## MUSC Faculty Handbook

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1. PREFACE

The Board of Trustees of the Medical University of South Carolina (hereafter referred to as the "Board" and "MUSC" respectively) is the governing board of the university; however, the university administrators and the members of the faculty of the university share responsibility for planning and implementing cooperative and constructive actions within the institutional structure under the guidance of the Board (Current administrative structures are depicted at these links:

http://academicdepartments.musc.edu/leadership/MUSC-Org-Chart-2015-10FINAL.pdf

http://academicdepartments.musc.edu/provost/about/

The policies and respective rules governing the Board, the administration, and the faculty, as set forth in the Faculty Handbook, should convey the mutual trust and agreement inherent in all explicit and implied contractual agreements between these respective bodies.

The Faculty Handbook (hereafter called "the Handbook") contains the rules and regulations that govern faculty affairs and functions as part of the University Faculty Appointment Contract between the faculty member and the university. Each faculty member should be knowledgeable about the areas covered in the Handbook. The signing of annual contracts that specify an individual faculty member's compensation and distribution of activity, does not negate the Handbook's status as a partial contract of employment. University Faculty Appointment contract letters will be sent out to the faculty member, who will return a signed copy to the office of the departmental chair or other appropriate supervisor to be kept on file. All hiring officials (deans, chairs, business managers, and Human Resources Management personnel) should be aware of this procedure. For a copy, see Section 5: Faculty Appointment, Promotion, Evaluation and Tenure Policies

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

The MUSC Faculty Handbook contains university policies that are of major concern to the faculty, other information considered to be of special interest to the faculty, and a collection of university governing documents. The current Board-approved Handbook is accessible on the MUSC Faculty Senate Website (http://www.musc.edu/facsen/).

2.01 Revision Process

The charge of the Governance Committee of the Faculty Senate includes oversight and regular review of the Faculty Handbook.

Unless otherwise indicated within the policy, revisions to Sections 2-9 of the Faculty Handbook are subject to the following procedures:

- The Senate’s Faculty and Institutional Relationships Committee will meet regularly to consider revisions suggested by the Governance Committee, the faculty, the Executive Vice President for Academic Affairs and Provost, or others.
- Changes recommended by the Faculty and Institutional Relationships Committee will be evaluated by the Faculty Senate and presented to the university faculty in writing and/or by e-mail prior to Faculty Senate approval.
- All proposed changes must be approved by the Faculty Senate, the Executive Vice President for Academic Affairs and Provost, the Provost’s Council, the President, and the Board of Trustees.

Sections other than 2-9 may be revised by the Executive Vice President for Academic Affairs and Provost, the Provost’s Council, and the President with the advice of the Faculty Senate and subject to Board of Trustees approval.

2.02 Abbreviations and Definitions

- APT  Appointment, Promotion and Tenure
- Board  MUSC Board of Trustees
- College  All Colleges and the Academic Affairs Faculty
- Deans  Deans of all colleges and the Chair of the Academic Affairs Faculty
- EEO/AA  Equal Employment Opportunity/Affirmative Action
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<td>Evaluation</td>
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<tr>
<td>FMLA</td>
<td>Family and Medical Leave Act</td>
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<td>FOIA</td>
<td>Freedom of Information Act</td>
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<td>FRD</td>
<td>South Carolina Foundation for Research Development, Inc.</td>
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<td>HHS</td>
<td>United States Department of Health Human Services</td>
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<td>IRB</td>
<td>Institutional Review Board</td>
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<td>MUHA</td>
<td>Medical University Hospital Authority</td>
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<td>MUSC</td>
<td>Medical University of South Carolina</td>
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<tr>
<td>MUSC/P</td>
<td>MUSC Physicians (See UMA)</td>
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<td>Provost</td>
<td>Executive Vice President for Academic Affairs and Provost</td>
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<td>TERI</td>
<td>Teacher and Employee Retiree Incentive Program</td>
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<td>UMA</td>
<td>University Medical Associates (See MUSC/P)</td>
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3. FACULTY ORGANIZATION AND GOVERNANCE

3.01 The Faculty Body

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<td>Mar 2018</td>
<td>Mar 2018</td>
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<td>May 2018</td>
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The faculty of MUSC is composed of the President, the vice presidents, the deans, any officers of the university who hold academic rank, and the members of the teaching, research, service and administrative staff who hold academic rank at MUSC or its affiliated programs. With regard to university affairs, the voting faculty shall be those individuals holding a full-time primary academic appointment at MUSC with rank of Instructor and above.

3.02 The Faculty Senate

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The Faculty Senate acts as the sole representative body for organizing and executing that business of the faculty submitted to it by members of the faculty, the administration, or the Senate itself. The Senate also advises the administration and the faculty in matters pertaining to the faculty. The Faculty Senate is organized and governed according to the Faculty Senate Constitution and By-Laws.

3.02.01 Faculty Senate Constitution

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This Constitution defines the composition of the Faculty Senate, its role in the academic affairs of the university, and the basic principles of self-governance of the faculty of the Medical University of South Carolina as authorized by the Bylaws of the Board of Trustees of the Medical University of South Carolina, Section 6, Article b, August 1976.
Article I

Name

The name of this representative body shall be: The Medical University of South Carolina Faculty Senate, referred to in this document as Faculty Senate or as Senate.

Article II

Purpose

The purpose of the Faculty Senate shall be to act as the sole representative body of the faculty, to receive, organize and, if deemed appropriate, execute business of the faculty that is submitted to it by members of the faculty, the administration, or the Faculty Senate itself, and to represent the views of the faculty to the administration. The Faculty Senate serves as the voice of the faculty. In accordance with its vision and as permitted by state law, the Faculty Senate serves as an advisor to the administration in ensuring the success of the university's mission in teaching, research, and service.

Article III

Electoral Units, Representation, Nominations, Eligibility to Vote, Elections, and Terms of Office

Membership shall be limited to qualified faculty. For the purposes of the Faculty Senate membership, qualified faculty are defined as those persons holding primary academic appointments of at least 50% FTE at MUSC with ranks of Instructor or above. All faculty regardless of FTE shall be able to nominate for and vote in Faculty Senate elections. (Paragraph amended May 2017)

A. Electoral Units

For the purpose of elections, the Faculty Senate shall be divided into seven Electoral Units: College of Medicine Basic Sciences, College of Medicine Clinical Sciences, Dental Medicine, Health Professions, Academic Affairs Faculty, Nursing, and Pharmacy. The department or college of primary appointment determines Electoral Unit affiliation.

B. Representation

Senators

Electoral Units having 50 or fewer qualified faculty shall be represented by four Senators. Electoral Units having between 51 and 100 qualified members shall be represented by six Senators. Electoral Units with more than 100 qualified faculty members shall have six Senators and elect one additional Senator for every 33 additional qualified faculty members in excess of 100.
Each Electoral Unit shall have two Alternates. Electoral Units with more than 100 qualified faculty members shall choose one additional Alternate for each 66 faculty members over 100.

C. Nominations

Candidates for membership on the Faculty Senate may be nominated by any qualified faculty member of their Electoral Unit, including themselves. Qualified faculty members are eligible for nomination only within the Electoral Unit with which they are affiliated.

D. Eligibility to Vote

All qualified faculty members are eligible to vote for Senators and Alternates. Faculty members shall vote only in the primary Electoral Unit with which they are affiliated. (Paragraph amended May 2017)

E. Elections

The Governance Committee shall establish the rules and procedures for all regular elections according to sections of this Article governing Electoral Units, Representation, Nomination, Eligibility to Vote and Terms of Office.

Regular elections to the Faculty Senate shall be conducted during the months of August and September, with terms of office to begin at the Faculty Senate meeting in October.

Candidates receiving the greatest number of votes shall become the Senators for their Electoral Unit. Candidates with the next highest numbers of votes shall become Alternate Senators as determined by the formula in Article III.B. The Governance Committee shall retain the results of the election so that Alternate Senators with the highest numbers of votes may replace resigning Senators and the slots of Alternate Senators are refilled. In the case of a tie, candidates shall come to an agreement among themselves; otherwise Senators of the representative Electoral Unit shall vote for one of the candidates. In the case that alternate senator slots are not filled, Electoral Unit leaders may recruit faculty to serve as alternate senators until the next scheduled election.

The Governance Committee, upon notification of the Faculty Senate of a vacancy in the Faculty Senate between regular elections, shall notify the appropriate Electoral Unit Committee who shall appoint a replacement to complete the unexpired term. (Paragraph amended May 2017)

F. Terms of Office

1. Senators
Senators shall be elected to a two-year term and shall be eligible to serve a maximum of three consecutive terms. The terms of Senators from each unit shall be staggered: one-half shall be elected each year. Senators who cannot complete their terms shall submit a written resignation to the Secretary of the Faculty Senate at least one month before the date of resignation.

2. Alternate Senators

Alternate Senators shall be elected to a one-year term. When a Senator resigns from his or her office, the Alternate with the greatest number of votes from the prior election automatically advances to the ex-Senator’s position and completes the remainder of the ex-Senator’s term of office. After succeeding the ex-Senator and serving the remainder of that term of office, the former Alternate may stand for election and ultimately serve for a period not exceeding a total of seven consecutive years. Alternate Senators who cannot complete their term of office shall submit a letter of resignation to the Secretary of the Faculty Senate at least one month before the date of resignation.

Article IV

Officers of the Faculty Senate: Election and Duties

The Officers of the Faculty Senate shall be the President, Vice President, and Secretary. Officers of the Senate are considered to be at-large Senators and do not stand for re-election to the Senate from their Electoral Unit in October even if their Senate term is scheduled to expire. If an Officer-Elect’s term is not scheduled to expire when they become Officers at the October meeting, their Electoral Unit seat shall become vacant, and be filled during the regular election. (Paragraph amended May 2017)

A. Election of Officers

Election of Officers for the upcoming year (October – September) will be held at the July meeting. In May the Governance Committee shall call for nomination of Officers from the members of the Faculty Senate (Senators and Alternate Senators) after the election results become available. Any member of the Faculty Senate may nominate either another member of the Faculty Senate or himself or herself. All Senators are eligible to be slated regardless of time remaining on their current term unless a maximum of three terms has been reached. The Governance Committee will then draw up a slate of qualified individuals who agree to serve as President, Vice President, and Secretary. The Governance Committee shall oversee the voting process and report the results to the full Faculty Senate. (Paragraph amended May 2013)

B. President of the Faculty Senate

The President shall preside over the Faculty Senate; represent the Faculty Senate on appropriate university Committees; convene and preside at Executive Committee meetings; coordinate review of policy affecting the faculty; conduct the business of the Faculty Senate
and fulfill other responsibilities incumbent on the leader of the Faculty Senate as deemed appropriate. At his or her discretion, the President may delegate these responsibilities.

C. Vice President of the Faculty Senate

The Vice President shall assume the role of the President in the latter’s absence and perform other duties as requested by the President.

D. Secretary of the Faculty Senate

The Secretary shall take attendance, record and publish minutes of meetings; publicize scheduled meetings and agendas and items for vote; and update the Faculty Senate archives. Prior to a vote by the Faculty Senate, the Secretary shall establish the existence of a quorum and determine those empowered to vote. The Secretary shall discharge other duties assigned by the President.

Article V

Senators and Alternate Senators: Duties

A. Senators

Faculty Senators shall represent the views and interests of the faculty of their respective Electoral Units and the faculty-at-large. Senators shall attend at least two-thirds of monthly meetings of the Faculty Senate and serve on at least one committee of the Faculty Senate. A Senator who knows in advance that he/she will be unable to attend a meeting of the Faculty Senate is responsible for arranging for one of the Electoral Unit’s Alternate Senators to attend in his/her absence.

B. Alternate Senators

Alternate Senators are encouraged to attend all meetings of the Faculty Senate. Alternate Senators are eligible to vote when attending in place of a Senator who is unable to attend a meeting. Alternate Senators are eligible and encouraged to serve as members of Faculty Senate Committees.

Article VI

Removal from Faculty Senate

Officers, Senators or Alternates may be removed from the Faculty Senate if they are unable to fulfill their duties as stipulated in the Bylaws.
Article VII

Committees

Committees of the Faculty Senate have delegated authority to: consider, investigate and advise on those matters directly related to the operation and purposes of the Faculty Senate; and, to take action on behalf of the Faculty Senate commensurate with the committee’s duties, or as specially authorized by the Faculty Senate. The members of the standing committees, ad hoc committees and subcommittees shall be members of the Faculty Senate or other qualified faculty. Committees shall be chaired by Senators or Alternate Senators.

A. Executive Committee

The Executive Committee shall be composed of one Senator from each of the seven Electoral Units, and the Officers of the Faculty Senate. The immediate Past President of the Faculty Senate and the Chairs of the Senate Standing Committee shall serve as a non-voting, consultative member. The Executive Committee member from the respective Electoral Unit shall be selected by the Senators of that unit as stipulated in the Bylaws. The Officers-Elect (President-Elect, Vice President-Elect and Secretary-Elect) of the Faculty Senate shall be non-voting members of the Executive Committee from July through September. The Executive Committee may go into executive session when discussing sensitive issues as permitted by state law. (Paragraph amended May 2017)

B. Standing Committees

Standing committees of the Faculty Senate and their duties are described in the Bylaws of the Faculty Senate.

C. Ad hoc Committees

Ad hoc committees of the Faculty Senate are constituted for focused tasks.

Article VIII

Meetings

A. Faculty Senate

Meetings shall be held monthly at a regular time and designated place. Faculty Senate meetings are open to the faculty. The time and place of meetings (regular and special) shall be advertised to the faculty. Members of the faculty may request to be heard at Faculty Senate meetings, but have no vote or other legislative privilege. The President may call an executive session that is open only to Senators and Alternate Senators.

B. Faculty
Meetings of the faculty shall be called and presided over by the President of the Faculty Senate. Notice of faculty meetings shall be given at least 30 days in advance. Meetings shall be held at least once yearly. (Paragraph amended May 2017)

Article IX

Bylaws

Procedural guidelines governing the work of the Faculty Senate are documented in the Bylaws of the Faculty Senate.

Article X

Ratification of Constitution

The Constitution of the Faculty Senate shall be ratified by a two-thirds vote of all Senators and a two-thirds vote of all qualified faculty present at a special meeting of the faculty as called by the President of the Faculty Senate or two-thirds votes of all qualified faculty casting a vote in an electronically conducted vote. Upon ratification and henceforth, Articles of the Constitution shall not be changed. All changes to the Constitution shall be by Amendment, as described in Article XI. The Constitution shall be transmitted by the President of the Faculty Senate, through the appropriate administrative channels, to the Board of Trustees and shall take effect upon approval by the Board of Trustees. Prior to ratification of the Constitution or any Amendment, the Governance Committee will distribute pertinent documents to all qualified faculty members at least thirty days in advance of a regularly scheduled faculty Meeting or electronically conducted vote (VIII.B), will invite written comment, and offer an opportunity for discussion.

Article XI

Amendments to the Constitution and Revisions to the Bylaws

A. Constitution

This Constitution may be amended as follows:

A. Proposals for amendments to the Constitution may be made in writing to the President of the Faculty Senate. Any qualified faculty member may propose an amendment. The President of the Faculty Senate will have the item discussed at the Executive Committee. If a majority of the members of the Executive Committee agree, the item will be added to the agenda of the next regular meeting of the Faculty Senate.

B. The President shall give notice of the proposed amendments to all Senators at least thirty days prior to the vote via the usual dissemination routes (e.g., email).
C. Faculty Senate approval of amendments will be by a vote of two-thirds of the Faculty Senators.

