

# Handbook of Academic Policies and Procedures

*California Institute  
of Technology*

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## ***Academic Policies and Procedures***

The Institute's policies and procedures on academic issues such as technology transfer and research fraud apply to the professorial faculty, research faculty, postdoctoral scholars, students, and staff. To the extent that undergraduate students serve as members of research teams for sponsored projects, they are governed by the Institute's policies and procedures for sponsored research.

## ***Conflict of Interest, Conflict of Commitment, and Technology Transfer***

Education and research in science and technology are central to the mission of Caltech. The Institute also wishes to serve society by encouraging businesses to transform results of research into products, processes, and services that will become available in the marketplace. Moreover, in many areas of research, contact with industry and entrepreneurship are essential for success, and need to be encouraged and rewarded. These legitimate interests of the Institute can sometimes come into conflict. For example, experience shows that research and teaching are best carried out in an environment that encourages the free exchange of ideas between all participants. On the other hand, private research sponsors may have good reasons for wanting to keep certain results secret, at least temporarily. To cite another example, the most effective means of transferring technology sometimes requires active participation by a Caltech researcher in a private enterprise, as an advisor or consultant. Researchers deserve to be compensated for their work and ideas in this process. However, activities of this kind may pose real or apparent conflicts with the integrity and objectivity of research at the Institute, and with the employee's primary professional commitment, which is to the Institute.

To help the faculty and all other investigators understand their duties and responsibilities in resolving these potential conflicts, the following principles and rules have been adopted by the Institute.

### *General Principles*

Membership in the Caltech faculty involves a commitment that is full time in the most inclusive sense. Each faculty member is expected to accord complete professional loyalty to the Institute, and to arrange outside obligations, financial interests, and activities in such a way that they do not interfere with this primary, overriding commitment. This commitment applies as well to postdoctoral scholars. In addition, the Institute charges its faculty with a particularly heavy burden of responsibilities to safeguard the basic principles of research integrity, academic freedom, and public interest. When performing research sponsored by private interests, or negotiating with companies or entrepreneurs, or forming a company for commercial purposes, or engaging in any activity in which a conflict of interest may arise, it is the responsibility of the professorial faculty member to protect:

1. The integrity of all research done at the Institute.
2. The good name of the Institute.
3. The academic freedom and economic rights of fellow faculty, students, postdoctoral scholars, and staff.

*Students, postdoctoral scholars and research faculty must be able to discuss their work freely, present results at conferences and seminars, and so on. A faculty member must never exploit the work of students, staff, or researchers for personal or professional gain.*

4. The public interest. When government funds are involved in the support of research, the Institute's accountability to the government and the public requires that the investigators take particular care to obey all rules and regulations of the government and the sponsoring agencies. Details are to be found in the document *Managing Conflict of Interest Requirements Under Federal Sponsored Awards*, which is available in the Provost's Office, the Divisional Offices, and the Office of Sponsored Research.

These principles and rules also apply to emeritus faculty members who are active in research.

### *Principles and Rules Concerning Investigator Responsibilities*

1. A faculty member or postdoctoral scholar may not hold a position of line responsibility in an outside enterprise for pay or profit.
2. A Caltech researcher may not spend more than an average of one day per calendar week consulting. See [Consulting Activities](#) (this chapter) for details.
3. Investigators are required to inform the appropriate Division Chair, promptly and in writing, of any consulting for, or substantial holdings in, a firm with which their research at the Institute becomes involved.

A person who makes decisions and to whom others report has line responsibility. A member of the Board of Directors, or a person who only gives advice, does not.

The word "substantial" is purposely left vague. For externally supported research, the sponsor's regulations may specify what constitutes substantial holdings. Otherwise, its interpretation will vary

according to circumstances. At present, a useful rule of thumb is, holdings of more than 1% of the company or more than \$500,000 value are substantial. "Holdings" is defined broadly to include equity or debt (bonds, debentures), held by the faculty member, spouse, or minor child. Holdings in mutual funds or in blind trust are not included. The final decision as to what constitutes substantial holdings will be made by the Provost, unless it is specified by government regulations.

#### *Rules Concerning Patent Rights and Research Support*

The Institute permits professors to seek research support from companies wishing to have the right to commercialize possible results of their research. To this end, it is willing to negotiate appropriate licenses to future patents in exchange for research support. In all dealings with private companies, however, the following principles and rules apply.

1. Neither the direction of Caltech research nor the interpretation of research results should be altered or appear to be altered by the commercial interests of a company. To help ensure this result, a professor must not have substantial holdings in a company that supports the professor's research, by any means other than an unrestricted grant.
2. Any contract granting to a company rights to license future patents arising from research sponsored by the company must clearly delineate the scope of that work in order to distinguish it from research supported by other funds, especially public funds for which the Institute has a special responsibility.
3. The Institute may, in some circumstances, consider accepting financial interest in a company in exchange for licenses to patents, present or future. The Institute must then be sensitive to potential institutional conflicts of interest. It cannot, for example, permit a faculty member, postdoctoral scholar, or graduate student to work on behalf of the company as part of that person's Institute duties. It cannot accept research funds from the company except in the form of an unrestricted grant, unless arrangements are made to ensure that the research cannot be influenced by the financial interests of the Institute.
4. Circumstances may arise in which the most effective way to develop new technology is to award a subcontract, or to license a patent or copyright to a company in which either the Institute or a member of its research community has substantial financial interest. In such cases, it may appear to outside agencies or to competing companies that Caltech has acted unfairly. When a company in which the Institute or a member of its research community has substantial financial interest is chosen as a subcontractor to sponsored research, or as a licensee to a Caltech patent or copyright, care must be taken that the nature of the financial interest is fully disclosed to all relevant parties, and that sound, objective business reasons for choosing the company as subcontractor or licensee are fully documented.
5. The university may support the commercial sector, but it should not compete with it or be a member of it. Hence, Caltech laboratories should not perform specific commercially available tasks for the primary purpose of gaining income, nor should Caltech facilities be used to develop and commercialize a product. (See Item 4 under "Policies Governing Sponsored Research," this chapter).
6. Caltech is willing to keep sponsors fully informed about the research they support, but the Institute does not grant to outside organizations the right to delay submission or to refuse publication of research papers.
7. Royalty payments, consulting, or other forms of financial dealings with a commercial firm may require filing a financial disclosure when applying for research support from a federal agency (see *Managing Conflict of Interest Requirements Under Federal Sponsored Awards* which is available in the Provost's Office, the Divisional Offices, and the Office of Sponsored Research, for details).

These principles and rules are designed to protect the essential interests of the Institute and its faculty, postdoctoral scholars and students while encouraging creative relationships between research and commerce by establishing guidelines within which investigators can safely operate. When a specific instance arises where interpretation of these principles and rules is required, investigators are encouraged to discuss the matter with the Division Chair, the Vice Provost, or the Provost so that a sensible and legal resolution may be achieved.

