for each contributor to the study?
- ♦ Are there any intellectual property or confidentiality issues involved that may affect publication?

It is important to recognize that roles often change during the course of a project and it may not be possible to appropriately evaluate each author's relative contribution to the work until the manuscript (or presentation) is actually written or even finalized for publication. For this reason, it is important for all involved parties to re-discuss authorship whenever significant changes occur and to make it clear to all participants from the start that final decisions about authorship can be extended until the time of submission.

It is also the expectation that the senior investigator(s) associated with a given research project

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<sup>130</sup>This policy is indebted in part to authorship policies from the following institutions: Duke University, Harvard University, University of California-San Diego, University of California-San Francisco, University of Pennsylvania, and the Washington University-St. Louis. This policy incorporates authorship principles developed by the International Committee of Medical Journal Editors. More information can be found at <http://www.icmje.org/>.

is(are) responsible for anticipating possible disagreements concerning authorship credit and for initiating conversations on the matter before students and other collaborators have invested substantial time on the project.

#### RECOMMENDED PRINCIPLES OF AUTHORSHIP

A salient fact about authorship is that markedly different traditions of joint authorship exist among different disciplines. Given these variances, specific and universal rules cannot apply. However, a set of general principles should serve as a guide for authorship inclusion across the University.

- ♦ Authorship should be restricted to those individuals who have met each of the following four criteria: 1) made a significant contribution to the conception and design of the project, or the analysis and interpretation of the data, or other substantial scholarly effort; 2) participated in drafting, reviewing and/or revising the work; 3) approved the final version for publication; and 4) have participated sufficiently in the work to take full responsibility for his or her contributions to the content.
- ♦ As a practical matter, with multi-authored publications it is usually important to designate or acknowledge one individual as the Lead Author, who takes responsibility for the integrity of the work as a whole. This Lead Author often also serves as the corresponding author.
- ♦ The Lead Author has responsibility for 1) including as co-authors all those who meet the four criteria defined above; and 2) obtaining from all co-authors their agreement to be designated as such.
- ♦ The order of authorship should be a joint decision of the co-authors. If a decision cannot be reached, the Lead Author should have the final say.
- ♦ Acquisition of funding, collection of data, or general supervision of a research group does not justify authorship unless the individual also fulfills the above four criteria.
- ♦ Anyone who does not meet the above authorship criteria but who has made other substantial contributions (such as technical help, writing assistance, etc.) should be acknowledged in the final product.
- ♦ Honorary or courtesy authorships are inconsistent with the principles of this policy and, as such, are unacceptable.

#### DISPUTE RESOLUTION

Disputes over authorship are best resolved by the authors themselves or by the authors in consultation with the center or institute director and/or the Vice Chancellor for Academic Affairs, as appropriate.

Failing that, the matter can be referred to the Authorship Dispute Board in one of two ways. If the matter is taken to the Authorship Dispute Board with the mutual agreement of all parties, the decision of the Board will be binding on all parties. If the matter is taken to the Authorship Dispute Board without the mutual agreement of all parties, the decision of the Authorship Dispute Board is not binding, but the Board will make a written recommendation that will be provided to all parties of the dispute and can be made public by any of the parties involved. The reviews and recommendations of the Authorship Review Board, along with a final list of the

authors on all publications submitted to the Review Board for resolution, shall be submitted to the Faculty Council for inclusion in the Council's public records.

#### COMPOSITION OF THE AUTHORSHIP DISPUTE BOARD

The Board shall be a subcommittee of the Research Policy Committee and consist of the following:

- ♦ One director and two faculty members appointed from the Research Policy Committee membership with their appointments concurrent with their Policy Committee terms.
- ♦ Two ex officio members of the administration, the dean or associate dean for graduate programs and the director or associate director of research administration.
- ♦ If the case under consideration involves a graduate student or post-doctoral fellow, the Board shall request that the Vice Chancellor for Academic Affairs name a student or fellow to the Board for that specific case.
- ♦ If appropriate, the Board may call upon the expertise of other members of the University faculty.

Any member of the Board involved in attempted resolution of the complaint prior to its consideration by the Authorship Dispute Board will recuse him- or herself. If a case under review has an even number of Board members and a vote is tied, a final vote shall be sought from the Chair of the Research Policy Committee.

## Appendix L: Policy on intellectual property rights [\(return to top\)](#)

### Duke Kunshan University Policy on Intellectual Property Rights

*Adapted from the Duke University Policy on Intellectual Property Rights, revised by Duke Kunshan Research Policy Committee, approved by University Faculty on April 20, 2016, and adopted by the Board of Trustees of the University, effective June 7, 2016*

#### I. General Principles

- A. The primary mission of Duke Kunshan University (hereinafter referred to as "Duke Kunshan" or the "University") lies in the creation and dissemination of knowledge in works of the intellect, in whatever medium (tangible or otherwise) they may be embodied or expressed. This Policy recognizes and acknowledges that intellectual property rights may arise in such works from time to time as a result of efforts by members of the Duke Kunshan community. The Policy addresses certain issues of ownership with respect to such rights (other than patent rights). In this Policy, Duke Kunshan affirms its commitment to the personal ownership of intellectual property rights in works of the intellect by their individual creators, whether the creators work alone or with others, and whether they work privately or as members of the Duke Kunshan community, defined for purposes of this Policy as all full- and part-time faculty and staff, and other persons receiving compensation from the University for services rendered, as well as students, graduate assistants, postdoctoral fellows, postdoctoral associates, visiting faculty, industrial personnel and fellows, whether compensated or not, who work on any research project under University control, regardless of obligations to other companies or institutions.
- B. Duke Kunshan also may create or commission such works on its own behalf, whether as works-for-hire or otherwise; and Duke Kunshan may acquire such works from, or develop them in company with individual authors on mutually agreeable terms.
- C. Throughout this Policy, the term "intellectual property rights" includes, *inter alia*, copyrights, trademarks, trade secrets, rights of publicity or privacy, moral rights, and all other neighboring rights of whatsoever kind; but the term excludes patent rights arising in inventions and supportive technology of the sort addressed in the University's Policy on Inventions, Patents and Technology Transfer (the "Patent Policy"). Know-how associated with patentable inventions or tangible material is not included in this Policy.

#### II. Recurring or Categorical Exceptions

Notwithstanding the general principles respecting individual ownership expressed in Article I, intellectual property rights arising in certain categories of academic works as listed below justify exceptional treatment on a recurring or categorical basis. The intellectual property rights arising from the creation of these works by members of the Duke Kunshan community shall vest (as works for hire or the equivalent) in Duke Kunshan, which may thereafter grant licenses or royalties or both to individual creators or contributors on just and reasonable terms.



1. Computer programs, when the programs are primarily created to perform utilitarian tasks.
2. Databases and similar collections of information which are obtained primarily on behalf of divisions or programs/centers rather than individuals, or which involve issues of privacy (as in the case of medical patients or identifiable human subjects) or require approval by the University's Institutional Review Board.
3. Works supported by extraordinary allowances, grants or subventions (whether in money or money's worth, and whether or not supported by outside sources under contract), when designated as such in advance by the University.
4. Collaborative works by persons working as members of the Duke Kunshan community, when numerous individual original contributions are indistinctly merged, as a practical matter, into a new and distinct work fixed in a tangible medium of embodiment, and the individual creators have not entered into an agreement with respect to joint authorship.
5. Intellectual property rights in works supported by grants or contracts shall be governed according to the terms and conditions of such grants or contracts or, in the event such grants or contracts are silent as to intellectual property rights, the ownership of the intellectual property generated by or arising from the grants or contracts abovementioned shall vest in the University, by this Policy.

### III. Particular Provisions Applicable to Courses of Instruction Approved for Duke Kunshan Credit or Duke University Credits

- A. Intellectual property rights arising in courses approved for Duke Kunshan credits or Duke University credits but not developed via work-for-hire nor by affiliation with Duke Kunshan ordinarily belong to their individual creator in accordance with the general principles expressed in Article I.A. of this Policy; but rights may vest in Duke Kunshan to the extent that a course (or some portion of it) is created, acquired or developed by Duke Kunshan under Article I. B., or when the course (or some portion of it) falls within the exceptions set forth in Article II.
- B. With respect to each such course (and whether the rights in that course belong to an individual creator or to Duke Kunshan), every member of the University community at large (including students, faculty, staff and administrators) shall enjoy a permanent non-exclusive, royalty-free license to make all traditional, customary or reasonable academic uses of the immediate content of that course (the License).
  1. The "immediate content" of a course includes both the ideas and the expression arising *ex tempore* as the course is actually taught and delivered to students in the classroom (or otherwise at an assigned time or place) and includes any permanent record of the delivery of the course which is simultaneously made, e.g., a videotaped recording of a lecture. All such "immediate content" of the course is subject to the License.

Recording of lectures may only be done with the permission of the instructor presenting the lecture. Once given, such permission may be withdrawn for particular lectures or for portions of lectures. Permitted recordings of lectures may be archived by the University library. Any access to such archived recordings shall be for private scholarly purposes only. Such archived recordings, the time for which they will be retained, and their distribution for scholarly purposes, or any other purpose, shall be subject to limitations defined in writing to the University Librarian by the instructor.

Student recording of lectures, when permitted by the instructor, shall be for private study only. Such recordings shall not be distributed to anyone else without authorization by the instructor whose lecture has been recorded. However, the instructor may arrange through the Office of Information Technology to make recorded lectures available to students enrolled in the class on such terms and conditions as he or she prescribes. Unauthorized distribution is a cause for disciplinary action by the Board of Academic Misconduct.

A check sheet for granting permission to electronically record lecture by the University shall be completed by the instructor at the beginning of each semester. The instructor shall maintain a copy and retain one in the corresponding program files. The instructor shall communicate to the students in the class what, if any, permission has been granted to record the course content.

2. Works which are created outside the classroom (or otherwise beyond the immediate temporal setting in which a course is taught or delivered) - works (for example) such as books, texts, articles, notes for lectures, outlines, photographs, videos, films, recordings, audiovisual works and the like - are not part of "the immediate content" of a course, even if they are created expressly for the purpose of being assigned or used (in whole or in part) in the actual teaching or delivery of a course. Rights in these works are not subject to the License created by this Policy, though they remain subject to other more general legal or customary principles applicable to fair use, whether in academia or elsewhere.
- C. The License shall be presumed to spring into existence automatically by virtue of a course's approval for credit by Duke Kunshan with the consent of any individual rights-holder; no additional formality shall be required. No royalty shall be payable for the License, sufficient consideration for which shall be deemed to reside in the mutual benefit realized by Duke Kunshan and the consenting rights-holder, as well as by the individual members of the University community.
- D. The License shall include a particular right in students duly enrolled in a course to take class notes for their personal use; but notes in a course shall not be taken or disseminated for commercial purposes or be distributed publicly unless approved by the instructor.
- E. The License also shall include a right in Duke Kunshan to offer the course, or to freely distribute any recording of the same, or to develop and offer derivative courses

of instruction, in both conventional and non-conventional settings (including courses intended for use in internet distance education projects), whether at Duke Kunshan or elsewhere. The License shall continue to be available to Duke Kunshan even if the faculty member in whom individual rights otherwise vest should leave Duke Kunshan.

- F. No claim of rights in teaching style or the like will be recognized under this Policy; but individual instructors may claim personal rights of privacy against non-consensual exploitation of their name, likeness or private personality.
- G. An instructor who creates a highly original or singular course ordinarily may expect a preference (as against the claims of others) with respect to any assignment to teach that course (whether in conventional or unconventional settings); but no continuing entitlement is implied as against reasonable administrative considerations to the contrary, including the particular demands or prerequisites of the curriculum.

#### IV. Particular Provisions Applicable to Internet Distance Education Projects

Given the increasing presence of digital technologies, and the growing likelihood that distance education projects via the internet may bring about significant changes in the practices and fortunes of academia, it appears prudent to establish additional provisions particularly applicable to such projects:

- A. Duke Kunshan may appropriately consider any internet distance education project that offers the promise of securing and advancing Duke Kunshan's place among the leading universities of the world. To that end, Duke Kunshan may participate in the development of such projects with members of its own community; or it may enter into relationships with persons outside the established academic community. In either case, it may enter into such projects on terms and conditions which are fair and reasonable in the circumstances, whether or not they are customary in academia, so long as they do not adversely affect the fundamental principles of governance and academic freedom otherwise recognized in conventional settings at Duke Kunshan.
- B. A member of the Duke Kunshan faculty who is employed on a full time or equivalent basis, and who intends to enter into any non-Duke Kunshan internet distance education project in which he or she proposes to teach a course, shall first disclose the proposed undertaking in writing to his or her divisional dean or program director (or their designate), who will examine the proposed undertaking in order to insure that no conflict of interest or commitment will arise.
  - 1. Conflicts of interest or commitment will be addressed generally in accordance with the terms of the University Policy on Financial Conflicts of Interest in Research.
  - 2. In addition, a potential conflict of interest or commitment will be presumed to arise under this Policy:
    - a. when an individual proposes to teach a course not for Duke Kunshan or Duke University credit (a "non-Duke Kunshan internet course") substantially equivalent to a conventional course he or she is regularly assigned to teach at

Duke Kunshan;

- b. when an individual proposes to teach a non-Duke Kunshan internet course in circumstances likely to be directly competitive with an existing or proposed Duke Kunshan internet course which he or she has been offered an opportunity to teach;
- c. when an individual proposes to participate in teaching a non-Duke Kunshan internet course in circumstances likely to confuse or mislead the public with respect to his or her primary obligations or allegiance as a member of the Duke Kunshan Faculty; or
- d. when an individual proposes to participate in teaching a non-Duke Kunshan internet course in circumstances likely to impair the continuing performance of his or her primary responsibilities at Duke Kunshan.

The dean or program/center director (or their designate) who examines a proposed undertaking in which a conflict of interest or commitment presumptively arises under this Sub-Paragraph (2) may determine that the conflict is trivial, or that it can be cleared on terms reasonably calculated to serve the best interests of Duke Kunshan and the individual faculty member alike, and in either case shall give notice to that effect in writing within ninety days, both to the individual and to the Vice Chancellor for Academic Affairs; but in the absence of such a determination the individual shall not proceed further with the undertaking as proposed while remaining a member of the Duke Kunshan faculty.

A faculty member who has engaged appropriately in a non-Duke Kunshan distance education project as provided above shall nevertheless repeat the process of notice and clearance annually thereafter with respect to his or her continuing participation in that project. If changed circumstances thereafter create a conflict as provided above, and the conflict cannot reasonably be cleared, the faculty member will withdraw from the project within one year of the date when the existence of that conflict is determined.

- C. The University Intellectual Property Committee (established by Article VIII of this Policy) may develop additional interpretations or regulations reasonably designed to implement these provisions, and may promulgate additional requirements with respect to prior notice and clearance. But the purpose of all such additional interpretations, regulations or requirements will be to avoid unreasonable conflicts and the appearance of evident professional impropriety, rather than to limit unduly an individual's ability to engage in suitable outside professional activities, including distance education projects; and to that end, Duke Kunshan will exert reasonable efforts to clear such conflicts and to eliminate any appearance of impropriety through appropriate disclaimers, licenses or the like.

#### V. Provision for Declaring Extraordinary Exceptions

The Vice Chancellor for Academic Affairs, acting upon the advice or recommendation of the University Intellectual Property Committee, and with the concurrence of the

Faculty Council, may declare additional exceptions to these principles prospectively, on just and reasonable terms, when a particular transaction or category of work appears to require extraordinary treatment. Works created specifically for or in the context of the emerging digital or internet environment, and particularly when intended directly for use in distance education ventures in which the University proposes to invest its own singular identity, may justify extraordinary treatment more often than do works in traditional media. Exceptions limited to compulsory non-exclusive licenses from an individual creator to Duke Kunshan, accompanied by suitable provisions for royalty payments by Duke Kunshan, will appear just and reasonable more often than will appropriations of a creator's entire intellectual property rights in a work.

VI. Moral Rights

Subject to the University's own rights hereunder and at law, the moral rights of each individual creator will be respected to the extent practicable in every case contemplated by this Policy; and in no case will the University fail to recognize an individual creator's entitlement to acknowledgment, attribution or other appropriate credit, to the fullest extent practicable.

VII. University Name and Identity

- A. Intellectual property rights arising in Duke Kunshan's name, logos and other indications of identity belong to Duke Kunshan. Such rights may be licensed from time to time upon suitable terms and conditions approved by the Chancellor or his/her delegates, taking into full and appropriate account the research, teaching and collegial missions of the University.
- B. Members of the Duke Kunshan community may identify themselves as such from time to time with such indicia of their status as is usual and customary in academia; but any use of Duke Kunshan's name, logos or indications of identity shall be reasonably calculated to avoid any confusing, misleading or false impression of particular sponsorship or endorsement by Duke Kunshan, and when necessary shall include specific disclaimers to that end.

VIII. University Intellectual Property Committee

- A. This Policy shall be interpreted and administered by the University Intellectual Property Committee. The Chancellor of the University shall appoint the University Intellectual Property Committee consisting of five members, three from the faculty and two from the administration. The chairperson shall be designated by the Chancellor of the University.
- B. The Committee shall publish such additional interpretations, regulations and requirements, and shall take such other administrative actions, as are necessary to the suitable discharge of its duties and the adequate functioning of this Policy; but in every case the Committee's interpretations, regulations and requirements, as well as its administrative actions, shall be consistent with the provisions expressed in this

Policy.

IX. Appeals and Arbitration

A person aggrieved by the proposed application of any provision of this Policy may appeal within six months from the appearance of such grievance for a plenary ruling, on such grounds as appear relevant, just and reasonable, first, to the Vice Chancellor for Academic Affairs of the University (or his/her delegates), who shall give decision within ninety calendar days from the lodging of the appeal; and second, within ten business days after the Vice Chancellor for Academic Affairs' decision, to the Chancellor of the University (or the Chancellor's delegates), who shall give decision in ninety days from the date of the Vice Chancellor for Academic Affairs' decision, and whose ruling shall end the University's claim of appellate jurisdiction in the matter. Thereafter, the aggrieved person may proceed as of right to binding arbitration before a single arbitrator pursuant to the commercial arbitration rules of the Beijing Arbitration Commission. Each party shall bear its own costs in connection with the proceedings; but in the event an Arbitrator finds that a party has proceeded in bad faith the Arbitrator may award costs and expenses (including attorneys' fees) to the other party.