D. The President shall give notice of the proposed amendment to the faculty at least thirty days prior to the vote via the usual dissemination routes (e.g., email).

E. The proposed amendments shall be presented at a meeting of the faculty. They shall be adopted by a two-thirds vote of all qualified faculty present at this meeting. Alternatively, the amendment will be presented via email to the faculty, and an electronically conducted vote will be taken. Two-thirds vote of all qualified faculty casting a vote is required for adoption.

F. All amendments shall be transmitted by the President of the Faculty Senate, through the appropriate administrative channels, to the Board of Trustees and shall take effect upon approval by the Board of Trustees.

B. Bylaws

The Bylaws may be revised as follows:

A. Proposals for revisions to the Bylaws may be made in writing to the President of the Faculty Senate. Any qualified faculty member may propose a revision. The President of the Faculty Senate will have the item discussed at the Executive Committee. If a majority of the members of the Executive Committee agree, the item will be added to the agenda of the next regular meeting of the Faculty Senate.

B. The President shall give notice of the proposed revision to all Senators at least thirty days prior to the vote via the usual dissemination routes (e.g., email).

C. Faculty Senate approval of revisions will be by a vote of two-thirds of the Faculty Senators present at the meeting.

D. The President shall give notice of the proposed revisions to the faculty at least thirty days prior to the vote via the usual dissemination routes (e.g., email).

E. The proposed revisions shall be presented at a regular meeting of the faculty. They shall be adopted by majority vote of all qualified faculty present at this meeting. Alternatively, the amendment will be presented via email to the faculty, and an electronically conducted vote will be taken. Two-thirds vote of all qualified faculty casting a vote is required for adoption.
Article XII

Review of the Constitution

A. There shall be a mandatory review of the Constitution five years after its adoption and at least every five years thereafter to occur on the decade and years ending in ‘5’, for example 2009-2010, then 2014-2015.

B. This review shall be carried out by the Governance Committee at the direction of the Executive Committee. The review shall include recommendations of the Executive Committee and standing committee chairs.

3.02.02 Faculty Senate By-Laws

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Article I. Quorum

A. A quorum of the Faculty Senate necessary for the conduct of business shall be a simple majority of the voting members of the Faculty Senate except for changes to the Constitution and Bylaws as describe in Article XI of the Constitution.

B. A quorum of the Executive Committee necessary for the conduct of business on behalf of the Faculty Senate shall be a simple majority of the voting members of the Executive Committee.

C. Proxy votes shall not be allowed.

Article II. Conduct of Business

A. The President shall appoint a Parliamentarian. The Parliamentarian shall be a qualified faculty member but need not be a Senator. The Parliamentarian shall act as advisor to the President on matters of rules of procedure.

B. Business shall be conducted using the current edition of Robert's Rules of Order Newly Revised, except where otherwise specified in the Constitution and Bylaws.

C. Business of the Faculty Senate is normally conducted at regular meetings, special meetings, and in standing or ad hoc committees.

D. At the discretion of the President and with prior consent of the Faculty Senate, business of the Faculty Senate may also be conducted by distribution of information and ballots through mail, email or other transfer of information, provided that all other requirements of the Constitution of the Faculty Senate are met.

E. Action items requiring a vote by the Faculty Senate shall be distributed by the Secretary of the Faculty Senate at least 10 days before the meeting.
F. Action items requiring a vote by the faculty shall be distributed for comment at least 30 days prior to a regularly scheduled meeting or vote.

Article III. Standing Committees, ad hoc Committees, and Duties of Committee Members

A. Membership on Committees

Most work of the Faculty Senate is conducted by standing and ad hoc committees.

1. Membership of the Executive Committee is by election or by virtue of office and governed by Article VII.A. of the Constitution.
2. Each Senator shall serve on a minimum of one standing committee.
3. The Executive Committee appoints each committee chair from among Faculty Senators or from members of the Executive Committee.
4. Senators shall serve on standing committees for one-year terms and may serve multiple terms.
5. Members on ad hoc committees may serve until the assigned task is completed.

B. Duties of the Committee Chair

The Chair of each committee shall:

- Apportion committee work efficiently and fairly among the committee members and, in consultation with the other committee members, decide whether the appointment of subcommittees is appropriate;
- Seek advice from the faculty, from administrative and professional staff, and from students, if it is deemed beneficial to the committee's deliberations;
- Keep minutes or other records of proceedings that are adequate for efficient continuation of work throughout and beyond the committee’s period of service;
- Submit an annual report to the Faculty Senate at the end of each academic year.

C. Executive Committee and Standing Committees

1. The Executive Committee shall:

   a. Appoint Senators, Alternate Senators and qualified faculty to all committees of the Faculty Senate, except for the Executive Committee itself;
   b. Appoint each committee chair from among Faculty Senators; members of the Executive Committee are eligible to serve as chair;
   c. Ensure that committee assignments are distributed fairly among Electoral Units and academic ranks;
   d. Initiate the formation and dismissal of ad hoc committees, as needed;
e. Accept annual reports from each standing and ad hoc committee of the Faculty Senate;
f. Submit to the faculty an annual report at the end of each academic year;
g. Appoint Senators, Alternate Senators or qualified faculty to represent the Faculty Senate on university-wide committees;
h. Facilitate communication among the Administration of the university, the Faculty Senate, and the faculty by meeting with the President or the President’s designee and the college Deans or their designees as necessary and by reporting to the faculty, as deemed appropriate;
i. Act on behalf of the Faculty Senate in emergency situations. In circumstances requiring immediate action, the committee may advise the Administration of the university on behalf of the Faculty Senate. It shall report its recommendations to the Faculty Senate at the next Senate meeting. (Paragraph amended May 2017)

2. The Governance Committee shall:

a. Govern the proceedings of the Senate;
b. Conduct Faculty Senate elections, certify eligibility of faculty for election, and maintain appropriate records of elections [See Amendment 1 and Amendment 2];
c. Review the Faculty Senate’s governing documents and recommend changes to these documents as deemed appropriate;
d. Interpret the provisions of the Constitution and Bylaws;
e. Codify changes or amendments to the Constitution and Bylaws, as deemed necessary;
f. Call for nominations, establish slates, and conduct elections of officers of the Faculty Senate, as described in Article IV.A.;
g. Monitor and, as necessary, manage changes to the practices and procedures of the Faculty Senate, by revision to Bylaws as appropriate.

3. The Institutional Advancement Committee shall:

a. Monitor major trends in the life of the institution;
b. Track progress of action items discussed in the Senate throughout the administrative channels of the university;
c. Participate in strategic planning for the university;
d. Report back to the Faculty Senate where deemed appropriate;
e. Request that the Faculty Senate take a position or act on issues of general interest. Examples of actions: Collect information and report on major building activities, and on creation, development, or discontinuation of major units or departments.

4. The Faculty and Institutional Relationships Committee shall:

a. Consider issues pertaining to negotiations and procedures that, in a generic sense, apply to individual faculty. Examples of actions: Formulation of contracts, tenure/post-tenure review, promotions and rank, equity, sabbaticals, conflicts of interest, means of grievance.
b. Accept and evaluate requests to change the Faculty Handbook.

5. The Communication Committee shall:

a. Collaborate with other standing committees to inform faculty of issues;
b. Inform the faculty about the work of the Senate through organized activities.
   Examples of actions: the organization of targeted workshops or retreats addressing themes such as faculty mentoring, tenure, interpretation of contracts, and sabbaticals.
c. Maintain the Faculty Senate web site and ensure that Senate activities are published in university publications.

6. The Electoral Unit Committees shall:

a. Consist of all elected Senators and Alternates from the particular Electoral Unit.
b. Elect one representative to serve as a member of the Executive Committee for a one-year term. This election occurs immediately after the results of the Senate election are known. This name is submitted to the Governance Committee;
c. Facilitate communication among the Faculty Senate and the dean and faculty of the Electoral Unit;
d. Receive requests for Senate action from faculty of their respective units and decides whether the Faculty Senate should be involved in such action. If not, the Committee directly responds to the request.

D. *Ad hoc* Committees

a. *Ad hoc* committees are composed of Senators, Alternates and qualified faculty for a focused task.
b. Upon completion of the task, the chair presents a report to the Faculty Senate.

Article IV. Procedure for Removal from Senate

A. Any Officer, Senator or Alternate may resign his or her duties at any time by sending a letter to the Executive Committee; see Articles III.F.1 and III.F.2 of the Constitution.
B. If the Senators of an Electoral Unit determine that one of their Senators or Alternates is ineffective, they shall contact that Senator. If no resolution is reached, the parties may take the case to the Executive Committee for deliberation and decision. These proceedings shall be confidential.
C. A Senator or Alternate can be removed for cause from office by a two-thirds majority vote of the Electoral Unit Committee and the Executive Committee.

Article VI. Revisions to Bylaws

The Bylaws shall be reviewed at least once every two years and revisions to the Bylaws are governed by Article XI.B of the Constitution.
3.03 University-Wide Committees

In addition to special committees as from time to time may be appointed or elected, there shall be standing chartered committees. The most current list is presented at http://academicdepartments.musc.edu/provost/committees/index.htm

All university-wide committees have faculty representation.
4. FACULTY RANKS AND STATUS

4.01 Regular Faculty Ranks

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The following faculty ranks, as generally described below, are used throughout MUSC. Refer to individual college/department guidelines for specific criteria regarding appointment or promotion to any of these faculty ranks. With regard to University affairs, the voting faculty shall be those individuals holding an academic appointment at MUSC with regular faculty rank of Instructor and above, regardless of the percentage of FTE of the faculty appointment.

4.01.01 Instructor

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

4.01.02 Assistant Professor

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

4.01.03 Associate Professor

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

4.01.04 Professor

This is the highest academic rank at the University and usually requires an appropriate doctoral degree. For appointment at or promotion to the rank of Professor, an individual normally will have served at the rank of Associate Professor for at least four (4) years and will have demonstrated excellence in the three areas of academic pursuit: teaching, research/scholarly activity and service. In addition, the individual should have an academic reputation extending beyond the University.
4.02 Special Faculty Ranks

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Faculty holding special appointments do not have voting privileges.

4.02.01 Assistant

This rank usually requires a bachelor's degree and the ability to participate in teaching, research, and/or clinical service.

4.02.02 Associate

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

4.03 Modifiers to Faculty Ranks

The following modifiers may be made to either Regular faculty ranks (4.01) or Special faculty ranks (4.02). These modifiers shall be assigned according to 6.02b Procedures for Appointment.

4.03.01 Visiting

This modified rank applies to faculty whose appointment to the faculty is for a limited time and whose responsibilities are important in the regular programs of MUSC.

4.03.02 Adjunct

This modified rank applies to faculty whose responsibilities are important though not extensive in the regular programs of MUSC, whose appointment is annual or continuous, and whose activities do not ordinarily involve direct patient contact or teaching in clinical courses.

4.03.03 Clinical

This modified rank applies to faculty whose responsibilities are important though usually not extensive in the regular programs of MUSC, whose appointment is annual or continuous, and
whose activities ordinarily involve direct patient contact or teaching in clinical courses.

4.03.04 Research

This modified rank applies to faculty whose responsibilities are important to the University and who has few or no job obligations other than doing research, often as a member of a research team.

Faculty with Regular faculty ranks modified by Clinical or Research may participate in faculty governance and have full voting privileges regarding University affairs. Faculty with Regular faculty ranks modified by Visiting or Adjunct and all faculty with Special faculty rank, regardless of modifier, do not have University voting privileges. Participation in college, department, and division governance will be determined by individual colleges.

4.04 Medical University Hospital Authority (MUHA)*

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

Individuals whose primary responsibility rests in one of the components of MUHA may hold a faculty appointment at a specified rank in a designated college, thereby recognizing participation in its educational programs.

4.05 South Carolina Area Health Education Consortium (SC AHEC)

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MUSC recognizes the valuable contributions of health care professionals employed by the educational programs at AHEC-affiliated institutions and volunteer professionals not employed by AHEC-affiliated institutions. Both categories of professionals are eligible to apply for MUSC appointments. The employed AHEC professionals have “MUSC AHEC” preceding their faculty rank; volunteer professionals have “MUSC AHEC Clinical” preceding their faculty rank. All MUSC AHEC appointments are without tenure and the SC
AHEC Appointments and Promotions Committee coordinates this process with the MUSC Deans’ Offices.

4.06 University

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

4.06.01 Emeritus

Definition: Emeritus is an honorary title for a faculty member retiring from active university service. This rank recognizes distinguished service to the institution. It is conferred upon a faculty member when he/she retires by the Executive Vice President for Academic Affairs and Provost upon the recommendation of the department Chair and Dean of the respective college, following approval from the Board.

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

Procedure: The retiring faculty member may initiate the process for obtaining Emeritus status, through a formal request to their department Chair. The department Chair on behalf of the retiring faculty member may also initiate this process. The Chair will make a written recommendation to the Dean of the college with documentation of the faculty member’s service, usually his/her curriculum vitae. If the Dean concurs, the Dean forwards the recommendation to the Executive Vice President for Academic Affairs and Provost. If the Executive Vice President for Academic Affairs and Provost concurs, the Executive Vice President for Academic Affairs and Provost seeks approval from the Board. If approved, the Executive Vice President for Academic Affairs and Provost shall notify the faculty member in writing of the award of Emeritus Faculty status. If the retiring faculty member is a department Chair, the Dean initiates the request. For administrative titles at the level of Dean or above, the next highest administrator initiates the recommendation.

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

- MUSC ID badge reflecting Emeritus status
- Continued Access to the university library and certain computer facilities such as email and approved cloud services access
- Eligibility for continued membership at the Wellness Center at the regular faculty rates
- Maintenance on a mailing list to receive university related news, announcement and invitations to events as appropriate.

Other benefits may be negotiable with the college/department. All benefits are subject to administrative review and the availability of resources.

4.06.02 Distinguished University Professor

Definition: The title of Distinguished University Professor is an honorary title given to a senior level faculty member who has had a distinguished academic career in teaching, service or research. It is conferred in writing by the Executive Vice President for Academic Affairs and Provost upon the recommendation of the department Chair and the Dean of the college, following approval of the Board. Upon retirement, the faculty member may use the title of Distinguished University Professor Emeritus.

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

Procedure: Consideration of a faculty member for the title of Distinguished University Professor within the colleges will comply with the college level process for appointment and promotion. If the Dean approves the request within the college, the Dean forwards the recommendation to the Executive Vice President for Academic Affairs and Provost with documentation substantiating the request. If the Executive Vice President for Academic Affairs and Provost concurs, the Executive Vice President for Academic Affairs and Provost seeks approval from the Board. If approved, the Executive Vice President for Academic Affairs and Provost shall notify the faculty member in writing of the award of Distinguished University Professor. If the candidate is a department Chair, the Dean initiates the request with consideration by the college Appointment, Promotion, and Tenure committee.

Benefits: Status as a Distinguished University Professor is conferred on the faculty member for life, subject to the same policies for termination as apply for an active tenured faculty member. The Distinguished University Professor will automatically be eligible for all the benefits conferred upon the Emeritus faculty, if he/she is retiring from active service.
The primary appointment of a faculty member holding joint/dual appointments is confirmed by the Executive Vice President for Academic Affairs and Provost. If a faculty member resigns his primary appointment or if his primary appointment is otherwise terminated, all dual and/or joint appointments in other departments or colleges are terminated the date the primary appointment is terminated. If a change of status is to be requested by the chair of the department in which the dual or joint appointment rests, such a request is submitted as a primary faculty appointment through the appropriate channels.

