

EMPLOYEE HANDBOOK



Polytechnic Institute of NYU
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Employee Acknowledgment Form

By accessing this document, I acknowledge that I have received a copy of Polytechnic Institute of NYU's Employee Handbook, which provides descriptions of many of the policies, procedures, and programs affecting my employment.

I also understand that any changes made by Polytechnic Institute of NYU with respect to its policies, procedures, or programs can supersede, modify, add to or eliminate any of the policies, procedures, or programs outlined in this handbook. I accept responsibility for familiarizing myself with the information in this handbook and will seek verification or clarification of its terms or guidance where necessary.

This handbook should be read in conjunction with any separate contracts that may exist for you as a Polytechnic employee such as Collective Bargaining Agreements, Code of Practice, Faculty by-laws, faculty term appointment letters and conditions associated with faculty tenure. I understand that I should consult my supervisor or a representative of the Human Resources Department if I have any questions.

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Preface

Employment at Will

All employees at Polytechnic Institute of NYU are employed “at will,” and nothing contained within this employee handbook, employment application, offer letters of employment and/or any oral statements made on behalf of the University should be construed as a contract of permanent employment. Employment may be terminated at any time with or without notice or cause.

Disclaimer

Polytechnic Institute of NYU and its Board of Trustees reserves the right to amend, delete and add to the contents of this document at any time, for any reason with or without advance notice. Therefore, this document does not create an employment contract between the employee and the University nor does it create any contractual rights or entitlements.

Employees Covered by a Collective Bargaining Agreement

Employees who are covered by a collective bargaining agreement are also covered by this employee handbook, which complements it.

Faculty

Faculty members are covered by this employee handbook, which complements any applicable Code of Practice, Faculty by-laws, faculty term appointment letters and conditions associated with faculty tenure.

Chapter 1: Organization of Polytechnic Institute of NYU

101 University Vision and Mission

We educate, discover and invent. We engage students seeking educational achievement and opportunity, faculty seeking excellence and relevance, and organizations seeking solutions and talent. We creatively bring intellectual rigor, technological innovation and a passion for science to the communities where we work and live and to the citizens of the world.

We innovatively extend the benefits of science, engineering, management and liberal studies to critical real-world opportunities and challenges, especially those linked to urban systems, health and wellness, and the global information economy.

102 University Employees

The provisions contained in this handbook apply to all full-time, regular, ongoing faculty and staff, normally working 35 hours per week in a University approved position. Certain parts of this handbook do apply to temporary, part-time employees, e.g., vacation and other benefits.

Chapter 2: Employment Policies and Procedures

201 Affirmative Action

Statement of Policy

It is the University's policy to afford equal opportunity to all regardless of race, creed, color, religion, national origin, gender, sexual orientation, citizenship status, marital status, age, veteran status, or status as an individual with a disability, and to provide a work environment free of bias based on such categories.

Scope

This policy extends to every phase of our campus affairs, including recruitment, hiring, promotion, reclassification, transfer, compensation, benefits, termination, layoff and return from layoff, social and recreational programs, and any aspect of employment.

Application

This policy is applied throughout the University in all campus operations.

Responsibilities

As Affirmative Action Officer of the Affirmative Action Program for the University, the Director of Human Resources is responsible for implementation of this policy.

Employees can contact the Director of Human Resources with a suggestion, problem, or complaint about the policy. Persons with a disability, a qualified disabled veteran, or a Vietnam Era Veteran who would like to be considered under the Affirmative Action Plan, can also contact the Director of Human Resources. This information is voluntary and refusal to provide it will not subject an employee to a discharge or disciplinary treatment.

Related Policies

Equal Employment Opportunity Policy

Statement of Policy

It is the University's policy to comply with local, state, and federal laws and regulations implementing equal employment opportunity ("EEO") objectives, not only by meeting the letter of the law, but by carrying out its spirit as well.

Scope

This policy advances the concepts of equal opportunity on a day to day basis to eliminate discrimination against employees or applicants for employment based on race, color, religion, sex, age, national origin, sexual orientation, liability for service in the Armed forces of the United States, veteran status or disability.

Application

To apply this policy, Polytechnic Institute of NYU will:

1. Recruit, hire, train, and promote persons in all job classifications without regard to race, creed, color, religion, national origin, gender, sexual orientation, citizenship status, marital status, age, veteran status, or status as an individual with a disability.
2. Base decisions on employment so as to further the principle of equal employment opportunity.

3. Ensure that promotion decisions comply with the principles of equal opportunity by making certain that requirements for such opportunities are valid.

4. Ensure that all other personnel actions such as compensation, benefits, transfers, layoffs, recall, company-sponsored training, education, tuition assistance, and social and recreational programs will be administered without regard to race, creed, color, religion, national origin, gender, sexual orientation, citizenship status, marital status, age, veteran status, or status as an individual with a disability.

Responsibilities

It is the responsibility of our management to carry out this policy every day. To ensure that the policy is adhered to, Human Resources will monitor, analyze, and reported on personnel actions periodically throughout each year.

Other Related Policies

#209 Rights and Responsibilities

Effective Dates

Original date: 9/00

Current version date: 9/07

202 Immigration Sponsorship

Statement of Policy

To create a diverse learning institution that includes global talents and insights, the University's policy is to hire international employees when/where opportune. These employees are selected for their contributions to their particular subject areas as well as their unique perspectives. International employees and the University create a knowledge exchange to the benefit of the employee and the University community.

Scope

This policy includes all University departments. Qualified employees from all countries are eligible to seek affiliation.

Application

This policy is applied through two petitions:

H-1B Visa Petitions

These petitions are filed to secure temporary work authorization for international professionals. To qualify, the University position at issue must require a candidate to have at least a Bachelor's degree in an area of expertise and the candidate must have at least a Bachelor's degree in that area.

H-1B visas are valid for a total of six years and enable the international employee to work only for Polytechnic Institute of NYU.

Traditionally, the attorneys' fees and costs associated with these petitions are covered by the University, and the process is under the direct control of the Polytechnic Administration (e.g., the offices of the Provost and Vice President for Finance and Administration).

Employment-Based Permanent Residence (or "Greencard") Petitions

Such sponsorship by Polytechnic requires the University to sign and submit an immigrant petition to the USCIS on behalf of an international employee and for the employee to submit an adjustment of status application to the USCIS. Some cases may require Polytechnic to participate

in a period of recruitment supervised by the U.S. Department of Labor (“DOL”) and submission and approval of a labor certification application to the DOL.

The general rule is that Polytechnic does not sponsor international employees for employment-based permanent residence in the U.S. (it is a privilege and not an employment right!). This is because the international employee is free to seek employment elsewhere once his/her adjustment of status application is pending at USCIS for 180 days.

On an individual, specific basis, the University will consider supporting permanent residence petitions on behalf of tenured and tenure-track faculty members, so long as such petitions do not require a full labor certification from DOL. For these petitions, the costs (excluding USCIS filing fees and labor certification recruitment costs) will be borne by the faculty member.

Responsibilities

It is the responsibility the administration of the University (Provost and VP Finance and Administration) to carryout the petition process (see above) and to approve employment of international candidates. Once approved, the University submits an appropriate immigration petition to the U.S. Citizenship and Immigration Services (“USCIS”). The submission of an immigration petition to the USCIS indicates Polytechnic’s sponsorship of an international employee for USCIS-sanctioned work authorization.

Related Policies

None

Effective Dates

Original date: 6/06

Current version date: 9/07

203 Approval of New/Replacement Positions

Statement of Policy

To ensure sound fiscal and human resource practices, it is the University’s policy that the University Cabinet approves all requisitions for new positions. Replacement requisitions and restructuring within a department and within budget can be approved and carried out by the department head.

Scope

This policy covers requisitions for personnel in all University departments. It includes new positions and replacement positions.

Application

To successfully apply this policy, requisitions for new positions must be justified by the appropriate Vice President. Justifications should include: a demonstration of where the dollars will come from going forward; old and new job descriptions; a brief rationale of why the University should support this new position, e.g., the impact on student recruitment/retention or revenue generation; a benchmarking example from other institutions or anything else that may assist in the decision-making process.

Responsibilities

It is the appropriate Vice President’s responsibility to justify the requisition for personnel to the University Cabinet. It is the Cabinet’s responsibility to approve or deny the requisition. All positions must be posted internally for a minimum of five business days.

Related Policies

#205 Personal Action Forms

#301 Promotions

Effective Dates

Original date: 7/06

Current version date: 9/07

204 Screening of Candidates

Statement of Policy

To maintain a thriving University, it is paramount that our staff is fully qualified. To ensure this, it is the University's policy that all staff be vetted through reference and background checks.

Scope

All University job offers are contingent upon satisfactory reference and third-party background checks.

Application

To apply this policy, a minimum of three reference checks must be made prior to making a job offer. Records of these checks should be retained in HR. In addition, all new full-time regular job finalists with whom the University makes an offer are subject to background checks through a third-party agency. Third-party background checks may take the form of criminal/violation, Social Security traces, DMV and educational credentials.

Responsibilities

HR, the hiring supervisor, or a combination of both, are responsible for conducting reference checks. HR is responsible for coordinating third-party background checks. These require the consent and disclosure of the job candidate by way of his/her signing the job offer letter where it is indicated that such a check is required.

Related Policies

None

Effective Dates

Original date: 7/06

Current version date: 9/07

205 Personnel Action Form (PAF)

Statement of Policy

It is the University's policy to document all major changes to our paid employees' human resource-related status through the use of the Personnel Action Form (PAF). The goal of this policy is to ensure proper record keeping of employee status, budget distribution, payment frequency, student status, and approval by designated signatories.

Scope

The PAF is to be used for: appointments; new hires; re-appointments; rehires; promotions; transfers; terminations; and changes in title, status, location, salary and budget code distribution for all paid employees. The PAF is not intended for actions relating to independent contractors.

Application

On a bi-weekly and semi-monthly basis, all responsible parties should complete the PAF for all University-paid employees. All actions to an employee's status are incomplete until all appropriate reviews and written approvals have been obtained.

Responsibilities

Supervisors of paid employees are responsible for completing and submitting the PAF to Human Resources.

Related Policies

#302 Salary Payments

Effective Dates

Original date: 7/06

Current version date: 9/07

206 Probationary and Annual Performance Measurement Management (PMM)

Statement of Policy

To ensure that our employees are fulfilling their job expectations and to encourage their professional development, it is the University's policy that all employees' performance be systematically measured through the Performance Measurement Management (PMM) process.

In addition to evaluating current performance, the performance reviews assist employees and supervisors in setting expectations and guidance for the next review period.

Scope

This policy covers all full-time union and non-union University staff.

Application

To apply this policy, the PMM process should be carried out on an annual basis. A probationary period evaluation is to be conducted within 60-90 working days after hiring. Probationary evaluation forms are to be submitted to HR prior to the probationary period end date. Evaluation forms are available on MY POLY.

Responsibilities

Human Resources is responsible for coordinating the yearly PMM process. Supervisors of full-time staff are responsible for evaluating their staff's performance in accordance to the PMM process. Staff members are also responsible for their role in the process.

Related Policies

None

Effective Dates

Original date: 9/01

Current version date: 9/07

207 Layoffs

Statement of Policy

It is the University's policy to reduce staff via layoffs when necessary. Reasons for layoffs include, but are not limited to: reorganization, reduction in funding or budgetary considerations, or job redundancy.

Scope

All University employees are covered under this policy.

Application

In the event of a layoff, the employee will be given a minimum of one week's notice. In lieu of notice of layoff, one week's pay may be given to the employee.

Responsibilities

It is the responsibility of both the employee's supervisor and HR to keep each other informed about a potential layoff. Both parties are responsible for deciding who will inform the employee of his/her layoff and proceed as decided.

Related Policies

None

Effective Dates

Original date: 7/06

Current version date: 9/07

208 Discipline

Statement of Policy

To ensure a well-running University, it is the University's policy to invoke a disciplinary process with an employee who is performing in an unsatisfactory manner.

Scope

Unsatisfactory performance includes: tardiness; absenteeism (excessive amount or a pattern of Mondays and Fridays); insubordination (refusal to carry out assignments); missed deadlines/deliverables; theft; willful dishonesty; disruptive behavior, etc. (Please refer to the Rights and Responsibilities policy in this handbook for greater clarity.)

Application

Depending on the severity of the unsatisfactory performance, the following guidelines should be followed when applying this policy:

- Verbal warning with corrective action (plus a note to file from the supervisor).
- Written warning with corrective action plus possible consequences, e.g., suspension without pay.
- Written reprimand with corrective action and final warning.
- Termination for cause.

Generally, progressive discipline that leads to termination will take a minimum of 90 days (or 30 days between each step) unless the infraction is so severe that it warrants immediate termination.

Responsibilities

Supervisors are responsible for keeping HR involved/informed about the unsatisfactory performance of his/her employee prior to and at each step of disciplinary action. The supervisor and HR will work together to decide and follow through on the proper course of action.

Related Policies

None

Effective Dates

Original date: 7/06

Current version date: 9/07

209 Rights and Responsibilities

Statement of Policy

It is our goal to provide an enriching and engaging work environment. To this end, it is the University's policy to have an established set of rights and responsibilities for its employees, outline certain University policies and procedures related to these rights and responsibilities, and to provide a summary of benefits and services available to its employees. This policy is critical to providing educational excellence and operational efficiency.

Scope

The rights and responsibilities covered in this policy extend to all University employees.

Application

To apply this policy, employees and the University should follow and be aware of the following:

Rights

Expression. Employees have the right to express themselves within their work areas as long as the expression does not disrupt the business of the University. For example, small religious pictures or ethnic clothing are usually acceptable.

Professional Development. Employees have the right to seek training and additional work-related skills. The University will pursue training and staff development strategies within its resources.

Problem Resolution. Employees have access to problem resolution procedures. Procedures for such disputes are contained in various policy documents available through Human Resources.

Safety. Employees have the right to a safe and healthy workplace and to be informed of any hazardous working conditions. The University may from time to time have a need for surveillance of its work place; this could take the form of camera surveillance, the searching of packages entering or leaving the premises and or the right to search workstations, lockers and cars parked in University facilities.

Civility. Employees have the right to be treated with civility by supervisors, co-workers, and subordinates. The University will pursue available strategies within its resources for reducing tensions that may cause incivility.

Freedom from Violence. Employees have the right to be protected from violent behavior. Violent behavior toward faculty, staff, students, or visitors to the University is neither condoned nor acceptable. Such behavior may provide grounds for immediate dismissal for cause and legal action.

Freedom from Harassment. Employees have the right to work without harassment, sexual or otherwise. The University has a responsibility to educate its staff about the University's anti-harassment policy, and the procedures used under this policy to protect accused and accuser.

Freedom from Discrimination. Employees have the right to be treated without bias. The University has the responsibility to treat with equal concern and fairness all persons without regard to their race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age, marital status, citizenship status, veteran status, disability, or any other criterion specified by federal, state or local laws.

Physical Working Conditions. The University strives to maintain reasonable temperature and humidity standards in workplaces that are comfortable and conducive to productive work. When adverse temperature/humidity conditions persist for a protracted period of time, a supervisor, when asked, will try to find temporary alternative workspace for affected employees. Failing that, a supervisor will have the discretion to send an employee(s) home, with or without work. A supervisor should always consult with HR and Facilities in this decision making process. The standard should be “what a reasonable person would tolerate.”

Performance Appraisal. Employees have the right to formal annual performance evaluations with their supervisors. This activity promotes communication, job clarity through updating job descriptions and a sense of where employees stand vis-à-vis their goals within their departments and the University.

University Services Available for Personal Use

Telephone. University telephones are for use in the conduct of University business. Personal telephone calls on University telephones and personal cellular phones should be limited to those that are absolutely necessary and should be as brief as possible. Personal calls are calls that do not relate to Polytechnic business.

Other Office Resources. University supplies and services that are not available for personal use at University expense include metered postage or stamps, office supplies or shipping and receiving services.

Photocopying and Faxing. Office copiers and facsimile machines in the University are not to be used for personal work. Exceptions to this are limited to health insurance records filed under University plans and reasonably brief income tax forms.

Computers and E-Mail. With permission of a supervisor and with authorization by the Facilities Office, computers may be taken home for University business. Non-related business should not be done on office computers during the employee's working hours. Employees (not relatives) may use computers for personal work on their own time with permission of their supervisor. E-mail is the property of the University. It can be and will be reported on as directed in subpoenas or for other legal/regulatory mandates and requests. You should consider email as public/community communications, for its privacy cannot be guaranteed. You should use email sparingly for personal use. Please refer to the University IT/IS Acceptable Use policy (Policy #218 of this handbook) for further information.

Also prohibited are violations of any local, state or Federal laws, such as the downloading, sharing, distribution of or otherwise making available of digitized copies of copyright protected material, e.g., music, movies, games, without appropriate permission from the copyright owner. This list of illegal computer use activity should not be considered to be complete or exhaustive. It should, however, serve as a set of examples of obviously inappropriate behavior. If you are in doubt about the appropriateness of something that you want to do, contact the IS Department.

Working Hours

The University's official business hours are from 9:00 a.m. to 5:00 p.m. Certain programs and events are held during evenings and weekends. It is expected that staff will work special events as necessary. Employees dedicating excessive time from working hours to non-related business are depriving the University of their services. Late arrivals, early departures, extended lunches and breaks, as well as lengthy personal phone conversations and frequent or lengthy absences from the office all detract from employee productivity. Faculty is expected to maintain published office, classroom and research hours.