X. Effectiveness; Prior Works

- A. This Policy shall take effect upon approval by the Chancellor and the Vice Chancellor for Academic Affairs, after being concurred in by the membership of the Faculty Council, and with the final approval of the Board of Trustees of the University.
- B. Except as provided for in the Patent Policy, this Policy on Intellectual Property Rights shall constitute the sole Duke Kunshan University Policy governing all non-patent intellectual property rights of every kind arising in any work of the intellect, and in any medium in which the work may be embodied or expressed.
- C. This Policy on Intellectual Property Rights, and the Patent Policy, shall be construed in *pari materia* so as to give reasonable force and effect to the provisions of both policies. Otherwise, the Patent Policy shall not be affected in its application to the disclosure and subsequent management of inventions, patents or technology transfers; and the jurisdiction of the University Intellectual Property Committee with respect to the Patent Policy shall continue unabated to such an extent.
- D. Intellectual property rights in works created prior to the effective date of this Policy shall be treated in accordance with the principles articulated herein, to the extent that such treatment is practicable, just and reasonable.

XI. Language

This Policy is drafted and adopted in English and Chinese versions. Each language version will have equal binding effect. However, in the case of any discrepancy between the two language versions, the English-language version shall control.

## **Interpretations of the Policy on Intellectual Property Rights as it Relates to Online Courseware**

### **1. Definitions**

- a. The term internet courseware, as used in this interpretation, refers to any fixed audio/visual work or sound recording that is created for, based on, or adapted or derived from a Duke Kunshan-sponsored internet distance education course of any type. Internet courseware may include recorded lectures, presentation slides, videos and video clips as well as other works to which copyright adheres. Material created for online use by students enrolled in courses that meet for regularly scheduled face-to-face class sessions is not included in this definition unless it is used in an internet course.
- b. The term creator refers to the person or persons, including students, faculty and staff, who would be the owner(s) of copyright in a specific piece of internet courseware through the application of the Copyright Law of the People's Republic of China if that piece of courseware were not a work made for hire. This interpretation does not have any reference to third-party materials that are incorporated into courseware.

### **2. General principles**

- a. The Duke Kunshan University Policy on Intellectual Property Rights, including the license allowing all members of the Duke Kunshan community to make "all traditional, customary or reasonable academic uses" of course content, applies to all Duke Kunshan community members, whether they are teaching on campus, off campus or online.
- b. This interpretation affirms the general principle of individual ownership expressed in section I(A) of the Policy on Intellectual Property Rights.
- c. This interpretation affirms that section IV(B) of the Intellectual Property Rights Policy concerning conflicts of interest applies in its entirety to creators of internet courseware.

### **3. Courseware and Clause II(A)3 of the Intellectual Property Rights Policy**

- a. In the absence of a written agreement, and regardless of whether or not an internet courseware creator receives support for the internet course from the University, section II(A)3 concerning works made for hire shall not apply to that courseware. When a separate, written agreement between a creator and the University that determines the question of ownership has been negotiated, however, that agreement shall have effect.

### **4. Courseware and Clause III(B) of the Intellectual Property Rights Policy**

- a. The License created by section III(B) of the Intellectual Property Rights Policy for "traditional, customary or reasonable uses" will be deemed to arise in regard

to internet courseware in its entirety. In addition, the following special terms apply to this license in internet courseware:

- i. Any and all revenues generated by courses in which the internet courseware is used, other than direct tuition payments made to the University, will be subject to cost recovery and profit sharing arrangements between the creator(s) and the University, the policy for which will be determined by the Vice Chancellor for Academic Affairs in consultation with the Advisory Committee for Online Education.
- ii. Attribution rights will be respected whenever the internet courseware is used, regardless of whether or not the creator remains a member of the Duke Kunshan community. Attribution shall be given for all such uses to both the creator(s) and the University.
- iii. In accordance with section IV(B) of the Intellectual Property Rights Policy concerning conflicts of interest, reuse of the internet courseware on non-Duke Kunshan platforms or in association with any institution with which the University does not have a formal agreement will be subject to the approval process described therein. This process shall also be used to seek approval whenever a third-party, not subject to the Intellectual Property Rights Policy and this interpretation, is expected to make a contribution to the courseware. The revenue sharing provisions in section 4(a)(i) of this interpretation shall also apply in those situations.
- iv. Revisions of the courseware carried out by anyone other than the creator(s) shall be approved by those creators.



## **Appendix L.2: Policy on intellectual property rights** [\(return to top\)](#)

*Reviewed by the Duke Kunshan Research Policy Committee, September 17, 2020; reviewed by the Duke Kunshan Faculty Council, November 23, 2020; approved by the Duke Kunshan Faculty, December 11, 2020; approved by the Duke Kunshan leadership on May 26, 2021.*

### Section 1: Scope

This Guideline is designed to address the ownership of intellectual property (IP) rights (such as undergraduate theses or creative works, inventions, discoveries, creations and new technologies) conceived or first implemented into practice by DKU students as a product of DKU for-credit courses or non-credit co-curricular activities.

This Guideline does not address the allocation of IP between DKU and another entity, or between a DKU student and another entity, or between a DKU student and other person (persons). Rules pertaining to those situations could impact the application of this Guideline.

### Section 2: Rules

#### A. General Rule

Unless covered by a Special Situation (see below), DKU will not claim ownership of any IP conceived or first implemented into practice by a DKU student as a product of a regular DKU for-credit course (including but not limited to homework assignments, laboratory experiments, independent study projects or Signature Work projects) or DKU non-credit co-curricular activities (such as graduate research or volunteer work).

#### B. Special Situations

A number of special situations are listed in this section. These special situations overwrite the General Rule whenever applicable. The priority order of the below Special Situations should be as follows: Special Situation #4 should take precedence over all other Special Situations and Special Situation #5 should take precedence over Special Situations #1, #2 and #3.

1. If a DKU faculty or staff member jointly works on a DKU project with a DKU student (e.g., supervising undergraduate Signature Work or graduate project) and makes material intellectual contributions to the IP, DKU will jointly own the IP generated from the project. DKU should make students aware of this Guideline at the beginning of such a project, but the detailed percentage of IP ownership based on contribution from each party can be determined after the IP is created.
2. If a DKU student is compensated by either internal or external funding to contribute to a specific DKU project as a student worker, DKU will own the IP generated from the project. Such student should not volunteer to contribute to the same project for

- no compensation at any time throughout the project. This Guideline does not apply to compensation by DKU to a DKU student for other reasons (e.g., providing a scholarship by DKU).
3. To the extent permitted by applicable laws, if a DKU student significantly uses DKU resources or facilities (including but not limited to lab equipment, software and special hardware) during a DKU non-credit co-curricular activity, the IP generated from the activity will be jointly owned by DKU and the student. The detailed percentage of IP ownership will be determined based on contribution from each party.
  4. If any DKU student uses resources supported by external funding (e.g., equipment and materials paid by funding from National Science Foundation of China) when contributing to a DKU project, the terms in the agreement/contract/policy of the external funding sponsor will be applied to define the IP ownership. Before starting to contribute to the project, such student should irrevocably and unconditionally assign to DKU in writing any IP rights the student may be entitled to regarding such project by operation of law. Such student should be compensated by DKU for the contribution to the project.
  5. If a specific agreement is signed between a DKU student and DKU covering IP ownership, the terms in such agreement should be followed to define the IP ownership.

### Section 3: Other Provisions

Any background IP held by a DKU student that is relevant to the student's contributions to a DKU project must be disclosed to DKU before the student begins to contribute to the project.

IP ownership may be complex and case specific based on each set of circumstances. This Guideline only provides basic guidance to help DKU students, faculty and staff navigate issues about IP rights for students. For issues not covered by this Guideline, applicable laws and other relevant IP rules issued by DKU will apply, provided that this Guideline prevails over any other relevant IP rules issued by DKU on the same or similar subject.

## Appendix M: Policy on Inventions, Patents, and Technology Transfer

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### Duke Kunshan University Policy on Inventions, Patents, and Technology Transfer

*Adapted from the Duke University Policy on Inventions, Patents and Technology Transfer, revised by DKU Research Policy Committee, approved by University Faculty on April 20, 2016, and adopted by the Board of Trustees of the University, effective June 7, 2016*

#### I. Preamble and Objectives

Duke Kunshan University (hereafter referred to as the "University") is dedicated to teaching, research, and the expansion of knowledge. Although the University does not undertake research or developmental work principally for the purpose of developing patents and commercial applications, patentable and other commercially useful inventions sometimes result from the research activities carried out wholly or in part with use of the financial support from the University and of space, facilities, materials or other resources provided by or through the University. It is the policy of the University to ensure the utilization of such inventions for the common good and, where necessary, to pursue patents and licenses to encourage their development and marketing.

This Policy applies to University employees, who are defined for purposes of this Policy as all full- and part-time faculty, staff, and other persons receiving compensation from the University for services rendered, as well as students, graduate assistants, postdoctoral fellows, postdoctoral associates, visiting faculty, industrial personnel and fellows, whether compensated or not, who work on any research project under the University control and/or using university resources, regardless of the employees' obligations to other persons, companies or institutions.

Duke Kunshan University has established the following policies and procedures with respect to inventions, patents, and technology transfer in order to:

- A. Promote the University's academic policy of encouraging scientific research and scholarship;
- B. Serve the public interest by providing an organizational structure and procedures through which inventions which arise in the course of university research may be made readily available to the public through established channels of commerce;
- C. Encourage, assist, and provide tangible reward to members of the University community who make inventions processed under this Policy;
- D. Establish principles and uniform procedures for determining the rights and obligations of the University, inventors, and sponsors, with respect to inventions arising during the inventor's and sponsor's association with the University or within one year after the termination of the inventor's association with the University by whatever cause;

- E. Enable the University to enter into institutional agreements with government research funding agencies, private research sponsors, or industry; and
- F. Produce funds for further scientific investigation and research and for the overall needs of the university.

## II. Administrative Responsibility

- A. The Chancellor of the University shall be responsible for administrative matters relating to inventions, patents, and technology transfer and shall represent the University in all matters of policy affecting the University's relations with inventors, government, private research sponsors, industry, and the public. The Chancellor may designate another senior administrative officer to carry out these responsibilities in whole or in part.
- B. Director of the Office of Licensing & Ventures. The Chancellor of the University shall appoint a director of the Office of Licensing & Ventures who may be a full or part-time employee of the University or a member of a recognized patent management organization. The director of the Office of Licensing & Ventures shall:
  - 1. Establish liaison with appropriate faculties to monitor research and to assist in the identification of potentially patentable discoveries and in the reporting of such discoveries;
  - 2. Establish liaison with government and private sponsors of research and ensure compliance with any provisions in sponsored research agreements regarding inventions;
  - 3. Receive all disclosures of invention submitted under this Policy;
  - 4. Determine the ownership of and interests involved in inventions, in accordance with Section V below;
  - 5. Determine whether an invention in which the University has an equity is patentable;
  - 6. In consultation with the inventor, evaluate potential commercial use and investigate possible courses of action for patenting and/or marketing inventions in which the University has an equity;
  - 7. Negotiate patent licensing and technology transfer agreements;
  - 8. Maintain complete records on all disclosures and other patent matters of interest for the Duke Kunshan administration;
  - 9. Serve as an ex-officio member of the University Intellectual Property Committee in the capacity of secretary, and prepare an annual report to the committee;
  - 10. Promote the cross-fertilization of ideas within the Duke Kunshan scientific community consistent with the need for confidentiality of potentially patentable subject matter until patent applications have been filed.
- C. University Intellectual Property Committee. The Chancellor of the University shall appoint a University Intellectual Property Committee consisting of five members. Three committee members shall be selected from the faculty and two from the administration. The chairperson shall be designated by the Chancellor of the University. The committee shall:

1. Receive and review the annual report of the director of the Office of Licensing & Ventures and consult with the director of the Office of Licensing & Ventures when required.
2. Report to the Chancellor on the implementation of this Policy, and recommend new or different policies or guidelines as necessary, which may be more suitable for achieving its objectives.
3. Sit as a tribunal for the resolution of specific disputes involving the ownership of and equities involved in inventions, on appeal from decisions of the director of the Office of Licensing & Ventures.
4. Receive requests for interpretations of this Policy and, after deliberation, recommend to the Chancellor such interpretations as it considers appropriate.

### III. Invention Management

- A. For all inventions or Supportive Technology assigned to the University under this Policy, the University will at no expense to the inventor make reasonable efforts to evaluate the interest to others in commercializing the invention, seek licenses and options for licenses, have applications for patents filed and prosecuted, and otherwise manage the inventions and Supportive Technology or arrange for their management by recognized patent management organizations. The University may assign such inventions or Supportive Technology to a foundation, trust, corporation or other entity organized by the University for purposes of patent / rights management.
- B. The University will normally evaluate potential commercial use of an invention prior to the filing of patent application. Options to license and other contractual arrangements appropriate in the circumstances will normally be sought as early as possible as a validation of potential commercial use. If the University determines that neither commercial possibilities nor the potential contribution to the public good warrants proceeding further with an invention or Supportive Technology, the invention or Supportive Technology will be returned to the inventor and shall belong to him or her unless such action is precluded by prior agreement with sponsors. The University shall make such determination within a reasonable time window, in no event longer than one year from the date of disclosure to the University under Article IV below.
- C. In licensing, sale, or other disposition of rights to inventions or Supportive Technologies, the University will seek to guard against repressive practices. Royalty rates shall be reasonable and consistent with the goal of the University effectively to transfer technology in the public interest. Where feasible, the University will grant non-exclusive, reasonable royalty-bearing licenses to all qualified licensees. However, the University recognizes that non-exclusive licensing in many cases may not be effective in bringing the invention to the commercial market in a satisfactory manner and thus will grant an exclusive license if it determines that such is required in the public interest to encourage the marketing and eventual public use of the invention or Supportive Technology. In all cases, the University shall reserve to itself a right to make or have made and to use the invention or Supportive Technology within Duke Kunshan University for its own purposes.

- D. If within a reasonable time frame (as determined solely by the director of the Office of Licensing & Ventures) from the date of issuance of the patent, or from notification of a Supportive Technology under Article IV, the University does not license or sell a patent or Supportive Technology assigned to it hereunder, ownership of the patent or Supportive Technology will revert to the inventor at his/her request.

#### IV. Report of Inventions and Supportive Technology

University employees who during their association with the University or within one year after the termination of their association with the University invent a device, product, method, or Supportive Technology, whether or not on university time or with university facilities, shall cooperate with the University in defining the rights to the same by promptly, fully, and truthfully reporting, *prior to publication or public disclosure of the same*, to the director of the Office of Licensing & Ventures on the University's Invention Disclosure Form (as specified by the Office of Licensing & Ventures from time to time).

#### V. Ownership of Inventions and Supportive Technology

- A. Inventions and Supportive Technology resulting from research or other work conducted by university employees wholly on their own time and without the use of university funds or facilities shall be considered the property of the inventor and may be patented and/or commercialized by the individual at the individual's expense. It is recognized that when the invention is within the specific subject area of the inventor's current and ongoing university research activities, disputes may develop concerning whether the work was conducted by university employees wholly on their own time and without the use of university funds or facilities. In order to reduce the possibility of such disputes, it shall be the responsibility of the employee to provide his or her Division, Program or Center Director a written notice, at the time he/she commences his/her association with the University or before he/she starts such research activities, that he/she is engaging in research activities independently within the subject area of his/her current university research, and describe in such notice the focus of these independent research activities, with a copy to the Vice Chancellor for Academic Affairs. Without such prior written notice, inventions and Supportive Technology resulting from such independent research shall be deemed to be owned by the University unless the inventor can reasonably demonstrate that the invention or Supportive Technology was developed wholly on their own time and without the use of university funds or facilities.
- B. Inventions and Supportive Technology resulting from research or other work conducted by university employees wholly on their own time, but involving some but not significant use of the University funds or facilities, shall be considered the property of the individual and may be patented and/or commercialized by the individual at the individual's expense. The University will not construe the payment of salary from unrestricted funds or the provision of office or library facilities as constituting significant use of university funds or facilities. However, where there is significant use of university funds or facilities in the creation of an invention or Supportive

Technology, a percentage of gross returns earned by the inventor on such invention or Supportive Technology shall be remitted to the University, in recognition of the use of university facilities, to the University, as provided hereafter.

- C. Inventions and Supportive Technology resulting from research or other work conducted by university employees in whole or in part on university time or with significant use of university funds or facilities shall be considered the property of the University, including any inventions and Supportive Technology arising from research or other work of the same nature as that conducted at the University by the University employee within one year after the termination of the association with the University. It shall be the responsibility of university employees to notify their subsequent employers of this condition after termination of their employment with the University. University employees are deemed to automatically assign to the University all rights, title and interest in any inventions and Supportive Technology covered by this Article V, section C. Employees shall, upon request, assign to the University in writing (in such form as required by the University) all rights and title to such inventions and Supportive Technology, and shall make known and available to the University all relevant information and materials in relation to the same. If the University decides not to request assignment of all rights and title to an invention or Supportive Technology created in whole or in part on university time or with significant use of university funds or facilities, and if there are no restrictions by any outside sponsor of the research, the University may release its proprietary interest to the inventor in writing.
- D. Inventions or Supportive Technology arising from research financed by the Chinese Government are controlled by the terms of the applicable grant or contract and the provisions of PRC law. The University is obliged to report to the appropriate government agency all such inventions, discoveries or Supportive Technology for definition of the government's rights and interests. In cases where the government claims no patent rights or waives its rights, such inventions or Supportive Technology shall fall under Article V, section C, immediately above, subject to such limitations as the government may impose.
- E. Inventions or Supportive Technology resulting from research or other work sponsored by nongovernmental entities are controlled by the terms of the research agreement, if applicable, and if not, such inventions or Supportive Technology shall fall under Article V. C, immediately above and be governed by university policies on patents and Supportive Technology.
- F. Where mutually agreeable between inventors and the University, and on terms and conditions acceptable to both, the University will accept by assignment, bequest, or other appropriate instrument, title to inventions or Supportive Technology falling in sections A and B above.
- G. Any dispute between the director of the Office of Licensing & Ventures and the inventor as to the determination of interests in an invention or Supportive Technology shall be resolved by the University Intellectual Property Committee. The decision of the University Intellectual Property Committee may be further appealed to the

Chancellor or, upon the Chancellor's referral, to the Board of Trustees. Thereafter, the aggrieved person may proceed as of right to binding arbitration before a single arbitrator pursuant to the commercial arbitration rules of the Beijing Arbitration Commission. Each party shall bear its own costs in connection with the proceedings; but in the event an Arbitrator finds that a party has proceeded in bad faith the Arbitrator may award costs and expenses (including attorneys' fees) to the other party.

