

CARY INSTITUTE OF ECOSYSTEM STUDIES

POLICY AND PROCEDURE MANUAL

UPDATED 2015

INTRODUCTION

The Cary Institute Policy and Procedure Manual (the Manual) is designed to serve as a convenient reference for employees on the most important policies and procedures. Significant changes and additions will generally be posted on the intranet and employees alerted.

Employees are cautioned that not all matters of importance are incorporated in this Policy and Procedure Manual in their entirety. For example, collective bargaining agreements, pension agreements and detailed contracts for health coverage are too voluminous to include. All relevant plans and documents are available for review in the Office of Human Resources and employees are urged to see the Manager of Human Resources if any questions arise.

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SECTION A
OVERVIEW

MISSION STATEMENT

THE CARY INSTITUTE'S PURPOSE

The Cary Institute of Ecosystem Studies (Cary Institute) is dedicated to the creation, dissemination and application of knowledge about ecological systems. This knowledge is created through scientific research, disseminated through teaching, writing, and exhibits, and applied through participation in decision-making regarding the ecological management of natural resources and through promotion of a broader awareness about the importance of ecological relationships to human welfare.

THE CARY INSTITUTE'S GOALS

1. To advance the basic understanding about the structure, function, and temporal development of ecological systems.
2. To provide knowledge needed for the solution of environmental problems.
3. To develop an understanding of how people learn about the processes of science, and about ecological concepts.
4. To enhance the general understanding of ecology by students, policy makers, and the general public.
5. To train a new generation of ecologists capable of addressing and solving complex environmental problems important to human societies.

IMPLEMENTATION OF GOALS

To reach these critically important goals, Cary Institute has developed a working environment and philosophy unique among ecological research centers in North America. In addition to empirical research of the highest order, the staff has set itself the task of promoting synthesis in ecological understanding. The search for generalizations and unifying models has unusual promise for advancing basic ecology and making ecological understanding relevant for addressing the urgent environmental problems confronting humanity. Solving such environmental problems requires a scientific foundation of the highest quality.

The work of Cary Institute contributes to an understanding and resolution of pressing environmental problems in two fundamental ways:

First, the solution of environmental problems requires objective, sound, and accepted scientific information and understanding. Basic science is the foundation for environmental problem solving. Indeed, basic science often is the window through which critical environmental problems are first recognized. Examples include acid rain in North America, eutrophication of aquatic ecosystems, and the global CO₂ increase. Environmental problems cannot be evaluated or solved without answers to questions like, "How much? How extensive? What has been the change with time? What is the impact on different system components? What are the feedback and amplification pathways?" Various research programs at Cary Institute contribute answers to such questions. For example, Cary Institute staff can state how their research projects relate to global environmental change, biodiversity, air and water pollution, eutrophication, forestry practices, and sustainable development. Basic ecological understanding, derived largely through investigator-initiated research, represents the heart of the program of Cary Institute.

Second, Cary Institute staff have assumed a mandate to make scientific information available to the public, managers, and decision-makers. The consensus document on “Sustained Ecological Research: A Critical Need” arising out of the international 1989 Cary Conference, organized by the Cary Institute, reflects this commitment. Other examples include the workshop held at Cary Institute to set air quality standards for wilderness areas, the workshop on scientists and the media, the international workshop on integrated regional modeling and management, the public field trips and ecological excursions led by Cary Institute staff, concerted staff review of plans and programs of the New York State Department of Environmental Conservation, and interactions with local, state, and federal officials and agencies. Specific examples include regional commissions concerning the Hudson River, town planning boards and conservation commissions, the New York Governor’s Environmental Advisory Board, the New York City Parks Department, and the USDA Forest Service. In addition, the public education program attempts to increase scientific literacy in elementary and high schools, and the National Science Foundation funded Research Experiences for Undergraduates Program aggressively recruits women and students from minority groups, and from schools where research is not likely to be an option for college undergraduates. The intense involvement of Cary Institute staff in these pursuits is remarkable and unusual even when compared to centers of ecology at leading universities.

HISTORY OF CARY INSTITUTE

BACKGROUND

In the 1920's Melbert and Mary Flagler Cary searched for a retreat from New York City. Mrs. Cary had grown up in Millbrook, New York, and memories of the area's natural beauty drew her back here.