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

**4.07.01 Joint**

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

**4.07.02 Dual**

A faculty member who holds an appointment between or among two or more departments within the same college holds a dual appointment.
5. FACULTY APPOINTMENT, PROMOTION, TENURE AND EVALUATION

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Each college shall develop and publish in one document all appointment, promotion, and tenure guidelines or criteria, and establish a formal review of this document every three years. Each document should be explicit and the process clearly defined with input from the faculty. Each college shall establish appropriate procedures for all faculty appointments and promotions including those on tenure and non-tenure tracks. Faculty may switch between tenure and non-tenure tracks one time with approval by the dean of the college. Faculty members on the tenure track will be afforded protected time for academic pursuits.

Current links to College-specific Appointment, Promotion, and Tenure Policies can be found below:

College of Dental Medicine:

http://academicdepartments.musc.edu/dentistry/about/For%20Faculty%20and%20staff/2013%20APT%20Guidelines.pdf

College of Health Professions:

http://academicdepartments.musc.edu/chp/academic_faculty-affairs/index.htm

College of Medicine:

http://academicdepartments.musc.edu/com/faculty/apt/musc/

College of Nursing:

https://academicdepartments.musc.edu/nursing/intranet/faculty/Documents/Faculty-Handbook/Section_V.pdf

College of Pharmacy:

http://academicdepartments.musc.edu/faculty_senate/essential_docs/promotion/pharm.html

College of Graduate Studies:
5.01 College/Department Faculty Appointment, Promotion and Tenure Committee

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**Purpose:**

Each college and general faculty unit will have an Appointment, Promotion and Tenure (APT) Committee. In addition to reviewing initial appointments, this committee shall evaluate faculty seeking promotion, tenure and review of tenured faculty. Colleges may choose to have a subcommittee of the APT that will exclusively evaluate initial tenure and review of tenured faculty. Any subcommittee must follow the guidelines for composition. The college APT committee will be advisory to the Dean.

**Composition:**

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

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

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

The committee should consist of a minimum number of four. There shall be no maximum number.
Only faculty at or above the rank, for which the individual is being considered, may vote on decisions involving promotion.

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

If there are insufficient numbers of tenured faculty available to meet the above guidelines, non-tenured faculty may serve in their place, at the discretion of the Dean.

5.02 Faculty Appointment

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5.02.01 Criteria for Appointment

Each college, through its Appointment, Promotion, and Tenure Committee, shall develop and publish a set of criteria which has been approved by the Executive Vice President for Academic Affairs and Provost through appropriate channels, and which will be used in the appointment of new faculty members. Such criteria should reflect the specific missions of the individual colleges and should be formulated to promote faculty excellence within the institution as a whole.

5.02.02 Procedures for Appointment

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

The department chair shall consult with the departmental faculty of equal or superior rank to the prospective appointee or with the departmental Appointment, Promotion, and Tenure Committee before nominations are forwarded to the dean.

Upon approval by the dean, requests for appointment shall be forwarded to the Executive Vice President for Academic Affairs and Provost for approval. If departmental affiliation within a college is not involved, the requests shall be initiated by the appropriate dean and addressed to the Executive Vice President for Academic Affairs and Provost. If collegial affiliation is not involved, the requests shall be initiated by the Executive Vice President for Academic Affairs and Provost and addressed to the President. Upon such approval, recommendations for appointment shall be forwarded to the President.
Appointments to the rank of Assistant Professor without tenure and below shall be made by the President. On the recommendation of the President, appointments to any rank with tenure, and all appointments to the rank of Associate Professor or Professor shall be made by the Board.

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

5.02.03 Term of Appointment

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

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

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

Term of Appointment for Non-Tenured Faculty:

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

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

1. At least three [3] months prior to the expiration of the contract for faculty under his or her initial faculty appointment.
2. At least six [6] months prior to the expiration of the contract for faculty appointed under a second-year contract.
3. At least one [1] year prior to the expiration of the contract for faculty under a third [3rd] year or subsequent-year contract.
5.03 Faculty Promotion

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

5.03.01 Criteria for Promotion

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

5.03.02 Procedures for Promotion

Recommendations for promotion of a faculty member are submitted to the dean by the department chairman after consultation: 1) with those faculty members of the department or administrative unit who are at or above the academic level to which the faculty member is seeking promotion; and/or 2) with the department or college Appointment, Promotion and Tenure Committee. In the case of promotion for department chairs or deans, the next higher administrator shall compile and forward the recommendations.

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

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

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

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

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

Promotions are approved by the Board of Trustees and made effective on either January 1 or
July 1 each year.

5.04 Faculty Tenure

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

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

The tenure of a faculty member who also holds an administrative position, such as dean or
department chair, extends only to the faculty position s/he holds conjointly with such an
administrative position.

The assurance of continuation of salary shall apply to compensation based on academic
rank, as defined in the annual contract (See Section 5.10). It shall not apply to additional
compensation including, but not limited to, clinical practice income, consultation fees,
administrative supplements, and special payments.

5.04.01 Criteria for Tenure

The faculty member must demonstrate competence and promise of long-term usefulness to
the missions and programs of the university to be considered for tenure.
Each college, through its Appointment, Promotion, and Tenure Committee shall develop a set of criteria to be used in the consideration of granting tenure and which shall have received the approval, through appropriate channels, of the Board. Each committee also shall publish and distribute these criteria to its faculty. Such criteria should reflect the specific missions of the individual colleges and should be formulated to promote faculty excellence within the institution as a whole.

5.04.02 Procedures for Granting Tenure

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

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

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

(4) Tenure ordinarily becomes effective once a year on January 1.

5.05 Post Tenure Review

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At every stage of a faculty member's career, the division Director and/or department Chair will review the faculty member's performance through the annual review process and reviews for promotion and tenure. Post-tenure review serves to evaluate a tenured faculty member's professional ongoing contributions and value to the university. During these reviews, efforts should be made to identify realistic long-range goals for career enhancement, evaluate the faculty member's strengths and weaknesses in performance, and, through appropriate advice and action, provide opportunities to correct any weaknesses to enable the faculty member to realize her/his full professional development. The review should be used to ensure that all tenured faculty members: (a) continue to perform at a level to achieve their long and short range career goals and (b) serve the needs of the students and the institution.
All tenured faculty members are subject to post-tenure review. There are two mechanisms of post-tenure review: a streamlined post-tenure review (described in 5.05, subsection 2 below) and a full post-tenure review (described in 5.05, subsection 4 below). A streamlined post-tenure review occurs every six years for those who have been evaluated as adequate or superior in each of the six years. The full post-tenure review occurs either every six years if a faculty member has received an inadequate evaluation during the prior six years, or is triggered if a faculty member’s performance is deemed to be inadequate in two consecutive years. In either mechanism, the post-tenure review is reliant on the annual review.

1) Each tenured faculty member undergoes annual reviews. The faculty member’s annual review is integral in determining performance. The department Chair/division Director will use the three-point scale for annual reviews (below, meets or exceeds expectations). If a faculty member is rated as below expectations in a majority of applicable performance categories, they will receive a “below expectations” overall evaluation. Each year, the faculty member must be made aware of specific requirements to attain an adequate annual review so that he or she is given the chance to meet these specific requirements.

2) If the tenured faculty member receives no ratings of below, they undergo streamlined post-tenure review every sixth year. For a tenured faculty member who has received overall ratings of meets or exceeds expectations in all annual performance evaluations in the preceding six years, the department Chair/division Director will send a letter to the Appointment, Promotions and Tenure (APT) Committee of the faculty member’s college stating that the faculty member satisfies the requirements of a favorable post-tenure review. A copy of this letter will be sent to the faculty member under review and the college Dean, and placed in the faculty member’s personnel file. The faculty then starts a new six-year cycle.

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

a) Upon the first rating of below in a majority of applicable performance categories in an annual review, a Performance-Improvement Plan (PIP) is implemented. If a tenured faculty member is rated below in a majority of applicable performance categories on an annual evaluation, the department Chair/division Director shall meet with the faculty member to outline the steps of improvement to be taken to correct the deficiencies, to establish criteria for the satisfaction of those deficiencies and to indicate what resources are available to support the plan, as appropriate. This Performance-Improvement Plan (PIP) should be approved by the college Dean, reported to the Executive Vice President for Academic Affairs and Provost, and described in the associated
annual contract. The faculty member will be given two years beyond the date of the contract to execute the plan successfully. The goal shall be restoration of adequate performance. A written summary of the meeting shall be prepared for the faculty member by the department Chair/division Director and copied to the college Dean, the college APT committee, and the Executive Vice President for Academic Affairs and Provost.

b) **Upon a rating of meets or exceeds in the year after a rating of below on annual review, the faculty member will undergo a full post-tenure review at the end of the six-year period.** The department Chair/division Director shall send a letter to the college Dean, the college APT Committee, and the Executive Vice President for Academic Affairs and Provost stating that the faculty member has received an overall rating of meets or exceeds on their subsequent annual performance evaluation, noting that deficiencies have been corrected. A copy of this letter will be sent to the faculty member under review and placed in the faculty member’s personnel file. The faculty member then continues their cycle for post-tenure review, but at the end of the six years will be subject to a full post-tenure review, as described in Number 4 of this section.

c) **Upon the second rating of below in a majority of applicable performance categories in an annual review, a full post-tenure review is triggered.** If the department Chair/division Director finds that the tenured faculty member fails to make substantial progress toward meeting the performance goals that had been set in the performance-improvement plan and receives a second below evaluation on the subsequent annual evaluation, the faculty member begins year 2 of the performance-improvement plan. Two consecutive inadequate evaluations is also the trigger for a full post-tenure review to be conducted at the end of year 2 of the performance-improvement plan, which is described in Number 4 of this section. If, however, the performance of the faculty has improved significantly at the end of year 2 of the performance-improvement plan, the department Chair/division Director may recommend that the full post-tenure review not occur until the end of the six-year period.

d) The process leading to full post-tenure review after two inadequate evaluations is illustrated in Figure 1.
4) Full Post-Tenure Review: The full post-tenure review is initiated by the department Chair/division Director or supervising administrator. The department Chair/division Director submits a letter to the college APT Committee detailing the deficiencies of the faculty member under review with corroborating documentation. The department Chair/division Director must also notify the college Dean and the Executive Vice President for Academic Affairs and Provost. A copy of the letter will also be sent to the faculty member under review and placed in the faculty member’s personnel file.

The charge of the college APT Committee is to recommend for or against the removal of tenure. The college APT Committee will review the faculty member's performance based upon written standards and criteria that are developed by the individual college APT Committees. The criteria should reflect the specific missions of the individual colleges and the university. Each college APT Committee shall publish and distribute these criteria to its faculty. The basic standard for evaluation shall be whether the faculty member under review discharges the duties appropriately associated with her or his position as documented by annual faculty contracts and the initial offer letter for the position, if applicable. The review must also be flexible enough to acknowledge different expectations in different disciplines and changing expectations at different stages of faculty careers. In reviewing a faculty member's performance, the college APT Committee will recognize not only the diverse talents, activities and accomplishments of faculty within that college, but also that individual faculty are expected, in consultation with their department Chair/division Director, to focus their efforts in selected areas of endeavor. The college APT Committee will also verify that an adequate environment was provided by the department Chair/division Director to support the faculty member in performance of these directives. The college APT Committee must include a tenured MUSC faculty member from outside of the college to review the faculty member’s performance. The department Chair/division Director may suggest outside reviewers to the APT Committee.

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

![Figure 1: The full post-tenure process as triggered by two consecutive below expectations evaluations](image-url)
A full report on the faculty member will be prepared by the department Chair/division Director, consisting of copies of the previous six years' annual performance evaluations conducted by the department Chair/division Director using the college/department/division specific faculty performance evaluation forms, and when applicable, written summaries that document deficiencies and plan(s) of remediation, plus the Chair's letter outlining efforts to remedy the deficiencies, supplemented by any other documents and information that the department Chair/division Director wishes to submit.

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

(iii) The college APT Committee may request the submission of further documentation in addition to that provided by the department Chair/division Director.

(b) After completing their review, the college APT Committee shall submit a written report to the department Chair/division Director. The report, which shall be a permanent part of the faculty member's personnel file, will contain:

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

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

(c) The college APT Committee shall forward the report to the college Dean with a clear recommendation for retention of tenure when the faculty member, in the Committee’s judgment, is rated superior or adequate. A rating of inadequate by the college APT Committee shall be forwarded to the college Dean with a recommendation pertaining to tenure. The written report and recommendation of the APT committee shall be provided simultaneously to the faculty member under review and the Dean. The college Dean reviews the recommendation and if he or she determines the removal of tenure is warranted, forwards the recommendation to the Executive Vice President for Academic Affairs and Provost for review and action by the University Tenure Committee. The college Dean shall provide to the faculty member, department Chair/division Director and college APT Committee memoranda indicating her/his action.

(d) If the University APT Committee, after a full hearing of the case, supports the recommendation for removal of tenure, this recommendation will be forwarded to the
Executive Vice President for Academic Affairs and Provost. The faculty member then has
the option to file a Grievance and Appeal Procedure, as described in the Faculty Handbook
(Section 8.02). The Executive Vice President for Academic Affairs and Provost will make
the final determination and, if necessary, make a recommendation to the Board of Trustees
for action.

If the Executive Vice President for Academic Affairs and Provost’s decision and, if used,
the Grievance and Appeal Procedure, results in the decision to remove the faculty member’s
tenure, there are two possible outcomes: the faculty will continue as a non-tenured faculty or
the faculty member will be subject to termination for cause under Section 9.01 of the
Faculty Handbook. In the event of termination for cause, the process of full post-tenure
review will have fulfilled Section 9.02 of the Faculty Handbook.

Policies: The following policies are applicable to post-tenure review:

(a) The full post-tenure review process, as described above in 4), must be concluded
within 12 months. Responsibility for adhering to this timetable rests with the Executive Vice
President for Academic Affairs and Provost’s office.

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

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

5.06 Faculty Evaluation

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The State of South Carolina requires that all state universities and colleges evaluate faculty
performance. In order to comply with this requirement, MUSC has developed a faculty
evaluation procedure which has been approved by the division of Human Resources of the
State Budget and Control Board.

Each college of the university has an approved Performance Appraisal form (faculty
evaluation). Consult with respective Dean’s Office for copies of these forms. The form is
completed annually for each member, and is kept in a permanent file under the purview of
the dean or director. The faculty member has a right to full disclosure of the Performance Appraisal.

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

College of Health Professions:

http://academicdepartments.musc.edu/chp/academic-faculty-affairs/faculty-fa/faculty_evaluation.htm

College of Dental Medicine:

http://academicdepartments.musc.edu/dentistry/faculty_staff/faculty_eval.html

College of Medicine:

http://academicdepartments.musc.edu/com/faculty/apt/forms/FacPerfEval.doc

College of Nursing:

https://academicdepartments.musc.edu/nursing/intranet/faculty/index.htm

College of Pharmacy:

The MUSC COP Evaluation form is located inside of the Faculty Resources File within MUSC Box –COP

Academic Affairs Faculty:

http://colbert.library.musc.edu/dlsifac/

### 5.07 Faculty Salary Increases

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

When funds are designated for faculty salary increases, the amount and the procedure for allocation of these funds will be communicated to the faculty.
All funds will be distributed as merit increases, based on the approved Faculty Performance Evaluation Form, which is mentioned in Section 5.06 of the university Faculty Handbook.