## ***Human Subjects Protection***

The Committee for Protection of Human Subjects performs initial and continuing review of all research projects and activities in which the California Institute of Technology is concerned that involve any use of human subjects or of tissues directly obtained from human subjects. The committee is particularly concerned that:

1. The rights and welfare of subjects are adequately protected.
2. The risks to subjects are outweighed by potential benefits.
3. Appropriate informed consent of subjects is obtained.

*Committee reviews are conducted in a manner to ensure the exercise of independent judgment of the members. Members will be excluded from judgment on projects or activities in which they have an active role or a conflict of interest.*

No research project involving the use of human subjects shall be undertaken and no application for funds for the support of a research project involving human subjects shall be submitted from the Institute without the knowledge and approval of this committee.

## ***Patent Policy***

Inventions made by employees in the line of Institute duty or with the use of Institute facilities may be patented in order to protect and benefit the Institute and the public. Title to such patents is to be assigned to the Institute or, if appropriate, the sponsor. The cost of acquisition of such patents shall in no instance be borne by the employee.

It is the policy of the Institute that such patents be used for the public benefit. If there are innovations or discoveries that result in the filing of patent applications and the acquisition of patents, the Institute intends to serve the public interest by prudent and appropriate efforts to transfer the technology to those who will facilitate public use. When this result is achieved by the licensing of inventions to private industry, royalty income and/or equity may accrue to the Institute under terms negotiated at the Institute's discretion. Where royalty income is derived from such licensing, the inventor or inventors, collectively, will receive 25% of the income received by the Institute after the deduction of unreimbursed patent expenses associated with obtaining and maintaining the patents. Where equity is derived from such licensing, the Institute will make no distribution of equity to inventors, but will distribute 25% of the income received by the Institute from the orderly sale of the stock, in accordance with Institute policy, after deduction of unreimbursed patent expenses associated with obtaining and maintaining the patents and brokerage and related expenses incident to the sale of the stock, to the inventor or inventors collectively. Inventors may opt, by means of a charitable donation to the Institute, to have all or any part of their share of the net income to be applied to support research of their choosing within the Institute. The Institute will then match the amount contributed by the inventor for the research, on a dollar-for-dollar basis, so as to provide total research support from such income up to 50% of the net income received by the Institute. Inventors who elect to contribute may subsequently elect instead to retain their share of the net income from future royalties. The remainder of the income derived by the Institute from the licensing of patents, after payment of the inventor(s)' shares, will be applied to the furtherance of instruction and research. The Institute retains the right not to pursue the filing of any patent application, and not to pursue commercialization of any invention. In that event, the Institute may choose to assign the patent rights to the inventor(s) if that is consistent with its legal obligations.

All Institute employees shall sign a Patent and Copyright Agreement assigning their rights to patents or inventions that they may make in the line of their duties, or with any use of Institute facilities, to the Institute or, if appropriate, its sponsor. A copy of the agreement may be obtained from Human Resources or the Faculty Records Office.

Individuals who work on governmental or industrial projects undertaken by the Institute are required to

sign such supplemental agreements as are necessary to enable the Institute to fulfill its contractual obligations in regard to patents.

All employees shall report to the Institute immediately any innovation or discovery that might reasonably be considered to be of a patentable nature and that arises in the line of their duties, or as the result of any use of Institute facilities. This obligation is not intended to interfere with the prompt publication of research results.

Inventions made by employees or students outside the line of Institute duties on the inventor's own time without any use of Institute facilities are not the property of the Institute. Patents from such inventions should be administered so as not to involve the Institute name.

It is important that inventors disclose to the Institute any funding from an agency of the United States Government that may relate to inventions. The Federal Bayh-Dole Act and implementing regulations (37 C.F.R. 401) grants patent rights to the Institute for inventions made under most federally funded research. In return, the Institute has reporting obligations regarding such inventions to the funding agency, and must grant a license to the government for its own use.

Any dispute concerning this policy or the distribution of royalties shall be resolved by appeal to the Provost.

The Institute places no restrictions on the rights or activities of Postdoctoral Scholars and Research Faculty in their subsequent careers after they leave Caltech. If departing Research Faculty or Postdoctoral Scholars require access to research data, computer programs, material samples, biological specimens or other research materials that they helped develop while at Caltech, the Institute will negotiate with them to provide continuing reasonable access to such materials, appropriate to the circumstances and consistent with its legal requirement to maintain originals of data and other results arising from sponsored research.

Revised March 11, 2003

## ***Copyright and Computer Software Policy***

Copyrights to and royalties from textbooks, reference works, submissions to scientific journals, and other copyrightable materials (except for computer software, which is treated below) produced by Faculty members as a part of their normal teaching and scholarly activities at the Institute that do not result from projects specifically funded in whole or in part by the Institute or by a sponsor of the Institute, shall belong to the author or authors and may be retained by them. If, on the other hand, the Institute provides funds, or a sponsor's funds, to finance (in whole or in part) a specific research or educational project and copyrightable materials are produced by employees as a result of the project, the ownership of copyrights and royalty rights therein shall be held by the Institute.

All rights to computer software, including computer programs, computer databases, and associated documentation whether copyrightable or patentable, produced by employees or students in the line of Institute duty or with any use of Institute facilities, shall be owned by the Institute, regardless of the source of funds used to produce the computer software.

It is the policy of the Institute that such software is used for the public benefit, and the Institute intends to serve the public interest by prudent and appropriate efforts to transfer the technology to those who will facilitate public use. When this result is achieved by the licensing of computer software to private industry, royalty income and/or equity may accrue to the Institute under terms negotiated at the Institute's discretion. Where royalty income is derived from such licensing, the author or authors, collectively, will receive 25% of the income received by the Institute after deduction of unreimbursed expenses associated with obtaining and maintaining protection for the copyrightable material. Where equity is derived from such licensing, the Institute will make no distribution of equity to the authors, but will distribute 25% of the income received by the Institute from the orderly sale of the stock, in accordance with Institute policy, after deduction of

unreimbursed expenses associated with obtaining and maintaining protection for the copyrightable material and brokerage and related expenses incident to the sale of the stock, to the author or authors collectively. Authors may opt, by means of a charitable donation to the Institute, to have all or any part of their share of the net income to be applied to support research of their choosing within the Institute. The Institute will then match the amount contributed by the author for research, on a dollar-for-dollar basis, so as to provide total research support from such income up to 50% of the net income received by the Institute. Authors who elect to contribute may subsequently elect instead to retain their share of the net income of future royalties. The remainder of income derived by the Institute from the licensing or use of copyrights or computer software, after payment of the author's shares, will be applied to the furtherance of instruction and research. The Institute retains the right not to pursue the registration or commercialization of any copyrightable material, including computer software. In that event, the Institute may choose to assign the copyrightable material to the author(s) if that is consistent with its legal obligations.

All Institute employees shall sign a Patent and Copyright Agreement assigning their rights in copyrightable materials authored in the manner set forth above. A copy of the agreement may be obtained from Human Resources or the Faculty Records Office.

All employees shall report to the Institute immediately any matter that might reasonably be considered owned by the Institute in the manner set forth above. This obligation is not intended to interfere with the prompt publication of research results.