- H. Any use of the University's name in connection with the commercialization of an invention or Supportive Technology by an individual shall be approved in advance by the University.
- I. All university employees may be required to sign a Patent Agreement implementing the terms of this Policy, in the form specified by the University, as a condition of their employment by or association with the University, or at any time during such employment or association with the University.

#### VI. Division of Income

- A. All income derived from inventions or Supportive Technology falling within Article V, section A above shall belong to the inventor.
- B. All inventions and Supportive Technology falling with Article V, section B shall be patented and/or commercialized by the inventor, if at all, under a simple agreement between the University and the inventor, in the form specified by the University, which shall provide for periodic reports by the inventor of sales subject to royalties, and for payment to the University of ten percent (10%) of gross income derived by the inventor as royalties on the invention. The Chancellor or director of the Office of Licensing & Ventures in their sole discretion may decide that such payment be reduced or eliminated if it appears that a 10% contribution is excessive under the circumstances.
- C. The University has the exclusive right to patent and exploit inventions and Supportive Technology falling within Article V, section C of this Policy. Without the prior written consent of the director of the Office of Licensing & Ventures, no university employee shall claim any rights in, register or attempt to register, or publish or otherwise publicly disclose, such inventions and Supportive Technology. All income derived from inventions and Supportive Technology falling within Article V, section C shall be distributed in accordance with the following rules:
  - 1. The inventor expressly consents that the following income distribution arrangement satisfies both the reward and remuneration obligations of the University to employee inventors under the Patent Law of the People's Republic of China and all relevant rules and regulations. Should there be any doubt that the following distribution arrangement may not be sufficient for the requirement, he/she expressly, willingly and fully waives any further right he/she may have.
  - 2. The University will first deduct any direct expenses incurred by it in connection with the initial patenting and commercialization of the invention or Supportive Technology. Any such expenses incurred by the inventor with the prior approval of the director of the Office of Licensing & Ventures will also be deducted and paid to



the inventor.

3. For each separate patent or element of Supportive Technology, the University will then pay and distribute the income remaining after payment of direct expenses in the following manner:
  - a. income from ¥0 to ¥3,000,000:
    - (1) fifty percent (50%) thereof to the inventor;
    - (2) ten percent (10%) thereof to the Office of Licensing & Ventures;
    - (3) ten percent (10%) thereof to the inventor's laboratory until, at the discretion of the Chancellor after consultation with Vice Chancellor for Academic Affairs and Program/Center Director, this distribution reaches the maximum amount which can reasonably be expended in that laboratory, after which any excess shall be added to and distributed as a part of the twenty percent (20%) share to be distributed for research support in accordance with VI.C.3.a.(5) below;
    - (4) ten percent (10%) thereof to the inventor's Program/Center; and
    - (5) twenty percent (20%) thereof to provide research support in the University as determined by the Chancellor upon the advice and counsel of the Vice Chancellor for Academic Affairs.
  - b. income from ¥3,000,000 to ¥12,000,000:
    - (1) thirty-three percent (33%) thereof to the inventor;
    - (2) ten percent (10%) thereof to the Office of Licensing & Ventures;
    - (3) fifteen percent (15%) thereof to the inventor's laboratory until, in the discretion of the Chancellor after consultation with Vice Chancellor for Academic Affairs and Program/Center Director, this distribution equals the maximum amount which can reasonably be expended in that laboratory, after which any excess shall be added to and distributed as a part of the twenty percent (20%) share to be distributed for research support in accordance with VI.C.3.b.(6) below;
    - (4) fifteen percent (15%) thereof to the inventor's Program/Center;
    - (5) seven percent (7%) thereof to a quasi-endowment fund established by the University to provide direct support for graduate and post-doctoral research, as the Chancellor of the University shall direct; and
    - (6) twenty percent (20%) thereof to provide research support in the University as determined by the Chancellor upon the advice and counsel of Vice Chancellor for Academic Affairs.
  - c. ¥12,000,000 and higher:
    - (1) twenty-five percent (25%) thereof to the inventor;
    - (2) ten percent (10%) thereof to the Office of Licensing & Ventures;
    - (3) fifteen percent (15%) thereof to the inventor's laboratory until, in the discretion of the Chancellor after consultation with Vice Chancellor for Academic Affairs and Program/Center Director, this distribution equals the maximum amount which can reasonably be expended in that laboratory, after which any excess shall be added to and distributed as a part of the

- twenty percent (20%) share to be distributed for research support in accordance with VI.C.3.c.(6) below;
    - (4) fifteen percent (15%) thereof to the inventor's Program/Center;
    - (5) fifteen percent (15%) thereof to a quasi-endowment fund established by the University to provide direct support for graduate and post-doctoral research, as the Chancellor of the University shall direct; and
    - (6) twenty percent (20%) thereof to provide research support in the University as determined by the Chancellor upon the advice and counsel of the Vice Chancellor for Academic Affairs.
  - 4. If for any reason the inventor ceases to be a university employee or, if an employee is no longer studying or working in research at the University, then the disposition of the share to which that inventor's laboratory would have been entitled shall be determined by the University.
  - 5. For purposes of this Article VI.C., the word "inventor" shall include co-inventors as a group and related words such as "laboratory" shall include not only the singular but also the plural form of the word, as may be appropriate. Unless otherwise agreed in a writing signed by each co-inventor and notified to the University, all co-inventors shall share the net income owing to the inventor equally.
  - 6. For purposes of this Article VI.C., the money ranges in value in paragraphs VI.C.3.a. (¥0 to ¥3,000,000), VI.C.3.b. (¥3,000,000 to ¥12,000,000), and VI.C.3.c. (¥12,000,000 and higher) above, shall be adjusted by the director of the Office of Licensing & Ventures as of July 1 of each year to reflect the change, if any, in the cost-of-living, such adjustment to be effective for the fiscal year from that July 1 through the following June 30. The cost-of-living adjustment to be made each year shall be the cost-of-living adjustment calculated by the Office of Human Resources of the University for use by that Office in determining wage and salary levels for the fiscal year for which the adjustment of money ranges in value under this Article VI.C. will be effective (whether or not such wage and salary adjustments are implemented). In any year in which the Office of Human Resources of the University does not make such a calculation, then the director of the Office of Licensing & Ventures shall obtain the same cost-of-living calculation from the Office of Human Resources, which that Office would have made for determining wage and salary levels if that calculation had been required by that Office, for the purpose of making the adjustments required by this Article VI.C.6. The adjustments shall be published as amendments to this Policy no later than July 1 of each year in which such amendments are effective.
  - 7. For purposes of this Article VI.C., the net income referred to in paragraphs VI.C.3.a. (¥0 to ¥3,000,000), VI.C.3.b. (¥3,000,000 to ¥12,000,000), and VI.C.3.c. (¥12,000,000 and higher) above, as the same shall be adjusted from time to time, shall mean the cumulative net income earned from inventions after payment of direct expenses incurred by the University in connection with the patenting and commercialization of the invention.
- D. Income from inventions and Supportive Technology falling within Article V, section

- D, where the government claims no patent or commercial rights or waives such rights, shall be distributed in accordance with Article VI, section C above, unless the waiver or other agreement between the University and the government provides for a different distribution.
- E. In the case of inventions or Supportive Technology falling within Article V, section E, any royalties received by the University shall be distributed in accordance with Article VI, section C above, unless the contract between the University and the sponsor provides for a different distribution.
- F. Income from inventions or Supportive Technology falling within Article V, section F, shall be distributed in accordance with the agreement between the inventor and the University.

#### VII. Publication

Inventors should be aware that publication or public disclosure prior to the filing of a Chinese patent application is a bar to the grant of certain foreign patents and can bar the grant of a Chinese patent unless the publication or public disclosure is in certain qualified convention States and occurs less than six months before the filing date of a Chinese patent application.

#### VIII. Interpretation

Questions of interpretation concerning this Policy shall be submitted to the University Intellectual Property Committee and resolved, after consideration of the University Intellectual Property Committee's recommendations, by the Chancellor or, upon the Chancellor's referral, by the Board of Trustees.

#### IX. Termination or Revision of this Policy

This Policy may be changed or discontinued at any time by action of the Board of Trustees. Such changes or discontinuance shall not affect rights accrued prior to the date of such action.

#### X. Agreements

Adherence to this Policy as amended from time to time shall be deemed to be a condition of initial or continuing employment of every university employee and a condition of enrollment and attendance of every student or researcher who works on any research project under university control. All such employees, students and researchers will be expected to sign agreements incorporating the terms of this Policy; but failure to sign shall not affect the applicability of the Policy nor relieve any employee, student or researcher from the obligations imposed by it.

#### XI. Effectiveness; Prior Works

This Policy shall take effect upon approval by the Chancellor and the Vice Chancellor for Academic Affairs, after being concurred in by the membership of the Faculty Council, and with the final approval of the Board of Trustees of the University.

Any use of university funds or facilities after the effective date of this Policy shall be subject to this Policy.

Intellectual property rights in inventions and Supportive Technologies created prior to the effective date of this Policy shall be treated in accordance with the principles articulated herein.

## XII. Languages

This Policy is drafted and adopted in English and Chinese versions. Each language version will have equal binding effect. However, in the case of any discrepancy between the two language versions, the English-language version shall control.

## **Interpretations of the Policy on Inventions, Patents, and Technology Transfer**

The University agrees to the following interpretations of its policy on Inventions, Patents, and Technology Transfer (the "Policy").

- Supportive Technology means any non-patentable invention or material, including without limitation databases, computer software or hardware, cell lines, organisms, proteins, DNA/RNA, chemical compounds, transgenic animals, and other materials useful for research or commercial purposes, and for which patent applications are not filed or, if filed, are not successful.

- Article III-A. of the Policy on Inventions, Patents, and Technology Transfer

The University will create an Office of Licensing & Ventures to manage all inventions and Supportive Technology assigned to it under this Policy, and does not anticipate assigning any such inventions or Supportive Technology to an existing patent management organization. In the event the University decides to use such an organization for patent management, the inventor's agreement would be obtained in advance.

- Article IV. of the Policy on Inventions, Patents, and Technology Transfer

To avoid the possibility of adverse impact on faculty members' private consulting arrangements, the University disclosure form will first request information concerning the basic idea of the invention (what it will do but not how it does it) and the circumstances of its conception and/or development (whether on university time or not, what funding sources were involved, etc.). If the director of the Office of Licensing & Ventures concurs with the inventor that the invention or Supportive Technology is not one in which the University has any interest under the Policy, the remainder of the disclosure form need not be completed.

- Articles . VII. of the Policy on Inventions, Patents, and Technology Transfer

Inasmuch as a publication or public disclosure prior to the filing of a Chinese patent application is a bar to the grant of certain foreign patents and can bar the grant of a Chinese patent if it occurred six months earlier than the filing date, it may be necessary in some circumstances to temporarily restrict publication for short periods of time. Accordingly, the University may request employees to delay disclosure or the publication date of any publication which discloses an invention or Supportive Technology falling under Article V

sections C, D or E of the Policy until after a Chinese patent application has been filed on the invention, but in no event longer than three months after the invention or Supportive Technology is notified to the Office of Ventures & Licensing in accordance with Article IV of the Policy.

The term 'publication' and 'public disclosure' as used in the Policy means any written or oral publication or disclosure to any member of the public under no confidentiality obligation, for example a seminar or presentation open to the general public. By way of example, a submission for publication is not a public disclosure until the article is accepted and released by the journal, so long as both the journal editors and reviewers are obliged to maintain confidentiality of the manuscript.

## Appendix N: Patent Agreement [\(return to top\)](#)

### Patent Agreement

*Adapted from Duke Policy on Patent Agreement, revised by Duke Kunshan Research Policy Committee, approved by University Faculty on February 22, 2017, approved by the University Board of Trustees on April 26, 2018*

This agreement is made on [date] between me, as researcher, and Duke Kunshan University ("Duke Kunshan") in consideration of my employment with Duke Kunshan and/or my utilization of its research facilities or resources.

I agree to notify Duke Kunshan (or any individual, corporation or governmental agency which Duke Kunshan may specify) promptly of any invention which I believe to be patentable and which I conceive or develop while employed by Duke Kunshan or while using any Duke Kunshan research facilities or other resources, in order that determination of the rights and equities in such invention may be made in accordance with the Duke Kunshan University Policy on Inventions, Patents, and Technology Transfer (the "Patent Policy").

In the event Duke Kunshan desires to seek patent protection on any such invention which has been determined to be Duke Kunshan property, I agree to assign to Duke Kunshan all my rights, title, and interest in and to such invention and to supply all information and execute all papers necessary for the purpose of prosecuting patent applications thereon. I understand that expenses for making such assignments and procuring such patents shall be paid by others than myself. I also understand that Duke Kunshan reserves the right to abandon the prosecution of any patent application.

If Duke Kunshan receives revenue from patents on inventions assigned by me pursuant to this agreement, I understand that I will share in these funds according to the distribution schedule set forth in the Patent Policy.

I further agree to do all things necessary to enable Duke Kunshan to fulfill its obligations to any person, corporation, or other agency sponsoring the particular research projects in which I am or may be engaged.

I understand that this agreement is part of the terms of my employment and that any contract of employment heretofore or hereafter entered into between me and Duke Kunshan shall be deemed to include this agreement, except to the extent that an express provision of such contract of employment is clearly inconsistent with the terms of this agreement.

This agreement is executed in both Chinese and English language versions. In the event of a conflict between the two language versions, the English-language version shall prevail.

This Agreement shall be governed by the laws of the People's Republic of China and subject to the exclusive jurisdiction of the competent court in Kunshan, Jiangsu Province.

[signature page]

<b>For and on behalf of Duke Kunshan University</b>
Name (print/type):
Title:
Signature:

<b>Researcher</b>
Name (print/type):
Program / research center:
ID#:
Signature:

## Appendix O: Policy and Procedures Governing Misconduct in Research

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### Policy and Procedures Governing Misconduct in Research

*Adapted from Duke University Policy and Procedures Governing Misconduct in Research and Revised by the Duke Kunshan Research Policy Committee and Approved by Duke Kunshan Faculty March 31, 2016, and adopted by the Board of Trustees of the University, effective June 7, 2016*

The following policy and procedures shall apply to all research conducted at Duke Kunshan University. The procedures delineated herein shall be the exclusive method for handling allegations of misconduct in research made against faculty. Allegations involving non-faculty researchers shall typically be handled in accordance with the procedures for those non-faculty groups.

However, in all cases in which the research is funded externally, the Misconduct Review Officer (see paragraph one under Procedures below) shall be notified of the allegation and shall determine the procedure to be followed.

#### *Policy*

Duke Kunshan University strives to foster an atmosphere of honesty and trust in which pursuit of knowledge can occur. Integrity of research forms the foundation of respect among scholars and students and between the academic world and the public. All members of the University community share responsibility for maintaining this climate of trust. Occasionally, however, scholars may, inadvertently or not, violate accepted norms of professional behavior, thereby jeopardizing the reputation of the University and possibly damaging their careers and those of colleagues. Misconduct is especially serious in collaborative research, where the reputations of several researchers pursuing different components of an integrated project may be damaged by the actions of one or more partners. Colleagues in a cooperative venture bear mutual responsibility for ensuring the integrity of research performed and published jointly under their names.

Principal investigators must bear primary responsibility for ensuring the integrity of collaborative research performed under their supervision whether by faculty or non-faculty. Investigators and academic unit heads are expected to make periodic and reasonable inquiries concerning the integrity of the activities conducted under their supervision.

The policy and procedures concerning misconduct in research are regularly reviewed and modified, as necessary, by the Research Policy Committee, a standing committee of the University.



The Committee is also responsible for notifying the academic community of misconduct in research policy and procedures; for ensuring that the research community is educated in the standards for the conduct, reporting, and supervision of research; and for consulting with individuals about the policy and procedures governing misconduct in research.

### **Misconduct--What Is It?**

Misconduct in research is defined as fabrication, falsification, or plagiarism. Fabrication is making up data or results and recording or reporting them. Falsification is manipulating research materials, equipment, or processes or changing or omitting data or results such that the research is not accurately represented in the research record. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. In addition, other practices that seriously deviate from those that are commonly accepted within the research community for proposing, conducting, or reporting research may also constitute misconduct in research. The definition does not include honest error or differences of opinion.

### **Examples of Activities Representing Misconduct in Research**

The following are examples of misconduct; however, the list is not comprehensive and does not include all activities that would constitute misconduct:

1. claiming the ideas or words of another to be one's own;
2. including false statements or data in research proposals, progress reports, publications, or related documents;
3. manipulating research procedures or data so as to bias results; and,
4. misusing confidential material such as manuscripts and grant proposals received in the peer review process, or proprietary information or materials.

### **Addressing Additional Issues in the Conduct of Research**

Institutional policies and mechanisms are currently in place to address disputes centering on questions of authorship and data utilization, financial improprieties, and human subjects research. Although such cases will be reviewed and governed by those bodies as to compliance with relevant regulations and ethical standards, they are not precluded from additional review under the procedures governing misconduct in research. Criminal acts will be handled through the appropriate law enforcement agencies.

