

SECTION 4
PERSONNEL RECORDS

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The university maintains official personnel files for each faculty member in the offices of the appropriate dean and department chair. The personnel files are available to the members of the Board of Trustees, the administration and its agents, and as otherwise required by law where necessary to allow the university to comply with law and standard business practices. Department chairs may examine the personnel files of the faculty members of their own departments only.

Faculty members may review the contents of their own personnel files on request and in the presence of a designated university official, but with the exception only of those documents to which the faculty member has waived in writing the right of examination. Faculty members may review a list or index of all materials in their personnel files including those to which the right of access has been waived. A faculty member may submit and have inserted into the personnel file a statement that clarifies any material in the file that he/she believes is inaccurate. Said clarification shall be maintained so long as the disputed material is maintained. It is the responsibility of each faculty member to supply information to both the departmental and dean's offices to keep the personnel file up to date in terms of official transcripts of degrees completed, change of address, publications, and the like.

SECTION 5

PERTINENT ADMINISTRATIVE AND FINANCIAL POLICIES

5.1

Travel

Employees who travel on official business must secure advance authorization in writing. This assures that funds are available and protects both the university and the employee in the event of an accident. Employees injured in the performance of their authorized duties while traveling may claim benefits under Workers Compensation. Reports of injury should be made promptly to the employee's immediate supervisor who is required to see that such reports are promptly routed to the Office of Staff Benefits and Pension Administration.

Employees who travel are normally expected to use the corporate credit card provided by the university to all faculty, together with personal funds, and then make a request for reimbursement on the basis of actual travel expenses incurred. Such requests should be made by requisition and be accompanied by an approved travel report with supporting receipts. Faculty members should familiarize themselves with the travel guidelines currently in effect and available from the Office of the Vice President for Business and Fiscal Affairs, since such details as the approved daily rate (hotels, food, and the like) and types of allowed expenditures may change from time to time. Where travel expenses are provided by research grants or contracts, faculty members are expected to claim either the actual expense or the daily amount specified by the terms of the contract or grant, whichever is lower. The use of personal automobiles is permissible whenever the best interests of the university and the traveling employee are served. The prevailing mileage allowance is inclusive of

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all expenses, such as preparation of the car for the trip, gasoline, oil, parking expense, and storage. Highway, bridge, and ferry tolls are recognized as allowable expenses in addition to mileage. Reimbursement for mileage is limited to one employee or one employee in a group of employees traveling together; the names of other passengers must be shown on the expense account.

5.2

Extreme Weather Conditions

Howard University functions under three operational conditions: normal, curtailed, and closure. Under normal conditions, all scheduled academic and administrative activities are conducted. Under curtailed conditions classes are suspended (except in the cases of the Colleges of Dentistry and Medicine and the Schools of Law and Social Work, for which the appropriate Dean will make and communicate the decision), but administrative operations continue. Under closure, all classes and all but essential operations are suspended. Decisions will be publicized as rapidly and extensively as possible. Public announcements will be made over local commercial radio and television stations, as practical. Members of the university are encouraged to listen for announcements on the university radio station (WHUR-96.3 FM) or, if necessary, to call the university switchboard.

5.3

Telephones

Faculty, administrators, and staff are assigned equipment in accordance with their communications requirements. All requests for telephone service (voice or data) require the completion of a Telephone Request for Services form that must be signed by the appropriate dean, director, or administrative officer and submitted to the director of Telecommunications Services for approval.

University telephones and data communications services are to be used only for official university business. Care should be taken to ensure that equipment is not abused and is secured. Unauthorized persons are not permitted to use university telephone equipment. Departmental personnel are not authorized to attempt repair of malfunctioning equipment. All telephone problems should be reported to the Office of Telecommunications Services.

All long distance calls that are to be charged to the university are to be placed through the ARS/WATS System using authorization codes issued to persons authorized by the division level executive administrator in accordance with university guidelines. No one is permitted to accept collect calls. Calls made from an off-campus telephone may not be charged to a university number. If it is necessary to make a business-related call while in official travel status, employees are to pay for the call and request reimbursement just as for other travel expenses.

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The Office of Telecommunications Services is responsible for providing data communications facilities to campus computer users. One may use the Request for Telecommunications Services form to order data communications lines, services, and equipment or to obtain a needs analysis. The cost of equipment and installation of wiring is normally the responsibility of the requesting department.

5.4

Security Services for Special Events

Security services shall be requested a minimum of 30 days prior to the event. No security services will be rendered unless an approved Service Request (on campus activities) or a Cashier's Receipt (off-campus activities) is received by the Office of Security 15 days prior to the event. Requests for security services will be made through the Office of the Vice President for Business and Fiscal Affairs using Form BMI-1 (for use of a university facility) or Form CA-101 (for use of Cramton Auditorium). Upon receipt of subject forms, estimated charges will be provided based on standard man-hours at the overtime rate. These charges will be returned to the originating office and no further action will be taken until approved documents have been received by the Office of Security indicating that funds have been made available to cover the costs of services. The user assumes responsibility for additional costs over the estimated charges and agrees to pay such charges when presented with said bill. Likewise, the user shall receive a refund for unused hours. Departments that have an established annual need for security services for special events will be required to submit to the Office of Security, at the beginning of the fiscal year, an approved copy of the Service Request indicating that funds have been transferred (similar to a limit sum payment) to the Office of Security (Account # 256400-3750).

5.5

Bulletin boards

Bulletin boards are placed at strategic areas throughout the university and display information of interest to employees and students. These are intended for official information. Good judgment and discretion should be practiced in their use.