Computer software produced by an employee or student outside the line of Institute duty on the author's own time without any use of Institute facilities are not the property of the Institute. Copyrights for such software should be administered so as not to involve the Institute name.

Any dispute concerning this policy or the distribution of royalties shall be resolved by appeal to the Provost.

The Institute places no restrictions on the rights or activities of Postdoctoral Scholars and Research Faculty in their subsequent careers after they leave Caltech. If departing Research Faculty or Postdoctoral Scholars require access to research data, computer programs, material samples, or other research materials that they helped develop while at Caltech, the Institute will negotiate with them to provide continuing reasonable access to such materials, appropriate to the circumstances and consistent with its legal requirement to maintain originals of data and other results arising from sponsored research.

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## ***Research Misconduct Policy***

### *Preamble*

Research misconduct is historically a rare occurrence, especially at Caltech, where all members of the community are bound by a very effective code of honor. However, should an instance arise of either real or apparent misconduct, the Institute must act swiftly and decisively, while affording maximum possible protection both to the "whistle blower" (complainant) and to the accused (respondent). That is the intent of this policy.

The term *research misconduct* has been chosen instead of the narrower scientific misconduct to describe this policy. It refers to all research conducted at the Institute. The Chair of each Division is responsible for informing the Division's faculty, staff, and students of the Institute's policy with regard to research misconduct, and for interpreting this policy. This policy is not intended to deal with other problems, such as disputes over order of authorship, or violation of Institute or federal regulations, that do not amount to research misconduct.

### *Definitions*

Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

- Fabrication is making up data or results and recording or reporting them.
- Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- Research misconduct does not include honest error or differences of opinion.

### *Finding*

A finding of research misconduct requires that:

- There be significant departure from accepted practices of the scientific community for maintaining the integrity of the research record;
- The misconduct be committed intentionally, or knowingly, or in reckless disregard of accepted practices; and
- The allegation be proven by a preponderance of evidence.

### *Procedure*

The procedures to be followed have three stages: Inquiry, Investigation, and Adjudication, or Resolution. These are the stages required by regulations issued by the Federal government applicable to sponsored research. Those responsible for conducting each phase should bear in mind the following important responsibilities:

1. The Institute must vigorously pursue and resolve all charges of research misconduct.
2. All parties must be treated with justice and fairness, bearing in mind the vulnerabilities of their positions and the sensitive nature of academic reputations.
3. Confidentiality should be maintained to the maximum practical extent particularly in the inquiry phase.
4. All semblance of conflict of interest must rigorously be avoided at all stages.
5. All stages of the procedure should be fully documented.
6. All parties are responsible for acting in such a way as to avoid unnecessary damage to the general enterprise of academic research. Nevertheless, the Institute must inform appropriate government agencies of its actions, and if it is found that misleading data or information have been published, the Institute is responsible for setting the public record straight, for example, by informing the editors of scholarly or scientific journals.

#### A. INQUIRY

The purpose of this stage is to determine, with minimum publicity and maximum confidentiality, whether there exists a sufficiently serious problem to warrant a formal investigation. It is crucial at this stage to separate substantive issues from conflicts between colleagues that may be resolved without a formal investigation.

##### *1. Initiating the Inquiry*

All allegations of research misconduct arising from inside or outside the Institute, should be referred directly to the Division Chair (DC) concerned. If more than one Division is involved, more than one DC may be informed. If either the complainant or the DC perceives a possible conflict of interest the case may be taken directly to the Provost who will act as prescribed below for DCs, but the DC must be informed immediately and confidentially. A DC may initiate an inquiry without a specific complaint if it is felt that evidence of suspicious academic conduct exists.

When a complaint comes forth, the DC's first job is to provide confidential counsel. If the issue involved does not amount to research misconduct, satisfactory resolution through means other than this policy should be sought. However, if there is an indication that research misconduct has occurred, the DC must pursue the case even in the absence of a formal allegation. Moreover, the case must be pursued to its conclusion even if complainant(s) and/or respondent(s) resign from their positions at the Institute.

The DC should also counsel those involved that, should it be found at either the inquiry or the investigation stage that the allegations were both false and malicious, confidentiality may not be further maintained and, in fact, sanctions may be brought to bear against the complainant.

## 2. *Inquiry Procedure*

The DC is responsible for conducting the inquiry (except, as noted above, where a conflict of interest might be perceived). The DC may call upon one or more senior colleagues for help where specific technical expertise is required, but this need should be carefully weighed against the importance of confidentiality at this stage. Confidentiality is likely to be a rapidly decreasing function of the number of persons involved in the inquiry.

The DC may wish to notify the President and Provost, and call upon Institute legal counsel at this stage. Every effort should be made to make personal legal counsel unnecessary for either complainant or respondent at this and all other stages, but all parties should recognize the Institute counsel always acts on behalf of the Institute, not one or the other party.

An inquiry is formally begun when the DC notifies the respondent in writing of the charges and process to follow. This and all other documents are to be preserved in a secure file in the Division offices for at least three years.

The nature of the inquiry will depend on the details of the case, and should be worked out by the DC in consultation with the complainant and respondent, with any colleague the DC calls on for assistance, and with Institute legal counsel. At this stage, every effort should be made to keep open the possibility of resolving the issue without damage to the position or reputation of either the complainant or the respondent. However, the DCs primary allegiance is not to the individuals but to the integrity of academic research, and to the Institute. If research misconduct has been committed, it must not be covered up.

The inquiry should be completed and a written record of findings should be prepared, within 30 days of its initiation. If the 30-day deadline cannot be met, a report should be filed citing progress to date and the reasons for the delay, and the respondent and other involved individuals should be informed.

## 3. *Findings of the Inquiry*

The inquiry is completed when a judgment is made of whether a formal investigation is warranted. An investigation is warranted if a reasonable possibility of research misconduct exists. A written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusions of the inquiry. The individual(s) against whom the allegation was made shall be given a copy of the report of the inquiry. If they comment on that report, their comments may be made part of the record. The DC must inform the complainant whether the allegations will be subject to a formal investigation.

If the allegation is found to be unsupported but has been made in good faith, no further action is required, aside from informing all parties, and attempting to heal whatever wounds have been inflicted. If confidentiality has been breached, the DC may wish to take reasonable steps to minimize the damage done by inaccurate reports. If the allegation is found not to have been made in good faith, the DC should inform the Provost and the President who will consider possible disciplinary action.

If a complainant is not satisfied with a DC's finding that the allegations are unsupported, the result may be appealed to the Provost, or if the Provost has made the finding, to the President.

## 4. *Notifications*

The relevant responsible agency (or agencies in some cases) should be informed of the allegation upon completion of an inquiry, if (1) the allegation involves Federally funded research (or an application for Federal funding) and meets the Federal definition of research misconduct which is the same as the one given above, and (2) there is sufficient evidence to proceed to an investigation.

The relevant responsible agency should continue to be informed of the progress of the investigation, its outcome, and any actions taken.

