

**SANTA CLARA UNIVERSITY  
FACULTY HANDBOOK  
SECTION 3.7**

### 3.7 Faculty Development and Research

#### 3.7.1 Sabbatical Leave

A sabbatical leave is awarded for the intellectual and academic enrichment of the faculty member and for the benefit of the University through improved teaching and scholarship. Projects suitable for a sabbatical leave include research or creative work leading to a product appropriate to the discipline, such as a publication or work of art, or curricular or pedagogical development that will enhance the curriculum of the department or University.

A sabbatical leave will not be granted for routine course preparation, respite from usual duties at the University, or the improvement of one's financial circumstances through remuneration for teaching, research, or any other employment outside the University. A leave of absence is appropriate to satisfy exigencies of a personal nature.

Faculty members granted sabbatical leave are expected to return to the University at the expiration of the leave for a period of at least one year following the sabbatical leave. The period of sabbatical leave counts as service at the University for purposes of advancement in rank and salary.

Faculty in the School of Law are subject to a separate sabbatical policy which supersedes the provisions in 3.7.1 through 3.7.1.5 of this Handbook.

##### 3.7.1.1 Eligibility

Only tenured faculty and Senior Lecturers are eligible for sabbatical leave.

A tenured faculty member who at the beginning of the proposed leave will have completed at least nine quarters of full-time service since initial tenure-track appointment is eligible to apply for a sabbatical leave subject to the provisions of 3.7.1.3.

A Senior Lecturer who at the beginning of the proposed leave will have completed at least 18 quarters of full-time service since initial appointment as Senior Lecturer is eligible to apply for a sabbatical leave.

A sabbatical leave or other leave of absence, except for a Junior Faculty Development Leave, is not considered full-time service to the University for purposes of determining sabbatical eligibility.

Sabbatical leaves should be taken during a single academic year and will ordinarily not be awarded more frequently than every three years. Exceptions may be permitted in

special cases with the approval of the chair, dean, and Provost. To be considered for a sabbatical extending over more than a single academic year, the candidate must present a strong rationale for why this is necessary, and the Provost must be assured that the arrangement would not place undue burdens on students or colleagues.

*Approved by the Board of Trustees, May 20, 2005*

*Endorsed by the Faculty Senate, June 2005*

### 3.7.1.2 Application Policy and Procedures

By the first Monday in October of the year prior to that in which the sabbatical leave is to occur, the applicant shall submit to the chair of his or her department a sabbatical proposal, formulated according to current guidelines, which describes the nature of the sabbatical project, the means by which it will be carried out, and the anticipated benefits from the sabbatical project for the University, the applicant's profession, and the applicant's own future teaching and scholarship.

The sabbatical proposal is reviewed, evaluated, and passed on with a recommendation for acceptance or rejection by the applicant's department chair, college or school dean, a Sabbatical Review Committee appointed by the Provost, and the Provost in turn. The Sabbatical Review Committee may request modifications in the proposal before making its recommendation to the Provost who may also request additional information. Sabbatical leaves are granted by the Provost.

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### 3.7.1.3 Remuneration

Although a faculty member's Letter of Appointment for the year in which a sabbatical leave has been awarded states base salary and estimated total compensation, actual salary for the year of sabbatical leave is determined as follows.

For each quarter of full-time employment, up to a maximum of three quarters per academic year, an eligible faculty member accrues 1/27 of his or her base pay for sabbatical leave. For example, after nine quarters of regular service, a tenured faculty member is eligible for one quarter of sabbatical leave at 100% of base annual salary; after 18 quarters of regular service, a tenured faculty member or Senior Lecturer is eligible for two quarters of sabbatical leave at 100% of base annual salary; and after 27 quarters of regular service, a tenured faculty member or Senior Lecturer is eligible for three quarters of sabbatical leave at 100% of salary.

After 18 quarters and up to 27 quarters of full-time service, a faculty member eligible for sabbatical may take a three-quarter sabbatical leave at a reduced salary if the accrued service is insufficient to permit a sabbatical leave at full pay. For example, after 18 quarters of regular service, a full year of sabbatical leave will be remunerated at 18/27 or

66.7% of base annual salary; after 21 quarters of regular service, a full year of sabbatical leave will be remunerated at 21/27 or 77.8% of base annual salary.