## 5.08 Distribution of Faculty Activity

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

## 5.09 Faculty Record Review

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Faculty members have the right to review their personnel file upon written notification to their department chair and/or dean. Faculty members may make additional submissions and/or provide explanations of errors or omissions. Such additions shall become a part of the permanent file. Nothing herein shall grant the faculty member a right to purge or remove anything in their personnel file without prior written consent of their direct supervisor and the dean of the college.
## 5.10 Universal Faculty Contract

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[http://academicdepartments.musc.edu/fac/](http://academicdepartments.musc.edu/fac/)
6. FACULTY DEVELOPMENT

6.01 Sabbatical Leave

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

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

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

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

Benefits may continue during a sabbatical leave, but the faculty member MUST contact the Benefits Section of the Department of Human Resources Management for advice on what action is required to maintain current benefits. To prevent loss of benefits, it is essential that the faculty member contact Human Resources Management at least 60 days prior to beginning sabbatical leave.
6.02 Upward Faculty Mobility Toward Advanced Degrees

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PURPOSE: This policy is intended for the primary purpose of enhancing the value of the professional status of the faculty member in further service to MUSC. The university, therefore, upon prior approval of the dean of the college in which s/he holds primary appointment, offers the faculty member who does not possess a terminal degree in her/his field an opportunity to pursue a planned program for upward mobility toward an advanced degree.

ELIGIBILITY: Full-time faculty members with no modifiers to their ranks are eligible to apply for admission to an advanced degree program under this policy.

6.02.01 Academic Requirements

1) In any course of study pursued toward a degree, the faculty member shall meet the same requirements for the degree, as published in the University Bulletin, as any other student.

2) The student/faculty member will be required to meet the regularly scheduled class times in courses in which s/he is enrolled.

   a) Student laboratory assignments that can be accomplished outside of the faculty member's normal working time may be made an exception, if approved IN ADVANCE by the deans and department chairs concerned.

   b) If his/her duties and responsibilities as a faculty member conflict with his/her student class hours, his/her faculty responsibilities shall take precedence. This is to be determined by the deans involved.

3) The faculty member seeking an MUSC degree will be required to demonstrate his/her academic progress to a committee of qualified evaluators at least once each year by means of either a written and/or oral examination. The results of the evaluation will be submitted by this committee to the dean of the college in which the degree is being pursued and to the department chair, if appropriate. This dean shall file a copy of the report with the Executive Vice President for Academic Affairs and Provost.

4) Failure to perform in a satisfactory manner at any time shall be reported to the Executive Vice President for Academic Affairs and Provost by the dean involved.

5) No deviation from the approved plan of study will be permitted without a written request from the department chairs, the recommendation of the deans, and the approval of the Executive Vice President for Academic Affairs and Provost. Such approval for an amended study plan shall be filed in the student/faculty member's record in the office of the University Registrar.

6.02.02 Financial Considerations and Requirements as a Faculty Member

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1) The faculty member who has been admitted as a student to a degree program in at the Medical University or elsewhere must abide by the following if s/he is to receive financial considerations by the university:
   a) promotion as a faculty member may be denied during the period of time the degree program is in progress.
   b) faculty salary increases other than "across the board" raises may be denied.
   c) obtaining of the degree in no way obligates MUSC to alter his/her initial faculty appointment, to promote him/her, or to significantly adjust his/her salary, although any or all of these may be a result.
   d) s/he shall agree, in writing, to continue his/her employment to MUSC for a period of not less than one year after receiving the degree.

2) The faculty member who agrees to the above financial terms may pursue his/her approved plan of study at the yearly average rate of 15% of his/her normal work time, with no reduction in salary.

3) If an accelerated plan of study is requested by the faculty member and is approved by the chair, deans, and the Executive Vice President for Academic Affairs and Provost, the faculty member must voluntarily reduce both her/his teaching responsibilities and her/his salary proportionately.

4) If the approved plan of study includes extensive bench research or clinical rotations during normal faculty working time, a proportionate salary reduction shall be required. If this is determined at the time the program is initially approved, the amount of salary reduction will be determined at that time.

6.02.03 Financial Requirements as a Student

1) While pursuing his/her approved plan of study, the student/faculty member will officially register for each course taken and pay the appropriate tuition and fees as set by the college in which s/he is enrolled. In the year in which the degree is to be conferred, the student/faculty member shall pay, in addition to the required tuition, the full fees required of all students.

2) If an accelerated plan, as described in Section 6.02.02 under "Financial Considerations and Requirements as a Faculty Member," is in effect, the student/faculty member must pay the appropriate tuition each semester.

6.02.04 Procedure for Faculty Member

1) The faculty member shall submit
   a) to the chair of his/her department and the dean of the college in which s/he holds primary faculty appointment, and if applicable
   b) to the dean of the college in which s/he proposes to pursue the advanced degree, a complete outline of the proposed curriculum, semester by semester. S/he shall also indicate all courses to be taken, the proposed research and/or clinical experience required, and the degree which is to be sought.

2) If the faculty member's proposal is disapproved at any step in the Administrative Procedure stated below, s/he will be so notified; this action shall be considered final.
3) If the faculty member's proposal is approved, the Executive Vice President for Academic Affairs and Provost will notify him/her in writing and s/he may then proceed to apply for admission through the regularly prescribed admissions policy of the college in which s/he is seeking admission.

4) The application for admission shall have attached to it the following:
   a) outline of plan of study
   b) letter of approval from the Executive Vice President for Academic Affairs and Provost to pursue the degree as outlined
   c) required application fee.

6.02.05 Administrative Procedure

1) Upon receipt of a request with attachment thereto of a complete outline of proposed study as stated under "Procedure for Faculty Member" above, to pursue admission to a specific advanced degree program within a college of the Medical University, the dean(s) of the college(s) concerned in conjunction with the appropriate department chairs either approve or disapprove the request. If more than one dean is concerned (i.e., if the dean of the college of proposed study is different from the dean of the college in which the faculty member holds primary appointment), approval to apply for admission must be by both. Either one disapproving, the request shall be denied.

2) If the request is approved, the dean of the college in which the faculty member holds primary appointment shall write a letter to the Executive Vice President for Academic Affairs and Provost, with a copy to the dean of the college to whom the faculty member will submit his/her application, stating willingness for the faculty member to apply for admission as a student. The letter should include: (a) how all of the individual's duties, teaching responsibilities, and other commitments to his/her department would be met; (b) what financial considerations would apply as described in Section 6.02.02 under "Financial Considerations and Requirements as a Faculty Member," and (c) indication of approval of the plan of study.

3) In like manner, if the request is approved, the dean of the college of proposed student enrollment shall notify the Executive Vice President for Academic Affairs and Provost in writing of: (a) procedures for evaluation of the faculty member's progress as a student in accordance with his/her approved plan of study; and (b) the names of the faculty members assigned to evaluate the faculty/student's progress. Such progress will be evaluated in accordance with Subsections (3) and (4) under Section 6.02.01 "Academic Requirements."

4) The faculty member shall then be notified in writing by the Executive Vice President for Academic Affairs and Provost that her/his plan of study has been approved and that s/he may apply for admission through the regular admissions process of the college in which the advanced degree is to be sought.

Any time the above procedures or processes are not adhered to, the faculty member, if admitted to a course of study, may be removed from the college in which s/he is enrolled or may be required to reimburse MUSC for any financial losses suffered either as a result of being a student and/or a faculty member.
6.03 Faculty Desiring to Obtain a Degree in Addition to Terminal Degree Already Held

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

6.04 Tuition Assistance

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MUSC provides tuition and mandatory fees assistance to permanent employees (classified, faculty, and other unclassified employees) for up to four credit hours a semester as authorized by Section 59-111-15 of the 1976 South Carolina Code of Laws, as Amended (http://www.scstatehouse.gov/code/t59c111.php). Tuition and mandatory fees assistance will be provided by reimbursement of tuition cost after course completion, subject to availability of employing department funds. Permanent employees who are employed at least 30 hours per week are eligible to apply for tuition and mandatory fees assistance regardless of race, color, religion, sex, age, national origin, disability or veteran status. The tuition assistance program is only for MUSC employees to enroll in a credit-bearing course at MUSC or any other state institution (not including continuing education) on a space-available basis and with approvals of the course director or department chairperson.

Faculty Tuition Assistance Policy Links

University HR: Link to Tuition Assistance Request Form found within policy

http://academicdepartments.musc.edu/vpfa/finance/controller/accounting/tuition%20assistance.pdf

Hospital HR
6.05 Travel

MUSC, as an agency of the State of South Carolina, is subject to the travel guidelines set by the State Budget and Control Board: http://www.state.sc.us/cg/info/disbregs/travel.htm

6.06 International Travel Policy

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http://globalhealth.musc.edu/blog/musc-international-travel-policy
7. FACULTY DUTIES AND RESPONSIBILITIES

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

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

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

7.01 MUSC Code of Conduct

http://academicdepartments.musc.edu/musc/about/compliance/code_conduct.htm
7.02 Academic Freedom

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

7.03 Outside Activities

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Faculty members should not participate in outside activities that create a conflict of commitment with their contractual obligations to the Medical University. A faculty member may engage in outside activities, whether for compensation or not, on a limited basis, provided that such activities are in keeping with his/her professional practice agreement, competency, and development, and do not interfere with the performance of his/her assigned duties. Activities such as preparation and presentation of research results, presentation to professional groups, peer review activities, and service as members of professional or community societies are normally not considered outside activities, i.e., they are within the scope of work. Employment of faculty by other state agencies or institutions must be accomplished through the procedures established by the state; remuneration is limited by law.

Outside activities must be disclosed to the Institution annually as described in the MUSC/MUHA Conflict of Interest Policy. Additionally, outside activities must comply with the provisions of the MUSC/MUHA Conflict of Interest Policy and the MUSC/MUHA Industry Relations Policy. These policies appear in following sections via links to the MUSC Conflict of Interest Office. Questions regarding application of these policies can be directed to that office.
Faculty members of the Medical University may undertake civic duties and participate in community political activities and, as a general rule, hold municipal or local political offices without interference from the Medical University. However, great care should be exercised in active political campaigning in state and federal elections. Campaigning for a major state or federal government office requires a leave of absence authorized by the President of the Medical University. Any faculty member elected to major state or federal government office either must obtain a leave of absence authorized by the President or resign from the faculty.

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

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

Infraction of the letter or spirit of this policy constitutes a serious offense, which shall be responded to with appropriate action ranging from private reprimands to termination at the discretion of the Executive Vice President for Academic Affairs and Provost.
The following policy, governs employee financial conflicts of interest within MUSC, MUHA, and our affiliates. Various parts of the institution may have their own sub-policies, consistent with this general policy, but specific to their specific areas of activity. Clinical, research, and research start-up policies and charters appear on the Conflict of Interest website:

http://academicdepartments.musc.edu/coi/coipolicies/coipolicies.htm

7.05.01 Medical University of South Carolina and Medical University Hospital

Authority: Conflict of Interest Policy

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This policy:
- Articulates MUSC’s annual disclosure requirements and the institution’s responsibility to review, identify and manage potential employee conflicts of interest;
- References the SC State Ethics Law which makes it unlawful for public officials, public members, and public employees to use their position to obtain an economic interest or to have a financial interest in most any contract or purchase connected with MUSC/MUHA; and
- Fulfills MUSC’s obligation as an institution that conducts research funded by the Public Health Service to have a written, enforced policy that complies with 42 CFR Part 50 Subpart F - "Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought" and 45 CFR Part 94 “Responsible Prospective Contractors” as well as all other relevant policies of federal funding and oversight agencies.

Persons covered by this policy:

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

1) Enhancing the public good through improved health initiatives and superior economic development is the foundation of many government policies. MUSC, as a contemporary, public research university, has a responsibility to actively participate and promote these initiatives even if conflicts of interest are more likely and many times unavoidable. Conflicts of interest, therefore, may arise from ordinary and appropriate activities as a part of assigned employment duties so the existence of a conflict should not imply wrongdoing. When conflicts of interest do arise, however, they must be recognized and disclosed, then eliminated or appropriately managed. The Board of Trustees for MUSC and MUHA has a duty to govern those State entities in a manner such that conflicts are appropriately reviewed and acted on to maintain public confidence in the integrity of our institutions.

2) This policy provides a framework for recognizing and managing employee conflicts of interest, and should minimize even the appearance of conflicts of interest. The primary goal of this policy is to prevent an employee's activities from adversely influencing MUSC or MUHA operations.

3) Particular departments and activities of MUSC or MUHA may have specific conflict of interest policies. It is intended, however, that this policy will apply to the entire MUSC enterprise, providing a framework for those specific additional policies to operate under, such that those specific policies will not supersede this policy unless approved by the Board of Trustees.

4) This policy references South Carolina Code (S.C. Code § 8-13-10 et seq.) (the “Ethics Law”), which makes it unlawful for public officials, public members, and public employees to use their position to obtain an economic interest or to have a financial interest in most any contract or purchase connected with MUSC/MUHA, unless certain exceptions apply. This policy is implemented in addition to all requirements of the Ethics Law and does not supersede it. The South Carolina Ethics Law is at www.scstatehouse.gov/code/t08c013.php

5) As MUSC conducts research funded by the Public Health Service and other federal agencies, it is required by federal law to maintain an appropriate written, enforced policy on conflict of interest that complies with 42 CFR Part 50 Subpart F – “Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought” (http://grants.nih.gov/grants/compliance/42_CFR_50_Subpart_F.htm) as well as all other relevant policies of federal funding and oversight agencies.

A. Statement of general policy

1) MUSC/MUHA policy is that its employees conduct the affairs of MUSC/MUHA in accordance with the highest legal, ethical and moral standards.

2) MUSC/MUHA policy is that employees of MUSC/MUHA shall disclose perceived and real conflicts of interest.

3) MUSC/MUHA policy is that employees shall not use their position to secure personal financial benefits or economic interest for themselves, any member of their immediate family, any individuals or entity with whom the employee has a business relationship that
renders an employee economic benefit. A perceived and/or real conflict of interest arises whenever the employee has the opportunity to influence university or Authority operations or business decisions in ways that could result in a personal financial benefit or economic gain to the employee, a member of an employee's immediate family, or individuals or entities with whom the employee has a business relationship which renders the employee economic benefit. Although certain specific examples of conflicts of interest are provided in this policy, they are meant only as illustrations, and supervisors and employees are expected to use good judgment to identify possible conflicts of interest that may adversely influence MUSC/MUHA operations, and to avoid or manage them as appropriate.

4) This policy is not intended to prohibit approved and appropriately managed economic development activities related to MUSC/MUHA generated intellectual property, including MUSC/MUHA employee involvement with startup companies, Small Business Administration (SBIR/STTR) funded research and Centers of Economic Excellence Activities. However, any such activities by MUSC/MUHA employees that make use of university or Authority property, facilities, equipment or other resources for personal benefit shall be approved as required herein, of benefit to MUSC/MUHA, and for fair value.

5) Nothing in this policy shall be construed to permit, even with disclosure, any activity that is prohibited by law.

B. Definitions

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

2) Immediate family includes the employee's parents, spouse, siblings, children, stepchildren, and grandchildren.

3) Manage and managing means an affirmative action by the university or the Authority to establish parameters or conditions that minimize or eliminate the risk of the perceived or real conflict of interest.