5.6

Policy Statement on Photocopying of Copyrighted Materials for Classroom and Research Use

The guidelines set forth below are to be used to determine whether or not the prior permission of the copyright owner is to be sought for photocopying for research and classroom use.¹ If the proposed photocopying is not permitted under the guidelines, permission to copy is to be sought. An explanation of how permission may be

¹ To minimize intrusiveness and over-centralization, the responsibility for making this determination will continue to reside with the individual faculty member. In making this determination, the faculty member should consider carefully all sections of the guidelines.

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sought follows the guidelines. After permission has been sought, copying should be undertaken only if permission has been granted and in accordance with the terms of the permission except as provided in the next paragraph.

The doctrine of fair use may now or hereafter permit specific photocopying in certain situations, within limitations, beyond those specified in the guidelines² or those that might be agreed to by the copyright owner. In order to preserve the ability of individual faculty members to utilize the doctrine of fair use in appropriate circumstances without incurring the risk of having personally to defend an action by a copyright owner who may disagree as to the limits of fair use, a faculty member who has sought permission to photocopy and has not received such permission (or has received permission contingent upon conditions that the faculty member considers inappropriate) may request a review of the matter by the university counsel. If upon review the university counsel determines that some or all of the proposed photocopying is permitted by the copyright law, the university counsel will so advise the faculty member. In that event, should any such photocopying by the faculty member thereafter give rise to a claim of copyright infringement, the university will defend and indemnify the faculty member against any such claim.

In the absence of the determination and advice by the university counsel referred to above or in the event that permission has not been first requested by the faculty member, no defense or indemnification by the university shall be provided to a faculty member whose photocopying gives rise to a claim of copyright infringement.

5.6.1 Guidelines

² The guidelines below were negotiated by education, author, and publishing representatives in 1976 and were incorporated in the House of Representatives' report accompanying the Copyright Act of 1976. The introductory explanation of the guidelines in the House Report describes their relationship to the doctrine of fair use as follows:

Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions. With Respect to Books and Periodicals

The purpose of the following guidelines is to state the minimum standards of educational fair use under Section 107 of H.R. 2233. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future; and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

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5.6.1.1

Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his/her individual request for his/her scholarly research or use in teaching or preparation to teach a class:

- (a) A chapter from a book;
- (b) An article from a periodical or newspaper;
- (c) A short story, short essay, or short poem, whether or not from a collective work; or
- (d) A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

5.6.1.2

Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion providing that:

- (a) The copying meets the tests of brevity and spontaneity as defined below.
- (b) The copying meets the cumulative effect test as defined below.
- (c) Each copy includes a notice of copyright.

5.6.1.3

Definitions

Brevity

1. Poetry: (a) A complete poem if less than 250 words and if printed on no more than two pages or (b) from a longer poem, an excerpt of not more than 250 words.
2. Prose: (a) Either a complete article, story, or essay of less than 2,500 words or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words. (Each of the numerical limits stated above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)
3. Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
4. "Special" works: Certain works in poetry, prose, or in poetic prose which often combine language with illustrations and which are intended sometimes for children and at other times for a more

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general audience fall short of 2,500 words in their entirety. Paragraph 2 notwithstanding, such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof may be reproduced.

Spontaneity

1. The copying is at the instance and inspiration of the individual teacher.
2. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

1. The copying of the material is for only one course in the school in which the copies are made.
2. Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author or more than three from the same collective work or periodical volume during one class term.
3. There shall not be more than nine instances of such multiple copying for one course during one class term. (The limitations stated in 2 and 3 above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

5.6.1.4

Prohibitions

Notwithstanding any of the above, the following shall be prohibited:

- (a) Copying shall not be used to create or replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
- (b) There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests, test booklets, answer sheets, and like consumable material.
- (c) Copying shall not
 - òSubstitute for the purchase of books, publishers' reprints, or periodicals;
 - òBe directed by higher authority; or

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òBe repeated with respect to the same item by the same teacher from term to term.

No charge shall be made to the student beyond the actual cost of the photocopying.

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AGREED

March 19, 1976
AD HOC COMMITTEE ON
COPYRIGHT LAW REVISION
By Sheldon Elliott Steinbach

AUTHOR-PUBLISHER GROUP
AUTHORS LEAGUE OF AMERICA
By Irwin Karp, Counsel
ASSOCIATION OF AMERICAN
PUBLISHERS, INC.
By Alexander C. Hoffman,
Chairman, Copyright Committee

Permissions

How to Obtain Permission

When a proposed use of photocopied material requires a faculty member to request permission, communication of complete and accurate information to the copyright owner will facilitate the request. The Association of American Publishers suggests that the following information be included to expedite the process:

1) Title, author and/or editor, and edition of materials to be duplicated; 2) exact material to be used, giving amount, page numbers, chapters and, if possible, a photocopy of the material; 3) number of copies to be made; 4) use to be made of duplicated materials; 5) form of distribution (classroom, newsletter, etc.); 6) whether or not the material is to be sold; and 7) type of reprint (ditto, photocopy, offset, typeset).

The request should be sent, together with a self-addressed return envelope, to the permissions department of the publisher in question. If the address of the publisher does not appear at the front of the material, it may be obtained from The Literary Marketplace (for books) or Ulrich's International Periodicals (for journals), both published by the R.R. Bowker Company. For purposes of proof and to define the scope of the permission, the permission should be in writing.

The process of considering permission requests requires time for the publisher to check the status and ownership of rights and related matters and to evaluate the request. It is advisable, therefore, to allow sufficient lead time. In some instances the publisher may assess a fee for permission, which may be passed on to students who receive copies of the photocopied material.

5.7

Keys

Keys to offices and other university facilities will be issued to faculty members based on the requirements of their professional duties to the university. Such keys are for the sole use of the faculty member to whom they were issued. They remain the property of the university and therefore must not be duplicated except by appropriate university approval and are to be returned to the university upon

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separation from the university or when a change in professional duties renders them no longer needed.