Any quarters of accrued service that are not utilized for a sabbatical leave may be credited to a subsequent sabbatical leave. There will be no additional accrual of sabbatical time after 27 quarters of service unless the faculty member has had to delay a sabbatical leave in the interest of the department, college, or University. In such cases, with the written approval of the Provost, any additional quarters will be credited to a subsequent sabbatical leave. Sabbatical salary may not exceed 100% of the faculty member's regular salary.

Contributions to the retirement plan, by both the University and the faculty member, are based on the salary actually paid; all other benefits are continued as usual.

It is the obligation of the recipient of a sabbatical leave to clarify with his or her dean or with the Provost any matter pertaining to the leave which may not be included in this Handbook. Such clarifications are to be made in writing with copies to the recipient's department chair, the dean, and the Provost.

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#### 3.7.1.4 Reports on Sabbaticals

Not later than ninety days following return to the University, a faculty member granted sabbatical leave shall submit a detailed report on his or her activities and accomplishments during the leave to the school or college dean, with copies to the Provost and department chair. Reports from prior sabbaticals must be included as part of future petitions for sabbatical leave.

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#### 3.7.1.5 Unused Sabbatical Time

Any quarters of accrued service that have not been utilized for a sabbatical leave will be forfeited when a faculty member ends employment with the University.

#### 3.7.2 Junior Faculty Development Leaves

Junior Faculty Development Leaves are intended to support the professional development of tenure-track faculty in preparation for their application for tenure and promotion.

Following a mid-probationary review resulting in a recommendation for continuation through the probationary period, a tenure-track faculty member is eligible for a leave of one quarter at full salary to advance his or her scholarship or teaching as appropriate to

each case. This leave is to be completed no later than the penultimate year before the faculty member petitions for tenure and promotion.

Junior Faculty Development Leaves are not available in the School of Law.

### 3.7.3 Leaves of Absence

At the discretion of the Provost, any member of the faculty may be granted a leave of absence of up to one year's duration for *bona fide* emergency or for other personal reasons, such as to engage in public service, in formal study, in research, or in teaching at another institution.

A leave of absence shall be extended beyond one year only for extraordinary reasons and under conditions to be agreed upon in writing by the faculty member and the Provost. If the faculty member is untenured, a leave of absence shall not constitute an interruption in the faculty member's probationary service for tenure, unless a written agreement between the faculty member and the Provost states otherwise.

A faculty member on leave of absence does not receive a Letter of Appointment for the period of the leave. Except for life insurance and medical insurance, which the University shall maintain in force, the faculty member shall receive no salary or other benefits during the period of leave, nor shall the faculty member accrue eligibility towards sabbatical, faculty tuition remission, or phased retirement.

A faculty member on leave of absence who decides not to return to the University shall observe the principles of notification of the University that are given 3.5.2.

### 3.7.4 External Funding

#### 3.7.4.1 Sponsored Projects

A sponsored project is any externally funded activity which is subject to an agreement that is binding on the University and that includes any of the following conditions:

1. It commits the University to a specific plan of research or scholarly inquiry.
2. It makes a specific commitment regarding the level of personnel effort, items of output, or achievement of specific performance targets.
3. It requires both adherence to a line item budget and either a detailed fiscal report or an external audit of the project.
4. It requires that any unexpended funds be returned to the sponsor at the end of the project period.

5. It provides for the disposition of either tangible property (e.g., equipment, records, or technical reports) or intangible property (e.g., patents or copyrights) that may result from the activity.

Proposals including any of the above conditions must be reviewed by the Sponsored Projects Office before submission unless they are for student financial aid (see University Financial Aid Office), endowment funds (see University Development Office), or construction projects (see University Development Office and Facilities Planning and Projects Office).

Proposed activities that entail the use of human subjects, laboratory animals, radiological hazards, biohazards, or recombinant DNA must also be reviewed by the Sponsored Projects Office for compliance with University policies and external requirements even though they may not meet the definition of a sponsored project given above.