- **Other Reasons to Notify the Agency.**  
At any time during an inquiry or investigation, the institution will notify the relevant Federal agency if public health or safety is at risk; if agency resources or interests are threatened; if research activities should be suspended; if there is reasonable indication of possible violations of civil or criminal law; if Federal action is required to protect the interests of those involved in the investigation; if the Provost and DC believe the inquiry or investigation may be made public prematurely so that appropriate steps can be taken to safeguard evidence and protect the rights of those involved; or if the scientific community or public should be informed.

## B. INVESTIGATION

An investigation is initiated within 30 calendar days when an inquiry results in a finding that an investigation is warranted. The purpose of the investigation is to determine whether research misconduct has been committed. If an investigation is initiated, the Provost and DC should decide whether interim administrative action is required to protect the interests of the subjects, students, colleagues, the funding agency, or the Institute while the investigation proceeds. Possible actions might include temporary suspension of the research in question, for example. If there is reasonable indication of possible criminal violations, cognizant authorities must be informed by the Provost within 24 hours. Note the provisions of Section A.4 above requiring the Institute to notify the agency if it ascertains at any stage of the inquiry or investigation that specified conditions exist.

### 1. *The Investigation Committee*

The Provost in consultation with the DC, shall appoint an Investigation Committee. The principal criteria for membership shall be fairness and wisdom, technical competence in the field in question, and avoidance of conflict of interest. Membership of the committee need not be restricted to the faculty of the Institute.

The respondent and complainant should be given an opportunity to comment, in writing, on the suitability of proposed members before the membership is decided. The committee should be provided with a budget that will enable it to perform its task. The Provost and DC should write a formal charge to the committee, informing it of the details of its task.

### 2. *The Investigation Process*

Once the Investigation Committee is formed, it should undertake to inform the respondent of all allegations so that a response may be prepared. It is assumed that all parties, including the respondent will cooperate fully with the Investigation Committee. The committee should call upon the help of Institute legal counsel in working out the procedure to be followed in conducting the investigation. The complainant and respondent should be fully informed of the procedure chosen.

At this stage, the demands of confidentiality become secondary to the necessity that a vigorous investigation make a conclusive determination of the facts. Nevertheless, every attempt should be made to protect the reputations of all parties involved.

The investigation should be completed, and a full report filed with those parties requiring notice within 120 days of its initiation. If this deadline cannot be met, an interim report of the reasons for delay and progress to date should be filed, with appropriate persons and agencies.

A draft of the committee report should be submitted to both complainant and respondent for comment before the final report is written. The respondent should be given the opportunity for a formal hearing before the Investigation Committee. Institute legal counsel should be called upon to assist in working out the procedure to be followed in conducting such a hearing.

If an investigation results in a finding, based on a preponderance of the evidence, that research misconduct occurred, an adjudication, or resolution phase follows whereby the recommendations are reviewed and appropriate action determined.

## C. RESOLUTION

Adjudication or resolution decisions are separated organizationally from the agency's or research institution's inquiry and investigation processes. Any appeals process should likewise be separated organizationally from the inquiry and investigation.

The committee findings may be grouped into two broad categories:

1. *No Finding of Research Misconduct*

All federal agencies or other entities initially informed of the investigation should be notified promptly. A full record of the investigation should be retained by the Institute in a secure and confidential file for at least three years. The Provost and DC should decide what steps need to be taken to clear the record and protect the reputations of all parties involved.

If the allegations are found to have been maliciously motivated, the Provost and DC may wish to recommend to the President appropriate disciplinary action. If the allegations are found to have been made in good faith, steps should be taken to prevent retaliatory actions.

2. *Finding of Research Misconduct*

The Provost and DC should decide on an appropriate course of action to deal with misconduct, to notify appropriate agencies, and to correct the scholarly or scientific record. The Provost and DC should forward the committee report to the President with a recommendation of sanctions and other actions to be taken. Possible sanctions include:

- Removal from the project
- Letter of reprimands
- Special monitoring of future work
- Probation or suspension
- Salary or rank reduction
- Termination of employment

The President should review the full record of the inquiry and investigation. The respondent may at this stage appeal to the President on grounds of improper procedure or a capricious or arbitrary decision based on the evidence in the record. New evidence may lead the President to call for a new investigation or further investigation, but not to an immediate reversal of the finding. After hearing any appeal and reviewing the case, the President should make a decision, or, in appropriate cases, recommend a final disposition to the Board of Trustees. The decision of the Board is final. In deciding what administrative actions are appropriate, the President should consider the seriousness of the misconduct, including whether the misconduct was intentional or reckless; was an isolated event or part of a pattern; had significant impact on the research record; and had significant impact on other researchers or institutions.

For research sponsored by a relevant responsible agency (or agencies) a final report should be submitted to describe the policies and procedures under which the investigation was conducted, how and from whom information was obtained relevant to the investigation, the findings, and the basis for the findings, and include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as a description of any sanctions or other administrative action taken by the Institution.

In addition to regulatory authorities and sponsors, all interested parties should be notified of the final disposition of the case and provided with any legally required documentation. The list may include:

- The complainant
- Coauthors, coinvestigators, collaborators
- Editors of journals that have published compromised results
- Professional licensing boards and professional societies
- Other institutions that might consider employing the respondent
- Criminal authorities

## ***Sponsored Research and Other Sponsored Activities***

This section outlines the policies and procedures involved in soliciting and accepting financial support from external sponsors for research and other types of externally supported activities.

The Office of Sponsored Research is the Institute administrative office responsible for providing information and administrative guidance to faculty and staff in the preparation and submission of proposals as well as the negotiation and acceptance of awards for the external support of sponsored research and other activities. The office is the official Institute contact point for sponsored activities when a formal agreement, grant, contract, or cooperative agreement with the Institute is contemplated that includes terms and conditions such as ownership of intellectual property and/or data; rights to publish; specification of deliverable items (e.g., periodic research reports, hardware, software, etc.); limitations on the use of funds; specification of milestones, objectives, or spending plans that are required for collecting funds; or specified time periods over which the activity is to be conducted in order for the Institute to receive payment. The sponsors include federal agencies, state and local government agencies, corporations, other universities, independent or government supported research laboratories, voluntary health organizations, or other organizations that customarily support research at colleges and universities.

The Offices of Corporate or Foundation Relations within the Development Office provide assistance and guidance in approaching philanthropic foundations and corporations for obtaining gifts and grants that can be used for the support of research where the contemplated award to the Institute does not impose conditions on reporting, deliverables, and accountability that are generally found in sponsored projects.