The University has an option for “FLEX-TIME” working arrangements. Please refer to HR Bulletin 63-02 for more details.

Work Related Activities

With explicit supervisory approval, work that contributes to the growth of the employee or the reputation of the University is considered work related. Supervisory approval must also rest on the availability of University financial resources and on the availability of job coverage. Workshop and conference attendance may be supported by University budgets and may be taken during business hours.

Employees may not use offices, supplies, copying services or any other University resources for activities where the employee is paid an outside fee or salary. Staff asked to perform work that appears to be an unrelated activity, may appeal to the department or office head for relief.

Selling a service or product for personal gain is an unrelated business activity that should not occur on or off University property during working hours or on University property during non-working hours.

Grounds for Disciplinary Action

The violation of established rules or misconduct which interferes with or adversely affects the conduct of a job will be sufficient grounds for disciplinary action, from warning to immediate discharge, depending upon the seriousness of the offense and the level of trust of the position. Below are some examples:

- Theft from or damage to University property or services or the property of others while located on campus. Knowingly receiving, retaining or disposing of the lost or mislaid property of a member of the University community, visitor, or of the University itself.
- All forms of dishonesty including cheating, plagiarism, supplying false information to any University official (especially, but not limited to, employment applications), as well as forgery or use of University documents or instruments of identification with intent to defraud.
- Knowingly falsifying any timekeeping record, work ticket, or any other report or records; misrepresenting business expenses reimbursed by the University.
- Frequent tardiness or absence without permission, or misuse of sick leave policy.
- Reporting to work under the influence of alcohol or drugs; unauthorized use of alcohol or drugs on University premises or while on University business during working hours.
- Unauthorized entry, use or occupation of University facilities as well as the unauthorized possession, duplication or use of keys to University facilities. (The University reserves the right to inspect workstations, lockers, etc.)
- Tampering with or misusing fire alarms, fire-fighting equipment or safety equipment.
- Harassment (verbal or other, including sexual) or physical abuse, threatening or attempting to inflict physical injury, or creating substantial risk of such injury to another member of the University community or to any person on University premises.
- The illegal selling, purchasing, producing, possessing or using of illegal drugs or other controlled substances.
- Engaging in, or inciting others to engage in, conduct that interferes with or disrupts any University function, or that prevents or limits the free expression of ideas by others, or that physically obstructs or threatens to obstruct or restrain other members of the University community or visitors.

- Engaging in lewd, licentious or disorderly conduct.
- Using Polytechnic-provided resources for illegal purposes, i.e. downloading copyrighted materials, protected intellectual property, etc. (see IT/IS Acceptable Use policy).
- Failure to protect Polytechnic confidential information, or actions that subvert or endanger/weaken the data/information security policies of the University (see IT/IS Acceptable Use and IS Information Security policies).

Responsibilities

Human Resources is responsible for addressing any concerns, issues, or complaints employees may have about this policy—either in practice, or as it’s outlined.

Under this policy, University employees have the responsibility to:

- Use their skills and training to perform to the best of their abilities.
- Exercise initiative and creativity in seeking better and more efficient ways of getting their jobs done.
- Respect the rights of all members of the University community.
- Comply with safety rules and exercise common sense to ensure a safe work environment.
- Conduct themselves in a manner that reflects favorably on the University.
- Act with honesty, integrity and professionalism. This includes, among other things, compliance with the University’s policy on waste, fraud and abuse of resources and with its conflict of interest policy.
- Cooperate respectfully with co-workers and all members of the University community within the limits of their discretion.
- Serve students, clients, community members, trustees, visitors, and guests with courtesy and concern.
- Make every effort to achieve complete, accurate, courteous and PROMPT communication with regard to all proper requests for information and in response to all complaints. All telephone calls and/or e-mail queries from the news media are to be referred to the Director of Communications and Media Relations, X 3792. In the event the director is off campus all media queries should be referred to the Vice President for Development and University Relations, X3880.
- Observe the rules and procedures of the University and the department in which they work. Employees are also expected to respect and observe the rules of other departments with which they interact when these rules are brought to their attention.
- Use proper telephone etiquette. Employees are required minimally to answer all calls with their name and the name of the department.
- Practice good personal hygiene, and exercise moderation in clothing, hairstyles and general appearance.

Related Policies

#213 Avoiding Harassment

Effective Dates

Original date: 5/05

Current version date: 9/07

210 Conflicts of Interest

Statement of Policy

Polytechnic Institute of NYU is committed to maintaining the highest standards of honesty and integrity in all of its dealings both within the University community and with individuals and organizations outside of the University community. Underlying this commitment is the responsibility of members of the University community whenever they are acting on behalf of the University or whenever the interests of the University are involved, to act always in the interest of the University and on behalf of the public good.

The University is entitled to expect that the independent, unbiased judgment of its members be unimpaired by actual, potential, or apparent financial or personal interests. In keeping with this commitment, the Board of Trustees of Polytechnic Institute of NYU publishes this policy on Conflicts of Interest and reaffirms its legal, moral and ethical responsibility to protect the institution's integrity and well being in serving the public trust.

This policy reflects the fundamental principle that the interests of the University must be superior to the personal interests of those who work for or represent the University or serve it in a volunteer capacity. When those interests conflict, or cause the appearance of a conflict, the University's interests must be paramount.

Scope

All Trustees, the President, the Chancellor, the Provost, Vice Presidents, members of any Advisory Committee, faculty, professional and administrative and support staff, are covered by this policy.

Application

To successfully apply this policy, any situation, transaction or contract between the University and an individual covered by this policy that presents a conflict of interest, or the appearance of a conflict of interest, shall be void unless approved in accordance with this policy. Use the definitions below as a guide to following the policy.

Those covered by this policy who serve the University in a managerial, teaching, fiduciary or advisory capacity may be involved in the affairs of other organizations. In the case of employees, the Trustees of the University and any Advisory Boards or Committees, individuals are selected, among other reasons, to serve the University because of these associations and because they bring to the University background, experience, and expertise which is of great value to the University. Indeed, it is the expectation of the University that these individuals will devote a reasonable amount of their time and expertise to the University on a pro bono basis. Notwithstanding this expectation, it is recognized that those individuals involved in the governance of the University may not always be entirely free from potential, actual or perceived conflicts of interest.

Definitions

Conflict of Interest. A conflict of interest shall be deemed to exist in any instance where the interests of the University are involved and where the actions, judgment, or decisions of an individual covered by this Policy may be, have the potential to be or may appear to be, influenced, directly or indirectly, by his or her personal interest, financial or otherwise in any other person or

entity. A conflict of interest occurs when there is a divergence between an individual's private interests and his or her professional obligations to the University such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. A conflict of interest shall also be deemed to exist when the interests of the individual's immediate family is or may be involved.

Immediate Family. An individual's immediate family includes (1) spouse or domestic partner (2) parents, (3) children, (4) siblings, (5) in-laws, (6) any other individuals residing in the same household as the person covered by the policy.

Conflict of Commitment. A conflict of commitment shall be deemed to exist in any instance where members of the faculty or administrative staff or support staff have relationships, within the spheres of their professional competence, with non- University institutions that require a commitment of time or effort that will interfere with or diminish their usual obligations to the University.

Responsibilities

Individuals covered by this policy are responsible for disclosing and, unless otherwise approved under this policy, avoiding potential, actual and apparent conflicts of interest, as defined above. Although, many conflicts may be deemed inconsequential, and often, if not inconsequential, will be determined to be appropriate because they serve the best interests of the University, all individuals must assume the responsibility of ensuring that the Board of Trustees, the President, and counsel, are made aware of situations that involve personal, familial, or business relationships which may subject the University or the individual to criticism.

Related Policies

Please see the MY POLY Policy "Conflicts of Interest"

Effective Dates

Original date: 7/06

Current version date: 5/07

211 Travel and Business Expenses

Statement of Policy

It is the University's policy to have set guidelines for acceptable types and levels of reimbursable or chargeable expenses and their documentation, and requirements for reporting of and level of approval required for employee expenses.

Scope

All employees having the authority to submit and approve such requests must be familiar with the expense reimbursement procedures and are responsible to ensure that expenses submitted comply with this policy. This policy also applies to Contractors and Consultants employed by the University. These policies and procedures apply to reimbursements from all sources of funds. The terms of a particular grant or contract should be referred to for guidance on allowable expenditures.

Application

The types and specifics of this policies application are outlined below. Employees are expected to exercise prudent business judgment regarding expenses covered by this policy and are expected to neither gain nor lose financially.

The employee submitting the expense is responsible for the validity of the claim, the adequacy and truthfulness of the documentation and is accountable for the appropriateness and the accuracy of the expense.

Important Note: Employees submitting expenses that are not in compliance with this policy risk delayed, partial or forfeited reimbursement. Cases of abuse will result in disciplinary action up to and including employee termination.

Employee Expenses

Definitions

Trip Related Expenses. Trip related expenses are those business expenses which meet at least one of the following conditions:

- Air travel is involved.
- An overnight stay is included.
- Travel is over 100 miles distance (one-way) from your work location.

All reasonable business costs associated with such a trip including lodging, airfare, ground transportation, meals, entertainment, meetings and seminar registrations should be listed on the travel/ business expense report.

Other Expenses. Other expenses are business expenses that are not covered by the definition of trip related expenses. They are generally incurred locally and may include approved business meetings, seminars and University sponsored functions, business meals, business entertainment and related group transportation and miscellaneous expenses. In the rare cases when cell phone calls are reimbursed the business purpose of the call and name of caller or person being called must be identified.

Business Meal Expenses. Business meal expenses are defined as reasonable food and beverage expenses incurred exclusively by an employee while on University business and should be segregated on the travel/business expense report form if included on a hotel invoice. Employee food and beverage expenses for meals with business guests are considered entertainment costs and must be segregated on the travel/ business expense report form if included on a hotel invoice. Entertainment expenses may not be charged to federal grants.

General Requirements

Employees are encouraged to book trip related travel/hotel as early as possible to secure the best possible prices. Both trip related and other expenses should be limited to a reasonable amount and reflect the cost incurred by the employee only. Non-business expenses for travel, entertainment, meals, etc., will not be reimbursed. Use care in tipping. Consider local norms.

Requirements for Specific Expense Categories

Transportation

Air

- Coach is required for all travel.
- When traveling on a federal grant, federal regulations prohibit the reimbursement of first class air travel and require that a U.S. carrier be used.
- Traveling employees may retain frequent flier program benefits. Participation in these programs, however, may not result in any incremental cost to the University beyond the lowest available airfare. Any employee may, at their discretion, use their frequent flier mileage to upgrade the lowest available coach fare to a higher class for business travel.
- The lowest available direct flight airfare is to be utilized in order to maximize savings, consistent with reasonable time scheduling and airport locations. The lowest available airfare will be applied when a flight's departure or arrival time is within two hours before or after the requested departure or arrival time. Specifying other carriers at higher prices, when lower fares are available (when consistent with travel plans), is not permitted.
- A trip which includes an over night stay on Saturday may sometimes be more cost beneficial even when including the added hotel night.

Ground

1. Personal Car. Employees may use personal cars for business travel when other transportation is unavailable or uneconomical. The use of personal cars for business will be reimbursed at the standard rate prescribed by the IRS in effect on the date of the travel. This mileage allowance covers all auto costs (e.g., gasoline/ oil, maintenance & repairs, depreciation, insurance) other than parking and tolls. Tolls and reasonable parking charges are reimbursable in addition to the mileage allowance.

IRS regulations clearly state that employees may only be reimbursed for mileage costs in "excess of their normal commute". The cost of an employee's normal commute to his/her regular work location is not reimbursable.

It is the personal responsibility of the vehicle owner to carry adequate insurance coverage for their protection and for the protection of any passengers. Employees will not be reimbursed for any repairs to their personal car even if these costs occur during business travel. Damage to personal automobiles used on University business is considered

covered by the employee's private insurance. The University does not assume liability for deductibles or any other loss to the vehicle.

2. Rail. Rail and auto transportation is also permitted provided it does not exceed the lowest available airfare plus local transportation costs. All rail transportation must be in economy class. Rail travel on the Amtrak Acela train is also permitted.

3. Taxi. The cost of taxis to and from places of business, hotels, airports, or railroad stations in connection with business activities is reimbursable. Employees are encouraged to use public transportation or more economical services (vans, shuttles, etc.) whenever feasible.

4. Car Rentals. Cars should be rented by employees only when other means of transportation are unavailable, more costly, or impractical. The use of a rented car must be justified as a business need and not as a matter of personal convenience. All rentals should be for mid-size cars or smaller unless four or more people are traveling together.

5. Car Rental Insurance. All car rentals on business trips by University employees are covered by the University's insurance. This includes domestic and international car rentals. Therefore, employees should not purchase the optional insurance coverage offered by car rental agencies. The employee must be the driver. (The University does not permit other licensed drivers to operate the vehicle.)

6. Polytechnic Trips That Include Personal Vacation. An employee should rent a car separately for a vacation and for a business trip if it is cost beneficial. Therefore, the employee should rent once for the business portion of the trip, which would be covered by the University's insurance, and then also rent the car a second time under the employee's own name for the personal portion of the trip. If this is cost prohibitive, the employee should rent for the entire trip and allocate the cost between business and personal. Mileage incurred on personal vacation is not reimbursable.

When making decisions for insurance purposes on personal car rentals, employees should confirm with their own automobile, homeowner's, or other personal insurance carriers to determine if any coverage can be extended to include car rental.

General

If an employee combines a personal trip with a University business trip to the same location, the employee will be reimbursed only for the fare to and from the business destination by the most direct available route for the mode and class of transportation actually needed.

If an employee incurs a penalty for cancellation due to a scheduling change, it should be reported on the travel/business expense report.

Lodging

Room Type. A single room with a private bath in a moderately priced business class hotel or motel is the University standard.

Cancellation. All rooms will be guaranteed for late arrival. Employees must cancel the room reservation in compliance with the associated cancellation policy (4:00 p.m. at many facilities) to avoid a no-show charge. Upon cancellation, employees are advised to request and retain a cancellation number as documentation of the transaction.

Business Meals and Entertainment (Domestic Travel, including Canada and Mexico)

- Business meals must be directly related to the active conduct of the University's business. As a guideline, average daily meal expenses should be moderate and not exceed \$75.00 per day (approximately \$15 for breakfast; \$20 for lunch and \$40 for dinner).
- Entertainment expenses must be directly related to the active conduct of the University's business or precede or follow such a bona fide business discussion. Acceptable reasons include occasional meetings with donors, vendors, consultants or educational, industry and community representatives.
- Entertainment expenses may not be charged to federally sponsored programs. The terms of a particular grant or contract should be referred to for guidance on allowable expenditures.
- Business entertainment of University employees **only** is not permitted except in non-routine circumstances. Examples of allowable circumstances would include reward/ recognition of employees. Contact your Department Head for clarity as necessary.
- Business meals and entertainment expenses require a receipt containing the name of the restaurant or service provider—charge card receipts are preferred. Business purpose of entertainment is required. Name and affiliation are also required for attendees for all entertainment expenses. When obtaining such a receipt is impractical, e.g., bill splitting of meal expenses with a group of people from other universities/companies, the reason for no receipt and the details of the function should be noted.
- Entertainment expenses and the cost of alcoholic beverages may not be charged to government grants. Federal regulations prohibit “excessive” charges for meal expenses. Therefore, charges to Federal grants or contracts should be within University guidelines.

International Travel (other than Canada and Mexico)

Per Diem allowances will be allowed for international travel meal and incidental expenses (cabs etc). The per diem amount will be determined by the U.S. Department of State recommendation. Please provide receipts for hotels and travel (air, rail, etc) reimbursements as you do with domestic travel. Of course, you may claim less than the per diem rate by providing receipts.

If a hotel rate, mode of transportation or registration fee includes meals then the per diem rate will be pro-rated. The federal guidance is breakfast 15%, lunch 25%, dinner 40%, and incidentals 20%. Because international travel may bring unusual circumstances, long cab rides because of safety issues for example, please contact the Financial Operations Office if you have any questions about international travel reimbursements.

Meeting Expenses

Expenses associated with approved business/educational association meetings, educational seminars, University-sponsored charitable and civic functions are reimbursable provided attendance is authorized by the Department Head either on a specific or regular attendance basis.

Other Reimbursable Expenses

The following are examples of incidental business expenses that are reimbursable:

- Gratuities
- Parking
- Currency conversion fees or traveler's check fees
- Sympathy Flowers /gift baskets (employee and immediate family only)

Non-reimbursable Expenses

- Personal entertainment, e.g., sports events, in-room movies
- Dry cleaning (unless business travel for longer than one week)
- Personal services, e.g., haircut, massage, and personal effects purchases
- Raffle tickets purchased by employees at charitable or civic events
- Lunch with other employees when not traveling on University business. See exceptions as noted above.
- Parking or traffic tickets/fines
- Equipment if you do not have a purchase order
- Computer purchases with out an associated purchase order

The University is tax exempt. The University does not reimburse employees for sales tax paid. A tax exempt letter can be obtained from our Financial Operations Office.