Unrestricted gifts from private parties, or those restricted only to a general area without any of the conditions above, are not considered to be sponsored projects and should be processed through the University Development Office.

#### 3.7.4.2 Other Fund Raising

All requests for external funds, except those that fall within the category of sponsored projects as defined in 3.7.4.1, must be coordinated with the University Development Office.

#### 3.7.4.3 Consulting and Other Paid Professional Activity

Consulting is defined as professional activity related to a person's field or discipline in which a fee-for-service or equivalent relationship with a third party exists. This definition is intended to encompass many different kinds of activities. Whether one runs a private practice, operates as an independent contractor, works as a paid employee, or serves as a company director, one is acting as consultant if three conditions hold: one uses one's *professional capabilities* in return for some *form of remuneration* provided by a *party other than the University*.

Faculty members need not obtain prior approval for consulting as long as they meet their full-time obligations to the University and comply with the guidelines presented below. Exceptions to these guidelines must be approved in writing by both the appropriate dean and the Provost.

The maximum amount of consulting permitted for full-time faculty members is one day per seven-day week during the period of employment specified in the Letter of Appointment. When consulting is done by the hour rather than the day, eight consulting hours equal one consulting day.

For part-time faculty members who hold appointments for the full academic year, the one-day limit is prorated using the formula  $F + 6(1 - F)$ , where  $F$  is the fraction of full-time duty and 6 is the maximum number of days per week that are likely to be devoted to consulting during the period not covered by University work.

Faculty members whose period of appointment is the academic year are not subject to time limits on consulting during the summer recess unless they receive from the University a salary supplement for work performed during the summer. If the supplement is less than 3/9 of base salary, the one-day limit applies only to the actual period of employment by the University.

Faculty members on sabbatical leave at full pay may consult up to one day per week. For those on sabbatical at less than full pay, the one-day limit is prorated according to the formula given above for part-time employment. Faculty members on leave without salary are not subject to time limits on consulting.

Averaging of consulting time within a single quarter is permitted at the discretion of the faculty member, but averaging across quarters requires prior written approval by the dean. Quarters of less than full-time service may not be averaged with quarters of full-time service.

University resources--including personnel, facilities, equipment, materials, and services--shall not be used in connection with consulting except in a purely incidental way.

Except in cases where disclosure would violate professional privilege, every faculty member must describe his or her consulting activities upon request from the dean or the Provost. Requested information may include the names of companies or organizations for which the faculty member has consulted, the general nature of each consulting agreement, the number of days devoted to each consulting agreement, and any financial interest in the company or organization that might result in a conflict of interest with University responsibilities. No faculty member will be required to disclose actual income from consulting activities.

Three activities related to faculty responsibilities are specifically excluded from the limits of the consulting policy:

1. Scholarship. This includes scholarly and creative productions as described in 3.4.2.
2. Professional Service. This includes service on editorial boards, peer review panels, committees of professional organizations, advisory groups at other universities, government boards, and similar bodies.
3. Sponsored Projects. These include all grants and contracts administered by the University.

Also excluded from the provisions of the consulting policy is teaching elsewhere. This includes full-time and part-time teaching appointments at other educational institutions. Since the acceptance of full-time appointment at Santa Clara University involves a commitment that is full-time in the most inclusive sense (3.6.2), full-time faculty must have the written approval of the dean and Provost before accepting a teaching appointment at another educational institution during the period of service specified in the Letter of Appointment.

Any question about whether an activity constitutes consulting under this policy should be resolved in advance with the appropriate dean.

### 3.7.5 Patents

The patent policy of the University applies to all potentially patentable discoveries or inventions conceived or first reduced to practice by anyone using University funds, material, or facilities. This policy is defined in terms of three categories of inventions:

1. *Discoveries or inventions that are subject to the terms of sponsored projects or other agreements between the University and a third party.* These inventions shall be disposed of in accordance with the terms of the applicable agreement. Most agreements provide that the University will take title to inventions and will grant certain license rights to the sponsor.
2. *Discoveries or inventions that involve the significant use of funds, materials, or facilities administered by the University but that do not involve University obligations to a third party.* These inventions shall be the property of the University. Significant use occurs when the University provides resources above and beyond those that would be routinely available to the inventor as a direct result of his or her affiliation with the University.
3. *Discoveries or inventions that do not involve either University obligations to a third party or the significant use of funds, materials, or facilities administered by the University.* These inventions shall be the property of the inventor.