### *Policies Governing Sponsored Research*

The extent of the Institute's research program and its ability to be a leader in performing world-class research has been facilitated by the extensive external support obtained from grants and contracts awarded by federal and non-federal sponsors. While it may be considered desirable to have such external support in order to maintain the magnitude of the Institute's research programs, it is essential that the Institute retain control of its research program and undertake research activities that contribute to its educational and scholarly objectives. To these ends the following policies have been established:

1. Faculty members of professorial rank and senior research faculty, under certain conditions, may serve as principal investigators on sponsored research projects. Other faculty, members of the Beckman Institute, postdoctoral scholars, members of the professional staff, or, on rare occasions, other staff members, with the approval of their Division Chair and the Vice Provost, may serve as principal investigator under special circumstances and with the understanding that a supervising professorial faculty member assumes responsibility for the validity and importance of the research. The Institute discourages the use of the term co-principal investigator, except in unusual circumstances. Normally, each project should have a single Principal Investigator, with collaborating individuals listed as co-investigators.
2. Principal investigators and other key members of the sponsored project research team are expected to comply with Institute policies regarding performance of research at the Institute. In addition, they must pay particular attention to those policies and procedures of the sponsor (particularly the federal government) covering certain types of compliances and associated assurances that the Institute must submit when seeking support from the sponsor. The principal investigator will assume the responsibility for seeing that all key members of the research team are familiar with these regulations and policies and that all required assurances and compliances are filed in a manner consistent with good project management and/or required deadlines. Typical federal statutory requirements include assurance of freedom from federal debt; assurance that notification will be given of debarment, suspension, or other personal legal action involvement with a unit of local, state, or federal government; agreement to disclose any type of lobbying activities; familiarity and compliance with procurement integrity and anti-kickback requirements; compliance with policies on ownership of intellectual property, data, and other forms of products resulting from research; adherence to government-approved Institute policies and assurances governing the use of human subjects and animals, the use of radioactive materials or radiation-producing sources, the use of techniques

involving recombinant DNA molecules, and the use, transportation, or disposal of hazardous materials; and compliance with policies governing conflict of interest or misconduct in science, to name a few. Information on or copies of these regulations and associated assurance documents can be obtained from the Office of Sponsored Research.

3. The Institute accepts awards, in the form of a grant, contract, or other type of legal agreement, from an external sponsor for the support of a faculty member's research project if the terms and conditions are consistent with the following principles:
  - a. The scope of the work shall involve research falling clearly within the Institute's educational and research program, supplementing or making a positive addition to that program, and being of such nature that the Institute would undertake the research if its own funds were adequate.
  - b. The Institute shall be free to publish and otherwise disseminate the results of sponsored research performed by faculty, staff, or students.
  - c. To comply with the sponsor's requirements on distribution and other uses of research results, the Institute will normally own the technical data and other products generated from a sponsored project, with the principal investigator and other key members of the research team being permitted to retain copies of such data and information for their own use.
  - d. Ownership of intellectual property generated from the research shall be governed by the Institute's current policies. Generally, the Institute will retain title to all inventions and possible resulting patents arising from externally sponsored research (see "Patent Policy," this chapter). The sponsor will be given a nonexclusive, royalty-free license, without the right to sublicense, to use or practice a patented invention made solely by Institute employees and resulting from work supported by that sponsor at the Institute. Under some circumstances, the Institute may negotiate to grant the sponsor the option of securing an exclusive royalty-bearing license on such inventions and resulting patents (see "Rules Concerning Patent Rights and Research Support," under "Conflict of Interest, Conflict of Commitment, and Technology Transfer," this chapter). Inventions and resulting patents made jointly by Institute and sponsor employees shall be jointly owned. Copyrights shall be owned by the Institute when the copyrighted work is considered to be a work made in the line of Institute duty or with the use of Institute facilities (see "Royalties and Copyrights," this chapter). Licensing of Institute-owned copyrights will generally follow the same policies as for licensing of inventions and patents. Other rights may be granted to the sponsor only with the approval of the Patents and Relations with Industry Committee and, in some cases, the Board of Trustees.
  - e. The Institute will not undertake classified or proprietary research. Further, the Institute normally does not desire to receive information that the sponsor considers proprietary or confidential.
  - f. Arrangements with the sponsor shall not impose restrictions on the Institute that are in conflict with its established policies and practices, and should permit performance of the research in the same manner as research financed with the Institute's own funds.
  - g. Any deviation from the policies set forth under (a) through (f) above requires specific approval of the committee(s) concerned, the President, and if deemed by the President to be desirable, the Board of Trustees. In particular, with suitable approval, awards for work falling outside the Institute's normal program may be undertaken for the government in times of emergency, or if it in other ways qualified as a unique service to the community or the nation's security or well being.
  - h. Results of sponsored research or testing shall not be used for advertising, publicity, or other commercial purposes, nor shall the name of the Institute be used in any way, whether in the form of written or verbal statements, that could constitute or imply an endorsement by the Institute of any commercial product or service, without the prior written approval of the Institute.
4. The Institute has certain unusual, or even unique, items of equipment or facilities for conducting tests and investigations of various kinds. When mutually advantageous arrangements can be agreed upon, and when the work cannot be conducted as well in the sponsor's own laboratories or in a commercial laboratory, such equipment or facilities may be used for conducting tests or investigations for outside

agencies, or the Institute may undertake to design, build, and operate special facilities on a sponsored basis.

5. An individual serving as a principal investigator on, or assigned to participate in, sponsored research (whether or not any portion of the individual's salary is charged to the sponsored research funds) shall not by virtue of such an arrangement receive extra compensation unless there is clear and compelling evidence that such duties constitute added responsibilities above and beyond the individual's normal work assignment. When in the judgment of the President or a designee, the direction of important Institute affairs (whether sponsored or not) warrants an adjustment in salary, the individual may be awarded an increase in recognition of the increased responsibilities. Such an increase should be clearly designated as contingent upon the continuation of the additional responsibilities or activities, and the individual will be informed as to what portions, if any, of the salary are on a contingent basis.

*Procedures for Submitting Proposals and for Accepting Awards*

1. Before making any commitment to a potential sponsor, or submitting a written proposal or application for a contract, grant, cooperative agreement, or restricted gift, the faculty member who is to serve as principal investigator or otherwise assume responsibility for the performance of the research program shall make sure that:
  - a. The project is consistent with the mission and objectives of the Institute and, where appropriate, the Division;
  - b. The personnel, space, and other necessary physical resources are available or have been provided for in the budget;
  - c. Commitments for Institute cost sharing or matching funds have been secured;
  - d. Commitments by proposed participating individuals and/or organizations have been secured; and
  - e. Required Institute and sponsor clearances, approvals, and where necessary, permissions to deviate from Institute policies, have been identified and steps are under way to have these obtained in a timely manner.
2. The following offices or individuals can be contacted for guidance and assistance in dealing with a potential sponsor and submitting a proposal or application:
  - a. The Division Office—to resolve issues about the content of the planned program; the level of effort of principal investigator and other key individuals; potential possible conflict of interest situations; availability of required resources such as required matching funds, space, and undergraduate and graduate students; and any other matters that would impact the Division or the faculty member's functioning within the Division.
  - b. The Office of Sponsored Research—for application forms, information on sponsoring agency and Institute policies on sponsored research, budget preparation assistance, and required certifications and/or assurance documents. Sponsored Research can supply sample agreements for use with non-federal sponsors and will normally negotiate the sponsored award terms and conditions on behalf of the Institute.
  - c. The Offices of Foundation Relations or Corporate Relations—to obtain information and assistance in pursuing restricted or unrestricted gift support or grants from corporations or philanthropic organizations.
  - d. The Office of the Vice President for Business and Finance—for unusual financial requirements or deviations from the Institute's normal policies on costs to be included in research proposal budgets.
  - e. The Office of Intellectual Property Counsel or the Office of Technology Transfer—for advice and assistance on matters pertaining to disclosure, ownership, and/or licensing of intellectual property.
  - f. The Vice Provost—for matters pertaining to the Institute's policies governing research and for approval to serve as a principal investigator for individuals who do not hold a professorial faculty appointment.
  - g. The Provost—for matters pertaining to academic policy.
  - h. The President—for matters of general policy.