4) Personal financial benefit or economic benefit is defined as anything of monetary value, including salary, commissions, fees, honoraria, gifts of more than nominal value, equity interests, interests in real or personal property, dividends, royalty, rent, capital gains, intellectual property rights, loans, and forgiveness of debt. "Personal financial benefit" does not include:

a) compensation or payments received from MUSC/MUHA or any of its affiliates or the Ralph H. Johnson Department of Veterans Affairs Medical Center;

b) payments for participation in seminars, lectures or other educational activities as long as not acting in the employee’s official capacity, or reasonable expenses for the same activities even if acting in official capacity;

c) payments for participation in seminars, lectures or other educational activities, and reasonable expenses for the same activities as long as acting within the context of an individual’s Faculty Appointment Contract;
C. Policy provisions

1. An employee shall disclose any situation in which the employee has, or may have, a real or potential conflict of interest as defined herein. These conflicts of interest must be reported annually to the appropriate Conflict of Interest Office. Modifications to existing disclosures or a new activity will require submittal of an additional disclosure in a timely manner. An authorized group of employees shall review the disclosure and recommend to the appropriate Vice President a suitable action plan to eliminate or manage the conflict of interest so as to ensure that MUSC or MUHA business is not improperly influenced or adversely affected. In the event that there is no reasonable way to manage a conflict of interest, then the employee may be prohibited from participating in related MUSC/MUHA affairs until such a time as the conflict is eliminated. In other words, employees and Officers of MUSC/MUHA have a duty to immediately disclose, manage or eliminate any real or potential conflicts of interest that are not in the best interests of the University or Authority.

   a. An employee shall disclose conflicts of interest in writing on an approved paper or digital Conflicts of Interest Disclosure Form, including a statement describing the nature and extent of the conflict, to their supervisor and to the appropriate Compliance Office. This disclosure must be completed annually, on a form designated for such purposes. A new disclosure form must be completed whenever a new conflict of interest arises or when a significant change occurs concerning an existing disclosure. See the following Web site for this disclosure form: Annual Conflict of Interest Disclosure <https://www.carc.musc.edu/coi>.

   b. If a supervisor becomes aware of a conflict of interest that an employee has not disclosed, the supervisor shall discuss the situation with the employee, require that a written disclosure be made as provided in this policy, and inform the Office of Compliance to anticipate the receipt of a new Disclosure Form.

   c. All conflicts of interest shall be reported to the MUSC or MUHA Office of Compliance. The Board of Trustees or its designee will retain authority to take such action as it deems appropriate regardless of any action or inaction by an Officer of MUSC and/or MUHA.

2. The following are examples of conflicts of interest requiring disclosure. These examples are illustrations only and are not meant to be exclusive.

   a. Employee or immediate family member has a financial interest in a business entity with which the University or Authority does or proposes to do business, and
the employee is in a decision-making role or otherwise is in a position to
influence the University's or Authority’s business decisions regarding the business
entity. Business entity examples for which an employee disclosure is required:

i. finance or accounting services
ii. equipment services
iii. marketing services
iv. construction services
v. consulting
vi. counseling
vii. catering
viii. computer supplies
ix. programming
x. architectural services
xi. legal services
xii. grant preparation
xiii. temporary personnel services
xiv. office or laboratory supplies
xv. painting services
xvi. lawn and grounds services

b. Employee holds or assumes an executive, officer or director position in a for-
profit or not-for-profit business or entity engaged in commercial, educational, or
research activities similar to those in which the University or Authority engages.

c. Employee participates in consultation activities for a for-profit or not-for-profit
business or entity engaged in commercial, educational or research activities
similar to those of the University or Authority.

d. Employee holds or assumes an executive, officer or director position in a for-
profit or not-for-profit business or entity that does business with the University or
Authority.

3. The activities listed below are prohibited unless sanctioned by an Officer of the
University or Authority. Sanctioned activities are those activities documented within an
individual’s Faculty Appointment Contract, contained within an employee’s job
description or expectations, appropriately authorized agreements, Memoranda of
Understanding, or otherwise approved by the employee’s Vice President.

a. Significant use of University or Authority property, facilities, equipment or other
resources in any manner other than as part of the employee's responsibilities, that
results in personal financial benefit or economic interest to an employee, a
member of an employee's immediate family or business with which the employee
has a business relationship.

b. Using significant University or Authority property, facilities, equipment or other
resources in any manner to support an entity not associated with the University or
Authority unless special permission is provided in writing by an authorized
Officer of MUSC or MUHA.

c. Using University or Authority stationery, letterhead, logo, or trademark in
connection with outside activities, other than activities having a legitimate
relationship to the performance of University or Authority business.
d. Using University or Authority facilities, resources, or the employee's position at the University for the purpose of advocating, endorsing, or marketing the sale of any goods or services, other than as part of the employee's responsibilities, without the prior approval in writing by an authorized Officer of MUSC or MUHA.

e. Using the University or Authority name, trademark or trade name for personal business or economic gain to the employee, a member of the employee's immediate family or a business with which the employee has a business relationship.

f. Using any University or Authority intellectual property data or information that is not in the public domain for personal financial benefit or economic gain to the employee or a member of the employee's immediate family, or a business which the employee has a business relationship.

g. Using any University or Authority employee for any outside activity during normal work time for which he or she is receiving compensation from the University or Authority (not applicable when employees are on a paid or unpaid leave).

h. Participating in the selection or awarding of a contract between the University or Authority and any entity with which an employee is dually employed, is seeking employment or has been offered employment.

i. Other activities may be prohibited if there is no reasonable way to manage an associated conflict of interest.

D. Employee responsibilities

1) Employees shall not engage in the prohibited activities listed above unless sanctioned in advance or in any other activity that has been prohibited following a completed review of an employee's conflict of interest disclosure.

2) Employees shall disclose a real or perceived conflict of interest as described above:
   a) As soon as the employee knows of the conflict, and then annually thereafter for as long as the conflict continues to exist;
   b) In writing on the approved Conflict of Interest Disclosure Form;
   c) To the appropriate MUSC or MUHA Office of Compliance;

3) Employees shall avoid any involvement with all related University or Authority activities and decisions until such time as the conflict of interest has been evaluated and the disclosed activity been approved.

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

E. MUSC/MUHA responsibilities

1. Supervisors shall ensure that all new employees are informed of this policy.

2. Supervisors and administrators of MUSC and MUHA shall ensure that all current employees are reminded of this policy on a periodic basis.
3. The University and Authority shall develop a peer process to evaluate conflict of interest disclosures, and to review the conduct of approved Management Plans.

4. In the event that a reported conflict of interest is approved, the corresponding Office of Compliance shall ensure there is an appropriate Management Plan in place to monitor and manage the situation so that resources are used in an appropriate manner and that there is no improper influence on University or Authority decisions.

5. The Offices of Compliance shall ensure that Conflicts of Interest Disclosure forms are retained for future reference. Upon an employee's transfer from the unit or termination from the University or Authority, associated Conflict of Interest Forms shall be retained by the Offices of Compliance for a minimum of three years.

6. Supervisors shall establish and maintain a work environment that encourages employees to ask questions about real or potential conflicts of interest.

7. If supervisors have any question whatsoever about an external activity representing a conflict of interest, they should consult with an Office of Compliance or an Office of Legal Counsel.

F. Sanctions for violation

1) Violations of University or Authority policies, including the failure to avoid a prohibited activity or disclose a conflict of interest in a timely manner, will be dealt with in accordance with applicable policies and procedures that may include disciplinary actions up to and including termination of employment.

2) The Board of Trustees, as the ultimate governing body, or its designee retains authority to make a final determination of any matter covered by this Policy.

G. South Carolina state law

1. The South Carolina Ethics Government Accountability and Campaign Reform Act (herein the “Ethics Law”) S.C. Code § 8-13-100, among other things, makes it unlawful for a public official, public member or public employee to knowingly use his official office, membership or employment to obtain economic interest for himself, a member of his immediate family, an individual with whom he is associated* or a business with whom he is associated**. This policy is implemented in addition to any requirements of the Ethics Law. Certain persons associated with the Authority or University are required to make filings with the South Carolina Ethics Commission and completion of the form attached to this policy will not satisfy that requirement.

* Defined in the Act as: "Individual with whom he is associated" means an individual with whom the person or a member of his immediate family mutually has an interest in any business of which the person or a member of his immediate family is a director, officer, owner, employee, compensated agent, or holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class.

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

Office responsible for this policy:

http://academicdepartments.musc.edu/coi/

7.05.02 Research Conflict of Interest Definitions and Guidelines

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For additional information related to research conflict of interest, please refer to the Conflict of Interest website:

http://academicdepartments.musc.edu/coi/frequently%20asked/frequentlyaskedquestions

The Charter of the MUSC Administrative and Clinical Conflict of Interest Committee can be found at:

http://academicdepartments.musc.edu/coi/coicommittee/University%20Conflict%20of%20Interest%20Committee%20Charter%20FINAL.pdf

7.06 University Compliance

The faculty is subject to the University Compliance Plan, the most current version of which is included at:

http://academicdepartments.musc.edu/uco/uc_plan.htm

University and Authority Compliance Offices:

http://academicdepartments.musc.edu/musc/about/compliance/

Research Data Ownership & Record Retention Policy (including guidelines for sequestration of documents) (RDO&RR)

http://academicdepartments.musc.edu/research/ori/irb/HRPP/IRB%20HRPP%20Guide%20Section%2010.2
This policy establishes guidelines for University-Industry relationships to ensure that individuals who work for MUSC interact with Industry knowing the rules of the University and State that govern such interactions.

I. Policy Statement

MUSC recognizes the value of its relationships with the healthcare industry (“Industry”). The University also believes that such relationships must be entered into on the basis of a partnership that advances the benefits of biomedical research, education and clinical care in pursuit of improving human health. Importantly, these activities must avoid either the existence or impression of professional impropriety by University or MUSC individuals who are entrusted with the integrity of the institution’s educational, clinical or research programs.

II. Scope

This policy applies to all Trustees, Officers, Faculty, Administrators, Staff, Students and Trainees including all full-time, part-time, temporary and contract employees of the Medical University of South Carolina. The Medical University Hospital Authority and affiliates of the University (including but not limited to University Medical Associates of the Medical University of South Carolina, the MUSC Foundation and the Foundation for Research Development), which derive their not for profit status from MUSC, shall as a condition of conducting business with MUSC, develop and implement policies and procedures substantially similar to and consistent with this policy.

III. Approval Authority

Board of Trustees

IV. Purpose of this policy

The purpose of this policy is to establish straightforward, effective and principled guidelines for University-Industry relationships to ensure that individuals who work for MUSC interact with Industry knowing the rules of the University and State that govern such interactions. This is critical to protect the interests of the individual, the University and our patients as we
undertake these activities to achieve our ultimate goals of promoting scientific research, evidence based clinical care, and educating trainees. The University recognizes the importance of mutually beneficial relationships with Industry as long as those relationships do not compromise the integrity of our missions. Rather, one of the overarching aims of the policy is for full disclosure of consulting and educational activities by MUSC personnel to help ensure that these activities meet the guidelines set forth in this policy.

V. Who should be knowledgeable about this policy

All MUSC enterprise employees, students, and trainees

VI. The Policy

1. Consulting and Educational Programming:

a). Consulting

Purpose: Consulting interactions can facilitate the advancement of innovative ideas and discoveries, both of which ultimately benefit the general public through the transfer of scientific discovery. This section of the policy clarifies the terms of interactions with Industry where the primary goal is scientific exchange.

Policy Statement: Consulting refers to all activities where the external entity furnishes a Personal Financial Benefit or an Economic Benefit and/or other Personal Benefit as reimbursement/compensation for the exchange of clinical, educational, professional and/or scientific information or activities by Covered Persons (see also above). The provision of bona fide Consulting Services by Covered Persons to external entities is consistent with MUSC's mission when those activities:

(a) involve a two-way exchange of ideas in which each party benefits from the interchange;
(b) are relevant to and enrich the consultant’s research, education or other professional responsibilities;
(c) do not interfere with the consultant’s responsibilities to patients or the institution;
(d) do not adversely affect the consultant’s intellectual independence or the integrity of the institution;
(e) are confined to the exchange of clinical, educational, professional and/or scientific information.

i. Approved consulting activities include but are not limited to the following:

• Serving on advisory boards, expert panels, leadership groups, data safety monitoring boards, and/or similar groups.

• Providing expert witness testimony. (See MUSC Faculty Handbook.)
• Providing scientific or medical presentations or expertise to industry scientists, research and development staff, and/or their staff.

• Providing product review, product evaluation, and product feedback for Industry.

• Demonstrating an Industry product (i.e., teaching when and how to appropriately use a product) for medical or research professionals in the context of medical or scientific education.

• Providing consultation to venture capital firms, and serving as a scientific or medical advisor to Industry for purposes of MUSC intellectual property development.

ii. Prohibited consulting activities include but are not limited to the following:

• Consulting activities requiring or appearing to require MUSC staff to endorse or appear to endorse a particular product, drug, device, or service (either orally or in writing). This includes demonstrating an Industry product for promotional or sales purposes; and appearing (or being quoted) in a video, television, radio, internet broadcast, web site, or in other publicly-broadcasted or distributed materials for promotional or sales purposes without proper authority or approval.

• Participating in ghostwriting, which is defined as Industry sponsorship for (i) making a major contribution towards the writing and/or research of scientific and medical publications without receiving authorship; or (ii) accepting authorship for a scientific or medical publication without making a major contribution towards the writing and/or the research.

• Serving as an Industry sponsored “named reference” for a product recommendation.

• Providing MUSC slides, videos, pamphlets or any other MUSC logo or copyrighted materials to Industry for marketing or promotional use. Such use must be approved in accordance with MUSC/MUHA policy or procedure.

• Providing services that conflict or appear to conflict with SEC rules and regulations for stock brokers, investment houses, equity management companies, banks, and/or financial institutions.

• Providing services to an Industry that is in a known legal dispute with MUSC.

• Speaking to investors on behalf of a company, except when the company is an MUSC sanctioned and supported faculty start-up company.

The lists of approved and prohibited consulting activities are the same whether consulting is done on personal or professional time. All Covered Persons who participate in consulting activities are subject to the approval procedures outlined in section VI.1.g of this policy.
b). Educational Programming

**Purpose:** MUSC recognizes the value to the institution and Covered Persons in having such opinion leaders present educational material before professional and lay groups. As noted in the MUSC Faculty Handbook, activities such as presentations to professional groups such as other universities, health systems, and professional societies are considered to be within the scope of Covered Persons’ work. Education provided by Covered Persons shall be in the best interest of the public, independent from commercial interest, and refrain from product promotion. Additionally, MUSC recognizes the benefits that Covered Persons obtain by attending educational programs.

**Policy Statement:** This policy applies to all medical, healthcare and scientific speaking engagements or educational presentations, with or without professional continuing education credit, where Industry furnishes a Personal Financial Benefit or an Economic Benefit and/or other Personal Benefit as reimbursement/compensation for the provision of those presentations by Covered Persons. The policy also applies to Covered Persons who attend such educational meetings. Educational programming should be independent from commercial interest and promote evidence-based clinical care and/or advance scientific research. MUSC recognizes that bona fide educational activities typically adhere to ACCME, ADA CERP, ACPE, ANCC or other national accreditation standards and qualify for continuing education credit. Other acceptable activities that do not provide CE credits but would serve recognized educational purposes include presentations to industry (e.g., providing scientific or medical expertise) and training for medical or research professionals (e.g., teaching practitioners when and how to appropriately use a medical device). Otherwise, non-accredited, industry sponsored speaking to healthcare providers is not consistent with the standards of allowable educational programming due to the risk of industry influence.

i. Approved educational speaker activities include but are not limited to the following:

- Providing continuing education (CE) services, scientific or medical presentations or expertise at academic meetings and professional societies, at other universities or research institutions, and at lay organization meetings as long as the following conditions are met:
  - These activities are designed to promote evidence-based clinical care and/or advance scientific research;
  - The presentation is made in accordance with professional accreditation standards such as the ACCME’s Standards for Commercial Support, the ADA CERP Continuing Education Recognition Program, or other national accreditation standards including those set by the ACPE and the ANCC, i.e., the educational content, including handouts and visual-aids, must be determined entirely by the speaker; and
  - The financial support of industry, if provided, is clearly disclosed. Payments to Covered Persons for speaking and for travel costs for these approved educational activities are permitted for approved speaker activities (see section VI.1.c for rules about payments).
ii. Prohibited educational speaker activities include but are not limited to the following:

- Speaking at any educational meeting where the content of the presentation, including handouts and visual-aids, is not determined entirely by the Covered Person.