The University is free to assign any discovery or invention in which it has ownership rights to a patent management organization for assistance in filing a patent application or negotiating licenses. Any royalties the University receives will be shared with the inventor as described below.

Of the net royalties it derives from any discovery or invention, the University will pay 50 percent to the inventor or inventors; it will place the remaining 50 percent in a separate University fund to support research and related activities.

Anyone conducting research at the University that could result in patentable discoveries or inventions will be required to sign a Patent Agreement which is available from the Sponsored Projects Office.

Any discovery or invention covered under this policy, except those in which the inventor has sole ownership rights, must be disclosed promptly to the Sponsored Projects Office by means of an Invention Disclosure Form available from that office. After this form is submitted, the University or its designate will make an evaluation in order to decide whether to apply for a patent. The University will promptly notify the inventor in writing of its final decision. If it fails to do so within six months of receiving a properly executed disclosure, or if it decides not to pursue a patent application, the invention will become the property of the inventor subject to the rights of any outside sponsor.

Any inventor who wishes to request an exception to this policy or to challenge a patent decision by the University may appeal to the Provost. The Provost will appoint an ad hoc committee of three members mutually acceptable to the inventor and the Provost, including at least one faculty member and one member of the administration. The committee will prepare a report of its findings and make a recommendation to the Provost. The decision of the Provost, which is to be explained in writing, will be final.

University employees who are engaged in consulting work are responsible for ensuring that clauses in their agreements are not in conflict with this patent policy or with the rights of other parties.

The Sponsored Projects Office should be consulted for any interpretation of this policy.

### 3.7.6 Copyrights

#### 3.7.6.1 General Description

Copyright is a form of protection provided by federal law to the owners of "original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device."

Copyright protection does not extend to an idea or concept. It extends only to the work in which it is embodied.

Subject to various exceptions and limitations, a copyright owner has the exclusive right to reproduce the work, prepare derivative works, distribute copies, and display or perform the work publicly. It is illegal to violate any of the rights provided by law to the owner of copyright.

#### 3.7.6.2 Fair Use of Copyrighted Works

Making copies of copyrighted materials is permitted only when written permission is obtained from the copyright holder or the copying falls within the doctrine of "fair use," which allows for the limited use of copyrighted materials for personal use or educational purposes without prior permission.

The University interprets fair use in accordance with the guidelines presented in the American Library Association's "Model Policy Concerning College and University Photocopying for Classroom, Research, and Library Reserve Use," which is reprinted in Appendix G.

### 3.7.6.3 Software Copying

No University employee or student shall make or use illegal copies or adaptations of computer software.

Purchasers of copyrighted computer software may make archival copies to back up the software and protect their investment from loss. The generally accepted rule of thumb is that the software may be used by any number of people and may be moved from one location to another so long as there is no possibility that it will be used by two different people in two different places at the same time.

All license agreements for software acquired by the University shall be signed by the Chief Information Officer or his delegate. All reasonable precautions shall be taken to secure software from illegal copying or theft. All software acquired by the University shall meet one or more of the following conditions:

1. It is in the public domain.
2. The Chief Information Officer or his delegate has signed a proper licensing agreement for it.
3. It has been donated to the University and a *bona fide* written record of contribution exists.
4. It has been purchased by the University and a *bona fide* record of purchase exists.
5. It has been purchased by a user and a *bona fide* record of purchase exists which can be produced by the user upon demand.
6. It is being reviewed or demonstrated by users in order to reach a decision about future purchase, request for contribution, or licensing.
7. It has been written or developed by the University for use in University equipment.

Violations of this policy may result in loss of computer privileges and in other disciplinary action.