Vehicles Provided by the University for Use by Employees

The University leases vehicles for use by certain employees in the course of business. IRS regulations (see Publication 463 Travel, Entertainment, Gift, and Car Expenses) govern the reporting requirements for both the University and the employee. For University vehicles that are primarily assigned to one individual employee (vehicles are not primarily used as “pool” cars), the University reports 100% of the annual lease payments on the employee’s Form W-2 as income. The employee is responsible for keeping adequate documentation supporting all related business expenses and mileage. Expenses related to personal use are not deductible by the employee. (For example, the cost of commuting from the employee’s home to his/her principal place of business is not deductible.) There are Internal Revenue Service implications regarding this that employees should discuss with their tax advisors.

Expenses Funded by Sponsored Projects

Expenses funded by sponsored projects may be subject to certain restrictions. Employees must comply with the guidelines imposed by the respective funding source. For example, government agencies do not reimburse for sales tax. As such, sales tax may not be charged to sponsored programs. Questions related to allowable reimbursements should be directed to the Contracts & Grants Office. *A tax exempt letter can be obtained from the Financial Operations Office.*

Cash Advances

- Cash advances must be used only for business purposes and are not to be obtained for personal use.
- Cash advances should be requested no earlier than two weeks before a travel/business event begins and must be settled through the submission of a travel/business expense report no later than 20 business days after the business event has been completed.
- Advances should only be obtained for expenses which (1) cannot be paid directly in advance by the University or (2) cannot be charged to a credit card by the employee. Typically, cash advances should be used for expenditures such as meals, taxis, tips. Employees should charge expenditures related to hotel, car rental etc. to a credit card. Reimbursement to the employee through the submission of a travel/business expense report would normally occur before the payment on the charge card becomes due.
- Petty cash is disbursed from the Financial Operations Office on Wednesdays from 3-4PM at the Brooklyn campus. Long Island and Westchester campuses have separate petty cash funds. An approved (by the responsible person for the account) voucher form is submitted to the Financial Operations Office. The maximum dollar amount for any single disbursement from petty cash is \$75. Transactions greater than \$75 must be processed on a travel and business expense form.
- Disbursements from petty cash must be properly documented and be for a valid University business purpose. Receipts should include a description of the business purpose of the transaction, goods or services purchased, and the date.

- Petty cash *may not* be used for travel expenses (except for local carfare), business meeting meals held outside the University, registration fees, consultant fees, cashing of personal checks, or any other type of personal service payments.
- **IRS regulations clearly state that employees can only be reimbursed for commuting expenses “in excess of their normal commute.”** Therefore, individuals who live in Long Island cannot be reimbursed for working at the Long Island Campus if their home campus is Brooklyn. Individuals can be reimbursed the “excess” of their normal commute at the IRS rate in effect on the day of travel, plus tolls. If the “excess commute” requires other forms of transportation such as rail or cab, receipts must be presented for reimbursement. This policy **supersedes** all prior policies. Petty cash transactions are to be submitted on a **payment voucher form**.

Documentation Requirements

- Original receipts are required for expenditures of \$25.00 and above or for the purchase of goods and services (of any dollar amount) where a receipt can reasonably be expected (e.g. purchase of gas and oil for University owned or leased vehicles). Photocopies will be acceptable only with a detailed explanation as to why the original is unavailable.
- Where practical, the corporate charge card is the preferred method of payment for expenses. The corporate card may be used for business expenses only. Personal use is not permitted. The corporate card should be paid by the University through the Financial Operations Office. The original bill should be attached to the travel/business expense report.
- Corporate Credit Cards may be issued to employees upon the approval of their respective vice president. Applications may be obtained from the Financial Operations Office (JB 454).
- Employees must provide the following information in order to be reimbursed for expenditures.
 - Names of individuals present, their titles and company name (for vendors, etc.)
 - Name and location of where the meal or event took place
 - Exact amount and date of the expense
 - Specific business reason for the trip, meeting, etc.
- Employees must submit the following original documentation along with their expense report form:
 - Air/Rail – original passenger boarding pass, invoice/itinerary or charge/credit card receipt or other proof of payment
 - Hotel – itemized hotel receipt plus charge/credit card receipt or other proof of payment
 - Car Rental – rental car agreement plus charge/credit card receipt or other proof of payment

- Meals/Entertainment – charge/credit card receipt or cash register receipt (no restaurant tear tabs)
- Receipts for all miscellaneous expenses over \$25.00
- Receipts must include the name of the vendor, location, date and dollar amount. When a receipt is not available, a full explanation of the expense and the reason for the missing receipt is required.

Approval Requirements

Both trip and other business expenses require the approval of authorized personnel as outlined below:

- The highest-level person present at a function, event or meal must submit the expense for reimbursement.
- The approver must be of a higher level than the highest level person included in the expense report.
- The approver may not be a participant in the function, event, meal or trip.
- If an advance was obtained for the event, the same person who approved the advance must also approve the travel/ expense report form.
- Charges to sponsored projects must be approved by the Contracts & Grants Office.
- Approval certifies compliance with University policy and funding agency regulations. Approval also certifies that funding is available and that the proper org/project is charged for the expenses.

Responsibilities

- Employees who incur travel and entertainment/business expenses are responsible for complying with this policy. Employees are expected to submit expenses in a timely fashion (within 30 days of the completion of the trip/business event).
- Supervisory levels with pre-established approval authority are responsible for ensuring that all policies detailed herein have been adhered to before they approve employee expenses.
- The Assistant VP for Financial Operations is responsible for the development of this policy and for ensuring its distribution to employees.
- The Financial Operations Office will review expenses for compliance with University policy and procedures. Reimbursement of expenses will be made through accounts payable.

Related Policies

211.1 Vehicle Use for University Business

Effective Dates

Original date: 7/06

Current version date: 9/07

211.1 Vehicle Use for University Business

Statement of Policy

It is the University's policy that employees who operate vehicles for University business do so in a safe and economical manner. In addition to safety issues, this policy is an important measure in regards to fiscal and insurance responsibilities.

Scope

All employees who operate vehicles for University business are covered by this policy.

Application

To ensure proper application of this policy, the guidelines below must be followed.

University or personal vehicles operated for business purposes are to be used only when:

- The vehicle is in safe mechanical condition.
- The driver is physically and mentally able to drive safely.
- Driving is in conformity with all traffic laws, signals and markings and in a manner as to avoid accidents or misuse of the vehicle.
- The driver and all passengers are wearing seat belts.
- The driver is courteous at all times.
- The employee who uses their vehicle for University business maintains adequate personal auto insurance.
- The driver is listed on our University Driver Schedule to operate a University vehicle.

Other Requirements and Restrictions

- No unauthorized passengers are allowed in the vehicle.
- The driver must notify his/her supervisor immediately if there is any change in his/her driving status such as points off his/her driver's license or if the license is suspended/revoked.
- All accidents, violations or driving incidents must be reported immediately to the employee's supervisor and to Rishi R. Maharaj. Rishi may be contacted at 718-260-3771 during normal business hours. A written University incident report must be completed immediately after any accident that occurs in a university vehicle, or while driving a personal or rental vehicle on University business.
- If it is found that an accident occurred where the University employee is at fault, the employee may be responsible for some or all of the insurance deductible that is required to repair the vehicle. His/her University driving privileges may also be revoked.
- Drivers must maintain an acceptable driving record, whether or not the infractions occurred with a University or personal vehicle.

- If it is found that there is consistent non-compliance of traffic safety laws by an employee while driving a University vehicle, the employee may lose driving privileges.
- Personal use of University vehicles is strictly prohibited.
- Vehicles taken home for next day use on University business must be parked in a safe garage. If a garage is not available, the vehicle should be parked in a legal parking spot. Consideration should be given to the security of the vehicle when parked.
- Only hands free cell phones will be used when operating the vehicle.
- Vehicles must be kept neat and clean as they represent the University and the way it conducts business.

Responsibilities

It is the approved driver's responsibility to be aware of and in compliance with all aspects of this policy. Rishi R. Maharaj (ext. 3771) is responsible for administering vehicle lease, ownership, and insurance information. It is Rishi R. Maharaj's and Human Resources' responsibility to obtain Motor Vehicle Records (MRV) every year for Polytechnic Institute of NYU approved drivers of Poly owned or leased vehicles. Both are also required to keep an up-to-date roster of qualified operators. This roster includes the approved drivers' names, departments, drivers' license numbers, social security numbers, dates of birth along, and photocopies of current drivers licenses.

Related Policies

#211 Travel and Business Expenses

Effective Dates

Original date: 7/06

Current version date: 9/07

212 Secondary Employment at Polytechnic Institute of NYU

Statement of Policy

Under conditions outlined here, it is the University's policy to encourage qualified members of the faculty or staff to perform instructional, research, and or other business activities for the University that are outside of their immediate areas of work/department.

Scope

All University faculty and staff members are covered by this policy.

Application

For proper application of this policy, it is important that the employee, his/her direct supervisor, and the secondary job supervisor have clear understandings of the nature, extent, and duration of the secondary job. There should also be clear expectations as to the time, effort, and compensation involved in the completion of the secondary job. All such activities shall be distinct from the primary work assignments.

Compensation for secondary jobs and/or supplemental activities should be consistent with the University's compensation policy and take into consideration the employee's current salary. All payments for such jobs and/or activities will be treated and taxed as income.

If, at any time, the immediate supervisor and/or the University deem that such secondary employment is detrimental to the employee's performance in his/her primary job, the secondary job will cease.

The University does not permit the use of accrued leave time to perform secondary jobs and/or supplemental activities for the University.

Responsibilities

When an employee is offered a secondary job or supplemental activity, it is his/her responsibility to notify his/her immediate supervisor as soon as possible. The supervisor must determine that the secondary job does not impact the employee's primary job duties, and that it does not infringe upon or conflict with the employee's regularly scheduled hours of work. The employee, his/her immediate supervisor, the secondary job supervisor, the Vice President, and the Director of Human Resources are responsible for completing and signing the Special Assignment Authorization Form which should be submitted along with the Personnel Action Form to Human Resources.

Related Policies

None

Effective Dates

Original date: 7/06

Current version date: 9/07

213 Avoiding Harassment

Statement of Policy

It is the University's policy to provide a work and learning environment in which all individuals are treated with respect and dignity. Each individual has the right to work and learn in a professional atmosphere that promotes equal employment and academic opportunities and prohibits discriminatory practices, including harassment. Polytechnic Institute of NYU expects that all relationships among persons at the University (in the workplace and in the classroom) will be business-like and free of bias, prejudice and harassment.

Scope

This policy covers all applicants, employees and students, and prohibits harassment, discrimination and retaliation whether engaged in by a faculty member, staff member or student, by a supervisor or manager, or by someone not directly connected to Polytechnic Institute of NYU, e.g., an outside vendor or consultant.

Conduct prohibited by this policy is unacceptable in the workplace, in the classroom, and in any work related setting outside the workplace, such as during University trips, meetings, and social events.

Application

Application of this policy should follow the definitions and procedures outlined below.

Definitions of Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic experience; (ii) submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive working or learning environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace, or anywhere within the confines of the University, of sexually suggestive objects or pictures (including through e-mail); and other physical verbal or visual conduct of a sexual nature. Sex-based harassment—that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males)—may also constitute discrimination if it is severe or pervasive and directed at employees (or students) because of their sex.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation or any other characteristic protected by law or that of his/her relatives, friends, or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work or learning environment; (ii) has the purpose or effect of unreasonably interfering with an individual's academic or work performance; or (iii) otherwise adversely affects an individual's academic or employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace, or anywhere within the confines of the University, of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

Retaliation is Prohibited

Polytechnic Institute of NYU prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

The Investigation

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Responsive Action

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, expulsion or suspension from the University, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination of employment, as Polytechnic believes appropriate (and subject to any applicable collective bargaining agreement or other contract) under the circumstances.

Individuals who have questions or concerns about these policies should talk with the Affirmative Action Officer, the Director of Human Resources or the Director of Student Development.

Finally, these policies should not, and may not be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business, student, or work-related social activities or discussions in order to avoid allegations of harassment. The law and the policies of Polytechnic Institute of NYU prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to the terms, conditions, privileges and perquisites of employment and of being a student at the University. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to these policies.

Responsibilities

It is the responsibility of all parties covered by this policy to understand and follow the policy in full. Polytechnic Institute of NYU strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals (including, but not limited to, students, faculty and staff) who believe they have experienced conduct that they believe is contrary to Polytechnic's policy or who have concerns about such matters should file their complaints with their immediate supervisor, a member of the Human Resources Department, the Affirmative Action Officer, the Director of Student Development, or any member of the University Complaint Resolution Panel. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other Polytechnic-designated representatives identified above.

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note, federal, state and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, Polytechnic strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. Polytechnic will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees and students.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

Related Policies

#209 Rights and Responsibilities

Effective Dates

Original date: 9/00

Current version date: 9/07

214 No-Smoking Policy

Statement of Policy

In compliance with the New York City Smoke Free Air Act and New York State Public Health Law article 13-E, and to ensure that all employees are provided with a healthy working environment, the University has adopted a no-smoking policy.

Scope

This policy covers all University buildings, facilities and employees.

Application

Under this policy, smoking is prohibited inside all University buildings and facilities, including in stairwells and lobby areas. Any employee found smoking inside the University buildings or facilities will be considered in violation of University policy.

When dealing with any questions, complaints, or disputes that are identified under this policy, priority will be accorded to the health concerns of employees who desire a smoke-free environment. No retaliatory action will be taken against any employee or applicant who exercises any right under the above-mentioned policy, including reporting smoking violations.

Responsibilities

It is the responsibility of all University employees to be aware of and follow this policy in full. Supervisors and the Human Resources Department are responsible for addressing any employee complaints or disputes about this policy.

Related Policies

None

Effective Dates

Original date: 9/04

Current version date: 9/07

215 Drug and Alcohol Policy

Statement of Policy

The University is committed to providing and maintaining a safe and healthy work environment for all employees. To that end, the University has established Drug and Alcohol Policies. The specifics for each are set forth here.

Scope

All University employees are covered under this policy.

Application

Drug Policy

The use, sale, possession, or distribution of illegal drugs or the improper use of legal drugs on University premises or during work hours is prohibited. This policy applies to all University-owned and operated vehicles, equipment, and storage facilities as well.

For the purposes of this policy, illegal drugs including narcotics, hallucinogens, depressants, stimulants, and controlled medication not prescribed for current personal treatment by a licensed medical professional to address a specific physical, emotional, or mental condition.

Any employee who is found using, selling, distributing, or in possession of illegal drugs while performing University-related duties, either on or off University premises, will be subject to disciplinary action up to and including termination. In addition, the employee may be subject to federal and state criminal prosecution under applicable laws, resulting in fines and/or imprisonment. Where appropriate or necessary, the University will fully cooperate with law enforcement agencies.

Alcohol Policy

New York State Alcoholic Beverage Control Law regulates the consumption, sale, service, and possession of alcoholic beverages at Polytechnic Institute of NYU. Accordingly, employees may be subject to criminal prosecution for selling, serving, and possessing alcoholic beverages under certain circumstances.

Under no circumstances should alcoholic beverages be served or sold to persons under the age of 21, or persons who appear to be under the legal drinking age of 21, or persons who are or appear to be intoxicated, or is known to the server or seller to be a problem drinker.

Any employee who is found to be “under the influence” of alcohol while performing University-related duties, either on or off University premises, will be subject to disciplinary action up to and including termination. Under no circumstances may an employee who operates a University vehicle, machinery, or other property be under the influence of alcohol while performing University-related duties. In addition to University sanctions, such an employee may be subject to federal and state criminal prosecution under applicable laws. Where appropriate or necessary, the University will fully cooperate with law enforcement agencies.

Responsibilities

It is the responsibility of all covered by this policy to be familiar and in compliance with it at all times. Where necessary the University is responsible for cooperating with state/federal law enforcement agencies in accordance with this policy.

Related Policies

None

Effective Dates

Original date: 9/04

Current version date: 9/07

216 Inclement Weather

Statement of Policy

To assure that all staff are made aware of decisions to close the University due to an emergency situation, it is the University’s policy to use the plan outlined below when serious weather conditions, blackouts or city emergencies are affecting transportation systems, governmental agencies, public schools, banks or specific Polytechnic facilities.

Scope

This policy applies to all University campuses and facilities. However, not all facilities/campuses will be closed upon the engagement of this plan. Depending on the situation, some facilities/campuses may remain open.

Application

The conditions mentioned in the Statement of Policy do not automatically indicate closing of all Polytechnic facilities, but rather an indication to implement the plan as outlined here:

1. By 5:30 AM on a day that might be considered an emergency, the Vice President of Academic Affairs will make the decision to cancel classes. The Vice President, Finance & Administration will make the decision whether to close the University.

2. By 6:00 AM the Polytechnic community may call 1-800-POLY-FYI and hear a recorded message that will advise as follows:

The _____ campus is open and on schedule.

Classes are delayed/shifted/starting at the _____ campus at _____.

Classes are cancelled at the _____ campus.

The _____ campus is closed.

3. If a campus is open but classes have been cancelled, all employees are expected to report to work.
4. If the campus is opened and you are unable to report to work, you must contact your supervisor to arrange a vacation or personal day. If you are scheduled to teach a class you must try to contact all students to advise that the class is cancelled and the make up time and place. You must also notify your department head. The department head will make arrangements for a sign to be posted in the classroom indicating that the class has been cancelled and the make up time and place. If you cannot reach the department head, contact the Dean.
5. In the event of an emergency during the day, the decision to end classes or close the University will be made by the Vice President Academic Affairs and Vice President Finance and Administration in consultation with the President. The Polytechnic community will be notified by broadcast email.