### ***Procedures: The Structure***

The University's Executive Vice Chancellor has ultimate authority for handling allegations and investigations of misconduct in research.

### **Duke Kunshan University Misconduct Review Officer**

A member of the academic administration, such as the Vice Chancellor for Academic Affairs, is designated as Misconduct Review Officer (MRO).

The MRO is responsible for:

1. receiving and handling allegations of misconduct in research in the manner provided for in the procedures set forth below;
2. providing administrative support for the Standing Committee on Misconduct in Research and, as necessary, for an ad hoc committee;
3. coordinating communications with the parties involved in the misconduct review process, and maintaining a secure repository for misconduct review documentation; and
4. taking appropriate action to safeguard and preserve relevant data or evidence relating to the allegation, and/or to ensure the safety of personnel at Duke Kunshan University.

### **Standing Committee on Misconduct in Research**

The Standing Committee on Misconduct in Research (SCMR) will be the Research Policy Committee appointed by the Executive Vice Chancellor.

The SCMR is responsible for:

1. conducting an inquiry into allegations (with or without admissions of misconduct) referred from the MRO to distinguish between misconduct and carelessness or incompetence;
2. deciding whether the allegation warrants a formal investigation;
3. advising the MRO of the need to ensure the safety of research participants and to preserve and protect physical evidence such as research data; and,
4. reporting to the MRO on the outcome of the inquiry in a written report accompanied by all relevant documents.

### **Ad Hoc Committee on Misconduct in Research**

A decision that an investigation is warranted is made by the Duke Kunshan University Executive Vice Chancellor upon his or her review of the SCMR's inquiry into the allegation or as a result of an appeal by the complainant(s) of the Standing Committee's finding. If the decision is to proceed with an investigation, the Executive Vice Chancellor will appoint an ad hoc committee to determine whether misconduct occurred. Additionally, a legal advisor shall be appointed to serve the ad hoc committee. Formation of the ad hoc committee will be governed by two principles: first, the need for impartiality on the part of the committee members, and second, the need for specific knowledge of the research field. The ad hoc committee will consist of at least three members selected to ensure that the investigation is carried out as completely and competently as possible. The ad hoc committee may include senior professors and external experts with knowledge of the research field of the individual suspected of misconduct and/or persons with expertise in other areas as necessitated by the nature of the research field or by the nature of the allegations.

### ***Procedures: The Process***

Duke Kunshan University recognizes the importance of addressing allegations of misconduct in research in a timely fashion and with the utmost fairness, sensitivity, and confidentiality. Thus, the University has established a process for handling these allegations. It may be modified to the extent necessary to conform to additional requirements of funding agencies if the research is externally supported. To the extent allowed by law, the University shall maintain the identity of respondents and complainants securely and confidentially and shall not disclose any identifying information as it conducts the research misconduct proceeding and any subsequent proceedings, except to:

1. those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and,
2. the sponsor if the research is supported by external funding and the sponsors' award terms require that misconduct be reported.

To the extent allowed by law, any information obtained during the research misconduct proceeding that might reveal the identity of human subjects participating in the research shall be maintained securely and confidentially and shall not be disclosed, except to those who need to know in order to carry out the research misconduct proceeding. The procedures outlined below are designed to ensure that charges of alleged misconduct are addressed as judiciously as possible, and that any retaliation against a person bringing an allegation in good faith is strictly prohibited. The objective is to define clearly the responsibility for integrity shared by the Duke community, and to make the preservation of trust more secure.

### **The Allegation**

Any individual having reason to believe that a researcher has committed misconduct in research (as defined above) should report the matter in writing to the researcher's center director, academic program director or the MRO. Allegations addressed to other than a MRO shall be promptly forwarded to the MRO, who will immediately notify the Chancellor and Executive Vice Chancellor.

Appropriate efforts will be made to protect the positions and reputations of those making allegations of misconduct, or providing related information, from any reprisals or retaliation unless those allegations or that information is judged to be baseless and malicious or reckless in nature. If, at any point in the misconduct review process, it is determined that the allegation or information was in fact baseless and malicious or reckless, the matter will be dealt with in accordance with existing university policies and mechanisms, e.g. the Harassment Policy or the Human Resources Work Rules.

### **Assessment of the Allegation by the Misconduct Review Officer**

Within seven (7) days after receiving an allegation of misconduct in research the MRO will initiate an assessment of the allegation to determine whether it meets the definition of research

misconduct and is sufficiently credible and specific that the potential evidence of research misconduct may be identified. Specifically, the MRO will:

1. as necessary, ask the complainant(s) for more information;
2. discuss the allegation with the person(s) accused of misconduct, the respondent(s);
3. determine whether the issues that form the basis of the allegation are appropriate for consideration through misconduct review mechanisms, including whether they should be handled through other mechanisms (such as the Authorship Dispute Board, Internal Audit Office or the Institutional Review Board);
4. refer the matter to the appropriate review body or bodies as necessary. The MRO may consult with others in making this determination and referral; and,
5. as necessary, safeguard and preserve relevant data or evidence and ensure the safety of personnel and research subjects.

The confidentiality of the allegation will be maintained to the extent possible. If, at the conclusion of his or her assessment, the MRO determines that there are no adequate grounds for the allegation and that no further assessment is warranted, the MRO will submit to the Executive Vice Chancellor a written report documenting the reasons for the decision and will advise the complainant(s) and the respondent of the decision.

The Executive Vice Chancellor, on his/her own review of the conclusions and circumstances surrounding the allegation of misconduct, may decide that no further action is required or may require a formal inquiry by the SCMR.

If the MRO or the Executive Vice Chancellor determines that the issues demand consideration through misconduct review mechanisms, the MRO will notify the chairperson of the SCMR of the need for action and will provide to the chairperson all materials in his or her possession related to the allegation. The MRO will notify in writing the chancellor, the person suspected of misconduct, and the complainant(s) that an allegation inquiry will be conducted under these procedures. The notification will include the substance and the source of the allegation.

### **Allegation Inquiry by Standing Committee on Misconduct in Research**

Upon determination by the MRO or the Executive Vice Chancellor that an allegation inquiry is required, the SCMR will be promptly convened. The SCMR shall conduct an inquiry into the allegations (with or without admission of misconduct) referred from the MRO or the Executive Vice Chancellor to (i) distinguish between carelessness or incompetence and misconduct; and (ii) determine whether the allegation warrants a formal investigation. The SCMR shall advise the MRO of any need to ensure the safety of research participants, and preserve and protect physical evidence such as research data; it will also report to the MRO the outcome of the inquiry in a

written report accompanied by all relevant documents. Prior to or at the beginning of the inquiry, the respondent(s) will be provided written notification of the inquiry and contemporaneously the MRO will sequester all research records and other evidence needed to conduct the research misconduct proceeding. If the inquiry subsequently identifies additional respondents, they shall be promptly notified in writing. A copy of the Duke Kunshan University Policy and Procedures Governing Misconduct in Research will be provided to all respondents.

During the allegation inquiry process, the SCMR shall review available evidence of the alleged misconduct (e.g., plagiarized text, papers containing falsified data, etc.) to the extent necessary for it to determine whether a formal investigation is warranted. All individuals involved in the process are expected to cooperate with all efforts to obtain or safeguard data. The respondent(s) will be given the opportunity to respond to the allegation during an interview with the SCMR, and in writing if desired. The committee may conduct additional interviews with any individuals who may have knowledge of the events in question, and it may request additional documents as necessary to fulfill its responsibilities. The allegation inquiry will remain confidential to the extent possible. At the conclusion of its inquiry the SCMR will submit a written report to the MRO; this report shall contain the following information:

1. the names and positions of the respondent(s) and complainant(s);
2. a description of the allegations of research misconduct;
3. any external support involved, including, for example, grant numbers, grant applications, contracts, and publications listing external support;
4. the basis for recommending that the alleged actions do or do not warrant an investigation; and;
5. any comments on the report by the respondent(s) or the complainant(s).

Unless there are extenuating circumstances, the SCMR inquiry shall be concluded within sixty (60) days of beginning the inquiry. If the draft report is not submitted within that period, the report will document the reasons for the delay. A copy of the draft report will be submitted to the respondent for review and comment. The respondent must submit any written comments on the draft report to the MRO within fourteen (14) days of receipt; these comments shall be appended to the final report.

If the SCMR recommends that no investigation is warranted, the report will detail the reasons for the recommendation. The final report, with the respondent's comments appended, as well as all records obtained by the SCMR during its inquiry, will in that case be sent to the MRO and will become a permanent institutional record, but no record will appear in the personnel record of the person suspected of misconduct. The MRO will promptly provide a copy of the final report to the respondent(s) and to the Executive Vice Chancellor, and will notify the complainant(s) and third

parties on a need-to-know basis of the findings. If the complainant(s) disagrees with the conclusions he/she may submit, within seven (7) days of receipt of the SCMR notification of findings, a direct written request to the Executive Vice Chancellor to review the conclusions. On the basis of the SCMR's final report, and/or an appeal by the complainants(s) of the SCMR's finding, the Executive Vice Chancellor shall determine in writing whether an investigation is warranted.

If the SCMR recommends that an investigation is warranted, the report will detail the reasons for the recommendation. The final report, with the respondent's comments appended, will be provided to the Executive Vice Chancellor, with a copy to the MRO, and the MRO will advise the complainant(s) and third parties on a need-to-know basis of the SCMR's findings. The Executive Vice Chancellor shall review the material received from the SCMR, and shall determine either that no further action is required or that an investigation by an ad hoc committee is warranted.

### **Investigation by Ad Hoc Committee**

If an investigation is deemed to be warranted, the Executive Vice Chancellor will appoint an ad hoc committee to determine whether misconduct did or did not occur. The Executive Vice Chancellor also will appoint a legal advisor to serve the ad hoc committee. The MRO will promptly provide to the ad hoc committee the entire record amassed by the SCMR. The University shall take all reasonable steps to ensure an impartial and unbiased research misconduct proceeding; those conducting the investigation shall be selected on the basis of expertise pertinent to the matter and, prior to selection, potential committee members shall be screened for any unresolved personal, professional, and/or financial conflicts of interest with the respondent(s), complainant(s), potential witnesses, or others involved in the matter. Any such conflict that a reasonable person would consider to demonstrate potential bias shall disqualify the individual member from selection for service on the ad hoc committee. Within thirty (30) days after the determination by the executive vice chancellor that an investigation is warranted, the ad hoc committee will initiate its investigation into the alleged misconduct. The ad hoc committee is authorized to obtain expert consultation and to secure any necessary documentation or data, and all personnel are obliged to cooperate.

The respondent(s) shall be notified in writing of the allegations to be investigated. Such notice will be sufficiently in advance of the interview with the ad hoc committee to allow for interview preparation. The respondent(s) shall also receive written notice of any new allegations within a reasonable time after the ad hoc committee makes a determination to pursue allegations not addressed in the inquiry or in the initial notice of the investigation. If the investigation subsequently identifies additional respondents, they shall be promptly notified in writing. A copy

of the Duke University Policy and Procedures Governing Misconduct in Research will be provided to all respondents.

The respondent(s) will have access to materials used in the investigation, but will not be provided with committee minutes, summaries or notes prepared by the committee or individual committee members, or other deliberative documents. Throughout the investigation, the person suspected of misconduct has the right to legal counsel at his/her own expense; such legal counsel may be present during interviews by the ad hoc committee but may not speak on behalf of the respondent(s). Counsel's role will be as an observer who may advise the respondent(s) in private, but without material disruption of the progress of the investigation. Interviews will be conducted with the complainant(s) and respondent(s), as well as others who might have information regarding key aspects of the allegations; refusal to participate will be dealt with according to existing university mechanisms for upholding faculty and employee standards of conduct.

A copy of the audio file or transcript of interviews will be provided to the interviewed party for comment, and written comments received from the interviewed party will be included in the record. It is recognized that new elements of misconduct may come to light during the investigation; this information will be considered. The point at which the additional information or an additional allegation of misconduct is received, as well as its relation to the original allegation, will be considered in decisions as to whether the information or allegation is treated as a separate issue or as part of the current investigation. The MRO will inform the respondent(s) promptly of any additional acts potentially constituting misconduct in research which have been identified, or notify any new respondents of any allegation raised, and the manner in which that new information will be reviewed. In sum, in conducting an investigation the ad hoc committee shall:

1. make diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of the allegations;
2. interview each respondent(s), complainant(s), and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent(s), and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of investigation; and,
3. pursue diligently all significant issues and leads discovered that are determined to be relevant to the investigation, including any evidence of additional instances of possible research misconduct, and continue the investigation to completion.

In developing its findings, the ad hoc committee shall act by simple majority vote of the committee members, based upon the preponderance of evidence. The ad hoc committee's report, in draft form and without any recommended course of action or sanctions, will be made available

by the MRO to the respondent(s) and, if deemed appropriate, to the complainant(s), so as to resolve, if possible, any fundamental factual discrepancies. The Executive Vice Chancellor may be advised of the committee's draft findings.

Concurrent with the provision of the draft report, the respondent(s) will be provided either supervised access to the evidence on which the report is based or copies of such evidence, unless such evidence had been provided previously to the respondent(s). The respondent(s)--and complainant(s), if applicable)--will have thirty (30) days to provide written comments to the MRO. These comments will be considered by the ad hoc committee in its preparation of its final report, to which such comments will be attached. The ad hoc committee will prepare its final report within one hundred and twenty (120) days of initiation of the investigation unless there are extenuating circumstances.

The final report of the investigation will do the following:

1. include a list of the committee members;
2. describe the nature of the allegations of research misconduct;
3. describe how and from whom information was obtained;
4. list the individuals interviewed by the committee;
5. describe and document the external research support related to the case, including, for example, grant numbers, grant applications, contracts, and relevant publications listing sponsored support;
6. describe the specific allegations of research misconduct considered in the investigation;
7. include the institutional policy and procedures under which the investigation was conducted;
8. identify and summarize the research records and evidence reviewed during the investigation, and identify any evidence sequestered but not reviewed. The report should also describe any relevant records and evidence not sequestered and explain why.
9. provide a finding based on a preponderance of the evidence as to whether research misconduct did or did not occur for each separate allegation of research misconduct identified during the investigation, and if misconduct was found,
  - a. identify it as falsification, fabrication, or plagiarism (or another form of misconduct in research), state whether there was a significant departure from accepted practices in the research community, and state whether it was intentional, knowing, or in reckless disregard;
  - b. summarize the facts and the analysis supporting the conclusion and consider the merits of any reasonable explanation by the respondent(s) and any evidence that rebuts the respondent's explanations;
  - c. identify any relevant external support;
  - d. identify any publications that need correction or retraction;



- e. identify the person(s) responsible for the misconduct; and,
- f. list any current support or known applications or proposals for support that the respondent(s) has pending; and,
- g. include any written comments made by the respondent(s) and/or complainant(s) on the draft investigation report.

The final report will be addressed and delivered to the Executive Vice Chancellor. A copy of the final report will be provided to the MRO and respondent(s), and the complainant(s) will be informed of the ad hoc committee's findings by the MRO. If, on the basis of the investigation, an individual is found to have engaged in misconduct, the report will also recommend an appropriate course of action. The recommended action may include sanctions as well as steps to ensure that the institution meets its obligations to affected third parties, including funding sources, journals, the scientific community, research subjects, and referral sources.

The Executive Vice Chancellor may relieve the person suspected of misconduct from some or all duties at any time during the course of the investigation, but only if it is determined that serious harm to the individual or to others could be caused by the individual's continued performance. Salary payments will continue during any such suspension.

### **Admission of Misconduct in Research**

The procedural stages described above anticipate denial of the allegation by the respondent(s). If the respondent(s) admits to misconduct at any stage, the MRO will be informed immediately. Depending upon the procedural stage at which the admission occurs, the respondent(s) should work with the MRO, SCMR, or ad hoc committee to develop a written statement that is fully responsive to the allegation. The statement should also include language attesting that the admission is a true admission, freely given, and not a false one derived from circumstances that may have pressured the respondent(s) into making a false admission. The statement should be recorded (if oral) when possible in the presence of the MRO, SCMR, or ad-hoc committee or written, signed by the respondent(s), and witnessed by the MRO or the SCMR or ad-hoc committee. The respondent(s) should have an opportunity to review a written summary of the admission or the written statement and provide a response to the MRO within fourteen (14) days of receipt. Whenever such an admission of misconduct is forthcoming, the MRO or committee involved will exercise due diligence to ascertain that the admission is freely given and that no circumstances are present that might have pressured the respondent(s) into making a false admission. If required by regulations or award terms, the MRO will also notify in advance any sponsors of the research that a misconduct case may be concluded on the basis of an admission and will work with the sponsor(s) in accordance with applicable terms or regulations.

Such admissions will alter some of the specific procedures described in above sections of this document. However, the overall scope and intent of the procedural stages are retained, and the

following guidance is provided. If misconduct in research is admitted to the MRO during the initial assessment, then at the completion of that stage, the MRO will notify the Executive Vice Chancellor and forward the file to the Standing Committee. In such a situation, the role of the SCMR will differ from its usual role: its particular function will be to undertake an independent evaluation of the admission of misconduct, issue a report of its findings, and recommend an appropriate course of action, including sanctions. The SCMR will:

1. review the materials available and interview the respondent(s);
2. conduct a limited inquiry to determine if the admission by the respondent(s) is freely given; and,
3. ascertain whether acts of misconduct other than those admitted by the respondent(s) might have occurred.

The SCMR has the discretion to interview other individuals in conducting its review of the admission of misconduct, including the complainant(s). In completing its report, the SCMR will include a list of the evidence reviewed, a summary of relevant interviews, its evaluation of the admission of misconduct, and the conclusions of its inquiry. If misconduct in research is admitted at the SCMR or ad hoc committee stage, then the committee receiving the admission will inform the MRO, who will inform the Executive Vice Chancellor. The committee will then proceed to complete its report of findings in the manner described above for the SCMR. When an admission of misconduct occurs during a committee stage of procedure, that committee's evaluation of the admission of misconduct will be sufficient, with no mandatory need for additional committee review as in the case of admission to the MRO.