- Educational speaking should be independent from commercial interest, and refrain from product promotion. As such, speaking activities frequently referred to as speakers’ bureaus are prohibited. Speakers’ bureaus are typically characterized by, but are not limited to, the following attributes:

  1. Promotional educational activity concerning a biomedical or pharmaceutical product;
  2. The company has the contractual right to dictate or control the content of the presentation or talk;
  3. The company creates the slides or presentation material and/or restricts or otherwise limits the Covered Person’s intellectual independence over the educational content of his or her presentation; and/or
  4. Covered Persons are expected to act as a company’s agent or spokesperson for the purpose of disseminating company or product information (e.g., the presentation is focused on a healthcare product made by the sponsor and does not include a balanced representation of alternative products or services).

If you have questions about whether a speaking activity is a speakers’ bureau, you should consult with the COI Office for guidance.

- Providing industry sponsored continuing education (CE) services or scientific or medical training to an audience consisting only of MUSC attendees.

iii. Attendance at educational meetings sponsored by Industry

Covered Persons may attend any educational meeting sponsored by industry but may not undertake the following:

- Receive gifts, other compensation, or travel costs for attendance;

- Participate in industry sponsored food, beverages or entertainment events if the audience is restricted to MUSC personnel only (i.e., MUSC personnel can only accept industry sponsored meals, beverages and entertainment events if the audience is not restricted to MUSC personnel and is open to members of the professional community at large).

The lists of approved and prohibited educational activities are the same whether these activities are done on personal or professional time. All Covered Persons who participate
as speakers in Educational Programs are subject to the approval procedures outlined in section 4g of this policy.

c). Payments for Consulting and Educational Programming

Payments for consulting and educational services should be at a level commensurate with effort. If done on professional time, the distribution of payment to either the individual or the institution will be at the discretion of each college or department. For all outside activities, Covered Persons should coordinate with the Conflict of Interest Office to determine reporting requirements for any industry relationship.

Senior institutional officials (defined here as the President, Vice Presidents, Deans and Associate Deans) who conduct outside activities that fall within the institution’s missions and/or relate to their service as institutional leaders must conduct those activities under a written agreement with the institution. Remuneration for the outside activity must be paid to the institution and cover the senior official’s time and effort for the work; compensation should not be in addition to the senior official’s institutional salary.

d). Leave Status Requirements for Consulting and Educational Programming Activities

Consulting and Educational Programming activities may occur on either Personal Leave (time) or Professional Leave. Please refer to section XI of this policy for specific definitions.

Consulting or Educational Programming Conducted on Personal Leave

• MUSC resources (e.g., secretarial assistance, office space, etc.) are not allowed to be used while providing consulting services or educational programming activities performed on personal time.

• Covered Persons considering to undertake consulting or educational programming activities with a company with whom they are performing concurrent research should consult with the Conflict of Interest Office.

• Covered Persons who consult or conduct educational programming while on Personal Leave may retain 100 percent of the fee; this fee must be paid directly to the Covered Person from the external entity. The Covered Person is responsible for securing payment for these consulting or educational activities, tax liability, and any financial concerns associated with such payments.

• MUSC does not provide liability insurance coverage for Covered Persons performing consulting OR educational programming activities on personal leave.

• Covered Persons may provide consulting or educational services on Personal Leave in conjunction with MUSC approved travel. Additional travel expenses incurred by the
consulting or educational activities (e.g., additional hotel night/s, per diem, transportation, miscellaneous) will be the responsibility of the Covered Person.

• Covered Persons should be aware that payments received from medical device, pharmaceutical manufacturers and biomedical suppliers are subject to the Physician Payment Sunshine Act and will be made publicly accessible via a Centers for Medicare and Medicaid Services website.

Consulting or Educational Programming Conducted on Professional Leave

• MUSC resources may be utilized to conduct consulting or educational programming on professional leave.

• Covered Persons considering to undertake consulting or educational programming activities with a company with whom they are performing concurrent research should consult with the Conflict of Interest Office.

• If the consulting or educational programming is completed on MUSC time while on professional leave, payment must be made to MUSC and allocated to an account within the college, department or division. Each college, department or division will be responsible for the disbursement of funds.

• Consulting or educational programming conducted on professional leave requires a contract or agreement; please see section VI.1.f of this policy.

• MUSC provides liability insurance coverage for Covered Persons performing consulting activities or educational programming on professional leave.

e) Consulting or Educational Programming Conducted with Concurrent Research

For consulting or educational activities that occur with concurrent research with the same company, Covered Persons should consult with the Conflict of Interest Office.

f) Consulting or Educational Programming Contracts

Professional Leave Status:

All formal consulting and educational programming relationships approved for Covered Persons that are conducted while on Professional Leave must be formalized in a fully executed contract. All such agreements must be channeled through the appropriate contract approval process.

• All agreements must clearly describe the services and deliverables to be furnished by the consultant or speaker, including the time required for such services or method of calculating compensation, a description of the compensation due under the agreement, a declaration regarding disposition of intellectual property rights if applicable, and a
provision to protect the use of the MUSC name if appropriate. The agreement should be consistent with MUSC policies and eliminate unauthorized transfer of MUSC intellectual property.

• An agreement must be signed and dated by all parties prior to the commencement of any of the consulting or educational programming activities. All agreements must be consistent with MUSC’s policies, mission and duties to its stakeholders.

• The consultant or speaker is expected to maintain records of the consulting or educational programming activities for 6 years after the termination of the contract.

Personal Leave Status:

Covered Persons who consult or provide educational programming on Personal Leave are acting as independent contractors. Covered Persons may not bind or obligate MUSC in any way. Contracts entered into by Covered Persons acting as independent contractors should not contain any references to MUSC or its Affiliates; this includes an individual title (i.e., Professor, Director etc.) or work addresses.

g) Approval Process for Consulting and Educational Programming

All consulting and educational programming whether occurring on Personal Leave or Professional Leave must not impact negatively on MUSC or MUSC’s research, educational or clinical missions. For all outside activities, Covered Persons should coordinate with the Conflict Of Interest Office to determine reporting requirements for any industry relationship. Requests for consulting and educational programming occurring on Professional Leave must be approved by the department chair or appropriate supervisor during the university’s contract approval process. It is recommended that Covered Persons notify their department chair or supervisor of any consulting or educational programming occurring on Personal Leave, as individual departments and/or colleges may have additional requirements.

2. Gifts

Covered Persons and their immediate family members may not accept gifts of value exceeding $10 from vendors or other representatives of industry. Examples of gifts include, but are not necessarily limited to, travel and lodging expenses; membership dues; admission fees; preferential terms on a loan, goods or services; or the use of real property; for this section, “gifts” does not include food and beverages which is a subject handled in Section 6 below.

Acceptance of travel funds to participate in meetings or training directly related to ongoing sponsored research is not considered a gift and is allowable.

Covered Persons may accept travel funds from scientific or professional societies that are funded by industry, as long as the society controls the selection of the recipient. Covered
Persons may not accept travel funds directly from industry but travel support from industry funds provided to MUSC is allowed.

3. Food, Beverages and General Hospitality

Except as noted below, Covered Persons should not accept food and beverages, support for social events, or other hospitality offered directly by Industry to the Covered Person. Industry support for food and beverages for college, department or division meetings or retreats is prohibited.

Covered Persons attending an educational meeting or conference may participate in food, beverages and social receptions sponsored by Industry as long as invitation to these events is open to non-MUSC attendees as well, i.e., the event is open to all meeting attendees.

A Covered Person engaged in off-site consulting may accept food and beverages as a part of a reasonable compensation package for consulting services.

Covered Persons cannot participate in industry sponsored food, beverages and/or entertainment events that are provided only for a select invited individual or group of individuals if the primary purpose of the event is for marketing and promotional purposes. However, this restriction does not preclude allowable activities, such as site visits and meetings with potential vendors, which may occur when obtaining contracted goods and services; these activities are governed by state and MUSC and/or MUHA procurement guidelines. Covered Persons should recognize that attendance at an industry supported event may cause their name and institutional affiliation to be reported as required by federal regulation. This can be avoided by paying for one’s own meal at such events, and removing one’s name from the attendance list.

4. Industry Supported Continuing Education Programs

• Continuing Education (CE) programs supported by Industry are permitted provided the following criteria are met:
  
  o Industry sponsored programs offering continuing education (CE) credit must be processed through the Office of Continuing Medical Education if appropriate and adhere to the standards for commercial support established by the ACCME, the ADA CERP, the ACPE, the ANCC, or other such accrediting or licensing body if available.
  
  o Industry provided food and beverages are prohibited at educational programs in which the only attendees are from MUSC, both on campus and off campus.
  
  o Students or trainees may participate in the continuing education programs as long as the programs are structured group settings that are supervised by faculty.
  
  o Appropriate disclosure statements are made in any pre-meeting announcement and by the speaker prior to beginning the program.
  
  o Companies seeking to provide support for CE programs may do so through unrestricted educational grants.
5. Educational Materials and Equipment

Donations of educational materials and equipment may be accepted. Such donations are expected to be used by faculty, staff, students and trainees and are not expected to be used by a single Covered Person. Donations are expected to be donated directly to an appropriate college or departmental official within the University or a University affiliate, and documentation of the donation, including the value of the equipment donated and the date of the donation, should be retained. Donations of capital equipment require approval of the Executive Vice President for Academic Affairs and Provost, except in cases of sponsored research, in which equipment donations are managed by the Office of Research and Sponsored Programs.

6. Scholarships and other Educational Funding for Students and Residents

Industry support for student scholarships, residents and fellows should be made in cooperation with the appropriate MUSC entity or University official. This may include the MUSC Foundation or the MUSC Foundation for Research Development, the Development Office, the Office of Research and Sponsored Programs or senior leadership according to the Institution’s policies and procedures. Covered Persons must obtain approval from the department chair, division director or college dean before soliciting Industry for these purposes. The appropriate MUSC entity or University Official must manage and oversee the receipt of such Industry support. The evaluation and selection of recipients of such funds and use of such funds must be at the sole discretion of the University, college, or department. All potential industry sponsors should be given the opportunity to contribute.

7. Fundraising and Business Development Activities

The Institution recognizes that the MUSC Foundation has a unique and integral mission to attract financial support that furthers the research, education and patient care initiatives of the MUSC enterprise. Similarly, the Institution recognizes that certain activities are necessary to further the strategic and business development initiatives of the institution. Activities necessary to the successful conduct of fundraising and strategic advancement on behalf of the Institution may continue. However, these activities are not permitted to influence educational, clinical or research operations of the Institution other than providing support to further those missions. Activities intended to further strategic and business development initiatives must be part of the Covered Person’s official duties or approved in advance by a member of the President’s Group.

No gift shall influence or appear to influence Institutional decision-making related to procurement, patient care, education and research integrity. Any concerns shall be reported immediately to the Conflict of Interest Office. Notwithstanding anything in this section, SC state employees remain subject to the SC Ethics Law and must act in compliance with state regulations.

8. Charitable Contributions
Charitable contributions from industry for the benefit of the University or any of its affiliates must be made through the appropriate University channels. This may include the Development Office, MUSC Foundation or University leadership. The distribution of charitable contributions for their intended purposes will be the responsibility of the department, division director, college deans, and administration. Industry funding for sponsored projects (funding provided which is subject to terms and conditions) is accepted and managed on behalf of MUSC by the Office of Research and Sponsored Programs (ORSP).

9. Pharmaceutical Samples

Drug samples that are provided for distribution to patients will be handled in accordance with MUHA Policy C-26, Medication Samples.

10. Site Access

The MUSC Medical Center recognizes the value of information provided by various industry representatives but intends to limit access to its personnel and facilities to prevent interference with patient care activities. All vendors are expected to adhere to policy A-15, Account/Vendor Representatives https://www.musc.edu/medcenter/policy/Med/A015.pdf or any applicable contract with the vendor.

11. Use of Confidential Information

Unauthorized use of confidential, privileged or proprietary information by Covered Persons or their family members is prohibited. This includes but is not limited to, disclosure of such information to commercial entities without authorization; unauthorized use of such information to engage in a relationship with a commercial entity that leads to a Personal Financial Benefit or Economic Benefit for the Covered Person or their family member.

12. Purchasing

Covered Persons with any financial interest in any particular manufacturer of pharmaceuticals, devices or equipment or any provider of goods or services, must disclose such interests and recuse themselves from purchasing decisions relevant to the conflicting interests. Any Covered Person whose expertise is necessary to evaluate any product must disclose his/her financial ties to any manufacturer of that or any related product to those charged with the responsibility of making the purchasing decision.

13. Disclosure and Notification

Covered Persons shall disclose all relationships with commercial entities as described in the MUSC/MUHA Board of Trustees Conflict of Interest Policy. This policy can be found at www.musc.edu/coi.
If there is a question about appropriate interaction with a commercial entity or the potential for a Conflict of Interest, the Covered Person should consult with individuals within their chain of command, the MUSC Conflict of Interest Office, MUSC, MUHA or UMA Office of Compliance, or the MUSC General Counsel’s Office for guidance.

VII. Special Situations

Exceptions

The University Conflict of Interest Committee will review/consider requests for exceptions to this policy. Request for exceptions must be submitted in writing to the Conflict of Interest Office. Resolution of such requests will be documented in the minutes of the University Conflict of Interest Committee and reported back to the requestor and their supervisor. If additional recourse is desired after review and action by the University Conflict of Interest Committee, a Covered Person may submit their request in writing to the MUSC Executive Vice President for Academic Affairs and Provost for appeal.

VII. Sanctions for Non-compliance

Violations of this Policy, including the failure to avoid a prohibited activity or disclose relationships with commercial entities will be dealt with in accordance with applicable policies and procedures that may include disciplinary action up to and including termination of employment or medical staff privileges. Sanctions may include suspension or dismissal, nonrenewal of appointment, denial of eligibility to engage in research funded through MUSC, denial of merit pay, or other appropriate penalties. Such sanctions may require giving notice of relevant information to funding agencies, professional bodies or journals, or the public. Termination of medical staff privileges or denial of medical staff privileges under this policy will not be based upon a physician’s individual competence, quality of care, or professional conduct. Therefore, the revocation or denial of appointment or reappointment will not be reportable to any agency or databank.

The Executive Vice President for Academic Affairs and Provost will determine the methods of resolving non-compliance with this policy and applying sanctions. The Executive Vice President for Academic Affairs and Provost may refer the matter to the appropriate College Dean or in the case of affiliates, to the senior administrative officer of that affiliate, take action on his or her own, or initiate MUSC procedures governing such discipline. The Board of Trustees, as the ultimate governing body, or its designee, retains authority to make a final determination of any matter covered by this policy.

IX. Related Information

A References, citations


For further information regarding conflicts of interest in medicine and academics related to Industry relationships, visit the Industry Relations webpage (www.musc.edu/coi/industryrelations/industryrelations) on the Conflict of Interest website.

X. Communication Plan

Review of this policy is covered in the annual mandatory training for all employees.

XI. Definitions:

For purposes of this policy:

**Industry** refers to any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, trust, enterprise, or other legal entity, including for profit and not for profit entities that are engaged in 1) the manufacture, distribution or sale of diagnostic or therapeutic drugs, medical/dental devices or equipment, supplies, or information technology, 2) medical testing, or 3) providing services for clinical care, research, or education. Industry also refers to entities that provide services to MUSC in the areas of physical plant, university and hospital administration, human resources, project management, clinical services and regulatory services. The term industry does not include professional associations and societies, not for profit foundations, law offices, not for profit volunteer health organizations, academic institutions or not for profit hospitals that provide medical research/education-related products and services.