Responsibilities

Prior to or during the day of an emergency, it is the responsibility of the Vice President of Academic Affairs, the Vice President of Finance & Administration and the President to make the decision whether to cancel classes or to close the University.

Students and employees are responsible for finding out if the University is closed, or if classes are cancelled.

Related Policies

None

Effective Dates

Original date: 9/04

Current version date: 9/07

217 Employment of Relatives

Statement of Policy

To avoid potential day-to-day and long-term issues that could occur, the University's policy is to not allow relatives and/or cohabitants to work directly together.

Scope

This policy extends to all University employees, including those involved with externally funded, ongoing project work.

Application

Under this policy, relatives and/or cohabitants of existing faculty (see Note and Definitions) and staff may not be employed within the same work area or department and no employee shall work under the supervision of a member of his/her immediate family whether through a direct or indirect organizational relationship, such as that between a person holding an academic appointment and a staff member.

If two employees marry or establish a domestic partnership, both may retain their positions provided that they do not work in the same department and/or one is not under the direct or indirect supervision of the other.

Note: From time to time, there may be certain recruitment incentives necessary to attract faculty to Polytechnic and to Brooklyn. This could include the offer of employment for a spouse or domestic partner at the University in the SAME or a different department. During these infrequent occurrences, it is mutually understood that the new faculty member may NOT directly supervise, evaluate the job performance or approve compensation for the said spouse/domestic partner.

Definitions

Relative. A relative refers to a familial relationship through blood or marriage, adoption and domestic partnership.

Cohabitants. Cohabitants are intended to mean persons living together who are financially dependent upon one another or have a conjugal relationship.

Responsibilities

It is the responsibility of employees to divulge any familial or cohabitation relationships with University employees to Human Resources.

Related Policies

None

Effective Dates

Original date: 7/06

Current version date: 9/07

218 Information Technology Acceptable Use

Statement of Policy

Information technology systems and electronic resources are provided with the understanding that the members of the Polytechnic community will use them with a sense of compliance/adherence to all applicable laws and regulations, mutual respect, cooperation and collaboration. These resources are finite, must be shared, and with an understanding that with any established interconnection of electronic resources, the effect of one individual can have a dramatic effect on others within the network. As such, the use of the Polytechnic Institute of NYU network and electronic resources is a revocable privilege. All constituents will benefit if all users of the Polytechnic Institute of NYU electronic systems avoid any activities that cause problems for other users of the same systems.

It is the University's policy to reserve the right to monitor, limit, and restrict electronic messages, network/systems traffic, and the public or private information stored on computers owned, maintained, or managed by Polytechnic. Computers not owned, maintained, or managed by Polytechnic staff that abuse campus services may be denied access to campus resources. Email/voice mail, web pages, and digital content are subject to archiving, monitoring, or review, and/or disclosure by other than the intended recipient.

Scope

This policy covers all University students, faculty, and staff and their use of University electronic resources.

Application

This policy is applied as follows:

All hardware, software, and related systems and services are provided by Polytechnic for the sole purpose of enhancing and attaining the Polytechnic mission statement as outlined in the Polytechnic Strategic Plan, the student handbook, the institute's Code of Conduct, and other code of ethics/responsibilities documents. Polytechnic expects all access to its systems to be authorized and pre-approved, and that users understand that laws currently exist that prohibit the following:

- Electronic libeling or defamation.
- Sending/posting/broadcasting messages that incite hate or discontent.
- Transmitting repeated unwanted advances.
- Falsifying information or impersonation.
- Unauthorized use, providing, or copying protected intellectual or copyrighted property.

Polytechnic Institute of NYU also states definitively that its network is a private network separate and distinct from the public Internet. As such, access and use must comply with all campus rules and regulations as well as compliance and adherence to all local, state, and federal laws. Examples of prohibited activities include but are not limited to:

- Posting or transmission of confidential or classified information.
- Use of offensive or discriminatory language.
- Transmission of graphic images, sounds or text that is sexual or offensive in nature.
- Sharing passwords with peers who do not own the account.
- Unauthorized use of other's passwords or accounts.
- Use of campus resources for personal profit or gain.
- Use of campus resources to harass, threaten, or otherwise invade the privacy of others.
- Initiate or forward email chain letters or messages.
- The installation or use of any servers on the network not expressly approved by Information Services or the Administration.
- Deliberate attempts to cause breaches of network, servers, telecommunications systems or security or to examine network traffic
- Initiation of activities that unduly consume computing or network resources.

- Leaving your computer unlocked and unsupervised for extended periods of time.
- Use of applications, for example P-2-P, to receive and/or distribute copyright materials, such as movies, music, and videos.

Responsibilities

It is the Information Systems Department's responsibility to proactively monitor the network for activity that violates the University Code of Conduct and Acceptable Use Policy. It is the responsibility of those covered by this policy to comply with the policy in full. Failure to comply with the terms of this policy will be met with disciplinary or legal action in concert with the provisions as described in the Polytechnic Institute of NYU Code of Conduct, code of ethics, and student/employee handbooks or other University policy documents. Penalties for unacceptable use range from immediate deactivation of the account through appropriate University judicial or disciplinary action or referral to law enforcement authorities.

Related Policies

#209 Rights and Responsibilities

Effective Dates

Original date: 7/06

Current version date: 9/07

219 Confidentiality

Statement of Policy

It is University policy to have its employees comply with a confidentiality agreement to ensure the successful conduct of University business.

Scope

This policy covers all University employees.

Application

This policy is applied through the Confidentiality Agreement located in the Appendix. All employees must sign the Agreement.

Responsibilities

It is responsibility of all employees to carefully read and sign the University's Confidentiality Agreement. The Human Resources Department is responsible for keeping the signed Agreements on file and ensuring that all employees are in compliance with the Agreement.

Related Policies

None

Effective Dates

Original date: 7/06

Current version date: 9/07

220 Intellectual Property Policy

Statement of Policy

The trustees of Polytechnic Institute of NYU recognize the value to the University and to the employees of the University (academic and nonacademic), of obtaining patents for inventions and discoveries made by employees. The development of such inventions may involve complex interrelationships between the

inventor or inventors, the University and its services and facilities, and industrial, governmental or other sponsoring organizations. As a consequence, it is essential that equities or rights involving such relationships be appropriately appraised and resolved. To this end and to facilitate the efforts of the University in applying for patents, licensing patents and patent applications, and distributing any royalties or other income equitably, to obtain funds for research, and to provide a uniform procedure for patent matters involving the University, the University has adopted this Intellectual Property Policy.

Scope

This policy covers all students receiving remuneration for services, faculty and staff of the University.

Application

This policy will be interpreted in a manner consistent with applicable federal and state statutes and implementing regulations and supersedes all earlier intellectual property policies. It is effective on the date of its approval by the Board of Trustees and will apply to all new inventions disclosed to the University after the effective date, as well as to those inventions patented or licensed after the policy's effective date regardless of date of disclosure. Inventions covered by the terms of a previous policy remain subject to the policy or agreement under which they were negotiated. Inventors may elect in writing to receive royalties for those inventions disclosed but not licensed before the date of Board approval as allowed under the previous University Policy provided that such election is received by the Director of the BEST Center by the close of business on May 1, 2006. An inventor choosing royalty distribution under a former policy shall be governed by all other provisions of the new policy.

Definition

Intellectual Property. For purposes of this policy, intellectual property is defined as any new and useful process, machine, composition of matter, life form, article of manufacture, software, copyrightable work, or other property. It includes such things as new or improved devices, processes, circuits, chemical compounds, drugs, genetically engineered biological organisms, data sets, software, or unique and innovative uses of existing inventions. Intellectual property may or may not be patentable or copyrightable. It is created when something new and useful has been conceived or developed, or when unusual, unexpected, or non-obvious results, obtained with an existing invention, can be practiced for some useful purpose.

Intellectual property can be created by one or more individuals each of whom, to be an inventor, must have conceived of an essential element or have contributed substantially to its conceptual development.

Ownership of Intellectual Property

- All rights to intellectual property created during employment at the University and related to that employment belong to the University, not the individual. The University may assign, license, or release those rights in accord with this policy.
- All rights to intellectual property developed as a result of support, either directly from, or channeled through, the University belong to the University.
- The following shall be applied to copyrightable intellectual property:
 - In accord with long-standing practice, faculty who author and publish books, monographs, and sets of notes have complete rights to copyright, royalties, and assignment of those works. This applies to works created as a byproduct of teaching assignments. However, this does not apply to works commissioned by Polytechnic as part of a grant, contract, or continuing educational effort, and for which salary or fees are paid

explicitly and solely for the creation of the materials by academic year release time, summer pay, or one time payment. Faculty may however make reasonable and incidental use of derivatives of such work in publications covered as long as it does not compromise the University's rights to market, improve, or otherwise use the commissioned work.

- Course materials such as CD-ROMs sold separately from a specific offering of the training, or delivered under the contract or grant, shall nonetheless include a revenue sharing component for the author(s), comparable to those available from major educational publishers.
- Faculty may not collect fees or royalties for course or lab notes issued at the University for use by students, nor limit their use in future offerings of courses. They may however place "restricted use" statements on interim works intended to result in a published work, to protect their interests. It is expected and required that those interests be pursued in an orderly and timely manner.
- Course and lab notes that are produced as a continuing effort by a series of faculty or instructors, where the duty to produce and/or update such materials is an explicit part of the work assignment, are not subject to these copyrightable intellectual property rules. Specifically, by definition, this includes all lab manuals, workbooks, or workshop assignments. The University shall own any copyright to such works and retains its right to register the copyright.
- Notwithstanding the above item, the University as represented by the Director of the BEST Center in consultation with the Patent Committee may make exemptions for works for which there may be a major publisher and a national market, if it is in the University's interest to do so.
- Intellectual property created completely by the individual and unrelated to the person's activities or duties at Polytechnic may be the property of the individual, but the responsibility for demonstrating this to the University's satisfaction rests with the individual. Intellectual property generated pursuant to work undertaken by faculty as part of suitable consulting activities, and solely related to those activities, may be an example of such intellectual property.
- Some contracts and grants may contain terms and conditions under which the University shares or releases rights to intellectual property, and in such cases, those terms govern. However, as a matter of policy the University does not wish to completely release rights by such contract terms, and exceptions can be made only upon specific written approval by the Patent Committee. In some cases, royalty-free licenses or sharing of rights may be considered.

Reporting Intellectual Property

All intellectual property covered by this document shall be reported to the University by notification to the Director of the BEST Center, with copy to the relevant department head. There shall be no publication, nor other public disclosure of intellectual property without written permission of the Director of the BEST Center in consultation with the Patent Committee, which permission shall not be unreasonably withheld.

Acquiring Protection of Intellectual Property

Following the receipt of a report of intellectual property as required in above, the University shall decide whether patents and/or other protections shall be pursued to protect the intellectual property. For this purpose, a Patent Committee, representative of the University research and administrative interests shall meet approximately once per month. The Patent Committee shall determine whether or not the University will fund provisional, utility, foreign, and/or international patent applications. Normally, the Patent Committee will fund provisional applications upon request. When determining whether or not to fund utility, foreign, and/or international patent applications, the Patent Committee will normally consider a market analysis of the invention for which protection is sought. If the Patent Committee does not make a funding determination within 30 days of the reporting of intellectual property to the University by notification to the Director of the BEST Center as set forth above, or if the Patent Committee determines that the University will not fund an application, the inventor shall be free to publish their invention and/or pursue patent protection on their own.

Licensing, Assigning And Otherwise Exploiting Intellectual Property

- The Vice President for Finance and Administration shall be responsible for third party negotiations concerning licensing, assigning, or otherwise granting rights to University-owned intellectual property, as well as generating a proposed third party agreement.
- The Vice President for Finance and Administration shall present a proposed third party agreement concerning any such licenses, assignments, or grants to the President before committing the University to, or otherwise entering into, such an agreement. The Vice President for Finance and Administration shall inform the President of any relationship, financial or otherwise, that he or she has with the third party to the proposed agreement, or any other third party with some interest in the proposed agreement.
- The President shall determine whether to approve or decline the proposed third party agreement, and provide the Vice President for Finance and Administration with a decision within sixty days of receipt of the proposed third party agreement.

Sharing Of Revenue From Intellectual Property

General Principles

Revenues received as a result of Licensing Agreements in the form of cash royalties shall be distributed in such a manner as to encourage technology development within and technology transfer from the University. "Revenues" shall not include funds received for research support.

Share Determination

- "Net revenue" as used in this policy shall be revenue after University costs for patent preparation, prosecution, issuance, maintenance, publication, licensing, license maintenance and indirect costs calculated at 15% of direct costs at the time the license is executed, and the like.
- If the University has entered into an agreement with a partner institution (or sponsor) due to co-invention or contractual terms, the revenue accruing to the University (and hence

partially the inventor(s) in its employ) described in this section shall be based on the University's share in the revenue. The partner institution (or sponsor) is then solely responsible for any revenue sharing with co-inventor(s), if any, in its employ. Such persons shall not participate in the University's share assigned to inventor(s) in its employ.

- Copyrightable work will be treated as noted in the "copyrightable" section above.
- If the University pursues patent protection of intellectual property, then the University and inventor(s) shall split any net revenue derived from licensing, assigning, or otherwise providing rights under the patented intellectual property, equally—50% to the University and 50% to the inventor(s)¹.
- If the University has not pursued and will not pursue patent protection, the rights are then automatically assigned to the inventor(s) provided that the inventor(s) will share any net revenue as just defined as follows—20% to the University and 80% to the inventor(s). For each invention that is not accepted by the University, the rights to the invention will be released to the inventor or inventors, subject to the inventor or inventors' granting a shop right to the University.
- All work created by students as part of dissertations, theses, and projects (whether in course work or not) are subject to this policy. For this and other student work, the {inventor, Polytechnic} share of net revenues shall not be the {50%, 50%} allocation as above, but some more appropriate share, generally in the {20%, 80%} to {5%, 95%} range.² The faculty advisor(s) to the work may be considered as a co-inventor. Depending upon relative contribution, the faculty advisor(s) shall have a share of not less than 5%, nor more than 80% of the co-inventor share.
- The determination of revenue sharing amongst co-inventors, or inventors to different intellectual property subject to the same agreement, shall rest solely with the inventor(s), except as noted in item (2) above with respect to co-inventor(s) employed by sponsors or partner institutions. Should any disagreement amongst the co-inventors result in legal claims on that portion, and Item (4) applies, the entire portion for the co-inventors shall be held in escrow by the University until the matter is settled amongst the co-inventors.
- Distribution is based on the calendar year and will be made quarterly.
- An inventor's share in revenues shall survive termination of affiliation with the University and, in the event of death of the inventor shall inure to his/her estate.

Additional Provisions

Expenditures. After a total of thousand dollars (\$10,000) has been expended by Polytechnic for the direct costs of obtaining, enforcing, maintaining, and marketing patent rights in an invention the Patent Committee shall review the status of the case, and make a recommendation to the

¹ The University wishes to encourage departmental support of research activities. Departments providing observable support may be eligible to share up to 10% of the University's share of net revenue for continuing investment in research support.

² For the purpose of guidance and/or default, the following proportions will be used as the {advisor, student} shares, absent an explicit agreement between the parties: dissertations {30, 70}; theses and MS or capstone projects {20, 80}; course projects {5, 95}.

President before any further expenditures are made concerning whether or not the University should continue to contribute to the costs after the first ten thousand dollars (\$10,000) of direct costs.

If the Patent Committee recommends and the President concurs that the University not make any further expenditures, the inventor or inventors may acquire the University's rights to the invention, subject to the inventor or inventors granting a shop right to the University and agreeing that Polytechnic will be paid one half of the revenues in excess of direct costs received with respect to the invention. Such payments to the University shall not exceed \$10,000.

Research. The University shall only enter into a research contract or other binding commitment to perform work that can reasonably be expected to be publishable, provide educational opportunities, and/or be in the public interest.

Use of the University's Name. All written or broadcast material containing the University's name for advertising, marketing, or other promotional purposes shall be submitted for approval to the Vice President for Finance and Administration, before any use of such material. A statement on the use of the University's name shall be included in all appropriate contracts between industry and the University.

Publication. The University shall enter into contracts or other binding commitments to conduct research and training only if they permit the disclosure and publication of research. Delays in publication up to 120 days may be agreed to in order to permit time for filing of patent applications.

Confidentiality. The faculty shall not undertake research, without the prior approval of the University, in which the sponsor (a) prohibits the faculty member from disclosing the existence of the agreement; or (b) restricts the faculty member's public disclosure of information developed by that faculty member. (See above.)

Responsibilities

In addition to reading, signing and complying with the University's Intellectual Property Agreement, (Appendix B), those covered by this policy are responsible for the below. Note: The following are merely examples. The activities of faculty members must be governed by thoughtful consideration of individual circumstances.