### 3.7.6.4 Copyright Ownership

When a University employee is the creator of a copyrightable work, all rights in copyright shall remain with the creator except in the following circumstances:

1. *The work is a work-for-hire by the University.* A work-for-hire is defined as a work prepared by an employee within the scope of his or her employment. Works of scholarship and works prepared for classroom use shall not be included in this category. The University shall own all rights in a work-for-hire unless the Provost or cognizant Vice President has relinquished them in writing.
2. *The work has been commissioned by the University.* The University shall own all rights in a work it has commissioned provided that the parties so agree in writing.
3. *The work has been developed in the course of or pursuant to a sponsored project or other agreement between the University and a third party.* The terms of the applicable third-party agreement shall govern the disposition of rights in copyright.
4. *The work is covered by other terms specified in a written agreement between the author and the University.* In cases where the work has been developed with monetary support from the University but is not covered by points 1 through 3 above, the University may require a written agreement specifying the disposition of rights in copyright.

A copyright notice is necessary to protect the rights of the owner. The following notice should be placed on copyrightable materials if they are owned by the University under this policy:

Copyright (or (c)) (year) The President and Board of Trustees of Santa Clara College  
Owners of computer software developed through the use of University resources shall grant the University a royalty-free license in perpetuity to use such software.

Any creator who wishes to request an exception to this policy or to challenge a copyright decision by the University may appeal to the Provost. The Provost will appoint an ad hoc committee of three members mutually acceptable to the creator and the Provost, including at least one faculty member and one member of the administration. The committee will prepare a report of its findings and make a recommendation to the Provost. The decision of the Provost, which is to be explained in writing, will be final.

University employees who are engaged in consulting work are responsible for ensuring that clauses in their agreements are not in conflict with this copyright policy or with the rights of other parties.

### 3.7.7 Misconduct in Research

The University will not tolerate misconduct in research. It has formal procedures to investigate and impose sanctions for actions that undermine the integrity of scholarly

activity. “Misconduct in research” includes, but is not necessarily limited to, plagiarism; fabrication or falsification of evidence or data; unauthorized use of privileged information; and deliberate and substantial violation of federal, state, or University regulations relating to the conduct of research. It does not include honest error or honest differences in interpretation of data.

The full Policy on Misconduct in Research is set forth in Appendix H and is incorporated here by this reference.

### 3.7.8 Human Subjects

The University’s full “Policy on the Use of Human Subjects in Research,” which includes specific procedures and implementation guidelines, may be obtained from the chair of the Human Subjects Committee or the Sponsored Projects Office. Other documents referenced below are also available in the Sponsored Projects Office.

A “human subject” in research is defined by law as “a living individual about whom an investigator (whether professional or student) conducting research obtains: (a) data through intervention or interaction with the individual, or (b) identifiable private information.”

Santa Clara University is committed to a policy of safeguarding the rights and welfare of all human subjects in research. The University accepts the principles set forth by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research in its report, *Ethical Principles and Guidelines for the Protection of Human Subjects of Research* (commonly known as the Belmont Report). The commitment to these principles includes recognition of the necessity for review of a research project independent of the investigator to ensure optimum protection of human subjects involved in that project, as required by federal regulations. This commitment extends beyond the requirements of federal regulations, however, and is not affected by the sources of research funding.

#### 3.7.8.1 General Principles

Three basic ethical principles cited in the Belmont Report are:

- A.1. *Respect for Persons*. Human subjects must be treated as autonomous and able to make responsible choices. This principle leads to the requirement of informed voluntary consent.
- A.2. *Beneficence*. Subjects must be protected from harm and their well-being must be secured. This principle leads to the requirement that the benefits to subjects or to humanity generally must be judged to outweigh the risks to subjects.
- A.3. *Justice*. The risks and benefits of research must be distributed fairly without creating differences in treatment among ethnic, racial, religious, sexual, or age-defined classes. This principle leads to the requirement that investigators take

care not to exploit special categories of persons less able to refuse participation in research such as prisoners, mental patients, and children.

Applications of these principles lead to the standard expectations that investigators will:

- A.2 Secure informed consent by (1) making real efforts to see that subjects understand the project, (2) providing a “way out” for subjects if they desire one, and (3) providing a way for subjects’ questions to be answered.
- B.2 Systematically evaluate risks and benefits of their research.
- C.2 Select subjects in a fair manner that does not exploit some especially vulnerable category of people.