### **Final Determination by University Officials**

Within fourteen (14) days of receipt of the ad hoc committee's report, the Executive Vice Chancellor shall review the report, render in writing a final determination, including the imposition of sanctions as appropriate, and provide a copy of the determination to the respondent(s). In making this determination, the Executive Vice Chancellor shall not be expected to review independently the evidence considered by the ad hoc committee, but may request clarification or additional information from the ad hoc committee if necessary. The complainant(s) and appropriate third parties will be advised of the final determination.

The respondent(s) has the right to appeal in writing within fourteen (14) days of receipt of the final determination by the Executive Vice Chancellor. The appeal must be delivered to the Executive Vice Chancellor and to the Chancellor. If the respondent(s) elects to appeal the determination, the Chancellor will consider whether the final determination and the sanctions imposed are supported by facts referenced in the ad hoc committee's report. The Chancellor may request clarification or additional information from previous review bodies if necessary, and the respondent(s) will be afforded an opportunity to meet with the Chancellor. The Chancellor will inform the Executive Vice Chancellor of any decisions affecting faculty status. Unless there are

extenuating circumstances, the entire appeals process must be completed within thirty (30) days of receipt of the final determination.

If misconduct in research is found and the appropriate sanction is determined to be dismissal from the University, the Chancellor and the respondent(s) will be so notified. The respondent(s) will be entitled to a hearing in accordance with existing procedures for dismissal; for faculty members, the procedures are detailed in the Faculty Handbook. If there are no existing procedures applicable to the individual in question, the opportunity for a hearing will be afforded under appropriate related procedures.

### **Notification of External Research Sponsors**

If, on the basis of the allegation inquiry, it is determined that an investigation is warranted, and if the individual accused of misconduct is participating in an externally funded research project, the MRO will advise the appropriate office in the sponsoring entity in writing. In the case of a pending proposal, the MRO will follow the sponsor's guidelines in regard to notification. Notification will occur on or before the date the investigation begins and will include the name of the person(s) involved, the general nature of the allegation, and any identifying application or grant number. Sponsors will also be notified in writing if at any stage of the inquiry or investigation any of the following conditions exists:

1. the safety of the public is at risk;
2. there is an immediate need to protect human or animal subjects;
3. there is an immediate need to protect funds or equipment, e.g., the sponsor's resources or interests are threatened;
4. there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
5. it is probable that the alleged incident is going to be reported publicly;
6. there is a reasonable indication of possible violations of civil or criminal law--in which case notification within twenty-four (24) hours of obtaining that information is required;  
or,
7. the institution determines that the research community or public should be informed.

If an investigation is initiated and the ad hoc committee determines that it will be unable to complete its investigation in the usual one hundred and twenty (120) days, the sponsor will be so notified in writing and when appropriate, a request will be made for an extension of the time to complete the investigation. The notification or request will include an explanation for the delay, an estimated date of completion, and upon request, an interim progress report. All documents or reports required by law or regulation to be sent to government agencies will be forwarded in a timely manner consistent with legal requirements. All sponsors will be advised of the resolution of the investigation at the conclusion of the process. In the interim, administrative action will be

taken to protect sponsor funds and to insure that the purposes of the sponsored activity are carried out. With regard to external sponsors, the Duke Kunshan University administration will make diligent efforts to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed; they will also undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, have made allegations.

The Executive Vice Chancellor will file “assurances of compliance” and other documents as appropriate with sponsoring and regulatory agencies.

**Record Retention**

All documents related to allegations of misconduct in research will become permanent institutional records and will be maintained in strictest confidence under the direction of the MRO.

## **Appendix P: Policy on Open Access to Research** [\(return to top\)](#)

*Adapted from Duke Policy on Open Access to Research, revised by Duke Kunshan Research Policy Committee, and approved by University Faculty on April 20, 2016, and adopted by the Board of Trustees of the University, effective June 7, 2016*

The Faculty of Duke Kunshan University is committed to disseminating the fruits of its research and scholarship as widely as possible. In addition to the public benefit of such dissemination, this policy is intended to serve faculty interests by promoting greater reach and impact for articles, simplifying authors' retention of distribution rights, and aiding preservation. In keeping with these commitments, the Faculty adopts the following policy.

Each Faculty member grants to Duke Kunshan University permission to make available his or her scholarly articles and to reproduce and distribute those articles for the purpose of open dissemination. In legal terms, each Faculty member grants to Duke Kunshan University a nonexclusive, irrevocable, royalty-free, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, and to authorize others to do so, provided that the articles are not sold for profit. The Duke Kunshan faculty author remains the copyright owner unless that author chooses or is required to transfer the copyright to a publisher.

The policy will apply to all scholarly articles authored or co-authored while the person is a member of the Faculty except for any articles completed before the adoption of this policy and any articles for which the Faculty member entered into an incompatible licensing or assignment agreement before the adoption of this policy. The Vice Chancellor for Academic Affairs (VCAA) or his/her designate will waive application of the license for a particular article or delay access for a specified period of time upon written request by a Faculty member.

To assist the University in distributing the scholarly articles, each faculty member will make available, as of the date of publication or upon request, an electronic copy of the final author's version of the article at no charge to a designated representative of the VCAA's Office in an appropriate format (such as PDF) specified by the VCAA's Office. The VCAA's Office will make the article available to the public in Duke Kunshan's open-access repository. In cases where the Duke Kunshan license has been waived or an embargo period has been mutually agreed, the article may be archived in a Duke Kunshan repository without open access for the period of the embargo, or permanently in cases of waiver.

The Office of the VCAA, in consultation with the Faculty Council, will be responsible for interpreting this policy, resolving disputes concerning its interpretation and application, and recommending changes to the Faculty from time to time.

The Faculty calls upon the Duke Kunshan University Library to develop and monitor a service model that would render compliance with the policy as convenient for the faculty as possible. The policy and the service model will be reviewed after three years and a report presented to the Faculty.

## Appendix Q: Principle Investigator Status [\(return to top\)](#)

### Principal Investigator Status

*Adapted from Duke University policy on Principle Investigator Status and Revised by the Duke Kunshan Research Policy Committee and Approved by Duke Kunshan Faculty March 31, 2016, and adopted by the Board of Trustees of the University, effective June 7, 2016*

It is university policy that only those with whom the University has or intends to have an on-going employment or contractual relationship may serve as Principal Investigators or Program Directors for projects, research or otherwise, supported by external funding sources.

The status of principal investigator is granted as a matter of privilege to university faculty and to selected senior administrative staff. This status is available to regular rank faculty on the Professor, Research Professor or Professor of the Practice tracks. In special instances, other members of the University community may request permission to serve as Principal Investigator. Requests for PI status should be sent to the Vice Chancellor for Academic Affairs by the center or institute director on behalf of the individual with his or her approval and endorsement. The request should include an assurance that the institute or center will assume responsibility for the conduct of the grant or contract.

## **Appendix R: Policy on Research Records: Sharing, Retention and Ownership** [\(return to top\)](#)

### **Policy on Research Records: Sharing, Retention and Ownership**

*Adapted from Duke University Policy on Research Records: Sharing, Retention and Ownership and Revised by Duke Kunshan Research Policy Committee and Approved by Duke Kunshan Faculty March 31, 2016, and adopted by the Board of Trustees of the University, effective June 7, 2016*

The preparation, sharing and retention of appropriate records are essential components of any research endeavor at the University. The University, its faculty and its trainees have a common interest and a shared responsibility to assure that research is appropriately recorded, shared and retained. Original records may be required to protect the University's intellectual property rights, to answer ongoing questions regarding management of a research program, to address possible questions that may arise regarding the propriety of research conduct and to comply with the data sharing requirements of many sponsors. Most importantly, it is essential that original research records be mutually available to all the collaborators on a research project.

#### **Definition of Research Records**

Research records include, by way of example but not limitation, material contained in research notes, laboratory notebooks and in other media such as computer disks, cloud storage and instrument printouts. Significant research materials or products generated by any research are also part of the record and should be retained and made available.

#### **Sharing of Research Records**

Research records must always be available to collaborators (co-investigators, supervisors and their trainees). In collaborative projects, all investigators should know the status of all contributing research records and have access to them consistent with confidentiality restrictions. Investigators also should be aware if their research records are subject to specific data sharing requirements of a sponsor.

#### **Retention of Research Records**

Faculty, or the responsible investigators, have the obligation to ensure that, for all aspects of their research program, sufficient records are kept to document the experimental methods and accuracy of data collection as well as the methods and accuracy of data interpretation. This policy does not create an obligation to retain the research records of an unfunded project unless it results in publication, invention, patent or research outcomes in any format or media or involves the use of animals or human subjects.

Research records should be archived for a minimum of five years after final reporting or publication of a project (or longer if required by an external sponsor, law, rule or regulation). The archived records should be the originals. In addition, the records should be kept for as long as may be required to protect any patents resulting from the work. If any questions regarding the research are raised during the required retention period, the records should be kept until such questions are fully resolved. In the event that an investigator leaves the University for any reason, the original research records must be retained at the University and the investigator's academic unit and collaborators notified as to their location unless the grant under which the research records have been collected is transferred out the University. When an unfinished grant is formally transferred out the University, the research records associated with the grant shall be transferred to the investigator's new institution.

### **Ownership of Research Records**

The primary owner of research records is the University. The University has the right of access to the supporting records for all research carried out through the University with the understanding that information or data that would violate the confidentiality of sources or subjects involved in the research should not be disclosed. In addition, extramural sponsors providing support for research at Duke Kunshan University may have the right to review any data and records resulting from that extramural support.



## **Appendix S: Principles and Procedures Regarding Research on Human Subjects** [\(return to top\)](#)

### **Duke Kunshan University Principles and Procedures Regarding Research on Human Subjects**

*Adapted and modified from Duke University Principles and Procedures Regarding Research on Human Subjects (Campus), Revised by Duke Kunshan University Research Policy Committee 26th October, 2015, revised following University Faculty meeting on Oct 28, 2015, Approved by University Faculty on Dec 9, 2015, and adopted by the Board of Trustees of the University, effective June 7, 2016*

#### **Scope of the Policy**

These principles and procedures are to govern the conduct and review of all research involving human subjects conducted by Duke Kunshan University researchers

#### **Principles**

- i. Duke Kunshan University is committed to academic freedom. Research will neither be forbidden nor discouraged by Duke Kunshan University because it explores topics that are innovative, unorthodox, sensitive, unusual, or otherwise extraordinary. The University takes responsibility for protecting the right of the faculty to conduct research in the pursuit of knowledge, wherever that search may lead.
- ii. Duke Kunshan University is committed to protecting the rights and welfare of human subjects in accordance with the highest ethical standards: respect for persons, beneficence, and justice, as described in the Belmont Report<sup>131</sup>. In the conduct of research, care must be taken to avoid harming the persons being studied. Research procedures should minimize the risk of harm and respect the privacy of subjects. The researcher should not withhold from the subjects information they request about any aspect of the research likely to be significant to the subject or induce subjects to participate by means that might affect the subject's ability to decide freely about his or her participation. Researchers who promise confidentiality are responsible for maintaining it and for informing subjects of limits on their capacity to meet that responsibility. Researchers should explain to subjects, prior to their participation, the purposes of the research. Special care is called for when the subjects of the research are especially vulnerable to harm because they cannot understand the risks or because they are not in a position to freely refuse their participation in the research.

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<sup>131</sup> <http://www.hhs.gov/ohrp/humansubjects/guidance/belmont.html>

- iii. To resolve any conflict between the above principles, and to assure that research at Duke Kunshan University follows these principles, the procedures stated below should be followed.
- iv. In developing these procedures, the University has considered the ethical codes of all the principal scholarly associations.

## **Procedures**

- i. The Institutional Review Board for Protection of Human Subjects in Non-Medical Research (IRB) exists to ensure that all research on human subjects conducted at Duke Kunshan University is in compliance with the highest standard set forth in the Belmont Report <sup>1</sup>. The IRB will have sufficient membership to represent the primary disciplines conducting non-medical research with human subjects at Duke Kunshan University, with no fewer than nine members. The Executive Committee of the Faculty Council will appoint faculty members once the Duke Kunshan full-time faculty reaches a certain size. Prior to that, the Vice Chancellor for Academic Affairs will appoint in addition to non-faculty members, also the faculty members, in consultation with the Faculty Council. The ordinary term of service is three years, and is renewable for one more term at most.
  - ii. The Research Support Office will provide administrative and logistical support for the activities of the IRB. Staff of the Research Support Office will also provide continuing training for the IRB and investigators.
  - iii. The review procedures and criteria in this policy will govern all human subject research conducted under the auspices of the University, regardless of sponsorship.
- I.
- iv. Researchers must submit their research plans to the IRB for any research project involving human subjects and obtain the approval of the researcher plans from the IRB prior to conducting the research.
  - v. The committee will review submitted research plans and approve, disapprove, or state conditions for the conduct of the research, applying the principles and procedures specified in this resolution. Other criteria, such as the scientific or social value of the research or the adequacy of the research methods to research goals, are applied elsewhere in the University and are not the charge of the IRB.
  - vi. To assure that extra care is taken in research involving special researcher-subject relationships within the University, several types of research will be submitted to the full committee for review:
    - a) Research conducted on employees of the University.
    - b) Research conducted by faculty or instructors on students studying in Duke Kunshan University.

- vii. It is the responsibility of faculty members to supervise student research in their courses and departments in accordance with all applicable regulations and to refer students to the IRB when appropriate.
- viii. These principles and procedures may be amended by vote of the Research Policy Committee.

**Procedures for Proposals Requiring Review**

- i. The IRB will meet to review the proposals upon request by the principle investigators and staff in the Research Support Office will set up the meetings. Ad hoc meetings may be held at the discretion of the chair.
- ii. Procedures for the submission of materials for review, and additional administrative guidelines, are provided on the Institutional Review Board web site.
- iii. Basic review will ask the following questions:
  - a) Have the risks to subjects been minimized?
  - b) Are the risks reasonable in relation to anticipated benefits?
  - c) Is the selection of subjects equitable?
  - d) Are adequate procedures in place to ensure privacy and confidentiality?
  - e) Has informed consent been sought and appropriately documented?
  - f) Are safeguards in place to protect vulnerable populations?
  - g) If the research is federally funded, is the protocol consistent with the grant application?
- iv. IRB actions will be promptly communicated to investigators in writing.
- v. Copies of all protocol materials will be maintained at the Research Support Office.

## **Appendix T: Duke Kunshan University Policy on University-Industry Research Relationships [\(return to top\)](#)**

*Adapted from Duke Policy on Guidelines for University-Industry Research Relationships, revised by Duke Kunshan Research Policy Committee, approved by University Faculty on February 22, 2017, approved by the University Board of Trustees on April 26, 2018*

### **Preamble**

Duke Kunshan University ("Duke Kunshan" or the "University") wishes to increase its cooperation with industry in the search for new knowledge that can be of service to Society. Duke Kunshan believes that it is possible to maintain academic traditions and values that advance the search for truth through free inquiry, while at the same time finding ways to combine its academic perspectives with the resources of industry to investigate important questions of interest to the research sponsor, the University, its faculty, and the Public as a whole. This document is a statement of principles and binding policies that will guide Duke Kunshan in establishing fruitful research joint ventures with industrial partners.

There are, to be sure, potential conflicts between the missions of academic institutions and industrial sponsors or partners of research. A university perceives its *raison d'être* to be the generation and dissemination of knowledge for the benefit of Society as a whole. Viewing knowledge as a public good, a university subscribes to the scientific tradition of fully and promptly making public all research findings so that others may build upon them. Industry, on the other hand, must be able to recoup and profit from its investments in research by capturing, and often guarding, new knowledge in order to be successful.

Largely because of these differences in outlook, the production of new knowledge in China has in the past been rather rigidly divided between a public sector producing public goods (with universities and research institutes supported by governments as a vital element) and a private sector producing information for proprietary use. The barrier between these two sectors may have inhibited the production of valuable knowledge by making it difficult to bring the unique resources available only in universities and research institutes together with the capital and research capabilities of industrial firms. While useful collaborations have occurred, the Public would benefit substantially if the conflicts perceived between the public responsibilities of universities and the private interests of corporate research sponsors or partners could be resolved in light of a higher common objective.

Duke Kunshan believes that the overarching value to be served in these matters is the pursuit of useful knowledge and that this goal can be advanced both through maintenance

of its own academic and scientific values and through cooperative projects with interested parties. Where these two paths to new knowledge necessarily diverge, Duke Kunshan will seek to accommodate the conflict whenever possible. In cases where the University is convinced that special arrangements are necessary to protect a research sponsor's or partner's essential interests, Duke Kunshan will seek a constructive solution to a sponsor's or partner's problems within the policy limits described herein. However, as noted in detail below, Duke Kunshan must also be satisfied that its own commitments to free inquiry, to education, to collegiality within the University, and to enlarging the common pool of knowledge will not be prejudiced by the terms of any particular arrangement.

The establishment and maintenance of research relationships with industry will be facilitated if all parties recognize from the beginning that the University adheres to certain principles and is guided in its actions by certain policies. For such policies to be effective in a rapidly changing environment, such as what we have today, they must be wisely and flexibly interpreted. Interpreting the policies given below will be the responsibility of the Research Policy Committee. This committee is charged with advising the Vice Chancellor for Academic Affairs regarding the implementation of these policies, as well as with recommending any changes in policies that may prove necessary or advisable.

The overriding goal of this policy is to promote close and imaginative working relationships between the University and industry that will nurture the development of new knowledge while still maintaining the integrity and independence of the University, its faculty, and students.

## **Policy**

### **Acceptance of a Research Project**

Circumstances may arise where it is considered to be in Duke Kunshan's best interests for a particular principal investigator (as defined in the *DKU Policy on Principal Investigator Status*) to do research for a private or corporate sponsor. In such cases, the investigator may feel some pressure to participate in such research. It is especially important that investigators be free not to accept grants or contracts that, in their view, circumscribe their independence or control of their professional work.