**Conflict of Interest** is defined as the circumstance that arises when an individual has an opportunity to influence patient care, research and education of trainees regarding the purchase or use of products or services of an industry with which he/she has a secondary interest (financial relationship, or research support, or personal benefit).

**Consulting** (Consulting Services, Consultant, etc.) is defined as all activities where the external entity furnishes a Personal Financial Benefit or Economic Benefit and/or other Personal Benefit such as reimbursement/compensation for the exchange of clinical, educational, professional and/or scientific information or activities by Covered Persons.

**Educational Programming** is defined as medical, healthcare and scientific speaking engagements or educational presentations where Industry furnishes a Personal Financial Benefit or Economic Benefit and/or other Personal Benefit as reimbursement/compensation for the provision of those presentations by Covered Persons.

**Personal Financial Benefit or Economic Benefit** is defined as anything of monetary value - including salary, commissions, fees, honoraria, gifts, equity interests (which include any
Other Personal Benefit is defined as a non-financial benefit to a Covered Person; for example, promise of a job promotion, future grant, research publication, clinical trial or authorship, etc. The term “personal” includes the Covered Person’s immediate family, defined as parents, spouse, siblings, children, stepchildren and grandchildren.

Personal Leave is defined as that time away from work taken as annual leave, or any part of a 24-hour period when there are no MUSC assigned responsibilities (e.g., weekends or after hours when there are no MUSC assigned responsibilities).

Professional Leave includes time away from MUSC to conduct MUSC approved professional activities, while receiving compensation from MUSC. A request for this leave must be approved by the Covered Person’s supervisor.

XII. Review cycle

At least every five years

The link to this policy can be found at:

http://academicdepartments.musc.edu/coi/coipolicies/coipolicies.htm

7.08 Faculty Start-up Ventures Policy

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http://academicdepartments.musc.edu/cie/entrepreneurs/For%20Startups.htm

7.09 Expert Testimony

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

It is expected that time and resources spent as a witness or consultant in legal matters be considered patient care-related and that all remuneration as set by the Medical University of South Carolina should be reimbursed to the faculty member’s practice plan or appropriate college account.

### 7.10 Evaluation of Department Chairs, Deans, and/or Unit Directors

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A process sanctioned by the Faculty Senate for the annual review by the faculty for performance of chairs, deans, and/or other unit directors has been approved by the Executive Vice President for Academic Affairs and Provost. Each May, the Executive Vice President for Academic Affairs and Provost’s Office sends out questionnaires maintained at the following link to all faculty including part-time faculty

http://academicdepartments.musc.edu/oie/assessment/index.html

Completed forms are sent anonymously to the Office of the Executive Vice President for Academic Affairs and Provost or his/her designee where results are collated, tabulated, summarized, etc., and given to deans of the respective colleges. The Executive Vice President for Academic Affairs and Provost informs the President of the Faculty Senate in March that the process has been completed and deans have reviewed the data which is archived in the event future reexamination becomes necessary.

### 7.11 Copyright Protections

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The faculty is subject to the university copyright policies. See Executive Vice President for Academic Affairs and Provost Office website:
The Office of Research and Sponsored Programs assists investigators and/or leaders of other sponsored programs in filing timely and complete grant or other support proposals, coordinating regulatory reviews, filing progress reports as required, and identifying potential sources of funding. It maintains liaison with federal, state, and other major research support agencies, assures compliance with MUSC, state, federal, and other agencies' policies and procedures, reviews proposals and provides administrative approval.

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

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

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

Office of Research and Sponsored programs website:

http://academicdepartments.musc.edu/research/orsp/
The MUSC Responsible Conduct of Research policy is a key element of the overall University Compliance policies (see MUSC Webpage: 
http://academicdepartments.musc.edu/uco/rcor.htm)

and must be signed by all faculty, staff, and students of the university using research resources or facilities, or receiving research funds administered by the university, and those engaged in oversight of research facilities or funds. It was approved by the University Board of Trustees and is presented in its entirety below.

Section I. Introduction

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

Section II. Definitions

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

Section III. Responsibilities

**Fairness:** Members of the university community have the obligation to respect, and to be fair to other members, students and persons they supervise, and to foster their intellectual and professional growth. Members must not engage in, nor permit, harassment and illegal discrimination. Members must not abuse the authority they have been given, and care must be taken to ensure that any personal relationships do not result in situations that might interfere with objective judgment.
**Professional Conduct:** Workplace and educational experiences must impart ethical standards of professional conduct through instruction and example. Members of the university community are expected to conscientiously fulfill their obligations toward students, advisees, colleagues and perform their duties as part of the university community. Members must support intellectual freedom.

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

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

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

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

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

The university has the obligation to provide up-to-date records of financial transactions.

7.12.03 Misconduct in Scientific Research

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

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

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

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

MUSC Policies and Procedures for Responding to Allegations of Research Misconduct may be accessed at http://academicdepartments.musc.edu/research/ori/tic/pp_IV.html. Both the inquiry and the investigative phases, as well as administrative actions in the
event of a finding of misconduct are included. Information at this Office of Research Integrity website supersedes the *Faculty Handbook* in the event of a discrepancy.


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

1.0 Purpose

The purpose of this document is to delineate the policy and procedures pertaining to intellectual property created by employees, students, and visitors of the Medical University of South Carolina (“MUSC”) and its affiliates, including but not limited to MUSC Physicians, the Medical University Hospital Authority, the MUSC Foundation, and the MUSC Foundation for Research Development. (“MUSC Enterprise”).

2.0 Objective

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

3.0 Applicability

3.1 Employees (as defined below) and Students (as defined below): This Policy applies as a condition of appointment or employment by the MUSC Enterprise to every employee, and as a condition of enrollment by every student, who during the period of their appointment, employment, or enrollment by the MUSC Enterprise shall:

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

(b) Prepare a copyrightable work;

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

(d) Otherwise contribute to the creation of an item of intellectual property.
3.2 Visitors: This Policy applies as a condition of use of University Resources (as defined below) to all persons who are not covered under Section 3.1 above, who through their use of University Resources shall:

(a) Conceive or first reduce to practice, actually or constructively, any invention or trade secret;
(b) Prepare a copyrightable work;
(c) Contribute substantially to the existence of any tangible result of research; or
(d) Otherwise contribute to the creation of an item of intellectual property.

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

4.0 Definitions

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

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

4.1.2 “Patent and Other Intellectual Property (excluding Copyright)” shall mean (a) a patentable invention as defined under the laws of the United States of America including 35 U.S.C. 101 and (b) all other forms of Intellectual Property, excepting for Copyrights.

This definition (of 4.1.2) includes patentable processes which can be implemented in a computer (often called “business method patents”) and methods and algorithms capable of being implemented using a computer and protectable as a trade secret. In instances where patentable processes and/or trade secrets, and copyrightable works which fix in a tangible medium a specific instance of the patentable process and/or trade secret (i.e. a computer program) are licensed out together, the resulting total Net Proceeds shall be distributed as “Patent and Other Intellectual Property (excluding Copyright)” and not distributed as a “Copyright”.

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

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

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

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

4.6 “Employees” means full-time and part-time faculty (of all ranks and status as outlined in the MUSC faculty handbook) and all levels of full-time and part-time staff employed by the MUSC Enterprise.

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

5.0 Disclosure and Assignment Requirements

5.1 Intellectual Property is required to be disclosed, pursuant to this Policy, by the Creator to the MUSC Foundation for Research Development or another designee as determined by MUSC, using approved forms (http://frd.musc.edu/forms.html). All disclosures are confidential. Ownership of such disclosure shall be determined pursuant to the applicable provisions of this policy.
5.2 Disclosure should be made in a timely manner upon the Creator’s recognition that Intellectual Property may have been created. Disclosure should be made prior to public presentations or publications, or other dissemination of the Intellectual Property to third parties whether public or confidential.

5.3 Creators shall and hereby do assign to MUSC ownership of any Intellectual Property pursuant to this policy as a condition of employment, enrollment, or use of University Resources. Creators shall in good faith execute any and all assignment of ownership documents required to effectuate this policy. MUSC may require assignment of ownership documents be signed for any Intellectual Property covered under this policy regardless of whether the assignment of ownership document is required by law to transfer ownership to MUSC.

6.0 Ownership

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

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

6.3 Visitors: MUSC shall be entitled to claim ownership of Intellectual Property created by Visitors through the use of University Resources. The Visitor shall share in any proceeds derived there from in accordance with this policy and subject to any pre-existing commitments to outside sponsoring agencies.

6.4 Copyright:

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

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

6.4.3 MUSC shall own Traditional Academic Copyrightable Works as follows:
(a) Works created pursuant to the terms of an MUSC agreement with an external party;
(b) Works created as a specific requirement of employment or as an assigned university duty that may be specified, for example, in a written job description or any employment agreement;
(c) Works specifically commissioned by MUSC; and
(d) Works that are also patentable

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

6.5 Agreements Impacting University Ownership

6.5.1 Sponsored Research Agreements: Ownership and disposition of Intellectual Property may be governed in whole or in part by sponsored research agreements, which may supersede certain provisions of this Policy. Prior to the execution of any sponsored research agreement which would conflict with this Policy, the Vice President for Research or designee must approve the agreement in question.

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

7.0 Commercialization of Intellectual Property

7.1 Commercialization

7.1.1 In making commercialization decisions for its Intellectual Property, MUSC, or its designee, shall have full discretion, subject to the purpose, objectives, and requirements of this policy. MUSC shall designate an internal office, or a retained third party entity such as a not-for-profit foundation, whose sole purpose is to solely benefit MUSC, hereafter referred to as the Foundation for Research Development (“FRD”) for the administration and commercialization of Intellectual Property.

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

7.2 Timetable
7.2.1 Complete Submission: Upon submission of an Intellectual Property Disclosure, the FRD shall notify the Creator within thirty (30) days if the Intellectual Property Disclosure is deemed complete. If it is not deemed complete, the Intellectual Property Disclosure shall be returned to the Creator with a request for the additional information needed.

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

7.2.3 The FRD shall be reasonably diligent in making efforts to commercialize the Intellectual Property to which it has claimed ownership.

7.3 Disposition of Intellectual Property

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

7.3.2 The FRD may create a policy, with the approval of the Vice President for Research, to allow for the rapid and streamlined disposition of certain copyrightable works under “open source”, “creative commons” or “copy left” agreements.

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

7.4 Distribution of Net Proceeds: Net Proceeds shall be distributed quarterly unless the recovery of costs reasonably attributable to the protection and distribution of such Intellectual Property necessitates a delay of up to six (6) months in order to receive and process third party invoices for such protection (i.e. patent prosecution invoices). Net Proceeds shall be distributed pursuant to the following schedule:
DISTRIBUTION OF NET PROCEEDS: (net proceeds excludes 15% reduction from gross proceeds; see Section 4.5)

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<th>Royalty ($)</th>
<th>Inventor(s)</th>
<th>Department(s)</th>
<th>Lab(s)</th>
<th>Angel Fund</th>
<th>University</th>
<th>College(s)</th>
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7.4.1 If Net Proceeds are attributable to more than one item of Intellectual Property (e.g. more than one patent), the Net Proceeds shall be first apportioned equally amongst each item prior to application of the distribution schedule, unless otherwise agreed to by the pertinent Creators or if no agreement, as directed by the Vice President for Research or Vice President for Research, who shall be under no obligation to attempt to discern an apportionment other than equal.

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

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

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

7.4.5 In the event that a Creator, or in the case of a student-Creator, when their mentor, leaves the employment of MUSC or terminates research operations then 50% of any remaining balance of laboratory shares and future laboratory shares from net proceeds resulting from patents, licensing or copyrightable works shall be redistributed to the Angel Fund and the remaining 50% will be distributed proportionally among the Department, University and School/College according to the table in 7.4 with the stipulation that these funds be solely used to support further growth of intellectual property and technology transfer initiatives at MUSC.

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

7.4.7 In the event that equity is received from the commercialization of Intellectual
Property, equity shall not be considered Net Proceeds until the equity can be freely tradable or liquidated. MUSC and/or FRD shall not be responsible or liable for any valuation fluctuations of equity.

7.4.8 Creators are responsible for any tax consequences associated with their receipt of Net Proceeds.

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

7.4.10 Angel Fund: The proceeds designated for the Angel Fund shall be paid to the MUSC FRD with its own budget line and be used to further the development of emerging MUSC owned Intellectual Property as approved by the FRD Board of Directors and the Vice President for Research. The Intellectual Property Committee shall be periodically informed by the FRD regarding the use of these funds.

8.0 Faculty Cooperation

The Creator will use reasonable effort to cooperate and assist, at no expense to the Creator, in the commercialization efforts of the FRD. The Creator shall execute appropriate documentation for the protection of the Intellectual Property.

Potential conflicts of interest that a Creator has with respect to Intellectual Property and its disposition under this policy shall be disclosed by the Creator pursuant to appropriate MUSC policy.

9.0 Intellectual Property Committee

9.1 Membership: The Intellectual Property Committee (“IPC”) shall be a standing committee and consist of seven (7) to eleven (11) members appointed by the Vice President for Research. Members shall be chosen from the various colleges and departments of MUSC which generate disclosures of Intellectual Property. One member shall be designated by the Vice President for Research or Vice President for Research as the Chair. A student shall also be appointed to the committee by the Vice President for Research.

9.2 Duties: The IPC shall:
   (a) Provide advice to the Vice President for Research and the FRD regarding implementation of this policy, and undertake a periodic review of the policy making recommendations for any revisions, if needed;
   (b) Encourage compliance with this policy through education of potential Creators of Intellectual Property, and through periodic meetings with those persons and entities responsible for implementation of this policy.

9.3 Meetings: The IPC shall meet at least quarterly and at such other times as requested by the Vice President for Research, the FRD, the Chair, or by at least 1/3 of the committee members.
9.4 Dispute Resolution Procedures

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

9.4.2 If a mediated resolution amongst the parties is not obtained, the Committee can make a recommendation to the Vice President for Research for a resolution of the dispute.

9.4.3 Mediation of a dispute under this policy shall not be required and shall not be considered to be part of any required administrative remedies available to an employee of MUSC.
8. CONTRACT DISPUTE RESOLUTION and FACULTY GRIEVANCE AND APPEAL

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The right to grieve and appeal by any member of the faculty is recognized by the administration and the Board. Presentation of grievances is made through the following procedures established by and for the faculty and approved by the administration and the Board of Trustees.

8.01 Faculty Appointment Contract Dispute Resolution

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

The FAC signing period begins in early March and is to be completed by June 30. Any faculty member unwilling to sign his/her draft FAC may request a formal review and adjudication of the draft contract through their dean, who will make a formal request to the Office of the Executive Vice President for Academic Affairs and Provost. If the faculty member requests a review, the current FAC will be extended with appointment rights continued until July 31, by the Executive Vice President for Academic Affairs and Provost, or his/her designee. This should provide sufficient time for a review panel to gather facts and hear from those involved as needed to clarify issues in dispute. The review panel will be established by the Dean and be composed of faculty peers. The panel will have at least three senior faculty members, excluding department chairs or division directors, and may include faculty member(s) from another college. Panels are convened to review the issues and to render an opinion to the disputants, the Dean, and to the Executive Vice President for
Academic Affairs and Provost. Each review panel member will sign a confidentiality agreement in order to encourage the free sharing of opinions and facts. Panel members may recuse themselves for perceived conflict of interest. The Executive Vice President for Academic Affairs and Provost makes the final MUSC decision regarding the FAC being offered.