#### 3.7.8.2 Scope of Policy

This policy is applicable to all research involving human subjects conducted by an employee or student of the University in connection with his or her University work.

#### 3.7.8.3 Human Subjects Committee

The Human Subjects Committee, composed of at least five members appointed by the Provost, will serve as the Institutional Review Board required by law. It will be appointed in accordance with 45 CFR 46.107, which provides guidelines for assuring that the committee is “sufficiently qualified through the experience and expertise of its members...to promote respect for its advice and counsel in safeguarding the rights and welfare of human subjects.”

The committee will meet at least once a year to review University policies and procedures designed to protect human subjects. It also will meet as needed to review specific projects. When the committee reviews a project, it will act in a thorough, timely, and impartial manner. It will have the authority to approve, disapprove, or require modifications in projects. All decisions will be based on a formal vote and will be reported in writing to the Provost. Research covered by this policy may be subject to further review by appropriate University officials. If the Human Subjects Committee disapproves a project, however, its decision may not be overruled. An investigator who is not satisfied with a decision may ask the committee to reconsider.

#### 3.7.9 Biosafety

University employees and students who conduct research involving radiological hazards, biohazards, or recombinant DNA shall adhere to all applicable local, state and federal regulations. For research involving radiological hazards, principal investigators shall also submit a description of their research and obtain approval on the University’s radiation license through to the Radiation Safety Officer.

Information on applicable regulations may be obtained from the Sponsored Projects Office or the Environmental Health and Safety Office.

### 3.7.10 Animal Care and Use

Santa Clara University is committed to the humane treatment of laboratory animals in research and instruction. To fulfill this commitment, the Animal Care and Use Committee reviews all research and instruction involving live warm-blooded vertebrate animals to assure compliance with pertinent statutes and regulations.

The University has filed an Assurance of Compliance in accordance with the U.S. Public Health Service Policy on Humane Care and Use of Laboratory Animals. This Assurance of Compliance states the University's policy as follows:

1. This institution will comply with all applicable provisions of the Animal Welfare Act and other Federal statutes and regulations relating to animals.
2. This institution is guided by the U. S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training.
3. This institution has established and will maintain a program for activities involving animals in accordance with the *Guide for the Care and Use of Laboratory Animals*.
4. This institution acknowledges and accepts responsibility for the care and use of animals involved in activities covered by this assurance. As partial fulfillment of this responsibility this institution will make reasonable effort to ensure that all individuals involved in the care and use of laboratory animals understand their individual and collective responsibilities for compliance with this assurance as well as other applicable laws and regulations pertaining to animal care and use.

Further information about applicable regulations may be obtained from the Sponsored Projects Office or the chair of the Animal Care and Use Committee.

### 3.7.11 Secret Research

Secret research is defined as any research whose methods or results cannot be published without the prior approval of a sponsor. In order to ensure that research conducted at Santa Clara is consistent with the principle of free and open inquiry, the University shall not accept grants or contracts for the purpose of secret research.

The University shall also not award degrees for theses or dissertations based on secret research. Exceptions can be made only if the imposition of secrecy was unforeseeable until the work was so far advanced that it could not be modified without substantial inequity to the student.

In no case will the University give a sponsor the right to prevent publication or require modification of data or conclusions. The University may agree, however, to provide advance copies of publications to sponsors for their comment. Upon demonstration of compelling reasons, it may also agree to defer publication for a period of up to six months from the date copies are provided. Any extension of this period must be approved in writing by the Provost.

Sponsors of research projects may occasionally give the University access to proprietary or classified information. The University will accept such information only under the following conditions:

1. The information must be important for the conduct of the research project.
2. It must be clearly identified in writing as proprietary or classified.
3. Use of the information must not preclude publication of meaningful research results.
4. Use of the information must not preclude meaningful participation in the project by any member of the research group.

While the University will make all reasonable efforts to maintain the confidentiality of proprietary or classified information, it cannot accept financial liability for inadvertent disclosure of such information.