**POLICY:** No principal investigator shall be required to accept specific research grants or contracts as a condition of employment at Duke Kunshan. However, this policy does not alter the terms of employment for principal investigators hired by Duke Kunshan to direct or contribute to identified research efforts.

### **Direction of Research: Limits on the Sponsor's Power to Direct or Control Research**

While public or private research sponsors may reasonably expect to define broadly the project they will support, university principal investigators may expect to have discretion in designing and modifying their sponsored research. Although the sponsor may consult on matters of concern, generally it is not appropriate for a sponsor to specify in detail how the work is to be done beyond that agreed to in the scope of work defined in the contract or grant.

**POLICY:** A sponsor shall have the privilege to define broadly the topic of the research to be funded. The University principal investigator shall have final authority over the design, implementation, and control of that research.

### **Limits on the Control of Sponsors over the Scope of Free-Standing Research Units**

From time to time Duke Kunshan may choose to establish, in cooperation with a sponsor/partner or sponsors/partners, a research institute, center, or program that is legally or contractually free-standing from Duke Kunshan, but that depends upon faculty of Duke Kunshan for partial staffing. In such a situation, a sponsor or partner may seek a formal voice in how its committed funds are spent. The situation, while offering important opportunities, also poses certain risks. In particular, if inappropriate control over the unit's research program is exercised by the sponsor/partner, the academic freedom of the faculty involved may be diminished.

**POLICY:** Duke Kunshan shall not participate in a joint free-standing research unit that would restrict the academic freedom of the faculty. The Vice Chancellor for Academic Affairs, advised by the Research Policy Committee, shall determine whether this risk exists and, if so, whether the level of risk is acceptable. The review by the committee and the Vice Chancellor for Academic Affairs shall take place before Duke Kunshan decides whether to enter into an agreement to create such a unit.

### **Publication**

Tradition has long held that university researchers must be free to publish their research results. This freedom is essential if Duke Kunshan is to be the source of new knowledge for society. Therefore, it must be vigorously guarded. At the same time, good business practice requires that sponsors protect their proprietary rights, trade secrets, or other confidential information. These separate and legitimate interests may diverge on questions relating to publication. Clearly, it is in both the researcher's and the sponsor's best interests to find ways to protect academic freedom while at the same time meeting the nondisclosure requirements of the sponsor.

There are three ways in which a sponsor may affect the process of publication: by reviewing materials prior to publication; by delaying the date of publication; and by preventing publication.

#### **A. Review Prior to Publication and Resulting Delay**

As a courtesy, Duke Kunshan may allow a sponsor to review materials prior to publication, but such review will be allowed only under certain circumstances and will be limited to a reasonable period of time. This practice will be followed in order to prevent inadvertent disclosure of a sponsor's proprietary information and/or to allow the sponsor time to file proper proprietary protection on research-generated technology. Such a review may delay publication for no more than a brief period.

**POLICY:** A sponsor may, prior to publication, review materials resulting from research it has sponsored only in those cases where possible proprietary right may be involved or where the University has been provided a sponsor's proprietary information. Such reviews should not delay submission of a publication for more than ninety (90) days, except with the approval of the Vice Chancellor for Academic Affairs.

#### **B. Preventing Publication**

While having due regard for the sponsor's interests, Duke Kunshan encourages the publication of research results. Therefore, Duke Kunshan will refrain from publication of a sponsor's proprietary information and will respect non-disclosure agreements (NDAs); however, sponsors cannot prevent the use of information necessary to enable complete and accurate publication of research results. As a matter of policy the final determination of what may be published or not published normally will remain with Duke Kunshan.

**POLICY:** Final determination of what may be published or not published shall remain with Duke Kunshan. Limitation's on Duke Kunshan's right to publish its research results may only be accepted by the Vice Chancellor for Academic Affairs after detailed review and consulting the advice of the Research Policy Committee.

#### **C. Communication among Research Colleagues**

When a sponsored research project deals with proprietary information, the sponsor may wish to restrict the researcher's freedom to discuss the research with colleagues. While recognizing the need for researchers to protect the sponsor's proprietary rights, Duke Kunshan recognizes a concomitant responsibility to honor the researcher's membership in an intellectual community. It is essential that the free exchange of ideas among colleagues not be inappropriately restricted.

**POLICY:** Agreements to treat as confidential information generated by research done at Duke Kunshan are ordinarily unacceptable. There may, however, be situations where exceptions to this policy is consistent with Duke Kunshan's educational, professional, and scholarly principles. Such exceptions are granted by the Vice Chancellor for Academic Affairs only after detailed review and consulting the advice of the Research Policy Committee.

It is also the responsibility of each individual researcher to protect freedom to communicate with colleagues and to refuse to enter into sponsored agreements that will restrict that freedom in unreasonable or unacceptable ways.

### **Freedom to Do Related Work**

One potential concern of a sponsor may be that a faculty member whose research it is funding will do very similar research for a second sponsor. This could undermine the first sponsor's competitive and legal position. To address this concern, the sponsor may sometimes ask Duke Kunshan to include language in the sponsoring contract assuring that such parallel research will not take place. Duke Kunshan has a different concern: that such language might limit the academic freedom of the researcher to do research in related but different areas.

**POLICY:** A sponsor may request that, prior to entering into additional sponsored research agreements to do research that is very similar to the research sponsored by that sponsor, a researcher will notify the sponsor of that intention. In such situations, Duke Kunshan will only consider restricting the freedom of the researcher to do such related work if the first sponsor raises a concern about protecting its proprietary rights prior Duke Kunshan signing the second agreement. Duke Kunshan will agree to restrict the activities of a researcher to do related work only if there is a reasonable possibility that the work done for the second sponsor will infringe on the proprietary rights of the first sponsor under the previous sponsored agreement.



## **Best Efforts**

A sponsor or partner making a financial commitment to a particular research project may desire to reduce its risk by stipulating the expected results as specifically as possible. While recognizing the sponsor's right to require reports to be provided by certain dates, Duke Kunshan is not able to guarantee to a sponsor/partner that a particular research project will succeed or produce particular results. Instead, Duke Kunshan will commit to using reasonable best efforts in conducting a research project.

**POLICY:** Since state-of-the-art research is by nature unpredictable and without guarantee of success, research within the University is conducted on a reasonable best efforts basis. However, a good faith effort will be made to organize research projects in a manner that is sensitive to the special needs and time constraints of the sponsor/partner.

## **Graduate Student Involvement**

Graduate Students and Proprietary Information. An essential aspect of education, in particular graduate education, is the development and dissemination of new knowledge through publication of research results. This reflects the academic community's belief that sharing knowledge advances knowledge. In this context, the use of confidential information in research poses risks. When faculty participate in research that involves handling proprietary information, Duke Kunshan believes that a student's participation under such circumstances should be monitored by a third, disinterested party.

**POLICY:** In general, students shall not participate in projects that, because of confidentiality or other factors, might constrain their right to publish or communicate freely. Exceptions to this policy must be approved in writing by the student's head of academic unit or dean. The student shall also sign a consent agreement to signify understanding of the issues involved. Copies of the signed agreement must be sent to the head of academic unit or dean for approval before the student may become involved in the project.

- A. Graduate Student Involvement in Faculty's Outside Professional Activities. Duke Kunshan recognizes that benefits may accrue to students, particularly graduate students, who are able to participate in the outside professional activities of faculty. Such participation may result in intellectual growth, the acquisition of new skills in frontier areas of knowledge, and additional income. At the same time, it is understood that these arrangements are likely to change the relationships between faculty and student in ways that are not always desirable. For example, a graduate student who, though very able, is not making

satisfactory progress toward a degree because of absorption in a faculty member's growing new business may present a dilemma for the instructor/supervisor. It should be added that the dilemma is one that the student may well be unaware of or unconcerned about. Most students welcome involvement in a faculty member's outside professional activity, and may not realize the potential problem the situation may create for the faculty member.

**POLICY:** To protect the student and Duke Kunshan, the head/director of the appropriate academic unit must give prior approval, in writing, for any involvement of students in outside professional activities of faculty. Both the faculty member and the student must also sign together a disclosure and affirmation waiver as defined in the *Duke Kunshan University Policy on Financial Conflict of Interest in Research for Individuals*, to signify understanding of the issues involved. Copies will be sent to the head/director of the appropriate academic unit for prior approval. The head/director of the academic unit is asked to review the case. In situations where, in the judgment of the head/director of the academic unit, the quality of the student's education or other university interests are in jeopardy, such arrangements should not be approved.

### **Conflict of Commitment and Outside Professional Activities**

- A. Definition of Conflict of Commitment: A conflict of commitment can be said to exist when a faculty member of the Duke Kunshan community has a relationship that requires a commitment of time or effort to non-university activities such that the faculty member cannot meet their usual obligations to the University. Obligations to Duke Kunshan are not discharged solely by meeting classes but also require availability of faculty to students outside the classroom, participation in various committees, supervision of graduate students and postdoctoral fellows, and progress in research programs. Any relationship with an outside organization that requires frequent and/or prolonged absence from Duke Kunshan presents a conflict of commitment.

**POLICY:** Faculty members shall avoid relationships that constitute a conflict of commitment.

- B. Conflict of Commitment Procedures - Disclosure of Conflict of Commitment: It has long been recognized that consulting, in certain situations, can create for a faculty member a conflict of commitment. Duke Kunshan's policy of restricting the number of days for a faculty member's

consulting as specified in the Duke Kunshan's Policy and Procedures Governing Faculty Consulting addresses this issue in part. Among other situations in which faculty may face a conflict of commitment are ownership or management responsibilities by a faculty member in an enterprise outside of the University.

**POLICY:** To assure that Duke Kunshan is informed about arrangements that may pose a conflict of commitment, faculty members shall fully disclose at least once a year and in writing their outside relationships with corporations or other business entities as outlined in the *Duke Kunshan University Policy on Financial Conflict of Interest in Research for Individuals*. Information disclosed shall include the name of the company or organization, and the nature and scope of the relationship.

## **Research Policy Committee and Appeal**

The Research Policy Committee is responsible, at the request of the Vice Chancellor for Academic Affairs, for reviewing Duke Kunshan research policy, maintaining liaison with existing research committees and councils, and reviewing major institutional proposals and smaller proposals that have important policy implications.

**POLICY:** In cases where a faculty member wishes to appeal an interpretation or decision made under this policy by a program director, research center director, dean, or Vice Chancellor for Academic Affairs, or where a program director, research center director, dean, or Vice Chancellor for Academic Affairs wishes to consult others for advice before making such a decision, the case may be brought to the Research Policy Committee.

## **Related Policies**

1. Duke Kunshan University Policy on Financial Conflict of Interest in Research for Individuals
2. Duke Kunshan University Policy on Intellectual Property Rights
3. Duke Kunshan University Policy on Inventions, Patents, and Technology Transfer
4. Duke Kunshan's Policy and Procedures Governing Faculty Consulting

## Appendix U: Regulatory Policies on Sponsored Research Funds Management [\(return to top\)](#)

*Drafted by the Duke Kunshan University Research Support Office between the 14<sup>th</sup> April, 2015 and the 15<sup>th</sup> October, 2017; Revised by Duke Kunshan University Research Policy Committee the 19<sup>th</sup> October, 2017; Approved by Chancellors of Duke Kunshan University; Effective since the 5<sup>th</sup> December, 2017.*

### Chapter One: General Provisions

**Article 1.** This Policy is to establish and regulate management for externally sponsored funds and the processes needed to conform to the rules and regulations for sponsored research and projects at universities. By regulating sponsored research fund management, Duke Kunshan University (hereafter is referred as DKU) aims to increase efficient fund utilization and promote the sustainable and healthy development of research.

**Article 2.** This Policy is made in compliance with the following laws and regulations:

1. *Law of the People's Republic of China on Science and Technology Progress,*
2. *The State Council's Guidance on Improving the Fund Management of Research Projects Funded by the Central Treasury* (No.11 Document of State Council, 2014),
3. *The State Council's Scheme on Deepening the Reform of the Management of Technology Projects (Programs, etc. Funded by the Central Treasury)* (No.64 Document of State Council, 2014),
4. *The Ministry of Finance and Ministry of Science and Technology's Notice on Adjusting Regulations for Managing National Science and Technology Projects and Non-Profit Industry Research Funds* (No. 434 Document of Ministry of Finance and Ministry of Science and Technology),
5. *The Ministry of Science and Technology's Guidance on further strengthening the responsibility of National Science and Technology projects as Institutional legal person* (No.86 Document of Ministry of Science and Technology, 2012),
6. *the Ministry of Education's Notice on further implementing rules on National research funds and strengthening the management of research funds in colleges and universities* (No.12 Document of Ministry of Education, 2011) and,
7. Other related national or local science and technology fund management policies and regulations.

**Article 3.** The research funding referred to in this Policy includes projects supported by the National Natural Science Foundation of China, National Science and Technology Major Projects, Key National Research and Development Programs, Special Fund to Guide Technology Innovation, Special Projects for Developing Platforms and Talents, Provincial or Municipal

Science and Technology Projects and other projects supported by local institutions, DKU or funding agencies at home and abroad. In general, sponsored funds can be divided into three categories:

1. Domestic Government Fund, which refers to the funding approved and issued by Chinese government agencies and their departments at various levels.

2. Domestic Non-government Fund, which refers to funding awarded by domestic corporations, institutions and organizations in the form of contracts for specific projects such as research and development, technology transfer, expert consulting and services.

3. Other awards, which refers to funding from international agencies or organizations, DKU research funding, gifts in support of research and all other awards not included in category (1) and category (2).

**Article 4.** All funds applied for and awarded in the name of DKU (including research centers, institutes and other programmatic divisions) must be managed by the DKU Research Support and Finance Offices and used solely for the declared purpose, no matter who the sponsor is. No departments or individuals have the right to intercept or embezzle the funds. No personal or department-level bank accounts are allowed.

**Article 5.** Sponsored fund management follows the regulations or terms and conditions of each sponsor supporting a project if such regulations or terms are stipulated, otherwise it follows the policies outlined in this statement.

## **Chapter Two: Responsibility and Authority**

**Article 6.** DKU follows a research fund management system that has the features of “unified leadership, hierarchical management, and individual responsibility.” As the legal person for DKU, the Chancellor takes the leadership in DKU sponsored research administration and monitoring, and the Vice Chancellor for Academic Affairs, together with the directors of research administration and finance, directly supervises the management of research awards at DKU on a daily basis.

**Article 7.** DKU functional divisions in research administration, financial affairs, assets management, procurement, auditing, and the University’s programmatic divisions (including research centers, degree programs, etc.) each have a clear charge and set of responsibilities and authority in the use, management and supervision of research awards. The responsibilities and authorities of each division are as follows:

- 1. The research administration division:** this division, titled the Research Support Office or RSO, is responsible for administration of sponsored research projects and programs (henceforth abbreviated as projects) including application preparation and approval, reviewing, negotiating and signing research contracts; and supervising the implementation and progress of each funded project. It advises principal investigators on preparing project budgets with assistance from the Finance Office; it verifies research fund types and project identification numbers; it reviews the financial reports prepared for closeout projects by the Finance Office for compliance with each

sponsor's award terms and university policy; it manages intangible assets resulting from research funds including intellectual property rights, patents, copyrights, etc.. The RSO collaborates with the Finance Office and Principal Investigators to accommodate requests for financial audits of research projects; it collaborates with the Finance Office to train research administration staff and Principal Investigators and their research teams on the rules governing the use of sponsored funding; it collaborates with the Finance Office to provide reports on research fund use to the University's administration, to Government agencies and to individual sponsors as required.

**2. Finance division:** this division, titled the Finance Office, has primary responsibility for all accounting on sponsored research projects; it is responsible for daily reimbursement or payment of research project fund expenses; the preparation, review and certification of interim and final financial reports to each sponsor. With the RSO the Finance Office is responsible for advising Principal Investigators to strictly follow their project budgets and the rules specified in award terms and conditions on the use of sponsored research funds; it reviews and approves budget adjustments at the DKU level; it trains and assists research teams to prepare interim financial reports, prepares invoices for sponsored projects as required and performs the balance accounting for closed-out projects, and certifies the financial reports as specified by the sponsor; it turns over research fund surplus to higher authorities and deals with other procedures based on the project balance information provided by the RSO according to relevant rules and regulations; it is the lead Office responsible for assisting agencies or sponsors in financial audits of research projects; it trains research fund administration staff and fund users on financial matters. The Finance Office cooperates with the RSO in the procedures for approving and recording tax deductions and exemptions.

**3. Assets division:** The operation division, currently under the Operations Office, is charged with the management of tangible assets for the University including those acquired with sponsored project funds. They identify, track and maintain the assets as well as retain the record on final disposition of assets after completion of a funded project; the Department is also responsible for managing the use and disposition of experimental materials. The Operations Department shall strictly follow the relevant regulations on fixed assets management working closely with the RSO and the Procurement Office.

**4. Auditing division:** the auditing division, titled the Audit Office, as charged by the University administration and the government, conducts internal audits of research funds on a regular, repeating basis and non-regular special audits of research funds as required. Internal Audit also conducts whole process tracking audits of Major and Key research projects, monitors project Principal Investigators and the University's functional divisions for correct and reasonable use and management of the funds within each division's authority. The division provides regular auditing reports to the University's administration in a timely manner.

**5. Procurement divisions:** The procurement division, titled the Procurement Office, is charged with the management of suppliers and procurement processes for purchasing research project

materials, equipment and other assorted facilities. It develops procurement strategy to meet the Principal Investigator's request. It gives support and training for all those involved in procurement. It gives Principal Investigator information on existing agreements and guidance on procurement procedures. It works together with Principle Investigator, under the audit of Finance Office and Research Support Office to select the suppliers on cost, quality, delivery, service, sustainability and innovation. It is responsible for orchestrating agreements with contracted suppliers and other individual contractor, defining the principles governing the relationships, evaluating supplier performance and strive to help suppliers with aim of continuous improvement. The Procurement Department should execute purchase in accordance with government procurement laws, methods and process for government related purchase.