3. Formal proposals or applications requesting external funding for research and other sponsored activities must be submitted either by the Office of Sponsored Research or the Offices of Foundation Relations or Corporate Relations. All applications for new, non-competing continuation, renewal, or supplemental awards or revisions to proposals or program budgets requested by the sponsor must be accompanied by a completed Division Approval Form (DAF) that will have the signatures of the appropriate Institute officials who are required to approve certain aspects of the application and contemplated research program. Both new and renewal proposals for sponsored research are required to be reviewed and approved by the Administrative Committee on Sponsored Research, prior to acceptance of any award resulting from the submission. In addition, new proposals that have proposed budgets of \$1,000,000 per year or more and renewal proposals having budgets in excess of \$2,000,000 per year, or any proposals that the President designates, must receive approval from the Executive Committee of the Board of Trustees prior to acceptance of an award. In cases where an agreement is negotiated between a potential sponsor and the Institute prior to submission of a formal proposal, or funds are awarded by a sponsor with the submission of a proposal through normal Institute channels, a statement of work, a budget, and a completed DAF must be processed through the Office of Sponsored Research and approved by the Administrative Committee on Sponsored Research and, when appropriate, the Executive Committee of the Board of Trustees before the Institute will execute the agreement or accept the award. The Office of Sponsored Research will arrange for these reviews and for the necessary Institute signatures on the proposal or application and will negotiate any requirements contained in the award document offered by the sponsor that impact compliance with Institute policies on sponsored research.
4. Proposals for testing programs require approval from the Division Chair or other official responsible for oversight of the laboratory or facility to be used in the testing program, and the Office of Sponsored Research.
5. Requests for restricted and unrestricted gifts to the Institute (for divisional or institutional research) shall be reviewed by the office of the Vice President for Development and Alumni Relations and the Provost before approval by the President.
6. Proposals for awards to support graduate student fellowships, individual graduate student financial support applications, and institutional graduate student traineeship applications, require the approval of the Dean of Graduate Studies on the DAF, in addition to the normal Division approval, prior to submitting the application to the Office of Sponsored Research for processing and signature.

Requests for support of educational projects, summer Institutes, and similar activities, as well as proposals for support for the purchase of equipment or renovation of facilities shall be handled by the same procedures as described above except that no review and approval by the Administrative Committee on Sponsored Research is required.

## ***Discrimination and Harassment***

This section contains two policies, one for equal employment opportunity discrimination, and the other for harassment, and a set of procedures to deal with possible violations of either of these policies.

### ***Policy on Nondiscrimination and Equal Employment Opportunity (EEO)***

It is the policy of Caltech to provide a work and academic environment free of discrimination. Consistent with this policy, illegal harassment will not be tolerated at Caltech, which will take all reasonable steps to eliminate it in its work and academic environment. (See the related harassment policy for more details.)

Caltech is committed to equal opportunity for all persons without regard to sex, race, creed, color, religion, national origin, ancestry, age, marital status, pregnancy, sexual orientation, status as disabled veteran, a veteran of the Vietnam Era or other eligible veteran, and for otherwise qualified individuals with a disability.

Caltech is an affirmative action employer and will, whenever possible, actively recruit and include for employment members of minority groups, females, disabled veterans, veterans of the Vietnam era, other eligible veterans, and otherwise qualified persons with disabilities. Caltech will hire, place, transfer, and promote based on the qualifications of the individual and administer these functions to ensure equal consideration and fair treatment of all. All other employment actions, such as work assignments, compensation, evaluations, training (including apprenticeships and tuition assistance), benefits, layoffs, and terminations are governed by this policy. Personnel actions will be reviewed to ensure adherence to this policy.

The Provost has been designated as the Equal Employment Coordinator for faculty, the Director of Employee Relations for staff employees and the Dean of Students for students. Inquiries concerning the interpretation and application of this policy should be referred to the appropriate designated individual. These coordinators are responsible for program administration, monitoring progress, and implementing goals and action-oriented programs. Likewise, management is responsible for monitoring decisions regarding personnel actions to ensure that these decisions are based solely on the individual's merit, and legitimate, nondiscriminatory job requirements for the position in question and the reasonableness of any necessary accommodations for persons with a disability. Managers' performance in connection with Caltech's affirmative action goals and objectives will be evaluated, as is their performance on other Institute goals.

Anyone who witnesses or experiences conduct they believe to be in violation of this policy is urged to contact any of the above-identified coordinators, the individuals identified in the related harassment policy, or the Employee Relations office immediately. Complaints will be investigated promptly and individuals who violate this policy will be subject to disciplinary action up to and including termination or expulsion.

To achieve the goals of our affirmative action program and to ensure employment opportunity and nondiscrimination, each member of the Caltech community must understand the importance of this policy and his/her responsibilities to contribute to its success.

### *Policy on Unlawful Harassment*

It is the policy of the Institute to provide a work and academic environment free of unlawful harassment and retaliation. Harassment is the creation of a hostile or intimidating environment in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere significantly with an individual's work or education, or affect adversely an individual's living conditions. **Harassment in any form, based on sex, race, color, age, national origin, disability, religion, sexual orientation, or any other characteristic protected by state or federal laws, is prohibited, as are all forms of sexual intimidation and exploitation.** All faculty, students, and staff should be aware that the Institute will not tolerate any conduct that constitutes illegal harassment. Complaints of harassment will be promptly and thoroughly investigated and appropriate action, including disciplinary measures, will be taken when warranted.

Faculty, students, and staff, at all levels, are responsible for maintaining an appropriate environment for study and work. This includes conducting themselves in a professional manner, actively discouraging harassment, and taking appropriate corrective action to prevent and eliminate harassment.

Faculty, students, and staff have the right at any time to raise the issue of harassment without fear of retaliation. Any faculty, student, or staff who feels that he/she has been harassed should review the Procedures for Investigating and Resolving Unlawful Harassment and Sexual Harassment Complaints at Caltech and immediately bring the matter to the attention of his/her supervisor or any of the individuals listed below. They will handle matters brought to their attention with sensitivity and discretion.

Deans  
Director, Employee Relations

Division Administrators  
Division Chairs  
Employee Relations Specialists  
Provost  
Student Affairs Directors (including Master of Student Houses)

The Institute also offers members of the Caltech community the choice of seeking confidential counseling outside the Institute's formal mechanisms for resolving harassment complaints. These confidential counseling services are intended for the personal benefit of the individual and offer a setting where various courses of action can be explored. Those seeking this type of assistance should check with the offices listed below, each of which has its own mandate and guidelines for providing services:

Counseling Center  
Ombuds Office  
Staff and Faculty Consultation Center  
Women's Center

Information for faculty, students, and staff is also available from the Women's Center, Ombuds Office, Staff and Faculty Consultation Center, any Student Affairs office or Resident Associates.