Faculty members who create intellectual property shall:

- Disclose (see appendix 2 for form) to the Director of the BEST Center the creation of Intellectual Property.
- Conduct technology transfer activities in a manner consistent with University policies and procedures, including those governing conflicts of commitment and conflicts of interest.
- Cooperate with the University in defending and prosecuting patents and in legal actions taken in response to infringement.
- Disclose to the Department Head and through the conflict of interest procedure the following:
 - Any relationship, financial or otherwise, with a third party with which the University is negotiating or otherwise contemplating an agreement concerning the licensing, assignment, or any other grant of rights to University-owned intellectual property

- Any outside activities and interests related to their teaching or research
- The names of companies for whom he or she consults, the number of days committed to each consulting agreement and a copy of any proposed consulting agreements including provisions concerning intellectual property
- Equity interest held in a commercial venture
- Whenever the name of University or any of its schools or divisions might be used by another party
- Whenever a proposed arrangement involves or commits the use of facilities or resources belonging to the University
- Whenever an external arrangement provides for transfer of intellectual or tangible rights including patent ownership or licensing to an organization other than the University
- Whenever an arrangement is being considered that would restrict the faculty member's public disclosure of the existence of the arrangement
- Whenever an arrangement would restrict the faculty member's public disclosure of information developed by the faculty member
- Whenever a faculty member's relationship to an external party might appear to influence either the conduct of the University's business or the conduct of research within the University

Related Policies

None

Effective Dates

Original date: 6/07

Current version date: 9/07

221 Internal Controls

Statement of Policy

It is the University's policy to have a systematic approach to internal controls. Internal controls are an integral part of any organization's financial and business policies and procedures. Internal controls consists of all the measures taken by the organization for the purpose of: (1) protecting its resources against waste, fraud, and inefficiency; (2) ensuring accuracy and reliability in accounting and operating data; (3) securing compliance with the policies of the organization; and (4) evaluating the level of performance in all organizational units. Internal controls are simply good business practices.

Scope

Everyone within the University has some role in internal controls and is covered by this policy (see "responsibilities" for specifics).

Application

Internal control systems operate at different levels of effectiveness. Determining whether a particular internal control system is effective is a judgment resulting from an assessment of whether the five components—Control Environment, Risk Assessment, Control Activities, Information and Communication, and Monitoring—are present and functioning. Effective controls provide reasonable assurance regarding the accomplishment of established objectives.

Control Environment

The control environment, as established by the organization's administration, sets the tone of an institution and influences the control consciousness of its people. Leaders of each department, area or activity establish a local control environment. This is the foundation for all other components of internal control, providing discipline and structure. Control environment factors include:

- Integrity and ethical values
- The commitment to competence
- Leadership philosophy and operating style
- The way management assigns authority and responsibility, and organizes and develops its people
- Policies and procedures

Risk Assessment

Every entity faces a variety of risks from external and internal sources that must be assessed. A precondition to risk assessment is establishment of objectives, linked at different levels and internally consistent. Risk assessment is the identification and analysis of relevant risks to achievement of the objectives, forming a basis for determining how the risks should be managed. Because economics, regulatory and operating conditions will continue to change, mechanisms are needed to identify and deal with the special risks associated with change.

Objectives must be established before administrators can identify and take necessary steps to manage risks. Operations objectives relate to effectiveness and efficiency of the operations, including performance and financial goals and safeguarding resources against loss. Financial reporting objectives pertain to the preparation of reliable published financial statements, including prevention of fraudulent financial reporting. Compliance objectives pertain to laws and regulations that establish minimum standards of behavior.

The process of identifying and analyzing risk is an ongoing process and is a critical component of an effective internal control system. Attention must be focused on risks at all levels and necessary actions must be taken to manage. Risks can pertain to internal and external factors. After risks have been identified they must be evaluated.

Managing change requires a constant assessment of risk and the impact on internal controls. Economic, industry and regulatory environments change and entities' activities evolve. Mechanisms are needed to identify and react to changing conditions.

Control Activities

Control activities are the policies and procedures that help ensure management directives are carried out. They help ensure that necessary actions are taken to address risks to achievement of the entity's objectives. Control activities occur throughout the organization, at all levels, and in all functions. They include a range of activities as diverse as approvals, authorizations, verifications, reconciliations, reviews of operating performance, security of assets and segregation of duties.

Control activities usually involve two elements: a policy establishing what should be done and procedures to affect the policy. All policies must be implemented thoughtfully, conscientiously and consistently.

Information and Communication

Pertinent information must be identified, captured and communicated in a form and time frame that enables people to carry out their responsibilities. Effective communication must occur in a broad sense, flowing down, across and up the organization. All personnel must receive a clear message from top management that control responsibilities must be taken seriously. They must understand their own role in the internal control system, as well as how individual activities relate to the work of others. They must have a means of communicating significant information upstream.

Monitoring

Internal control systems need to be monitored—a process that assesses the quality of the system's performance over time. Ongoing monitoring occurs in the ordinary course of operations, and includes regular management and supervisory activities, and other actions personnel take in performing their duties that assess the quality of internal control system performance.

The scope and frequency of separate evaluations depend primarily on an assessment of risks and the effectiveness of ongoing monitoring procedures. Internal control deficiencies should be reported upstream, with serious matters reported immediately to your supervisor or the University Hotline.

Internal control systems change over time. The way controls are applied may evolve. Once effective procedures can become less effective due to the arrival of new personnel, varying effectiveness of training and supervision, time and resources constraints, or additional pressures. Furthermore, circumstances for which the internal control system was originally designed also may change. Because of changing conditions, management needs to determine whether the internal control system continues to be relevant and able to address new risks.

Components of the Control Activity

Internal controls rely on the principle of checks and balances in the workplace. The following components focus on the control activity:

Personnel need to be competent and trustworthy, with clearly established lines of authority and responsibility documented in written job descriptions and procedures manuals. Organizational charts provide a visual presentation of lines of authority and periodic updates of job descriptions ensures that employees are aware of the duties they are expected to perform.

Authorization Procedures need to include a thorough review of supporting information to verify the propriety and validity of transactions. Approval authority is to be commensurate with the nature and significance of the transactions and in compliance with University policy.

Segregation of Duties reduce the likelihood of errors and irregularities. An individual is not to have responsibility for more than one of the three transaction components: authorization, custody, and record keeping. When the work of one employee is checked by another, and when the responsibility for custody for assets is separate from the responsibility for maintaining the records relating to those assets, there is appropriate segregation of duties. This helps detect errors in a timely manner and deter improper activities; and at the same time, it should be devised to prompt operational efficiency and allow for effective communications.

Physical Restrictions are the most important type of protective measures for safeguarding University assets, processes and data.

Documentation and Record Retention is to provide reasonable assurance that all information and transactions of value are accurately recorded and retained. Records are to be maintained and controlled in accordance with the established retention period and properly disposed of in accordance with established procedures.

Monitoring Operations is essential to verify that controls are operating properly. Reconciliations, confirmations, and exception reports can provide this type of information.

What can jeopardize internal controls?

While many circumstances may compromise the effectiveness of the internal control structure, a few of the most common and serious of these warrant special mention:

Inadequate Segregation of Duties. Separating responsibility for physical custody of an asset from the related record keeping is a critical control.

- Persons who can authorize purchase orders (Purchasing) should not be capable of processing payments (Accounts Payable).
- The person who prepares the deposit should not post the receipts to the customer accounts.
- The person who prepares the payroll voucher should not distribute or have custody of the payroll checks.

Inappropriate Access to Assets. Internal controls should provide safeguards for physical objects, restricted information, critical forms, and update applications.

- An employee who needs to view computer information should be restricted to Read and File Scan access and should not be granted Write and Create access.
- Only authorized individuals should be issued keys for restricted areas.
- Log on and passwords should never be shared.

Inadequate Knowledge of University Policies. The University is not a static environment—new policies and policy revisions are a part of our continual evolution. Many University policies are available electronically and printed copies can be supplied upon request by contacting the relevant University department. Managers must stay abreast of these changes and understand their responsibilities.

Fiscal Misconduct. If any employee knows or suspects that other university employees are engaged in theft, fraud, embezzlement, fiscal misconduct or violation of university financial policies, it is his/her responsibility to immediately notify their supervisor or the University Regulatory Compliance Help and Referral Line at 1.800.829.8525.

Form Over Substance. Controls can appear to be well designed but still lack substance, as is often the case with required approvals.

- The account manager's signature attests to the accuracy of the payroll voucher information, but if the account manager does not have assurance that the supporting time records are accurate, the approval process lacks substance.

Control Override. Exceptions to established policies are sometimes necessary to accomplish a specific task, but can pose a significant risk if not effectively monitored and limited.

- Thorough documentation and approval of all exceptions will help management ensure the availability of a clear explanation for unusual transactions or events. A periodic review of these exceptions also helps to identify the need for policy or procedural changes.

Inherent Limitations. There is no such thing as a perfect control system. Staff size limitations may obstruct efforts to properly segregate duties, which requires the implementation of compensating controls to ensure that objectives are achieved. A limitation inherent in any system is the element of human error (misunderstandings, fatigue, and stress).

- A manager who encourages employees to take earned vacation time can improve operations through cross training while enabling employee to overcome or avoid stress and fatigue.

How much do internal controls cost?

The cost of implementing a specific control should not exceed the expected benefit of the control.

- The potential loss of a computer printer may justify the cost of a door lock but not an alarm system.
- Computer screen savers with passwords are inexpensive, effective methods of protecting sensitive data on a computer.

Sometimes there is no out-of-pocket cost to establish an adequate control. A realignment of duty assignments may be all that is necessary to accomplish the objective.

- Checks received in the mail are immediately separated from supporting documentation for restrictive endorsement and deposit. The supporting documentation is given to a different employee (with a copy of the check, if needed) for crediting the payment or filling an order.
- Voided receipts are approved by someone (preferably a manager) other than the person preparing receipts.

A well-designed internal control structure can enhance operations by improving your unit's overall efficiency and effectiveness, as well as, reducing the risk of loss or theft.

- A bank lock box establishes accountability and restricts access to cash, in addition to streamlining operations by providing immediate deposits and electronic application updates.

In analyzing the pertinent costs and benefits, managers should also consider the possible ramifications for the University at large and attempt to identify and weigh the intangible as well as the tangible consequences.

- It may be difficult to determine the cost of poor public relations and lost goodwill if an ex-employee steals cash because the manager did not change the safe combination or retrieve University keys upon the employee's termination.

Responsibilities

Everyone within the University has some level of responsibility/role in internal controls. The roles vary depending upon the level of responsibility and the nature of involvement by the individual. The President and senior executives establish the presence of integrity, ethics, competence and a positive control environment. The directors and department heads have oversight responsibility for internal controls within their units. Managers and supervisory personnel are responsible for executing control policies and procedures at the detail level within their specific unit. Each individual within a unit is to be cognizant of proper internal control procedures associated with his/her specific job responsibilities.

If you have questions about internal controls, please contact TC Westcott at x3026 or Dennis Dintino at x3869.

Related Policies

209 Rights and Responsibilities

222 University Compliance Program

Effective Dates

Original date: 6/04

Current version date: 9/07

222 University Compliance Program

Statement of Policy

To maintain our reputation for integrity and high standards in the educational and business community, it is the University's policy to follow a compliance program. The compliance program helps protect the University from regulatory errors, omissions and failures by improving communication and information. If an inadvertent violation does occur, the Compliance Program is also needed to protect the University from criminal and civil penalties.

Scope

All employees of the University are covered by this policy.

Application

Polytechnic's compliance program is an enterprise-wide program to coordinate, manage and monitor internal and external risks associated with regulatory compliance. It builds on the existing University structures and improves the coordination, dissemination and communication of compliance information and identifies gaps in compliance. The program empowers employees to report instances of noncompliance using the Regulatory Compliance Help and Referral Line.

To aid in the application of this compliance program, the University has developed the following questions and answers.

What are the benefits of a compliance program?

The benefits of a compliance program are improved information and communications as well as better monitoring of compliance risks. The program provides the campus with better communication of regulatory compliance issues as well as improved monitoring of regulatory issues. The centralization of all University policies improves the access, reliability and communication of those policies. The Regulatory Compliance Help and Referral Line provides employees with an opportunity to communicate their concerns while staying anonymous.

What are compliance issues?

Compliance issues relate to situations, activities and transactions that could potentially violate federal, state or city laws and regulations, or violate Polytechnic's policies and procedures. Examples include violations of regulations associated with research, taxation, fraudulent financial activities, conflict of interest, sexual harassment, discrimination, information security, health/safety, financial reporting and controls, etc. This is not meant to be a complete list but rather examples of compliance issues.

How do I know if there is a compliance issue?

It would be impossible to publish a listing of every possible compliance item, but ask yourself the following questions. If the answer is NO, then there is probably a compliance issue:

- Are the actions legal?
- Do these actions seem fair and honest?
- Is an approved University policy being followed?

If I think there is a compliance issue, what should I do first?

Your first step should be to review your concerns with your supervisor. If you believe that your supervisor is involved, or your previous concerns have gone unanswered, then report your concerns to their supervisor.

If you believe that your management has been unresponsive, or is involved in the issue, then you can contact one of the established University offices that are responsible for complying with various policies and regulations. (See "responsibilities" below for a chart outlining the resources for addressing concerns.)

What is the Regulatory Compliance Help and Referral Line?

The Regulatory Compliance Help and Referral Line is a toll-free, 24 hours, 7 days a week telephone service, that provides the University community an opportunity to anonymously report workplace regulatory compliance concerns. These concerns can include, but are not limited to, suspected illegal or unethical behavior associated with non-compliance with laws, regulations and policies.

Why is the Regulatory Compliance Help and Referral Line important?

The University is committed to conducting business ethically, and in compliance with applicable federal, state, and city laws. The Regulatory Compliance Help and Referral Line, with the support

of the University community, is an effective way to help the University address potential violations of laws, regulations and University policies.

The Referral Line is one of the resources available to all employees 24 hours a day, 365 days a year. It is operated on our behalf by SafirRosetti, Inc., an independent firm. The Regulatory Compliance Help and Referral Line number is: 1-800-829-8525.

You need not identify yourself by name when you phone the Referral Line. If you choose to give your name, the Compliance Officer will keep that information confidential unless, as in the case of certain crimes, a law requires that any name you supply be provided to enforcement officials or a court. We absolutely will not allow any retribution or retaliation against an employee who reports a compliance issue in good faith.

As you know, the University will not tolerate unlawful conduct or violations of University standards or policies. We look forward to your help and continued assistance in the success of our compliance program. Please feel free to contact TC Westcott at extension x3026 with any questions or comments.

Responsibilities

RESOURCES FOR ADDRESSING CONCERNS

Type of issue or concern	Who you should contact
Workplace or employment-related	If possible, begin with the chain of command, i.e. start with the person to whom you report
Employment-related issue, or questions about Human Resources policies and procedures, labor relations, compensation, employment actions, payroll policies, benefits, etc.	Human Resources Department
Unsafe conditions, workplace conditions, hazards, or injuries	Facilities Management
Questions about Polytechnic's policies and procedures, or to report suspected violation of Polytechnic's policies and procedures, or the law	Regulatory Compliance Help and Referral Line, Compliance Officer

Related Policies

#221 Internal Controls

#209 Rights and Responsibilities

Effective Dates

Original date: 6/04

Current version date: 9/07

223 Workplace Violence

Statement of Policy

Polytechnic Institute of NYU is committed to providing a safe and healthy workplace for all of its employees. It is the policy of the University that workplace violence in any form is unacceptable. Any form of violence by an employee against another employee, student, vendor or visitor to the University, including but not limited to physical attack, intimidation, threats or property damage, will be cause for disciplinary action up to and including dismissal as unacceptable personal conduct and may also result in criminal prosecution, if federal, state or local laws are violated.

Scope

This policy covers every employee of the University, whether full-time, part-time, regular, ongoing, or temporary, student employees, and anyone employed by or who is an agent of Polytechnic Institute of NYU. It covers all employees while engaged in any activity related to their employment with the University, whether on University property or elsewhere.

Application

The definitions and policy elements below are to be used to apply this policy.

Definitions

Prohibited acts of workplace violence include but are not limited to threats, intimidation, physical attack or property damage. For purposes of this policy, the following definitions will apply:

Threats. A threat is the expression of intent to cause physical or mental harm. Such an expression constitutes a threat without regard to whether the person communicating the threat has the ability to carry it out, and without regard to whether the threat is made on a present, conditional or future basis. In determining whether the conduct constitutes a threat, including whether the action caused a reasonable apprehension of harm, the University will consider the totality of the circumstance.

Physical Attack. A physical attack is, without limitation, unwanted or hostile physical contact such as hitting, pushing, kicking, shoving, throwing of objects or fighting.

Intimidation. Intimidation includes but is not limited to stalking or engaging in actions, either verbal or physical, which are intended to frighten or coerce.

Property Damage. Property damage is intentional damage to or destruction of property owned by the University or its students, employees, vendors or visitors.

Elements of Policy

An employee who believes that he or she has been the target of workplace violence must report this to the Police Department, his or her supervisor or manager, and to Human Resources. Employees who observe incidents of workplace violence should file reports of alleged workplace violence with the appropriate supervisors, with Polytechnic Institute of NYU Security Department and with Human Resources as soon as is reasonably possible. In emergency situations, call the Police Department by dialing "911."

Supervisors are responsible to respond in a prompt and effective fashion either when notified of an alleged incident of workplace violence, or when they observe workplace violence, and to contact Human Resources for guidance and assistance in handling such situations in the workplace. A Human Resources professional will conduct a full and prompt investigation. In emergency situations, supervisors will call the Police. The University will institute disciplinary action as appropriate and will follow up with victims and any witnesses to an incident of workplace violence, preserving, to the extent required by law or policy, the privacy interests of those involved.