**5. Research divisions:** The University's Research Centers and Institutes are the basic administrative units for research activities. They are charged with direct supervision and management of the use of the sponsored research funds awarded to their faculty. The Research Centers reasonably allocate space and resources and supervise the use of research funds according to the nature of their disciplines and actual project needs, providing the financial guarantee for project implementation and conduct of the research; they cooperate with Finance and Research Support Offices to supervise each sponsored project's expenditures according to the approved budget plan and the expected rate of progress on the project, evaluating the research performance. In addition to monitoring the use of sponsored funds awarded to their faculty, the Research Centers are responsible for all the other management tasks required to implement and make timely progress on the sponsored projects under their authority.

**Article 8.** As the lead researcher on a project, Principal Investigators are the individuals directly responsible for project fund use and bear economic and legal liability for the compliance, authenticity, and efficacy of fund use. Principal investigators should be familiar with and proficient in national laws, regulations and financial rules on research fund management, develop their project budget plans according to facts and as required by regulations, use research funding according to approved budgets and in the terms of contracts, and accommodate requests for audits and inspections from sponsors, outside auditing agencies and the University's research-related administrative divisions. If Principal Investigators violate laws or regulations, they shall bear direct economic and legal responsibility.

Principal investigators may hire grant managers supported by the research fund or operations fund to manage full-time or part-time research grants. Every research project shall have one grant manager to manage and monitor the project's operations and finance, while a grant manager may manage one or several research projects led by one principal investigator. One grant manager may manage research projects led by different principal investigators after such principal investigators agree such management. A grant manager is responsible for monitoring grant progress and burn rates of the research grants to ensure the principal investigators expend the research grant appropriately and in a manner consistent with the terms and conditions by the

sponsors and the University. A grant manager is also responsible for preparing financial reports by collaboration with the finance division.

### **Chapter Three Budget Cost Categories**

**Article 9.** The total costs for sponsored research projects must include direct costs and indirect costs. Unless a sponsor has a stated requirement that excludes or limits certain costs, all budgets shall include the full direct costs of the proposed project and indirect costs at the current university rate. In addition, costs included in a sponsored project budget plan shall not violate national laws and regulations on science and technology, finance, tax and audit.

**Article 10.** Direct costs refers to the costs directly related and allocable to the process of research and development on a sponsored project, including equipment costs, material costs, testing, laboratory and processing costs, fuel and power costs, travel costs, conference costs, international cooperation and exchange costs, publishing/ bibliography/information transmission/intellectual property right transaction costs, personnel costs, expert consulting costs and other costs.

**1. Equipment costs** refer to the expenses incurred during the course of the proposed research for purchasing or prototyping research equipment and apparatus, upgrading and renovating existing equipment, or leasing equipment from third-party organizations.

**2. Materials and supplies costs** refers to the expenses associated with the purchase, transportation and storage of raw materials, subsidiary materials and expendable supplies consumed during the proposed course of research.

**3. Testing, analysis and processing costs** refers to the expenses payable to external institutions contracted for the project (including independent service centers within the University) for services rendering examination, analysis, laboratory testing, processing, etc.

**4. Fuel and power costs** refers to the independently quantifiable cost of water, electricity, gas and fuel consumption etc. incurred during the operation of large-scale instruments and equipment and specialized scientific apparatus in the course of the research.

**5. Travel costs** refers to the cost of out-of-town business trips, intra-city commuting, etc. incurred in scientific investigations, research trials, field work and academic exchanges, during the course of research. The rates for travel costs should be in compliance with travel rates and standards regulated by the sponsor.

**6. Conference costs** refers to the conference expenses generated in the process of research for conducting seminars, consulting, and collaborating on research projects and other relevant activities.

The conference costs in Domestic Government Funding shall follow relevant State regulations and rules and that of Commissioned Research awards and other awards shall follow the relevant



university policies and the sponsors' terms. Following good economic practices, Principal Investigators shall control the size, number and duration of conferences.

**7. International collaboration and exchange costs** refers to the costs generated during a sponsored research project for sending researchers overseas or to Hong Kong, Macao and Taiwan and inviting experts to mainland China from overseas or Hong Kong, Macao and Taiwan. International collaboration and exchange costs shall strictly follow relevant State regulations and rules on fund management for international exchanges.

**8. Publication/bibliography/communications/intellectual property transaction costs** refers to the costs generated in the process of research for journal publication fees, purchasing publication supplies and special software, bibliographic search costs, professional communication costs and the costs of patent applications and other intellectual property administration costs.

**9. Labor costs** are the cost of salary and fringe benefits for the actual full-time effort devoted to the research projects by the Principal Investigator and the co-investigators, and the stipends for graduate students and post-doctoral fellows and the cost of wages and fringe benefits for non-salaried, temporary employees recruited specifically for work on the project. In domestic non-government fund and other awards, the scope of personnel and the salary rate of the labor costs are determined by the project contracts, the total amount of labor costs shall not exceed the total amount of labor costs in the contract budget approved by the sponsors.

Labor costs should be determined according to local regulations and standards for rate of pay, working hours on the project and other relevant factors.

**10. Expert consulting costs** refers to the fees paid to hire expert consultants on a temporary basis during the course of the research project. The expert consulting costs charged to Domestic Government Funding shall comply with the standards of expert consulting fees administrated by the State regulations.

**11. Other costs** refers to all the costs generated in the process of research but not included in the above items. Each shall be listed separately and individually approved.

The approved budget plan with all the Direct Costs for a sponsored project shall be itemized in the DKU financial system which uses fund accounting practices to place project revenues and costs in restricted fund accounts. Restricted fund accounts are approved, monitored and audited individually to ensure that they are used for declared purposes and that the costs are accurate, allowable, reasonable and allocable.

**Article 11.** Indirect Costs include the costs of facilities and administration generated by research activities and paid for by the University that cannot be directly allocated to a specific sponsored project. The term 'facilities' includes equipment and space, water, electricity, gas, heating, cleaning, maintenance and other operational costs provided by DKU for research projects, as well as various operational administrative fees, and the cost of performance improvement.

The term "Administration" refers to the costs of daily operation of the University's research administration in organizing and managing projects and other related administrative costs.

## **Chapter Four Budget Management**

**Article 13.** A sponsored research project's budget plan is the basis for each restricted fund balance. Principal investigators shall develop each project budget plan based on methodical, reasonable and truthful analysis of the project's nature and actual needs, and following the principles of relevance, consistency with regulatory requirements and a sound economic basis for cost estimates.

The principle of relevance means that the project budget shall be based on the goals of the project. Costs shall reflect project tasks closely so that the total costs, line-item amounts and structure of a project's budget shall be consistent with the requirements and characteristics of the research tasks. The proposed budget shall be estimated, with a careful focus on the goals, tasks and technical progress of the project.

The principle of policy consistency requires that projects supported by treasury revenues shall comply with the State fiscal policy and the relevant management regulations of National Science and Technology Sponsored Funds and that the line-item categories used and their associated costs shall be estimated following the National Science and Technology Sponsored Fund regulations strictly.

The principle of sound economic basis for costs requires that the costs a project budget be consistent with similar research activities. Other research and development activities of a similar nature should be consulted at home and abroad to ensure that the budget meets this requirement. Finally, the budget shall improve and promote the efficient use of funds taking into consideration innovation risks without adversely affecting the project.

**Article 14.** A project budget plan consists of two parts: a total revenue budget and an itemized costs budget.

1. The revenue budget includes the sponsor's awarded funds for support of the project and all other funds for shared costs exclusively committed to the project. Like the sponsor's award, the cost-shared funds in the revenue budget must follow fund management requirements. Official commitment agreements, certificates or other financial documents must be provided to the DKU Finance Office to verify the committed revenues. It is forbidden to provide fake documents for such commitments.

2. The budget plan is based on the itemized costs of the research project. The direct cost items in the budget plan shall follow all relevant regulations and rules of fund management must be justified in detail, providing the basis for estimation of each cost. Costs shall not be calculated proportionally to the total expenditure. The indirect costs shall follow State and local authorities' regulations and the rules of the sponsor.

Among the budget items,

2.1 Labor costs shall be calculated methodically and reasonably based on each employee's current pay rates, taking into account local rates of pay and actual time spent on the project and strictly following the relevant rules and regulations of the sponsor in regard to labor cost limits.

2.2 Expert consulting costs shall be calculated following the cost limits and standards specified in the relevant rules and regulations of the sponsor strictly.

2.3 In developing the equipment costs for the budget plan, researchers shall strictly limit equipment purchases. The sharing, manufacturing and renting of special equipment and upgrading current equipment is strongly encouraged. For equipment purchases deemed essential, the budget justification shall include a detailed explanation of the necessity for the new equipment, its use with current equipment and provide a sharing plan for the new equipment.

**Article 15.** For projects with multiple collaborating institutions, each institution shall separately develop its budget plan according to its contribution to the research tasks. The principal (leading) institution of the project shall verify and organize the collaborators' budget plans and compile into one overall budget. If DKU serves as the principal (leading) institution, the DKU Principal Investigator shall promote cooperation and careful organization to avoid duplication and redundancy in the budgets of the collaborating institutions.

**Article 16.** The DKU Research Support Office provides advice on developing project budget and review the budget in terms of fund use and project management. Project budget shall be submitted for final reviewed and verified by the DKU Research Support Office if required.

**Article 17.** Project fund use shall follow the approved budget strictly and shall not be adjusted freely. If it is necessary to adjust the plan and the adjustment is within the limit specified in the sponsor's regulations, the adjustment shall be approved and processed according to the sponsor's regulations and DKU's standard operating procedures for budget revisions.

## **Chapter Five Revenue Management**

**Article 18.** All research funds obtained in the name of DKU shall be remitted to the bank account designated by DKU. The University Finance Office verifies the transfer of the fund and notifies the Research Support Office so that the Principal Investigator and other relevant offices can be notified and the process of initiating accounting procedures can begin in accordance with the University's regulations and procedures.

**Article 19.** The cost of taxes levied by State and local tax regulations on Commissioned Research projects shall be a direct cost of the project fund. Principal Investigators shall include tax costs in their budget or specify that taxes will be covered by the sponsor's award in the contract terms and conditions. In initiating accounting procedures, the Finance Office shall withhold and remit taxes according to the rates set by State and local governments.

For commissioned research projects which are eligible for tax exempt according to State and local regulations on tax reduction and refund for technical contracts, the RSO shall review all sponsored research contracts and submit to the local bureau of science and technology for tax exempt/refund verification. If the local bureau of science and technology verifies the tax exemption, the Finance Office shall bring the verification to the tax bureau for tax exemption/refund. Prior to final exemption approval by the local science and technology bureau and the tax bureau, Principal Investigators shall agree to the tax being paid by the Finance Office from the project funds. After the exempt status of the project is approved and the tax refund is received, the Finance Office shall reimburse the project fund for the taxes refunded.

## **Chapter Six Expenditure management**

**Article 20.** Each award shall be used and managed strictly according to its approved budget, the terms of the contract and relevant financial laws and regulations. It is forbidden to embezzle, misappropriate or defraud project funds; it is forbidden to purchase equipment and materials that are irrelevant to the project; it is forbidden to fabricate business affairs or use fake invoices to extract project funds; it is forbidden to reimburse personal or household expenditures from project funds and to fabricate false claims for service fees; it is forbidden to misappropriate or embezzle project funds in the name of research collaboration.

All sponsored project expenditures shall obtain the approval of the Principal Investigator as required.

**Article 21.** In transferring funding for a new award, agreements and contracts shall explicitly specify research tasks, acceptance criteria of research results, timing and limits on the award amounts to be transferred, a detailed budget plan, transfer methods, bank and bank account information, tangible and intangible assets ownership and other matters. Principal Investigators shall provide vigilant supervision of the expenditures of subprojects and collaborating institutions; Principal Investigators of subprojects shall guarantee that their expenditures follow their budget plans and their contract terms and conditions. Collaborating institutions shall provide their institution's business entity license, organization code certificate, tax registration certificate, qualification certificate and any other required institutional materials.

**Article 22.** All indirect costs shall be charged based on the approved budgets. Once approved, indirect costs in principle cannot be adjusted. No centers, programs or individuals are allowed to extract from a project fund indirect costs for any reason that exceed the limit of the approved indirect costs.

**Article 23.** Tangible and intangible assets purchased for or created by a project supported by Domestic Government Funds are public property and managed by DKU; tangible and intangible assets purchased or created by a project supported by a Domestic Non-Government Funds and other research awards are DKU assets and shall be owned and managed by DKU. The disposal and use of the assets (including intellectual property rights and other intangible assets) shall follow national regulations and no centers, programs, or individuals are allowed to hide,

privately transfer, embezzle the assets or use the assets for personal gain. Tangible and intangible assets created with sponsored project funding transferred to a collaborating institution are under the management of the project's collaborating institutions and subject to the terms and conditions of the agreements between DKU and the collaborating institutions.

## **Chapter Seven: Final accounting, acceptance, project conclusion and closeout**

**Article 24.** The Finance Office accountants prepare the financial invoices. The Principal Investigator assigns the Grant Manager to prepare the financial reports. The financial report consists of the budget plan, the final expenditure report and the comparison between the budget plan and the expenditure report; RSO reviews the reports for allow ability of the costs and the Controller reviews and certifies to their accuracy and compliance with the award terms. The PI reviews the reports for appropriateness of the charges – verifying that they are directly related to the project activities. The RSO should submit the reports to the sponsor along with the technical report, inventions & patents report, equipment report, etc.

PIs must agree to manage and supervise the proper use of the funds, to help the RSO and the FO make corrections if mistakes are discovered and to provide assistance to any audits of the award.

**Article 25.** Project *fund sub-balance* refers to the balance of an on-going projects' annual fund budget minus the annual actual expenditures; during the process of research, the fund sub-balance shall be carried over to the next year for continued use by the Principal Investigator if allowed by the sponsor. *Fund balance* refers to the balance of total project fund budget minus total actual expenditure after a project's conclusion and acceptance by the sponsor or termination for some other reason. The fund balance of terminated projects shall also include the revenues, if there are any, from the disposal of assets, materials, instruments and equipment.

Principal Investigators shall ensure that project expenditures are made by the most economic and reasonable means possible, they shall improve the effectiveness of project annual budget, minimize sub-balances and balances to the greatest extent and shall not violate regulations or use or transfer a sub-balance or balance. Once a research project reaches its planned completion date and even if there is a balance, the project in principle shall not be included in the active awards for the coming year and shall proceed to balance accounting and closeout. The disposal of fund balances shall follow the relevant regulations and rules of the sponsor that made the award.

## **Chapter Eight Supervision on research project fund use**

**Article 26.** The DKU Research Support Office, Finance Office, Operations Department, Internal Auditing, Procurement and Principal Investigators shall perform their responsibilities, cooperate with each other monitor research project fund use, control the process of project fund supervision and management in a long-term continuous manner for DKU based on best practice.

**Article 27.** The offices at DKU and Principal Investigators shall actively accommodate and cooperate with sponsors and commissioned auditors to audit and check the use and management of research funds. Problems found in the audits shall be corrected in a timely manner. The DKU Research Support, Finance and Audit Offices jointly accommodate audits by sponsors and commissioned auditors and Principal Investigators shall cooperate with them closely.

**Article 28.** DKU has the right to manage and intervene in university centers or institutes with poor management or misconduct, to risk-manage relevant individuals and inform sponsors or relevant oversight organizations of problems. Centers, institutes and individuals shall be held responsible for violations of laws or regulations.

## **Chapter Nine Additional Provisions**

**Article 29.** When a Principal Investigator leaves DKU for an appointment elsewhere or for other reasons, his or her sponsored projects awarded to DKU shall be transferred under the procedures outlined in the fund management regulations as soon as possible and every effort shall be made for timely transfer of the residual funds to the sponsor or new supporting institution as required by the sponsor. If it is difficult, inconvenient or inappropriate to transfer the award to a new institution, with the approval of the sponsor, a new Principal Investigator shall be named and DKU will continue to manage the projects and the award. No center, program or individual is allowed to transfer an award out of DKU prior to the approval of the DKU Vice Chancellor for Academic Affairs, the RSO and the Finance Office.

**Article 30.** The University policy shall enter into force as of the date of approval by the DKU leadership and signature by the DKU Chancellor. The clauses in this university policy shall be explained by the Research Support Office.

## Appendix V: Duke Kunshan University Regulatory Policy on Indirect Costs Management [\(return to top\)](#)

*Drafted by Research Support Office at Duke Kunshan University by the 15th of December, 2017;  
Effective since April 25, 2018 with approval by the Chancellor.*

### Chapter One: General Provisions

**Article 1.** This Policy is to establish and regulate the management of indirect costs charged to externally sponsored funds and the processes needed to conform to the rules and regulations for sponsored research and projects at universities. By regulating indirect costs management, Duke Kunshan University (hereafter is referred as DKU) aims to promote the sustainable and healthy development of research.

**Article 2.** This Policy is made in compliance with the following laws and regulations:

1. Law of the People's Republic of China on Science and Technology Progress,
2. The State Council's Guidance on Improving the Fund Management of Research Projects Funded by the Central Treasury (No.11 Document of State Council, 2014),
3. The State Council's Scheme on Deepening the Reform of the Management of Technology Projects (Programs, etc. Funded by the Central Treasury) (No.64 Document of State Council, 2014),
4. The Ministry of Finance and Ministry of Science and Technology's Notice on Adjusting Regulations for Managing National Science and Technology Projects and Non-Profit Industry Research Funds (No. 434 Document of Ministry of Finance and Ministry of Science and Technology),
5. The Ministry of Science and Technology's Guidance on further strengthening the responsibility of National Science and Technology projects as Institutional legal person (No.86 Document of Ministry of Science and Technology, 2012),
6. The Ministry of Education's Notice on further implementing rules on National research funds and strengthening the management of research funds in colleges and universities (No.12 Document of Ministry of Education, 2011) and,
7. Other related national or local science and technology fund management policies and regulations.