Any member of the Caltech community who believes he/she has been a witness to or a target of harassment is urged to report promptly the facts of the incident(s) to any of the above individuals. Delay in reporting may impede the Institute's ability to take appropriate action. In addition, an employee who believes he/she has been harassed has the right to file a complaint with the federal Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing, which have the authority to remedy violations; students may file complaints with the federal Office of Civil Rights. No member of the Caltech community will be retaliated against for making a good faith report of alleged harassment or for participating in an investigation, proceeding, or hearing conducted by the Institute, or by a state or federal agency.

### *Guidelines Regarding Harassment*

#### *Harassment*

Harassment is the creation of a hostile or intimidating environment, in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere significantly with an individual's work or education, or affect adversely an individual's living conditions. Abusive or harassing behavior, verbal or physical, which demeans, intimidates, threatens, or injures another because of his or her personal characteristics or beliefs, is subject to the Institute's disciplinary process. Examples of personal characteristics or beliefs include race, ethnicity, national origin, religion, disability, age, sex and sexual orientation.

Harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory or supervisory responsibilities or is objectively reasonable under the circumstances. Similarly, instructional responsibilities require appropriate latitude for pedagogical decisions concerning the topics discussed and the methods used to draw students into discussion and full participation. There are, however, obligations of civility and respect for others that underlie rational discourse. Behavior evidently intended to dishonor such characteristics as race, gender, national origin or ethnic group, religious belief, sexual orientation, age or disability is contrary to the pursuit of inquiry and education and may be discriminatory harassment, which violates state and federal law as well as Institute policy. Some examples of incidents that may constitute illegal harassment follow:

- An adviser tells a minority student not to take a certain course because the adviser says that other minority students have had difficulty in the course.
- A disabled individual is not included in an off-site outing because of lack of mobility.
- A supervisor assigns only menial tasks to a minority staff member.
- An older employee is disciplined for insubordination when the same conduct is tolerated from younger employees.

- Swastikas have been painted on the door of a room often used to prepare for the observance of the Jewish Sabbath.

Of course, in order to make an accurate judgment as to whether these incidents are illegal or violate policy, the full context in which these actions were taken or statements made must be considered. Conduct of this type, therefore, will initiate an investigation since making tolerance of illegal harassment or submission to it a condition of employment, evaluation, compensation or advancement is a serious offense.

### *Sexual Harassment*

Sexual harassment is unlawful, violating Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Education Code, and California state law. Sexual harassment is defined as follows: unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education.
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such an individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive environment.

The test for "unwelcome" is not whether the participation was voluntary; the test is whether the conduct was unwelcome.

Peer or co-worker sexual harassment is a form of prohibited sex discrimination where the objectionable conduct creates a hostile educational or work environment. Both males and females are protected from peer sexual harassment. Moreover, sexual harassment is prohibited regardless of the sex of the harasser, e.g. even where the harasser and the person being harassed are members of the same sex. Some examples of conduct that may constitute sexual harassment are:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Making sexual gestures, displaying sexually suggestive objects, pictures, cartoons, posters, calendars or computer screens.
- Making or using derogatory comments, epithets, slurs, or jokes of a sexual nature.
- Verbal sexual advances or propositions.
- Creating or obtaining sexually explicit materials using Institute resources or time that are not directly related to legitimate business of the Institute.
- Verbal abuse of a sexual nature, graphic commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations.
- Unwelcome, intentional, and/or repeated touching of a sexual nature.
- Stalking.
- Ostracizing individuals from group activities because of their sex or because they objected to harassing behavior.

Even when relationships are consensual, care must be taken to eliminate the potential for harassment or other conflicts. Institute practice, as well as more general ethical principles, precludes individuals from evaluating the work or academic performance of those with whom they have amorous and/or sexual relationships, or from making hiring, salary or similar decisions. Upon learning about such a relationship, the supervisor, Dean or Division Chair has the authority to eliminate any direct administrative or academic relationship between the involved individuals.

When a consensual personal relationship arises and a power differential exists, consent will not be considered a defense in a claim that the Institute policy has been violated. The individual in the relationship with greater power will bear the burden of accountability.

### *Investigations*

The Institute is firmly committed to resolving allegations of harassment fairly and quickly. To ensure that open and forthright dialog occurs, attorneys are not permitted to accompany individuals during interviews, nor are interview sessions recorded in any manner. Those interviewed are always entitled to submit a written statement if they so choose or to consult with others regarding the interview, keeping in mind that these proceedings must be kept as confidential as possible.

### *Procedures for Investigating and Resolving Discrimination, Unlawful Harassment, and Sexual Harassment Complaints at Caltech*

## I. BASIC PRINCIPLES

Caltech is dedicated to the free exchange of ideas and intellectual development as part of the campus milieu. A crucial part of Caltech culture is respect for one another; no member of the Caltech community should take unfair personal advantage of another member of the community.

The Institute is committed to maintaining a work and study environment for all members of the Caltech community that is free of unlawful harassment, including sexual harassment. Harassment compromises the tradition of intellectual freedom and the trust placed in the members of the Caltech community. This policy is not intended to stifle vigorous discussion and debate, teaching methods or freedom of expression generally. Harassment, as defined in the Institute's policy on harassment, is neither legal nor the proper exercise of academic freedom. Retaliation against an individual for reporting any type of harassment is also prohibited by law and Caltech policy.

Copies of the Institute's discrimination and harassment policies are available from the Human Resources Office, any Student Affairs office, the Women's Center, the Ombuds office, the Staff and Faculty Consultation Center, the Provost's office, and is published in the Caltech catalogue, the employee handbook and is on the Caltech website. The policy and these procedures identify appropriate people on campus to contact with complaints.

## II. PROCEDURES

A member of the Caltech community who believes he or she has been subjected to harassment, including sexual harassment, should review the Institute's policy. There are several courses of action available to address the problem, each with different consequences and implications with respect to confidentiality and resultant action. These include the following five possibilities.

### *STEPS 1-4:*

In general, the goal of steps 1-4 is to put an end quickly to the offending behavior without utilizing disciplinary action. Third parties with an official status at Caltech as described in step 4 are expected to follow up with the complainant to make sure that the issue has indeed been resolved. Mutually agreeable administrative changes are sometimes possible to ease an uncomfortable situation. Complainants should consider at the outset whether such changes might be desirable.

1. Talk personally with the offending individual, or write a letter asking him/her to stop. This is a personal step taken solely among the relevant parties.
2. Speak to members of the Counseling Center, the Ombuds office, the Staff and Faculty Consultation Center, or the Women's Center. Such conversations are confidential and are not communicated to individuals within or outside the Institute.
3. Resolve the complaint informally with the help of a third party who does not have a faculty, supervisory, or managerial position at Caltech. This could be a peer for staff; or, for students, a peer, a Resident Associate, a member of the Board of Control or the Graduate Review Board. The goal here is to allow the parties to resolve complaints without an investigation and without elevating the complaint

within the Institute. The person here is not obligated to share this information with other persons holding positions of responsibility at Caltech.