The University encourages all employees to be alert to the possibility of violence on the part of students, former students, employees, former employees, customers and strangers.

The following checklist will assist in assessing the possibility of violence:

- Vandalism or destruction of property
- Stated plans to commit violence
- Detailed plans of how to harm others
- Carrying weapons (knives, guns, etc.)

- Inability to control one's temper, e.g., angry outbursts
- Enjoyment in hurting others and animals
- Frequently getting into physical fights and arguments
- Increased use of alcohol or drugs
- An increase in risk-taking behaviors
- Socially withdrawn (is always alone and to one's self)
- Feeling rejected, persecuted, disrespected or alone
- Someone who is frequently bullied, picked on or teased
- Someone who has been a victim of violence
- Membership in a gang or aspirations to be in a gang
- Withdrawing from friends
- Disinterest in usual activities
- Sudden lack of interest in school
- Fascination with weapons
- Intolerance for differences in others and others views

The University will handle any report of violence in a confidential manner, to the extent permitted by law and policy, and will release information related to such reports only on a need-to-know basis. The University prohibits retaliation against or harassment of individuals who act in good faith by reporting real or perceived violent behavior or violations of this policy.

The University prohibits individuals from making deliberately false or misleading reports of violence or threats of violence under this policy. Individuals who make such reports will be subject to disciplinary action up to and including dismissal under the University's disciplinary policies.

Responsibilities

It is the responsibility of everyone covered by this policy to be fully aware of and in compliance with it.

Related Policies

#209 Rights and Responsibilities

Effective Dates

Original date: 7/06

Current version date: 9/07

224 Export Controls

Statement of Policy

It is the University's policy to follow export controls as exemplified and outlined by the Federal government. Federal laws restricting exports of goods and technology have been in existence in one form or another since the 1940s. Currently they are implemented by the U.S. Department of Commerce through its Export Administration Regulations (EAR – trade protection), the U.S. Department of State through its International Traffic in Arms Regulations (ITAR – national security), and the U.S. Department of Treasury through its Office of Foreign Assets Control (OFAC – trade embargoes).¹

The export control laws and regulations have several purposes: to restrict exports of goods and technology that could contribute to the military potential of U.S. international adversaries; to prevent proliferation of weapons of mass destruction; to advance U.S. foreign policy goals; and to protect the U.S. economy and promote trade goals. Attention to export controls has increased due to recent heightened concerns about national and homeland security as well as the need to prevent proliferation of weapons of mass destruction and terrorism and leaks of technology to U.S. economic competitors.

Scope

All University employees are covered by this policy.

Application

To best apply this policy, it is necessary for those covered by it to understand the background and specifics as outlined below. Additional forms and information related to this policy are located in Appendix C.

Background

Export controls present unique challenges to universities and colleges because they require balancing concerns about national security and U.S. economic vitality with traditional concepts of unrestricted academic freedom and publication and dissemination of research findings and results. University researchers and administrators need to be aware that these laws may apply to research, whether sponsored or not. However, it also is important to understand the extent to which the regulations do not affect normal university activities.

The EAR and ITAR apply to the transfer of specific physical items and information and the provision of specific services to persons and entities outside the United States (“exports”) and to the disclosure of specific information and the provision of specific types of services to foreign nationals *inside* the United States (“deemed exports”). When the activities of institutions of higher education involve the export of those specified things, information, or services outside the United States and the disclosure or transmission of those specified things, information, or services to foreign nationals inside the United States, the activities become subject to export control laws and regulations. In some instances, those regulations will require that the university or college obtain a special license from the Commerce, State, or Treasury Department. Violations of these regulations may result in criminal penalties (including fines and/or prison sentences for individuals) and civil sanctions, and may affect future research opportunities.

Although the export control regulations cover virtually all fields of science and engineering, universities and colleges do not need to obtain a license to transfer scientific, technical, or engineering information to their foreign national students and faculty members. Both the EAR and

¹ This policy focuses primarily on the EAR and ITAR, since, these are the regulations most frequently encountered by universities. OFAC issues to, however, occasionally arise in university activities.

ITAR provide that no license is needed to disclose technical information to foreign nationals inside the United States in classes or laboratories, at conferences or in publications, if the information is in the public domain. Information is in the public domain if, in part, it is published and generally accessible to the public through unlimited and unrestricted distribution, or through “fundamental research in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community” (EAR 734.8; ITAR 220.11 (8)). This “fundamental research” exclusion² applies to basic and applied research in science and engineering performed by colleges and universities so long as that research is carried out openly and without restrictions on publication or access to or dissemination of the research results. It applies essentially to “deemed exports” (transfers of information to foreign persons on U.S. soil). The EAR and ITAR contain a second critical exemption – the teaching exemption – that authorizes the disclosure of educational information released by instruction in catalog courses or general scientific, mathematical, or engineering principles commonly taught in colleges and universities without a license from the Department of Commerce or State (EAR 734.9; ITAR 120.10(5)). The ITAR contains an additional “university exemption” for the export by universities of scientific, research, or experimental satellite components that are fabricated for fundamental research purposes (ITAR 123.16(b)(10)). However, special conditions apply to the use of this exemption.

The fundamental research and public domain exemptions apply only to disclosure to foreigners in the U.S. of information or technical data. They do not apply to actual shipment outside our borders of things (physical items including, for example, specified scientific equipment) or services (e.g., training foreign nationals inside or outside the United States). Other exemptions may apply to exports of equipment and services but not the fundamental research or public domain exemptions.

To the extent the disclosure of information falls within the “safe harbor” of the fundamental research, public domain, or other regulatory exemption that applies, university faculty, students, and researchers need not be concerned about export control issues on campus. However, vigilance is required to ensure that the availability of the fundamental research and other exemptions are not lost due to inadvertent acceptance of contractually imposed restrictions on access to, dissemination of, or participation in research. To the extent the activities of universities involve shipping, equipment abroad or teaching or training foreign students on campus or foreign colleagues abroad how to use equipment, export control issues do arise.

Overview

Concepts

There are several important concepts that need to be understood with regard to export controls. One is that they cover:

- Transfers of controlled information, including technical data, to persons and entities outside the United States;
- Shipment of controlled physical items, such as scientific equipment, that require export licenses from the U.S. to a foreign country; and
- Verbal, written, electronic, and/or visual disclosures of controlled scientific and technical information related to export controlled items to foreign nationals (“deemed exports”) in the United States.

² The equivalent term in the EAR is “exemption.”

A second important concept is that with regard to university research, both the EAR and the ITAR generally incorporate the definition of fundamental research found in National Security Decision Directive (NSDD) 189, originally issued in 1985 and reaffirmed as official government policy in 2001. According to NSDD 189, “fundamental research means basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons.” It is important to recognize that, while NSDD 180 provides a useful statement of the intent behind the fundamental research exemption in the regulations, the definitions as stated in the regulations themselves govern exports.

To be eligible to be characterized as fundamental research, a university or college needs to be carrying out openly-conducted basic or applied research in science or engineering, the results of which will be shared with the interested scientific community (i.e., no sponsor has placed any publication restrictions on the work). Both the EAR and the ITAR provide that the fundamental research exemption will be lost for any research project where a university or its researchers accept restrictions on the publication of the research findings, whether imposed by the government or a private sponsor.

When the fundamental research exemption applies, research may be conducted with the participation of foreign nationals, and research information and results may be disseminated inside or outside the United States without the need to obtain a license from either the Department of Commerce or the Department of State.

Questions To Ask

Before accepting a research award, an institution should ask itself a few basic questions to determine if it must obtain a license from the Commerce or State Department as a condition of conducting the research.

1. Does the award contain any terms or conditions that would restrict the disclosure or dissemination of the research results?
2. Are there any restrictions on access to or dissemination of information the sponsor or others will furnish for use on this project?
3. If the answer to 1 or 2 is yes, does the research project fall under one of the export-controlled technologies?
4. Does this project involve training specific personnel for a special purpose? If so, could it be considered a defense service? If yes, how can you proceed?
5. Will the university need to apply for an export license?

Because both federal government and commercial sponsors of university research have increasingly inserted export control-related clauses (prepublication approval, citizenship requirements, nondisclosure restrictions) in agreements, whether the law makes them applicable or

not, all research has to be reviewed to make sure that the “public domain” aspect of the work is unimpaired, as that is the key to it being “fundamental research.” Are there restrictions that will limit who can do or see the research? If so, it likely is not “fundamental” and the full panoply of export controls may apply. If it is not fundamental research and foreign nationals will be involved, not only will the government export licensing requirements become applicable but the government licensing entity may determine that foreign involvement is prohibited.

Key Points to Recognize

- The vast majority of exports do not require government licenses. Only exports that are controlled under the EAR (dual use items) or the ITAR (munitions) require licenses. (Note that even some items that are controlled under the EAR or ITAR may not require a license for export to certain countries or recipients.)
- The fundamental research exemption will apply to many items on the EAR or ITAR so that a foreign researcher can view the technology or equipment which would otherwise trigger a review of the licensing requirements under the “deemed export” rule as long as there are no restrictions on publication of the research, dissemination of information, access to the research, or, in some cases, as long as the research or information is made public or is intended to be made public.
- When an item or technical data about an item is controlled under the EAR or ITAR, a license may be required before either the item or the technology can be exported.
- The term “export” means technology and information leaving the shores of the United States.
- The term “export” also means transmitting the technology or information within the United States to an individual other than a U.S. citizen or permanent resident (the previously discussed “deemed export”).
- There are certain countries where it is the policy of the United States generally to deny licenses for the transfer of these items. The EAR “Embargoed Country List” may be found at: <http://www.access.gpo.gov/bis/ear/pdf/746.pdf>. Prohibited countries where it is U.S. policy to deny licenses for exports of defense articles and defense services are listed in Section 126.1 of the ITAR (http://www.access.gpo.gov/nara/cfr/waisidx_02/22cfr126_02.html). Information about U.S. trade embargoes is presented below.

Office Of Foreign Assets Control

The Treasury Department Office of Foreign Assets Control (OFAC) administers and enforces economic and trade sanctions and, based on U.S. foreign policy and national security goals, targets foreign countries, terrorists, international narcotics traffickers, and those engaged in activities related to the proliferation of weapons of mass destruction. It has authority under Presidential wartime and national emergency powers, specific legislation, and United Nations and other international mandates, to impose controls on transactions and exports from the United States or by U.S. persons to specific foreign persons, countries, and entities and also to freeze foreign assets that are under the jurisdiction of the United States. (The embargoed countries frequently are referred to as the “T-7s.”)

While universities typically encounter OFAC issues far less frequently than those arising under the other export control regulations, occasionally OFAC sanctions may impact university activities. For example, in October 2003, the Treasury Department issued an advisory opinion indicating that publication activities, including websites that provide even the most minimal assistance to their

users, may be forced to exclude users from OFAC-embargoes (“T-7”) countries. (The issue arose in the context of a U.S. engineering journal providing editing services on articles submitted by authors from embargoed countries.) A U.S. university also recently was sanctioned by OFAC for providing funding to a nonprofit foundation in an embargoed country for collaborative activities. As a final check before exporting research articles or engaging in foreign collaborations involving the support of foreign nationals overseas, universities should check the OFAC’s list of embargoed entities and persons to determine whether any controls exist on exports to the intended recipients(s). For further information, see <http://www.treas.gov/offices/enforcement/ofac/sdn/index.shtml>.

Responsibilities

It is the responsibility of all covered by this policy to understand and fully comply with it in full.

Related Policies

#220 Intellectual Property Policy

Effective Dates

Original date: 1/07

Current version date: 9/07

Chapter 3: Salaries

301 Promotions

Statement of Policy

It is the University's policy to have guidelines as described here for all promotions.

Scope

All employees are covered by this policy.

Application

- A promotion at Polytechnic Institute of NYU occurs when: two positions are combined into one; a position is assigned a new or existing major function that is different in scope (not more of the same); an internal incumbent applies for an internal posted vacancy and is successful. A salary increase of up to 13% may be applied to the current salary of the incumbent.
- Justifications should include: a demonstration of where the dollars will come from going forward; old and new job descriptions with a separate summary of the new duties that are of higher responsibility; a brief rationale of why the University should support these new higher level responsibilities e.g. the impact on student recruitment/retention or revenue generation; a benchmarking example from other institutions or anything else that may assist in the decision-making process.
- Only employees with a minimum of six months of service with the University are eligible for a promotion.
- Salary increases and title changes of any type must be approved in advance by the University Cabinet.

Responsibilities

The University Cabinet must approve all requests for such promotions. The appropriate Vice President will be responsible for presenting a justification to the Cabinet for approval.

Related Policies

None

Effective Dates

Original date: 4/05

Current version date: 9/07

302 Salary Payments

Statement of Policy

It is the University's policy to have a set salary payment process. They are to be processed on a biweekly or a semi-monthly payroll. Direct Deposit is available for all full-time regular employees and all adjunct faculty members who have worked at least two consecutive semesters of teaching.

Scope

The set salary payment process applies to all employees. The Direct Deposit process that also falls under this policy is available for all full-time regular employees and all adjunct faculty members who have worked at least two consecutive semesters of teaching.

Application

This policy is to be applied as described below.

Bi-Weekly Payroll

All employees paid on an hourly basis are paid on a bi-weekly basis. Pay dates for the biweekly payroll falls on alternating Fridays.

Payments are generated by the submission of a bi-weekly time sheet. Timesheets are due in the Payroll and the Human Resources department based on the dates listed on the payroll schedule (please refer to Employee Payroll Schedule for 2005-06). Please remember all time sheets must have an original signature of the approving supervisor.

The Payroll Office will not process time sheets that contain signatures that are stamped and photocopied. This also applies to authorization for overtime.

Semi-Monthly Payroll

All non-hourly exempt employees are paid on a semi-monthly basis. Pay dates for the semi-monthly payroll is on the 15th and the 31st of the month. If these dates fall on a weekend, the pay date will be on the Friday before the weekend.

For all semi-monthly employees, payments are automatically generated each payroll, provided that you have an active Personnel Action form in the system. At the end of each month, semi-monthly employees are required to complete a “Monthly Compensated Absence Report” to report any days in which you may have utilized accrued time.

Direct Deposit

The Direct Deposit program is available to all Full-time regular Faculty and Staff. The University has recently expanded this program offering to include Adjunct Faculty. Adjunct faculty members must teach for a minimum of two (2) semesters before becoming eligible to apply for the direct deposit feature; these **semesters need not be consecutive**.

How to Apply for Direct Deposit

Employees should complete an “Authorization for Direct Deposit” form with their request. For all deposit requests to checking accounts, you must include a voided check with your request. Under this program, employees may have their checks directly deposited to the financial institution of their choice, up to a maximum of three accounts.

Once eligible and after applying for direct deposit, it will take two semi-monthly pay periods (one month) for the direct deposit to occur.

Direct Deposit forms are available on MyPoly and in the Human Resources Department. Completed forms should be sent directly to the HR Department for processing.

Responsibilities

It is the responsibility of all those covered by this policy to be aware of its specifics. Human Resources is responsible for coordinating payments and Direct Deposits.

Related Policies

None

Effective Dates

Original date: 4/04

Current version date: 9/07

303 Spot Award Bonuses

Statement of Policy

It is the University's policy to award excellence on an individual, case-by-case basis through "spot bonuses." This is a tangible method of rewarding great service namely "gift checks" from Best Buy, Macy's and Target.

Scope

All University employees are eligible for Spot Bonuses by their managers and by managers from other departments.

Application

To apply this policy, managers should follow these guidelines:

- Exceptional service exists when an employee goes well beyond the call of duty in advancing student and client centeredness here at Polytechnic.
- Managers should give no more than one award per employee from per year.
- Non-union employees should not receive an award for merely staying late on many occasions.
- Gift check vouchers are available in the Human Resources department upon request. A record of these bonuses will also be notated in the recipient's personnel file.
- Managers are encouraged to reward exceptional service in many ways such as a simple thank you, letters of commendation for people's files, notes to their supervisors, pizza parties for group achievement, etc.

Responsibilities

Managers are responsible for recognizing employees who should be rewarded under this policy. The Human Resources Department is responsible for coordinating this policy. Questions related to this program should be directed to Agata DeSantis in HR at ext. 3046.

Related Policies

None

Effective Dates

Original date: 9/06

Current version date: 9/07

Chapter 4: Vacations, Holidays, and Leaves

401.1 Vacation Accumulation and Carry Forward

All non-union, non-faculty employees with over 20 months of service accrue up to 20 days vacation per fiscal year (July 1st to June 30th) (1-2/3 days per month). After 20 years of service, employees will accrue up to 25 days of vacation per fiscal year (2 1/12 days per month). Those employees with less than 20 months of service accrue vacation time at a rate of one vacation day per month. Employees may carry over from one fiscal year to another a maximum of 10 vacation days.

All non-union, non-faculty employees earn three personal days per fiscal year. This is based upon the accruals of .25 of a day per month. Employees may carry over from one fiscal year to another no more than one year's worth of accruals or a maximum of 3 personal days.

401.2 Vacation Usage

In accordance with our current collective agreements and University vacation policy, employees are reminded that their vacation accruals are capped at two years entitlement. In other words, employees are entitled to carry-over up to one year of past accrual PLUS the current year accrual. Any balance beyond this cap is subject to forfeiture if not used within the current plan year.