**Article 3.** The research funding referred to in this Policy and its scope shall be determined by the Regulatory Policy on Sponsored Research Funds Management of Duke Kunshan University.

**Article 4.** The management of indirect costs in sponsored project funds follows the regulations or contractual terms and conditions of each sponsor supporting a project if such regulations or terms are stipulated in written forms (including, but not limited to, policies, formal declaration, formal business letters, etc.), otherwise it follows the policies outlined in this statement.

**Article 5.** Indirect Costs include the costs of facilities and administration generated by research activities and paid for by the University that cannot be directly allocated to a specific sponsored project. Indirect costs are also known as facilities and administration costs (F&A costs).

**Article 6.** In compliance with the Regulatory Policy on Sponsored Research Funds Management of Duke Kunshan University, direct costs refers to the costs directly related and allocable to the process of research and development on a sponsored project, including but not limited to, equipment costs, material costs, testing, laboratory and processing costs, fuel and power costs<sup>132</sup>, travel costs, conference costs, international cooperation and exchange costs, publishing/bibliography/information transmission/intellectual property right transaction costs, research personnel<sup>133</sup> costs, expert consulting costs.

**Article 7.** In compliance with the State Council's Scheme on Deepening the Reform of the Management of Technology Projects (Programs, etc. Funded by the Central Treasury) (No.64 Document of State Council, 2014), the modified total direct cost is the residual direct cost which equals the total direct cost minus equipment cost.

**Article 8.** The indirect costs of a sponsored research project equals the modified total direct costs times the approved indirect costs rate. The method of determining the indirect cost rate is defined in Article 10.

**Article 9.** Indirect costs consist of two categories: facilities and administration. Each of these categories includes subcategories. All subcategories are relevant to research activities performed by university personnel.

Facilities costs includes costs of depreciation of building and equipment, equipment service and maintenance, interest on debt associated with capital assets, operations and maintenance of physical plant (including but not limited to water, electricity, gas, heating, cleaning, maintenance and other operational costs), and library expenses.

Administration includes general administration and other general expenses of the University, research center administration, sponsored projects administration and all other types of indirect

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<sup>132</sup> Defined in Article 10.4 of the DKU Regulatory Policies on Sponsored Research Funds Management, approved by the Board of Trustees, November 17th, 2017.

<sup>133</sup> Defined in Article 10.9 of the DKU Regulatory Policies on Sponsored Research Funds Management, approved by the Board of Trustees, November 17th, 2017



costs not listed under Facilities.

### **Chapter Three: Indirect Costs Rate, Allocation, Limitation and Waiver**

**Article 10.** The indirect costs rate published by DKU (referred to as the DKU IDC rate) are calculated based on the costs in the categories listed in Article 9. The Finance Office, Human Resources, University Operations Office, Procurement Office and other relevant DKU departments provide costs data for the categories aforementioned, the Research Support Office works with the Finance Office, the Audit Office and the DKU Operations Office to calculate and check the IDC rate. The Research Support Office presents the calculated IDC rate to the Vice Chancellor for Academic Affairs (VCAA) for review and approval, the VCAA publishes the approved IDC rate as the DKU IDC rate in the format of the VCAA's Announcement to the University. The VCAA's Announcement has the same authority as a University formal document. The above mentioned offices shall calculate and update the indirect cost rate every five years.

If the DKU IDC rate is updated during a project period, the IDC rate of this project shall be determined by the IDC rate in the budget approved by its sponsor.

**Article 11.** If the DKU IDC rate cannot be calculated due to limitation to collecting costs data of the categories listed in Article 9, the VCAA may propose an estimated IDC rate as the interim DKU IDC rate based on the accrued data from the DKU finance and operations book. The VCAA may publish the interim DKU IDC rate in the format of the VCAA's Announcement.

The DKU IDC rate at the current stage is 25%. Such rate shall be subject to adjustment due to updates to the costs data of the categories listed in Article 9.

**Article 12.** In order to encourage and support DKU research centers and principal investigators to further advance research activities, DKU may allocate a portion of the DKU IDC to the discretionary funds managed by the research centers and the principal investigators when the actual IDC rate of a project exceeds 20%. The IDC allocation ratio is as follows: when the actual IDC rate is more than 20% but no more than 23%, the percentage beyond 20% of the DKU IDC rate of a sponsored research project is allocated to the research center(s) to which the sponsored research project is affiliated; when the actual IDC rate is more than 23%, the percentage beyond 23% of the DKU IDC rate of the sponsored research project is allocated to the discretionary account of the principal investigator of the sponsored research project<sup>134</sup>.

**Article 13.** DKU requires that principal investigators include the full indirect costs recovery on

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<sup>134</sup> Faculty use of these funds shall comply with Faculty Funds Guidelines

all proposal budgets for external funding and research contracts. If a sponsor requires a lower IDC rate or disallows indirect costs, the principal investigator shall present to the Research Support Office a published policy or an official statement in writing from the sponsor regarding such matter. The principal investigator shall also present to the Research Support Office a waiver request of indirect costs. The Research Support Office shall request an approval from the VCAA after verifying the waiver request from the principal investigator. Deviation from this policy by agreeing to limit the IDC is not permitted without approval from the VCAA.

**Article 14.** For collaborative sponsored research projects for which DKU acts as the leading institution, the sponsor transfers to DKU the indirect costs including the collaborating institutions' indirect costs, which DKU shall process according to the contract terms agreed between DKU and the collaborating institutions.

**Article 15.** The Duke Kunshan University Regulatory Policy on Indirect Costs Management shall become effective as of the date of approval by the DKU leadership and signature by the DKU Chancellor. The RSO is responsible for clearly explaining the articles in this policy to relevant stakeholders.

## **Appendix W: Policy on Establishment and Review of Research Centers**

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*Adapted from the Establishment and Review of Academic Centers/Institutes at the University of Connecticut, revised by the Research Policy Committee at the Duke Kunshan University, revised and approved by the University Faculty on the date of March 7th, 2018, Approved by the Board of Trustees on April 26<sup>th</sup>, 2018*

- I. Introduction
- II. Definition of a Research Center
- III. Criteria for Establishing a New Center
- IV. Organization, Management and Staffing of New Centers
- V. Procedure for Establishing a New Center
- VI. Annual Review of Centers
- VII. Third year Review of Centers
- VIII. Discontinuation of a Center

### **I. Introduction:**

Duke Kunshan University (the University) recognizes that the ability to make significant contributions to the University's teaching, research and outreach mission, and to solve increasingly complex problems, may be facilitated by interdisciplinary approaches that enable and encourage collaborative contributions from different disciplines. Thus, the University encourages the establishment of interdisciplinary research centers.

The University recognizes that research centers require a commitment of resources (including but not limited to faculty, staff, space and funding). Therefore, guidelines need to be explicated regarding the criteria for the establishment of centers/institutes, the expectations in regard to outcomes, and the need for annual reports and periodic reviews.

### **II. Definition of a Research Center:**

A *Research Center* is a unit that ordinarily has a focused mission and clearly defined objectives. It comprises a group of faculty from a single program or from different programs who promote research activity.

### **III. Criteria for Establishing a New Research Center:**

The establishment of a research center after the enactment of this Policy (new research center) requires careful deliberation that includes an evaluation and justification of need and the

potential for making a meaningful contribution. The following issues are relevant to these deliberations during the planning process, and therefore serve as the minimum criteria to establish a research center:

- The center should have a clear mission and purpose which should be guided by the mission of the University, and should be innovative and have a high potential for scholarly output.
- The center should not duplicate activities already being performed elsewhere at the University.
- The center is encouraged to identify goals that aim to engage faculty and, when appropriate, graduate and undergraduate students in interdisciplinary research resulting in scholarly works (publications, grants, patents, etc.), and contribute to the educational and outreach missions of the University.
- The center should outline its goals (see below) including descriptions of the expected volume of scholarly outcomes, expected funding requirements to meet those outcomes, as well as the external funding the center expects to obtain.
- An approved center is expected to maintain a minimum research volume measured in scholarly output and research funding directly supporting the center activities, and in the center's success in realizing its goals. Research funding is defined here as the amount of external or internal research funding a center receives to support research faculty, post-doc's, staff and student interns, *excluding* internal funding used to hire tenure track faculty or for administrative support. A research project funded by research contract, gift funding or internal funding must be affiliated with a single center. The University realizes that the capacity of sponsoring research activities varies across different academic areas, thus the minimum research volume shall also vary depending on parental unit of the center.

A new research center need not meet the aforementioned criteria during the first three years, but is expected to make steady progress towards meeting the criteria. The research center will submit an annual report (see below) detailing its progress and research volume. If a research center does not accomplish the minimum research volume by the time of its first or any following third-year review (section V), the center will be given one year as a grace period to reach the minimum requirement. If the center does not reach the minimum requirement at the end of the grace period, the center will then enter the discontinuance process (Section VIII). All external funding, including funding for individuals rather than for the center as a whole (e.g. a Chinese talent program youth award) must be applied for through the center and approved by the University, and as such may be included in the minimum requirement if awarded.

#### **IV. Organization, Management and Staffing of New Centers**

- For centers established after the enactment of this policy, the center director must be a full time Duke Kunshan faculty member working at Duke Kunshan and living in Kunshan or a nearby area.
- Centers can have a Co-director who is a member of the Duke Kunshan faculty, Duke University faculty or Wuhan University faculty. Both the Center Director and the Center Co-Director shall provide input on all decisions. The Center Director shall be responsible for final decision making
- The center should identify a parental academic unit to whom the Center Director reports. Duke Kunshan University or an institute within the University may be the parental unit.
- The center must have at least two faculty (including the Center Director or Co-director) associated with it, who are tenured or in tenure track appointments or equivalent, and who are faculty at Duke Kunshan University. Each of these two faculty members is expected to work on an active research project within the center or submit a research proposal through the center. It is strongly encouraged that these faculty members are from different disciplines in order to promote interdisciplinary research activities.

### **The proposal for establishing a new research center**

The proposal for establishing a new research center should provide information regarding the following (using the template at the end of this document):

- Name of center: This name should describe as best as possible the unique purpose of the center, and should not overlap or be similar to the name of an existing unit.
- Center Director: The name and contact information of the faculty member who will be the Center Director, and a brief description of his/her responsibilities and qualifications. If a center director is expected to receive administrative salary, clearly explain the financial sources of salary support.
- Center Co-Director (if applicable): The name and contact information of the Center Co-Director, and a brief description of his/her responsibilities and qualifications. If a center Co-Director is expected to receive administrative salary, clearly explain the financial sources of salary support.
- Mission: The mission statement should clearly describe the purpose for establishing this center; what problems will the center address? The mission should include a statement about how the center intends to integrate different disciplines, and a statement about how the center aims to support the educational mission of the University (Appendix 1) through undergraduate research and other outreach initiatives. Explain how the center mission is unique and distinct from that of other units.
- Goals: What does the center expect to accomplish? The outcomes should be clear and their impact should be measurable. Clearly justify how the center will enhance scholarship, or applications of scholarship to problems of societal benefits, and/or industrial practice and thereby contribute to the reputation of the University. Clearly describe how the center will contribute to a culture of supporting undergraduate research and other outreach initiatives.

- **Budget:** Provide details of the amount and source of funds required for the operation of the center. Are all the necessary funds available? Does the center require financial support from the University? If the funds are not already available, explain and justify the source of additional funds that will be required to operate the proposed center. Clearly delineate the resources that will be necessary for the sustainability of the center, and the plans for obtaining them.
- **Internal/external funding:** Provide details of the type and amount of external funding the center expects to pursue and a realistic estimate of what external funding the center expects to receive, with a clear description of how the funding will be allocated. Indicate which staff will be supported through the center by external funding (e.g. post-doc's) and which staff you are requesting university support for (e.g. administrative assistants).
- **Staff:** Provide a listing of all staff (do not include faculty) that will be associated with the center. Include their title, a brief outline of their responsibilities, and the percentages of their efforts charged to the center.
- **Space:** What are the space needs of the center? Is this space available? If not, what are the plans for identifying appropriate space?
- **Organizational chart:** Provide an organizational chart within the center and also specify the parental academic unit. As a part of this, confirm that all impacted programs are familiar with the plans for establishing the center and supportive of the proposal. Letters of support from these programs are the appropriate means of conveying this information.
- **Participating faculty:** Provide a list of all faculty who have confirmed their interest and commitment to actively participate in the activities of the center. For each individual identify his/her rank, program affiliation, and expected contribution to the center/institute.
- Letters of support (see above).

Existing Centers should provide the same information in the form of a report.

## **V. Procedure for Establishing a New Research Center:**

The establishment of a new center/institute requires the following procedure to be followed:

- Given that all Duke Kunshan faculty have an academic unit (division or program) home, individual(s) interested in establishing a center should first discuss their plans with their unit leader(s) (divisional head or dean or program director). It is important that the unit leader(s) support the proposal.
- The individual(s) proposing the center should complete the research center proposal. See Section III above.
- The assumed Center Director should forward the completed proposal to the director of the parental academic unit for approval. Where multiple units are likely to be impacted all the leaders of these units must support the establishment of the center. Letter(s) of

support from the leader(s) of the collaborating units should be submitted as a part of the proposal.

- Once approved by the unit leader(s), the document should be forwarded to the Vice Chancellor for Academic Affairs (VCAA) for approval. The VCAA may form a review committee to obtain further feedback and may ask for revisions or qualifications be made to the proposal. The VCAA will make a recommendation to the Board of Trustees for final approval. When a center has been approved, the assumed director will be informed in writing by the VCAA.

## **VI. Annual Review:**

Each center established under this Policy, or existing prior to this Policy, will submit an Annual Report to the head of the parental academic unit and the VCAA, and provide copies to the affiliated academic unit leaders. The annual report documents scholarly accomplishments and productivity. The report should include the following information (from the time the center was approved or last reviewed):

- A copy of the Research Center Approval documentation (if applicable).
- A summary of the effectiveness of the center in meeting the goals that were stated in the center proposal as well as any additional qualifications requested in the approval documentation. This statement should include citation and evaluation of the scholarly products (e.g. publications, patents, technology transfer, works of creative art, and other outcomes).
- The extent of external funding (awards by central/provincial governments, awards by foundations, gifts/contracts by industrial companies or other sources) obtained by the center since it was last approved or reviewed. Funding should include both direct support and indirect cost recovery (if applicable). This should include the expenditure of the center over the reviewed period.
- The ways in which the center has enhanced the scholarly reputation of the University and the activeness of the center. This should include a listing of scholarly publications (books, papers, etc.), international and domestic awards, major research initiatives (state/provincial key lab, joint industrial lab, etc.), conferences/workshops hosted on or off campus; keynote addresses and invited presentations at state, regional or national and international meetings, service on national and international panels and other significant contributions made by the members of the center.
- A listing of all faculty, staff, post-docs, research assistants, research engineers, visiting scholars and student interns who have worked at the center with a short statement summarizing the contribution each has made to the research or operation of the center.
- Other contributions relevant to the mission of the center; in particular how the center has contributed to supporting graduate and undergraduate research and other outreach activities.
- Future plan for center growth including planned activities in the following year.

The VCAA, with consultation from the head of the parental organization and academic unit leader(s), reviews the Annual Reports from research centers and assesses whether a research center is meeting its goals and the minimum requirements described in Section III. A written notice for the review outcome, including feedback and comments, will be provided by the Vice Chancellor for Academic Affairs.

## **VII. Third-Year Review:**

In addition to annual reviews, a third-year review will be performed at the end of every three years and by a Research Center Review Committee which includes external experts (see below) and will provide a detailed review of a research center. The schedule for initial three-year-report for centers established prior to this Policy will be set by the VCAA.

**The Research Center Review Committee:** The Research Center Review Committee will consist of five members who do not belong to the center. At least three members are affiliated with Duke Kunshan University and at least one from another institution. The VCAA appoints the Duke Kunshan University faculty members into the Committee and invites the external member(s). The head of Research Support Office will serve as an *ad hoc* member of the Committee.

**Timelines and Process:** The head of Research Support Office will develop a schedule identifying the semester in which each center will be reviewed. The review process typically starts 90 days before the end of the third year and should finish within 90 days. Each center will have at least one semester in which to prepare for the review. The VCAAs office will provide administrative support to organize and coordinate the review. The review process will include:

- The Center will prepare a self-study which may be an updated copy of their past annual review report that additionally addresses recommendations or qualifications received during the annual review.
- The self-study will be provided to the Review Committee at least three months prior to the completion of the review.
- The Center Director will have an opportunity to meet with the Committee either in person or via a video conference.
- After evaluating the self-study document and any external input, the Committee will make its recommendation to the Vice Chancellor for Academic Affairs. This recommendation will include an overview of the strengths and weaknesses of the center. The recommendations will be one of the following:
  - Approve for another three-year term.
  - Approve with qualifications. In this situation any deficiencies must be rectified in the prescribed time period or else the center will be discontinued.
  - Merge with another center that has a similar mission.
  - Discontinue (see Section VII below).



- The VCAA will make his/her recommendations and share these with relevant unit leader(s) and Center Director.

### **VIII. Discontinuation of a Center:**

Following an annual review or three-year review, the VCAA will authorize the discontinuation of a center if it meets any of the following criteria:

- It is no longer making sufficient contributions in terms of scholarly activity.
- It fails to demonstrate meaningful contributions to the academic mission.
- The number of faculty affiliated with the center drops below the minimal requirement of two (section IV).
- It is no longer financially viable.

Any center that fails to complete its annual or three-year review will be automatically discontinued.

A center has the option of disbanding itself, if the faculty and the Center Director feel that the unit is no longer pursuing the objectives for which it was established.

The ongoing research projects will be the liability of the center's parental organization. The center's parental organization will be responsible for the management of the ongoing projects in terms of process, finance, personnel, close-out and research outcomes. Research faculty members and postdoc's who are not affiliated with another academic unit and who are supported by external funding may complete their research until the end of, but not beyond the funding period, and will continue to receive support in terms of space, computers, IT support etc. Staff members supported by the University, will be reassigned to other units or departments