4. Resolve the complaint informally with the help of a third party who has a faculty, supervisory, or managerial position at Caltech. The goal here is also to allow the parties to resolve complaints without an investigation and without elevating the complaint within the Institute. However, a person in these positions is obligated to follow up to be sure the situation has been resolved. This action might include referring to an appropriate individual within the Institute or sharing some of this information with other persons holding positions of responsibility at Caltech.

#### *STEP 5: FORMAL COMPLAINTS*

A formal complaint is a request that the Institute takes action. Complainants may file a formal complaint by reporting the offending conduct to individuals holding any of the following positions: Provost, Dean, Director of Employee Relations, Employee Relations Specialist, Student Affairs Director (including Master of Student Houses), Division Chair, Division Administrator. The complaint is then taken to the Provost, Director of Employee Relations, or Dean(s) as appropriate (for faculty or postdoctoral scholars, staff, and students, respectively). This individual initiates an investigation. Step 5 is described more fully below.

These options are not mutually exclusive. The complainant has the right to choose which course to follow and is urged to submit a formal complaint in the event that informal steps do not stop the behavior.

Protection of complainant: The Institute encourages staff, faculty and students to report and address incidents of harassment. Accordingly, retaliation against any member of the Caltech community is strictly prohibited. Overt or covert acts of reprisal, interference, discrimination, intimidation or harassment against an individual or group for exercising his/her rights under this policy will be subject to appropriate, prompt disciplinary or remedial action.

Administrative and/or academic changes may be needed in order to protect the rights of the complainant. These changes should be discussed with the appropriate parties: Provost, Director of Employee Relations, Dean(s). Changes might include transfer of supervisory or evaluative responsibility regarding grading, supervision, tenure review, letters of recommendation, etc. Care will be taken to protect both the complainant and the respondent with the greatest degree of confidentiality. Complainants may have an advisor or support person present when reporting harassment. However, the proceeding is an internal Caltech function and, therefore, the presence of legal counsel is not permitted by anyone during the conduct of these procedures.

#### *DETAILS OF FORMAL COMPLAINTS*

Formal complaints of harassment can be made orally but should, in the end, be submitted in writing. Complaints should be brought to the attention of one of the following individuals: Provost, Dean, Director of Employee Relations, Employee Relations Specialist, Student Affairs Director, Division Chair, and Division Administrator. They will ensure that complaints reach the Provost, Director of Employee Relations, or the Dean(s), as appropriate. Within a reasonable length of time the accused party ("the respondent") will be notified of the nature of the complaint, and an investigation will begin. If administrative changes are needed to protect the rights of the complainant during the investigation, the appropriate Administrators shall see that they are made.

All formal complaints will be investigated within a reasonable length of time of the notification of the complaint, normally within 120 days. The investigation may be carried out by an individual, a committee, or an outside consultant. The purpose of the investigation is to determine the facts relating to the complaint.

Each individual or team member who conducts an investigation will be trained on various aspects of harassment. Because of the sensitive nature of these investigations, he/she will consult with General Counsel for legal assistance in investigative techniques, in applying legal standards regarding harassment and in determining the Institute's legal duties and obligations.

The complainant and respondent will be informed of the relevant procedures, and will have an opportunity to comment on the suitability of the investigator(s). The Institute's EEO and harassment policy and policy against retaliation will be reviewed with both parties. The complainant and respondent shall be

given the opportunity to present their cases separately to the investigator(s) and to suggest others who might be interviewed. Subsequently the investigator(s) can, if appropriate, interview other parties to reach findings and conclusions. The investigator(s) will summarize for the respondent the evidence in support of the complaint to allow the respondent the opportunity to reply. The investigation will remain confidential to the extent possible.

All parties who participate in interviews may submit written statements. Investigatory meetings will not be recorded. Findings and conclusions in the case will be reported, along with recommendations regarding resolution and sanctions appropriate to the case, to the respondent's management/administration within 30 days of the investigation being concluded. They should also recommend measures that could prevent the occurrence of similar instances.

Exceptions to or modification of these procedures can be made by the Provost, Dean(s), or Director of Employee Relations if required for fairness or practical necessity. Exceptions must be made in writing and notice provided to both the complainant and respondent. Other administrative issues regarding the conduct of the investigation will be decided by the Provost, Dean(s), and Director of Employee Relations, as needed.

Investigative files are confidential and will be maintained in the appropriate administrator's office.

### *RESOLUTION*

The conclusions that the investigation might reach include, but are not limited, to the following possibilities. In each case the investigator(s) should summarize the evidence that supports the conclusion.

1. A violation of the Institute's EEO and/or harassment policies occurred.
2. Inappropriate behavior occurred, but did not constitute a violation of the Institute's policies on discrimination and/or harassment. For example, the respondent improperly used the power of his or her position, used poor judgment, or violated applicable standards of ethical behavior.
3. The charges were not supported by the evidence.
4. The charges were brought without any basis or without a reasonable belief that a basis existed.

As soon as practicable after receiving the findings of the investigator(s), management/administration shall review the findings with the Dean(s), managers, Division Chairs and others as necessary. Both the complainant and respondent shall be informed of the results.

If a violation of the Institute EEO and/or harassment policies occurred, sanctions shall be imposed. Depending on the severity of the case and role at Caltech, possible sanctions include, but are not limited to:

- Verbal counseling/training
- A formal written warning placed in the respondent's file
- Suspension of the right to accept new graduate students or postdoctoral scholars
- Transfer of advisees and/or removal from positions of administrative responsibility
- Removal from student housing
- Removal from a supervisory position
- Enforced leave of absence/suspension
- Termination of employment or permanent dismissal

If the respondent was not found to have violated Institute policy on harassment, but the investigation concludes that he/she violated other Institute policy or committed some other wrongful or improper act, or if the complainant is found to have brought charges without any basis or without a reasonable belief that a basis existed, appropriate sanctions will be imposed.

### *APPEALS*

Appeals must be in writing and within 30 days of notification of the decision.

- Appeals by a faculty member of decisions or actions by the Provost that affect academic freedom and tenure can be made to the Faculty Committee on Academic Freedom and Tenure as indicated in Chapter 3 of the Faculty Handbook. Other appeals for faculty and appeals by Postdoctoral Scholars can be made to the President.
- Student appeals can be made to the Vice President for Student Affairs.
- Staff appeals can be made to the Assistant Vice President for Human Resources.

*Further complaints*

The complainant should notify the Provost/Division Chair, Dean(s), or Director of Employee Relations immediately if the corrective action does not end the harassment, or if any retaliatory action occurs. In such cases, the complainant has the right to file another complaint.

***Other Institute Policies***

To view current Caltech policies, please go to <http://cit.hr.caltech.edu/policies/policies-main.html> .