402 University Holidays

The University grants 15 holidays per year, which include

Independence Day
Labor Day
Columbus Day
Thanksgiving Day
Day after Thanksgiving
Winter Break Including Christmas and New Years Day
Martin Luther King Day
President's Day
Memorial Day

403.1 Sick Leave and Disability Leave

All non-teaching employees earn one sick day per month for a total of 12 sick days per fiscal year.

Sick time can accrue from one fiscal year to another with a maximum allowable amount of 60 days. Once the maximum accrual of 60 days is reached, accrual will stop until the employee begins using some of the accrued sick days, at which time, accrual will resume again until the 60-day maximum is reached.

403.2 Bereavement Leave

Non-union employees who sustain a death of an immediate family member shall be granted up to five working days time off, with pay. Immediate family member shall mean: parent; spouse or domestic partner; children; brother; sister; mother-in-law; father-in-law; grandparent; grandchild or any relative living in the same household as the employee.

Non-union employees who sustain the death of a sister-in-law; brother-in-law; aunt or uncle shall be granted one working day time off, with pay.

403.3 Jury Duty

The University recognizes the civic responsibility of employees to serve jury duty and makes provision for full-time regular employees to perform such duty without loss of pay.

If an employee is called to serve on jury duty (or to testify) they should notify his/her supervisor as soon as the information is known.

The employee must provide proof of the call to jury duty (letter or date stamped jury duty card). Proof of jury duty notice must be submitted to the supervisor and attached to your timesheet in order to accurately reflect the days served as jury duty pay. If this is not submitted, the employee's vacation accruals will be used in its place. If the court inadvertently pays you a stipend for duty, it should be returned to the court jurisdiction.

The employee is expected to report for regular University duty when temporarily excused from attendance at court.

404 Leave of Absence Without Pay

For Employees who wish to take a leave of absence for reasons other than qualifying Family Medical Leave reasons, they may request from their supervisors to take a leave of absence without pay, for any period not exceeding one year. Please note that because the request for leave does not fall under the FMLA policy, the department is not required to hold your position open while you are on a leave.

Any requests for leaves must be requested at least 30 days in advance of the requested start, to ensure adequate time for the department to plan for your absence and adequate coverage while you are away.

Upon approaching your expected return from leave, please provide sufficient notice (if your position was held open for you during your absence), so that your supervisor can coordinate your return accordingly.

Entitlements/Benefits that may be affected by any leave of absence without pay:

- Employees who are granted an approved leave of absence without pay may continue their health insurance benefits under the COBRA program, by paying the full cost of all premiums to continue coverage.
- For any leaves beyond 30 days, participation in the health and welfare programs may be disrupted or discontinued, depending on the program.
- Employees on leave without pay will not accrue sick leave, personal nor vacation leave.
- Any merit or salary increase that take place after your return from leave will be prorated.
- Any periods taken under a leave of absence will not count towards the 2-year waiting period requirement for participation in the University's 403(b) Defined Contribution Program.

405 Family and Medical Leaves Act (FMLA)

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected Leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for their employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles. The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances.

Unpaid leave must be granted for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care.
- To care for the employee's spouse, son or daughter, or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the employee's job.

Employees are required to provide advance notice of leave and provide medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.
- Job Benefits and Protection
- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Unlawful Acts by Employers:

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA.
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.

An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

The University recognizes the civic responsibility of employees to serve jury duty and makes provision for full-time regular employees to perform such duty without loss of pay.

If an employee is called to serve on jury duty (or to testify) they should notify his/her supervisor as soon as the information is known.

The employee must provide proof of the call to jury duty (letter or date stamped jury duty card). Proof of jury duty notice must be submitted to the supervisor and attached to your timesheet in order to accurately reflect the days served as jury duty pay. If this is not submitted, the employee's vacation accruals will be used in its place. If the court inadvertently pays you a stipend for duty, it should be returned to the court jurisdiction.

The employee is expected to report for regular University duty when temporarily excused from attendance at court.

Chapter 5: Benefits

501 Benefits Mandated By Law

COBRA Insurance Benefits

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), as amended, requires that employers offer employees and their families the opportunity for a temporary extension of health and dental coverage at group rates in certain instances where coverage under the group plan would otherwise end.

Workers' Compensation Insurance

New York State Workers' compensation law requires employers to provide benefits to eligible employees who have injuries arising out of and in the course of employment. The University covers all of its employees under this state-mandated program at no cost to the employee.

Social Security

All employees are covered under the provisions of the federal social security law (FICA - Federal Insurance Contributions Act). FICA consists of two separate taxes that are withheld from your wages: Social Security, which pays for cash benefits to entitled beneficiaries, and Medicare, which pays for hospital benefits for people covered by Medicare when they become entitled.

Unemployment Compensation Insurance

New York State's unemployment compensation law requires that all employees are provided with unemployment compensation insurance coverage.

501.1 Health Insurance

Polytechnic Institute of NYU offers two programs under Oxford Health Plans under the Freedom Plan, which offers a network of doctors where you can access "in-network" or "out-of-network" doctors. ***The "in-network" care helps you maximize your dollars by limiting your out-of-pocket expenses.*** For "out-of-network" care there is a deductible and you would be responsible for either 20 or 30% of reasonable & customary charge, depending on the plan that you have.

Who is covered: Full-time regular employees (and Part-time regular employees working at least 30 hours per week), their spouse or domestic partners and any eligible dependent children can participate. Dependent children are covered up to age 19 or age 23 if they are full time students. Mentally or physically disabled children, who are fully dependent on you, the employee, for support, will also be covered.

Polytechnic Institute of NYU offers two programs: ***Premium Plan*** and the ***Basic Plan***. The Premium Plan is designed for employees who want the freedom to use out-of-network providers with limited out-of-pocket. The Basic Plan is a less expensive option for employees that use in-network services for most of their health, but still have the availability of the out-of-network benefits available should the need arise.

Covered Charges. Please refer to the Summary of Coverage for specific details

Non-covered Charges. Please refer to the Summary of Coverage for specific details

Waiting Period. There is no waiting period to participate in the University's Health plan. If you elect to waive coverage for yourself or for your current dependents, you must wait until the next open enrollment period (during the month of December each year), to enroll. The only other instance that a spouse or dependent may be added to your coverage immediately is a qualifying event, for example, marriage or an adoption. Human Resources should be notified within 30 days of the date of the event for no restriction in coverage.

Cafeteria Plan Available. Tax sheltered premium contributions.

Direct Pay Program. Oxford Health Plans offers a Direct Pay Program arranged through General Vision Services. This benefit is available by calling 1-800-VISION-1 and registering in this program. Flyers are also available in the Human Resources Department

501.2 Dental

The MetLife Preferred Dentist Program (PDP) is a network of participating dentists who have contracted with MetLife to provide services for a reduced fee. The participating PDP dentists agree to charge fees typically 10-30% lower than the average charges in your area.

With the Preferred Dentist Program you have the option of using a participating or non-participating dentist. There are no restrictions on how many times you may change dentists or whether or not dentists participate in the Preferred Dentist Program. Simply select a dentist at the time you need service and go.

Who Is Covered

Full-time regular employees (also Part-time regular employees working at least 30 hours per week) their spouse and any dependent children up to 19 years old or 23 years old if they are full time students. Mentally or physically disabled children who are fully dependent on you for support are also eligible for coverage.

The Dental Plan covers the four main types of dental expenses:

- Preventive care (routine exams and cleanings, fluoride treatments, sealants, X-rays, space maintainers) No deductible has to be met before preventive care is given at no charge.
- Deductibles apply for: basic treatment (root canals, extractions, oral surgery, anesthesia, fillings); major treatment (bridges, crowns, dentures) and orthodontia.

Waiting Period

There is no waiting period for participation in University's Dental plan.

Waiver of Coverage

Please note that if you elect to waive coverage for yourself or for your current dependents, you will **not** be eligible to re-enroll until two years after the effective date of the waiver. The only other instance that a spouse or dependent may be added to your coverage immediately is a qualifying event, for example marriage or an adoption. Human Resources should be notified within thirty days of the date of the event for no restriction in coverage.

501.3 Life Insurance

Polytechnic Institute of NYU offers an employer-paid Basic Life and Accidental Insurance program to its employees. The life insurance program provides employees with financial security. Additionally, Supplemental Life insurance for employees and spouse/ dependent term life insurance coverage is also available at age-banded rates.

What is Accident Insurance?

Accident Insurance is also called Accidental Death & Dismemberment (AD&D) Insurance. If you die in an accident — for example, an automobile accident — the amount of your coverage is paid to your beneficiary, and is in addition to your Life Insurance coverage. However, Accident Insurance also pays a benefit if you are seriously injured in an accident. Part of your benefit may be paid to you if you lose a limb (like your arm) or the ability to see, hear or talk, or become physically disabled.

Who is covered?

All active, full-time permanent employees.

Coverage Level

Basic Life/AD&D

One times salary, rounded to the next highest \$1,000, to a maximum of \$50,000 paid for by Polytechnic Institute of NYU. (Benefits will reduce by 50% when you reach Age 70)

Waiting Period

There is a three-month waiting period for this benefit.

Additional Coverage

- Supplemental Life/AD&D Insurance sponsored by Polytechnic Institute of NYU up to (4) times your salary to a combined maximum of \$650,000. This allows you more options to purchase insurance based upon your own individual needs. The rates for the Supplemental Life/ AD&D Insurance coverage are age-banded rates.
- You may only elect Dependent Life Insurance for your Spouse and/or child(ren) if you have purchased Supplemental Life/AD&D coverage for yourself.
- Dependent Child(ren) Life Insurance (no AD&D):
- Covers child(ren) from 2 weeks to 18* years of age for benefit amount of \$4,000. (* To age 25 if a full-time student.)
- Dependent Spouse Life Insurance (no AD&D):
- Coverage is available at \$20,000, \$50,000 or \$100,000.* (*Limitations may apply; please refer to summary for details.)

- For more information on Accident Insurance, please refer to the Life Insurance Summary Plan Description.

501.4 Disability Insurance

The University's disability and salary continuation plans work together to help you pay your household expenses if you become disabled and cannot work. These disability plans are as follows:

- Short-Term Disability
- Long-Term Disability

Short-Term Disability

Maximum benefit: \$170 per week.

Benefits begin: After the 7th calendar day of disability.

Maximum duration: 26 weeks (with approved disability certified by your physician).

The New York State law requires that a Short-Term Disability ("STD") claim be filed through your employer after one week of absence from work due to a non work-related sickness or injury. (Work-related sickness or injury is covered under Workers' Compensation.) It is important that the STD claim form be submitted to Polytechnic Institute of NYU, Department of Human Resources as soon as possible---within 30 days of the onset of disability. All non-teaching Polytechnic Institute of NYU employees are covered under our Short-Term Disability Insurance Plan to a maximum of six months of disability benefits. This coverage also provides up to eight weeks of maternity leave (this leave can be extended if deemed medically necessary by your physician). New York State Disability provides you with a small amount of money (\$170 a week maximum*), which serves as a partial replacement for any wages lost during your disability. This pay is received once all sick days have been exhausted.

The date the disability period begins is the first working day you cannot work because of illness or injury. No disability payment is made for the first 5 working days of the disability. The chart below shows what disability benefit you are entitled to, and how you can maximize your income during your period of disability by using any accrued vacation and/or personal time. Note that it is possible to receive both the \$170/week benefit and vacation/personal pay after you have used up your sick leave.

Period	"STD" Benefit	Incorporation of Compensated Time (vacation and/or Personal Days)
First 5 working days	None	Any accrued vacation/personal days or sick days (Note: at your option)
After the above period, if you have any accrued sick days	*One-half weekly salary, to a maximum of \$170 payable to Polytechnic Institute of NYU	You <u>must</u> use up your accrued sick days
After you have used any sick days	\$170 per week maximum payable to employee	You <u>may</u> use any accrued vacation/personal days (Note: at your option)

The maximum duration of time allotted for Short-Term Disability for sickness/injury: 6 months (If your Physician has diagnosed you with an illness that will be prolonged and your expected recovery date exceeds the 6 months benefit of STD, you will be eligible to apply for Long-Term Disability).

MATERNITY: 0 to 4 weeks pre-delivery and up to 4 to 6 weeks post-delivery (maximum 6 weeks if no pre-delivery leave taken, maximum 8 weeks if some pre-delivery leave taken). Maternity leave may be extended if deemed medically necessary by your Physician.

NOTE: During the period that you are using accrued sick, vacation and/or personal days (that is, while you are still on the Polytechnic payroll), sick, vacation and personal days continue to accrue. If you are not on the Polytechnic payroll, there is no accrual.

Long-Term Disability

Should you remain disabled for more than 6 months, you are also eligible to apply for Long-Term Disability.

While you are on Long-Term Disability you will be paid 60% of your monthly salary to a maximum of \$5,000 a month.

If you are 65 or over, this amount will be less your estimated or actual Social Security Benefits ("SSI") for the duration of total disability. If you are 65 or over, the Long-Term Disability insurance carrier bases its payment on what it assumes you will receive from SSI. Therefore, it is imperative that you apply for Social Security disability benefits ("SSI") immediately, to avoid a prolonged delay in receiving your full disability income (from both SSI and Long-Term Disability). It may take several months to receive any SSI payments.

All full-time employees are covered under the Long-Term Disability policy. You will receive a copy of the Long-Term Disability Booklet outlining your benefits and the details of the Plan with your Long-Term Disability application. Local 153 employees are covered under the Local 153 Long-Term Disability Fund. If you are a Local 153 employee, please read the Local 153 plan booklet for more details.

501.5 Continuation of Coverage under Group Health Plans (COBRA)

In accordance with the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), the University is required to offer Covered Employees and their Covered Dependents the option to continue in the Plan in the event of termination of employment. COBRA coverage is available only where the Covered Employee or Covered Dependents are not covered under any other health plan; employees who are also covered under a spouse's employee plan or who are eligible for Medicare. Continuation of coverage is available for the time periods and specific reasons (qualifying events) listed below:

- Employee's termination of employment (voluntary or involuntary)— 18 months.
- Employee's reduction in hours of employment—18 months.
- Death of the employee—dependent care for 36 months.
- Employee's entitlement to Medicare (only if plan coverage is lost)—36 months for family members only.

- Divorce, legal separation of a spouse or termination of domestic partner relationship from the employee—36 months.
- Dependent child ceases to meet plan's definition of dependent child— 36 months for dependent child only.
- Bankruptcy (Title XI) of the above employer—special rules for retirees only.

An exception applies to a flexible spending account, which reimburses medical expenses. In general, continuation coverage ends at the end of the flexible spending account plan year in which the COBRA event occurred.

COBRA coverage must be elected in writing to the Human Resources Department by the eligible employee or dependent within 60 days of the qualifying event.

501.6 TIAA-CREF and AIG/VALIC Pension Plan

Defined Contribution 403(B) Retirement Program

The University offers one regular Retirement Annuity (RA) and one (voluntary) Supplemental Retirement Annuity (SRA) retirement plan. Employees have the option of joining both. Our carriers are TIAA/CREF and VALIC.

Below is a brief summary of the key terms of the Polytechnic Institute of NYU Defined Contribution Retirement Plan (403(b)).

Eligibility

RA. Available after a qualifying period of 2 years full-time employment. Credit for service immediately prior to employment, at another institution of higher learning is recognized.

SRA. Eligibility is immediate

Contributions

(RA) Employer Matching Contributions: Effective July 1, 1999, Polytechnic will contribute 10%* matching contribution on the first five (5%) of compensation contributed by the employee. (*Currently amended to a 9% employer matching).

Rollovers & Loans:	Allowed
In-Service Withdrawals:	Not allowed except for hardship.
Distribution Events:	Retirement, disability, termination of employment or death.
Investment Decisions:	Participants directed, in investment funds available with approved funding agents. Funds as attached.

This plan is administered by:

TIAA CREF
730 Third Avenue

AIG/ VALIC
2929 Allen Pkwy.

New York, N.Y. 10017

Houston, TX 77019

501.7 Employee Tuition Exemption Program

Polytechnic Institute of NYU is committed to the needs for continued professional growth and development of faculty and staff and their dependents. It considers support for educational expense to be an important vehicle for addressing that need. The Polytechnic Institute of NYU's Employee Educational Assistance Program and Tuition Remission Program are designed to foster the professional growth and development of the University's faculty and staff and their dependents.

Tuition-Remission Program

The following categories of individuals are eligible for benefits under the Program:

- A full-time regular (ongoing) employee during active periods of employment.
- A part-time regular (ongoing) employees (working at least 20 hours per week).
- A Faculty member appointed on a full-time basis.
- An eligible employee's spouse. Spouses of employees who are full-time students, including spouses of instructional assistants and graduate assistants are not covered by this policy.

An eligible employee's dependent. For purposes of this policy, dependent is defined as employee's spouse, child or stepchild under the age of 24 and who qualifies as the employee's dependent for the previous or current federal tax year.

Scheduling of classes by a regular employee on a 12-month (or nine-month, if Faculty) service basis (including an academic employee) is limited to 18 credits per semester*, beginning with the summer session. (*18 credits per semester is the *total of all family members combined*, including graduate and undergraduate courses.)