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

For FAC disputes, this policy recognizes: 1) the importance of timely resolution, and 2) faculty desire for peer review at the college level. The flow chart below outlines this policy. The general grievance policy in Section 8.02 covers FAC disputes and complaints that cannot be resolved as described above in 8.01.
Faculty Appointment Contract (FAC) Flow Chart

FAC signing period begins early March

Chair/Div. Director sends out FAC

Dean identifies faculty with disputed FAC and grounds for dispute

FAC negotiation complete and FAC signed by June 30

Dean appoints FAC review panel

No FAC review panel: faculty signs FAC

FAC review panel meets, provides report to disputants, Dean, and EVPAAP. Prior FAC extends to July 31

Dean mediates and sends comments to EVPAAP by July 31

Dispute resolves: Faculty signs FAC

EVPAAP provides final decision or offers extension

Dean resolves dispute: Faculty signs FAC
8.02 Faculty Grievance and Appeal Procedure

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The general grievance policy in this section covers complaints that cannot be resolved in an informal way at the department or college level and which are not covered by other procedures.

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

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

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

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

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

The granting or the failure to grant tenured status to teaching and research faculty, professional librarians, academic administrators and all other persons holding faculty appointments or nonrenewal of employment contracts at the end of the contract term shall not be subject for consideration by this grievance procedure (Section 8-17-380, S.C. Code of Laws 1976). Section 8.01 governs resolution of faculty contract and post-tenure review disputes.

8.02.01 Initial Stage and Grievance Procedure

A complaint concerning any condition that is felt to be detrimental to the complainant's professional development or personal well-being shall first be directed as described below:
1) Complaints against a member of the complainant's department shall be explained to the departmental chair. When the complaint is against the chair, it is lodged with the dean of the college.

2) Complaints against a member or chairman in the complainant's college, but not a member of the complainant's department, shall be lodged with the dean of the college.

3) Complaints against a member of another college shall be lodged with the dean(s) of the college(s) involved.

4) Complaints against any administrator shall be lodged with the next higher level of administration.

The person with whom the complaint is lodged shall attempt to mediate an amicable solution, or to suggest another person who might more effectively mediate an amicable solution.

8.02.02 Grievance Procedure

1) In the event that the complaint is not resolved within a reasonable period of time, the complainant may submit a written request for a hearing. The proper avenue for such a request is through established channels of authority to the Executive Vice President for Academic Affairs and Provost. Once initiated, a grievance or appeal must be afforded full due process regardless of changes in employment status.

2) The grievance or appeal shall be referred by the Executive Vice President for Academic Affairs and Provost to a Standing University Faculty Hearing Committee consisting of three (3) faculty members recommended by the Faculty Senate, three (3) faculty members recommended by the Provost’s Council, and one (1) faculty member selected by the Executive Vice President for Academic Affairs and Provost. The Committee may elect a chair, or may request that the Executive Vice President for Academic Affairs and Provost designate one of the seven individuals to be chair. Additional individuals who may be needed in case of a conflict of interest with a standing committee member will be selected from individuals representing each college and the Academic Affairs Faculty, who have received training in mediation. Faculty Senate and Provost’s Council may nominate individuals to receive mediation training and to serve in the Pool of potential Hearing Committee Members. This Pool (referred to as the Standing University Faculty Hearing Committee Pool) will be composed of one member from each college and the Academic Affairs Faculty nominated by the Faculty Senate, and one member from each college and the Academic Affairs Faculty nominated by the Provost’s Council. Standing University Faculty Hearing Committee Pool members shall serve terms of up to three years, staggered such that there will be some continuity of membership from year to year.

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

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

8.02.03 Action by the Hearing Committee

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

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

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

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

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

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

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

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

3) After hearing the parties to the grievance or appeal and the witnesses, the Committee shall deliberate in executive session. It shall then determine to: (a) recommend an appropriate action or (b) dismiss the grievance. The chair shall send, in writing, the Committee's recommendation(s) to the parties. It shall then declare the hearing concluded.

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

5) In preparing the written recommendations to the Executive Vice President for Academic Affairs and Provost, the Committee shall consider only the evidence presented at the hearing and such written and oral arguments as the Committee, in its discretion, may allow.

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

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

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

8.02.05 Action by the Board

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

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

Any action taken by the Board shall be final.

8.02.06 Definition of Rights and Challenges in a Grievance Procedure

1) Challenge of Committee Members:
   a) Upon the request of a party to a grievance, a member of the Committee may be removed from considering a case if deemed biased or in conflict of interest. If a member of the Committee refuses to remove herself/himself when challenged for such cause, the challenging party may appeal to the entire Committee who shall make a final determination of the challenge. A Committee member may disqualify herself/himself.
   b) If s/he so desires, each party shall have, in addition, a challenge without stated cause. A member so challenged shall not consider the case.

2) To Present Witnesses and Supporting Materials:
Each party involved in a grievance or appeal may:

a) submit any written materials in support of his/her position;
b) present witnesses at hearings.

3) To Have an Advisor During the Hearing:
   a) Each party to a grievance or appeal may be accompanied in the hearing by a non-participating advisor of his/her choice and may consult with the advisor throughout the hearing.
   b) If any party chooses to have participating legal counsel present, written notification must be presented to the chair of the Committee at least five (5) days before the hearing. The chair shall then promptly notify the other parties. The Hearing Committee conducts an internal administrative review, rather than a legal proceeding. Legal counsel may advise, but may not participate in the hearing. The Committee chair, in consultation with University General Counsel, may remove any advisor from the hearing should said advisor persist in attempts to participate in the hearing [rather than to render advice to any participant(s)].

4) To Have an Observer Attend Hearings:

At the request of any party to a grievance or appeal, or at the request of the Committee hearing the case, a representative of a responsible professional or educational association shall be permitted to attend hearings as an observer. The chair will determine the qualifications and responsibility of the association.

8.02.07 Access to Records of Hearings

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

8.02.08 To Receive Expeditious Consideration

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

8.02.09 Annual Report of the Chair of the Hearing Committee

Each July the chair of the Hearing Committee shall make a summary of formal grievance and appeal activities and statistics on cases in progress and those settled during the preceding year. S/he shall send this report to the President of the Faculty Senate, the Executive Vice President for Academic Affairs and Provost, and to the President of MUSC.
9. FACULTY SEPARATION

9.01 Criteria for Termination of Tenured Faculty

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

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

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

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

d) Documented evidence of financial exigencies or need for curtailment or discontinuance of programs, departments, colleges or positions. The administration shall seek appropriate faculty input in arriving at such decisions and shall observe every effort to make suitable reassignments of displaced personnel. In such decisions, appropriate weight will be given to seniority of service. The place of any faculty member so released shall not be filled within a period of two years, unless the released faculty member has been offered reappointment and has declined or failed to respond within a specific and reasonable period of time.

In instances involving termination for cause, the faculty member has the right to appeal through the Faculty Grievance and Appeal Procedure (Section 8.02).

9.02 Procedures for Termination of Tenured Faculty

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

1) For termination pertaining to:

   a. Quality of work - please refer to Section 5.05 Post Tenure Review.

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

   b. Prejudicial conduct and for precedence for rectifying the situation - the appropriate
dean shall meet with the faculty member to discuss the nature of the conduct. The
President may suspend the faculty member until the consequences of due process have
been accomplished. A written summary of the meeting shall be provided to the faculty
member who must abide by its terms. Failure of the dean to reach accord with the faculty
member, or failure of the faculty member to meet the terms of the summary, shall result
in the matter being referred to the Executive Vice President for Academic Affairs and
Provost.

   c. Incapacity - the department chair shall meet with the faculty member to document the
nature and extent of the incapacity and forward a copy of the documentation to the dean,
who shall refer the matter through appropriate channels to the Executive Vice President
for Academic Affairs and Provost.

   d. Abolition or discontinuance of positions or programs - the President of the University
through Executive Vice President for Academic Affairs and Provost notifies the dean of
the college concerned of such exigencies. Written notice of termination, through
appropriate channels, is given to the faculty member(s) involved by the respective dean.
Such notice is given at least twelve months in advance of the termination, to the extent
that appropriated funds are available and legislation permits. Prior to the written
termination notice, the dean and the Executive Vice President for Academic Affairs and
Provost will have made reasonable efforts to place the faculty member(s) in any existing
faculty vacancies within the university, consistent with the faculty member's
qualifications and area of expertise. The faculty member(s) shall have a right to a
hearing under the Faculty Grievance and Appeal Procedure.

Procedures a) through c) serve as the initial stages of the Faculty Grievance and Appeal
Procedure. Referral to the Executive Vice President for Academic Affairs and Provost
will actuate the Grievance Procedure.
2) Until a final decision concerning termination of tenure has been reached, the appropriate dean and the Executive Vice President for Academic Affairs and Provost, upon approval by the President, may suspend or assign the faculty member to other duties. Before suspending a faculty member, the dean shall consult with the Appointment, Promotion and Tenure Committee of his/her college. A faculty member who has been suspended will suffer no loss of salary unless his/her appointment is duly terminated, in which event the, subject to the approval of the President and the Board, will determine the date of termination. In determining the date, the Executive Vice President for Academic Affairs and Provost may take into account the length and quality of service of the faculty member.

9.03 Non-reappointment and Termination of Non-Tenured Faculty

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

State legislation (S.C. Code of Laws, as amended, Section 8-17-380) provides that non-renewal of employment contracts at the end of the contract term is not grievable by the mechanism outlined in the Code. When a decision of non-renewal of contract is reached, no reason for non-renewal need be given, but it is usually more professional and humane for the chair to discuss the reasons leading to the decision with the faculty member affected.

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

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

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

9.04 Dismissal For Cause Before the End of a Specific Contract Period for Non-Tenured Faculty

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Cause or grounds for dismissal of a non-tenured faculty member before the end of a specific contract period are the same as those set forth for revocation of tenure (see Section 9.01.01, Criteria for Termination of Tenured Faculty).

9.05 Resignation

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

9.06 Retirement

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Information regarding eligibility and procedures for retirement are contained in
http://academicdepartments.musc.edu/hr/university/benefits/all%20retire%20plans.htm
10. UNIVERSITY PERSONNEL POLICIES

10.01 Faculty Leave and Authorized Absences

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10.01.01 Leave with Pay

Annual Leave

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

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

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

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

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

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

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

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


If conditions preclude taking the holiday at the prescribed time, compensatory time must be taken within one year; there is no provision for payment for earned but unused holidays.

Sick Leave

Sick leave is authorized by State law and is applicable to all full- and part-time faculty who work at least 50% of the time (including nine-month faculty). The law defines faculty members on twelve-month appointments as permanent full-time employees and those on nine-month appointments as permanent part-time employees. The overall benefits are the same for both groups of faculty except that twelve-month faculty may accumulate 1 1/4 days of sick leave per month for a total of 15 days per year, whereas nine-month faculty may accumulate 1 1/4 days of sick leave per month for a total of 11 1/4 days per academic year. Further, twelve-month faculty may accumulate sick leave credit to a maximum of 195 days; nine-month faculty may accumulate sick leave credit to a maximum of 146 1/4 days.

For Additional information, see the following links:

University HR
http://horseshoe.musc.edu/~media/files/hr-files/univ-files/policies/policy18.pdf?la=en

Hospital HR
http://www.musc.edu/hr/documents/POLICY18-PTO.pdf

Leave Donation

Excess leave may be donated to the MUSC Leave Transfer Pool in accordance with the MUSC Leave Transfer Program. See

http://academicdepartments.musc.edu/hr/university/policies/policy48.pdf

for current policy including the most recent approved Leave Donation form. See


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

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

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

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

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

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

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

**10.01.03 Family and Medical Leave Act**

A faculty member who has worked for the state for 12 months or more and has worked at least 1250 hours during the preceding 12 months, may be eligible for Family and Medical Leave.

See FMLA Policy


**10.01.04 Authorized Absences**

**Sabbatical Leave**

See Section 6.01 Sabbatical Leave
**Attendance in Court**

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

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

**Death in Family**

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

- Husband or wife
- Child
- Grandchild
- Great Grandchild
- Sister or Brother
- Mother or Father
- Grandmother or Grandfather
- Great Grandmother or Great Grandfather

**Voting**

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

**Family and Medical Leave**

See FMLA Policy Section 10.01.03
Military Leave

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

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

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

1. Separation from the military service was under honorable conditions.
2. Physical and mental capacities remain adequate for the position.
3. Such application for re-employment is made within 90 days after release from the military service.

Assault by Patient

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

Donating Blood

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

10.01.05 Academic Time

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Time related to professional development, conferences, off-site work activities are not charged as leave; however, it is required to be documented for insurance and liability purposes.
### 10.02 Faculty Benefits

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

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

### 10.02.01 General Employment Benefits

For information related to benefits, contact MUSC Human Resources Management Service Center

http://academicdepartments.musc.edu/vpfa/hrm/index.htm

To find a list of benefits go to: Employee Benefits

http://academicdepartments.musc.edu/vpfa/hrm/benefits/

For an overview of Benefits:

http://academicdepartments.musc.edu/vpfa/hrm/benefits/index.htm

For Insurance Guidelines:

http://academicdepartments.musc.edu/vpfa/hrm/benefits/guidelines.htm

Additional Descriptions:

http://academicdepartments.musc.edu/vpfa/hrm/benefits/otherbenefit.htm

The comparison between UMA and MUSC Benefits is location at the following link:

http://academicdepartments.musc.edu/vpfa/hrm/benefits/faculty%20benefits
Pursuant to State law, faculty members and other employees are insured for all activities within the scope of their duties for MUSC. This State mandated insurance coverage is provided through the South Carolina Insurance Reserve Fund. Specific information regarding coverage may be obtained for the Office of University Risk Management.

If an event occurs which may expose a health provider or the institution to a claim or legal action, notify the University Risk Management office immediately. They will, in turn notify appropriate persons in the affected areas and hospitals.
11. GENERAL HUMAN RESOURCE POLICIES

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11.01 Affirmative Action

http://academicdepartments.musc.edu/eoo/policies/policies.htm

11.02 Nepotism

University HR
http://horseshoe.musc.edu/~/media/files/hr-files/univ-files/policies/policy07.pdf?la=en

11.03 Employee Health Screening Policy

http://www.musc.edu/hrm2/policies/policy01.html
http://mcintranet.musc.edu/hr/documents/POLICY1-EMPLOYEEHEALTH.pdf

11.04 MUSC Employee Health Services Screening Criteria

http://horseshoe.musc.edu/~/media/files/hr-files/univ-files/policies/policy01.pdf?la=en

11.05 Criminal Record Searches


11.06 Drug Free Workplace

http://horseshoe.musc.edu/~/media/files/hr-files/univ-files/policies/policy47.pdf?la=en

11.07 Infectious Diseases

Bloodborne Pathogen Protocols
http://academicdepartments.musc.edu/vpfa/operations/Risk%20Management/occpsafety/bbp.htm
11.08 Sexual Harassment Policies

http://academicdepartments.musc.edu/genderequity/policies.htm

11.09 Use of the University Name, Seal, or Logos

https://academicdepartments.musc.edu/brand-center/index.html

11.10 Computer Use Policy

http://academicdepartments.musc.edu/ocio/policies/cup.pdf

11.11 Sequestration of Documents/Records for Audits/Investigations Carried Out by MUSC

11.12 Emergency / Disaster Preparedness

http://academicdepartments.musc.edu/vpfa/operations/Risk%20Management/emergency/

Disaster Preparedness – Research Continuity

http://academicdepartments.musc.edu/research/resources/dprc.html