For dependent children in undergraduate studies, under the age of 24 will receive 100% tuition reduction.

Employee Educational-Assistance Program

The following categories of individuals are eligible for benefits under the program:

- Full-time regular (ongoing) employees during active periods of employment.
- Part-time regular (ongoing) employees (working at least 20 hours per week).
- Faculty members appointed on a full-time basis.

Credit Limits—Full-time Employees

Scheduling of classes by a regular employee on a twelve-month (or nine-month, if Faculty) service basis (including an academic employee) is limited to eighteen (18) credits per semester*, beginning with the summer session. (*18 credits per semester is the total of all family members, including graduate and undergraduate courses, under the Employee Educational Assistance Program and/or Tuition Reduction program).

Exclusion from Wages

Under the Educational Assistance Program, the University may exclude up to \$5,250 in tax-free educational assistance for graduate studies, per calendar year from the employee's wages. Employees should keep track of the tuition spending during the calendar year. For any amounts over \$5,250 paid for graduate educational benefits for the employee during the calendar year, employees are required to pay tax on these amounts. The amount of the tuition received less the \$5,250 exemption, will be included in your W2 (box 1 of your form) at the end of the year. By law, the University must withhold all relevant taxes (federal and state income, and FICA.)

502 Flexible Spending Account

Through Polytechnic's Flexible Spending Account program, you can use tax-free dollars to pay for:

- Most medical, dental and vision care expenses like co-payments, deductibles and mileage to and from the doctor's office.
- Dependent care expenses like day care, babysitters, after-school programs or elder care programs so that you and your spouse can work or go to school using tax-free dollars means that you spend less for these expenses and have more money to spend on other things you want and need.

How Do Flexible Spending Accounts Work?

Each pay period, you make a contribution to your Health Care and/or Dependent Care Flexible Spending Accounts, just like you would with a savings account. Then, like a savings account, you can take it out when you need money. Just fill out a form and attach your receipts.

Other Points to Remember

- Use it or lose it. IRS regulations state that if you have money left over in your Health Care or Dependent Care accounts after you have submitted all your claims for the year, you lose the amount that is left over. So be careful when calculating how much to contribute.
- On January 1, the entire amount you plan to contribute to your Health Care Reimbursement Account for the whole year is available to you.
- Dependent Care Accounts cannot go negative. If your claim is for more than the balance of your account, BeneFlex (the administrator of our program) will hold your claim until you have the money in your account to cover it.
- You must re-enroll in each of your Flexible Spending Accounts each year during Open Enrollment. The company cannot continue your account contributions from one year to the next if you don't turn in a new enrollment form every year.

- Claims can be submitted by the appropriate deadline following the end of the plan year for any claims incurred in the previous year. Contact the Human Resources Department for additional information.

503 Other Benefits

Additional Benefits Available to Polytechnic Staff

In addition to the benefits listed in the benefits packet produced by the Office of Human Resources, employees of Polytechnic Institute of NYU have access to the following:

Bookstore Discounts. All merchandise and supplies are discounted 10%.

Broadway Show Discount Coupons. Broadway Show discount coupons are available at the Office of Alumni Relations, Office of Human Resources and Office of Student Development. Discounts typically run 25 – 40%. University employees are also eligible for membership in the discount ticket service of the Theater Development Fund (www.tdf.org), which discounts Broadway and Off-Broadway shows and other performing arts by as much as 75%.

Coffee/Tea. Lackmann Food Services provides complimentary coffee and tea service for faculty and staff during lunch hours (Noon – 2:00 p.m.)

Entertainment Discounts. The Office of Human Resources has discount passes to a number of theme parks and entertainment venues.

Fitness Center Use. Employees are permitted to use the Fitness Center, free of charge, during normal operating hours and may use “faculty/staff hours” each morning.

Insurance Discounts. Employees who are Polytechnic alumni may be eligible for discounts on auto and homeowners/renters insurance through Liberty Mutual Insurance.

Library Use. Employees are permitted to use the facilities and programs of the Dibner Library, including short-courses and workshops, and inter-library loans.

Newspaper Home Delivery Discounts. Employees are often eligible for substantial educational discounts from most major newspapers. Be sure to inform your vendor that you are an employee of a University.

MetroTech B.I.D. Discounts. Employees are eligible for a MetroTech ValueCard which offers discounts at dozens of area shops and restaurants.

Shipping and Receiving. Employees may ship packages through UPS, including international services, for a fee. The mailroom will receive packages addressed to individuals if no other option is available to you.

Swimming Pool Use. The swimming pool at St. Francis College is available for employee use at select times.

Travel Discounts. The Polytechnic Alumni Association discounts on rental cars (Alamo, Avis, Budget, Europcar, Hertz, and National) and Hotels (Choice hotels) are available to all employees.

University Events. A significant number of events are open to employees at low or no cost including lectures, cultural celebrations and entertainment programs.

Wellness Classes. Through the Office of Physical Education and Athletics, employees may participate in classes offered by the department (i.e. Aerobics, Judo, Tai Kwon Do)

Appendix

Appendix A: Confidentiality Agreement

I recognize that during my employment or engagement by Polytechnic Institute of NYU I may receive, develop or otherwise acquire certain Confidential Information. Confidential information includes financial/salary information, employee information, grades, telephone numbers, addresses, internal processes, etc. All Confidential Information which I may now possess, may obtain during or after the term of my employment or may create prior to the end of my term of employment will be held confidential by me, and I will not (nor will I assist any other person to do so) directly or indirectly reveal, report, publish or disclose such Confidential Information to any person, firm or corporation not expressly authorized by Polytechnic to receive such Confidential Information except for the benefit of Polytechnic and in the course of my employment at Polytechnic; provided, however that the foregoing will not apply to the extent I am required to disclose any Confidential Information by applicable law or legal process so long as I promptly notify Polytechnic of such disclosure concerning the advisability of seeking a protective order or other means of preserving the confidentiality of the Confidential Information.

Student workers are not allowed to use their personal computers for University business but must instead use University owned computers. No business data can reside in student worker personal computer and they may not access business software remotely from their personal computer.

I understand that all Confidential Information is important and unique and that it materially affects Polytechnic's goodwill and its successful conduct of business.

Any Inventions in whole or in part conceived, made or reduced to practice by me (either solely or in conjunction with others) during or after the term of my employment at Polytechnic which are made through the use of any of the Confidential Information or any of Polytechnic's equipment, facilities, supplies, trade secrets or time, or which to relate to Polytechnic's business or Polytechnic's actual or demonstrably anticipated research and development, or which result from any work performed by me for Polytechnic will belong exclusively to Polytechnic (subject to the Intellectual Property policy) and will be deemed part of the Confidential Information for purposes of this Agreement, whether or not fixed in a tangible medium of expression.

I recognize that Polytechnic has a strict policy against using proprietary information belonging to any other person or entity without the express permission of the owner of that information. I represent and warrant that my performance of all of the terms of this Agreement as an employee or independent contractor of Polytechnic does not and will not result in a breach of any duty owed by me to a third party to keep in confidence any proprietary information, knowledge or data acquired by me in confidence or in trust prior to or during my employment and I agree not to disclose to or induce any confidential or proprietary information belonging to any of my previous employers or others except in accordance with applicable law. In addition, I have read and agree to the provisions described in the Polytechnic acceptable use policy for technology Policy #218.

I agree that on the termination of my employment in any manner, I will immediately surrender to Polytechnic all notes, data, sketches, drawings, manuals, documents, records, data bases, programs, blueprints, memoranda, specifications, customer lists, financial reports, equipment and all other physical forms of expression incorporating or containing any Confidential Information, it being distinctly understood that all such writings, physical forms of expression and other things are the exclusive property of Polytechnic.

Breach of Confidentiality is a serious offence and may result in termination of employment. I agree to the above terms and acknowledge receipt of a copy of this agreement.

Date: _____
Signature: _____
Print Name: _____
Social Security #: _____

Appendix B: Intellectual Property Agreement

In consideration of my employment or engagement by Polytechnic Institute of NYU (the “University”) or my access to certain facilities, equipment or funds, I agree with the University as follows:

1. I agree to be bound by the University’s Intellectual Property Policy, as it may be amended from time to time by the Board of Trustee of the University (the “Policy”).
2. I agree to disclose promptly and fully, in writing, to the designated official of the University, all Inventions and/or Commercial Works (as defined in and under the terms of the Policy).
3. I agree that all right, title and interest in and to the Inventions and/or Commercial Works discovered or created by me will be the property of the University under the terms of the Policy.
4. At the request of the University at any time and in accordance with the Policy, will execute, without charge, written assignments to the University or its nominee of my entire right, title and interest in and to the Invention and/or Commercial Works throughout the world, including all patents, copyright applications and copyrights anywhere relating to the Inventions and Commercial Works and all right to file, obtain, maintain such applications, patents and copyrights.
5. At the request of the University, I agree to assist the University, without charge, (except for reasonable compensation for my time, if the same is not covered by my employment, engagement or other remuneration by the University) in the following:
 - a) Preparation, filing and prosecution of applications on any of the Inventions or Commercial Works
 - b) Obtaining and maintaining patents or copyrights anywhere on any of the Inventions or Commercial Works; and
 - c) Cooperating in any litigation or proceedings (in courts, patent offices, copyright offices or elsewhere), or any arbitrations or negotiations relating to any of the Inventions of Commercial Works.
6. This Agreement will inure to the benefit of the University and its nominees and their respective legal representatives, successors, and assigns, and this Agreement will be binding henceforth upon me and my heirs, legal representatives, executors, administrators and assigns. Except with prior, written consent of an authorized official of the University, no attempt by me to assign or transfer any rights in Inventions or Commercial Works will relieve me of any obligations under this Agreement or the Policy.

This agreement, together with the Policy, supersedes any prior agreements or understandings between me and the University with respect to the subject matter of this Agreement. I am under no obligation to any person, organization or corporation that is in conflicts with my obligation under this Agreement or Policy.

Signature: _____

Dated: _____, 200

Printed Name: _____

Appendix C: Export Control

Polytechnic Institute of NYU Contract Review for Export Control

Title of Sponsored Research: _____

Principal Investigator Name: _____ Extension _____

Sponsor: _____

Check box if contract contains clause that

1. References U.S. export regulations? ☐

If yes, cite clause: _____

2. Restricts non-US entity participation based on country of origin? ☐

If yes, cite clause: _____

3. Prohibits access by non-US citizens to Project information? ☐

If yes, cite clause: _____

4. Prohibits the hiring of non-US persons without prior approval? ☐

If yes, cite clause: _____

5. Addresses the use of proprietary information? ☐

If yes, cite clause: _____

6. Addresses security concerns? ☐

If yes, cite clause: _____

7. Grants the Sponsor a pre-approval right over research publications? ☐

If yes, cite clause: _____

8. Grants the Sponsor a right to prepublication review for matters other than the inclusion of patent and/or proprietary sponsor information? ☐

If yes, cite clause: _____

9. Allows the Sponsor to claim resulting research information as proprietary or trade secret? ☐

If yes, cite clause: _____

Attach full-text version of the clauses referenced above.

Form and attachments must be submitted to the VP for Finance and Administration **before** the contract is executed.

Polytechnic Institute of NYU Technical Review For Export Control

Title of Sponsored

Research: _____

Principal Investigator: _____

Affiliation: _____

Sponsor: _____

As indicated in the above Contract Review Sheet, the Vice President for Finance and Administration has determined that the sponsored research agreement for the project identified above contains provisions that may require University compliance with export control laws and regulations that are issued by the Department of Commerce and/or State. A final determination of the application of those regulations to this particular project depends on whether the research falls within a category of technology the government has determined raises particular issues of national security or economic interest. As the PI of the project, you are the person most qualified to decide if your research falls within covered areas.

You will have to review descriptions of technologies that are controlled by the International Traffic in Arms Regulations (ITAR), 22 CFR Section 121.1 and Export Administration Regulations (EAR), 15 CFR Section 774 and decide if the technology involved in this particular project falls within one or more of those categories. Refer to the attached sheet for directions.

Please complete the following certification and return to the Vice President for Finance and Administration.

CERTIFICATION

I will work with the following technology(ies) on the above-referenced research project:

I have reviewed the relevant EAR and ITAR regulations and determined that the above-referenced research project

☐ Does not involve technologies that are covered by either the EAR or the ITAR.

☐ May involve technologies that are covered by either the EAR or the ITAR.

☐ Is dominated by EAR-governed technology.

If yes, identify category by name and section: _____

☐ Includes discrete, easily identifiable and separable research components that are within the scope of an ITAR-governed technology.

If yes, identify category by name and section: _____

☐ Includes discrete, easily identifiable and separable research components that are within the scope of an EAR-governed.

If yes, identify category by name and section: _____

Principal Investigator

Signature: _____

Embargo Reference Chart for ITAR (also includes EAR countries)

Country	Date	Federal Regulation	Comments
Afghanistan	June 27, 1996	61 FR 33313	Amendment to ITAR 126.1
	May 8, 2001	66 FR 23310	Denial Policy to territory of Afghanistan under Taliban control and all of Afghanistan
	July 2, 2002	67 FR 44352	Denial Policy to Afghanistan except for Government of Afghanistan and ISAF
Burma	June 16, 1993	58 FR 33293	Department of State Suspension Notice
	July 22, 1993	58 FR 39280	Amendment to ITAR 126.1
Belarus	July 22, 1993	58 FR 39280	Amendment to ITAR 126.1
China (PR)	June 7, 1989	54 FR 24539	Department of State Suspension Notice
	July 22, 1993	58 FR 39280	Amendment to ITAR 126.1
Côte d'Ivoire	December 14, 2004	69 FR 74560	Department of State Suspension Notice
Cuba	December 6, 1984	49 FR 47682	Amendment to ITAR 126.1
Cyprus	December 18, 1992	57 FR 60265	Department of State Denial Notice; does not affect export for the UN forces in Cyprus (UNFICYP) or for civilian end-users
Democratic Republic of the Congo	August 30, 2005	70 FR 50966	Further modification of Denial Policy to the DROC.
	February 17, 2004	69 FR 7349 58 FR 26024	Modified Denial policy to DROC
	April 29, 1993		Department of State

	July 22, 1993	58 FR 39280	Suspension Notice Amendment to ITAR 126.1
Eritrea	March 6, 2006	71 FR 11281	Department of State Suspension Notice
Haiti	October 9, 1991	56 FR 50968	Department of State Suspension Notice
	April 4, 1994	59 FR 15624	Amendment to ITAR 126.1
Indonesia	October 14, 1999	64 FR 55805	Department of State Suspension Notice
	January 25, 2001	66 FR 7836	Requests for export and re-transfer of C-130 aircraft spare parts considered on a case-by-case basis Exception for defense articles and defense services to Indonesia for ultimate end-use by a third country on a case-by-case basis Exception for non-lethal defense articles and spare parts considered on a case-by-case basis
	March 22, 2001	66 FR 16085	
	December 18, 2001	66 FR 65235	
Iran	January 23, 1984	49 FR 2836	Department of State Notice designating Iran as a terrorist country
	October 29, 1991	56 FR 55630	Amendment to ITAR 126.1
Iraq	August 3, 1990	55 FR 31808	Department of State Revocation Notice
	September 13, 1990	55 FR 37793	Department of State Notice designating Iraq as a terrorist country Amendment to ITAR 126.1 Denial policy to Iraq
	October 29, 1991	56 FR 55630	
	November 21, 2003	68 FR 65633	

	April 9, 2004	69 FR 18810	except for Iraqi military or police force required by Coalition Provisional Authority. Denial policy to Iraq except for nonlethal military equipment, lethal military equipment for use by reconstituted (or interim) Iraqi military or police force, and small arms for use for private security purposes.
Liberia	December 18, 1992	57 FR 60265	Department of State Suspension Notice
	July 22, 1993	58 FR 39280	Amendment to ITAR 126.1
	September 5, 2001	66 FR 46491	Continued denial policy
Libya	October 29, 1991	56 FR 55630	Amendment to ITAR 126.1
North Korea	December 6, 1984	49 FR 47682	Amendment to ITAR 126.1
Rwanda	June 2, 1994	59 FR 28583	Department of State Suspension Notice; Licenses and approvals suspended until further notice; current applications to be denied
	August 17, 1994	59 FR 42158	
	July 30, 2003	68 FR 44613	Amendment to ITAR 126.1 Denial policy to Rwanda except for Government of Rwanda
Somalia	December 16, 1992	57 FR 59851	Department of State Suspension Notice
	July 22, 1993	http://pmdtc.org/docs/frnotices/58FR39280.PDF 58 FR 39280	Amendment to ITAR 126.1
Sudan	November 3, 1992	58 FR 49741	Department of State Suspension Notice
	October 8, 1993	http://pmdtc.org/docs/frnotices/58FR52523.PDF 58 FR 52523	Department of State Notice designating Sudan as a country supporting terrorism
	April 4, 1994	59 FR 15624	

			Amendment to ITAR 126.1
Syria	October 29, 1991	56 FR 55630	Amendment to ITAR 126.1
Vietnam	December 6, 1984	49 FR 47682	Amendment to ITAR 126.1
Yemen	December 16, 1992	57 FR 59852	Department of State Notice; presumption of denial for lethal articles or items supporting such articles or services
Zimbabwe	April 17, 2002	67 FR 18978	Department of State Suspension Notice
	July 23, 2002	67 FR 48242	Use of Exemption at 123.7