By the early 1930's, the Carys had acquired fourteen farms and other parcels of adjoining property which they named "Cannoo Hills." They let nature take its course on the land. After Melbert Cary died in 1941, Mary Flagler Cary spent long periods in Millbrook arranging for the care of the land and her favorite trees, until her death in 1967.

In August 1971 the Mary Flagler Cary Charitable Trust, created by the terms of Mrs. Cary's will, deeded the property - a total of 778 hectares (1,924 acres) - to The New York Botanical Garden to develop the Mary Flagler Cary Arboretum.

CARY INSTITUTE OF ECOSYSTEM STUDIES

In 1983, the Institute of Ecosystem Studies was formed as a division of The New York Botanical Garden at the Arboretum by founding Director, Gene E. Likens. The focus of the Institute is on ecological education and research into the disturbance and recovery of northern temperate ecosystems. The site of the Institute provides a variety of habitats, including deciduous and mixed conifer forests, wetlands, flood plains, old fields and introduced plant collections.

The Institute matured, becoming recognized internationally for its research and education programs. Because of this growing maturity, stature and independence, in 1992 The New York Botanical Garden's Board of Managers authorized the Institute to become a new and independent corporation. A new Board of Trustees first met in October of 1993, and on November 1, 1993, the Cary Institute of Ecosystem Studies began independent operation.

In 1993, the Tompkins Farm, located in the Towns of Clinton and Pleasant Valley, was deeded to Cary Institute by Mr. Tompkins Van Rensselaer. The farm added approximately 35 hectares (86 acres). Also in 1994, 21 hectares (51 acres) were acquired from Charles Smith bringing the total to 834 hectares (2,061 acres). In 2008, 33 acres was purchased from the Olson family which now brings to the total to 847 hectares (2,094 acres).

The Cary Institute owns and operates an air monitoring station just outside of Ithaca, New York on approximately 16 acres. The station provides essential data on air quality as part of the Cary Institute's long-term research program.

Funds for the Cary Institute's research and education programs, as well as for the maintenance of the Arboretum, come from competitive grants received from federal and state agencies, foundations and corporations. In addition, an endowment fund from the Mary Flagler Cary Charitable Trust provides approximately one half of the Cary Institute's annual budget.

SECTION B

HUMAN RESOURCES

EMPLOYMENT AT CARY INSTITUTE

INTRODUCTION

Subject to the terms of any renewable appointment for Scientific Staff, and/or the terms of any applicable collective bargaining agreement, all employment with Cary Institute is “at will”. Both you and Cary Institute have the right to terminate the employment relationship at any time for any reason or for no reason at all. This manual does not constitute an employment contract or guarantee any fixed terms or conditions of employment.

Certain positions at Cary Institute require a process of periodic certification of the possession of a current and valid license from the State of New York. Examples include, but are not limited to, (1) applicator’s certification for those whose responsibilities involve the application of pesticides; and (2) a valid drivers license for those whose duties require driving to work sites on the Cary Institute property, picking up supplies at area businesses, or other activities for which motor vehicle operation is essential to efficient performance. Failure to possess such certification or license where it is required by your position may be cause for transfer or dismissal.

Except as provided by law or as otherwise stated herein, “employee” refers to all compensated workers and “workplace” refers to all Cary Institute Property, as those terms are used throughout this manual.

STATEMENT OF EQUAL OPPORTUNITY EMPLOYMENT

The Cary Institute of Ecosystem Studies affirms and enforces a policy of nondiscrimination in its employment practices, in full compliance with all federal and state laws. In keeping with the intent of this policy, the Cary Institute will adhere strictly to the following personnel practices:

1. Recruitment, hiring, and promotion of individuals in all job classifications and all other personnel actions including, but not limited to, compensation, benefits, transfers, training and development, educational assistance, and recreational programs will be made without regard to race, color, creed, gender, national origin, age, sexual orientation, and without regard to disability and/ or military status or prior military service.
2. All personnel decisions will be made in accordance with the principles of equal employment opportunity and subject only to valid (job-related) requirements for employment, benefit or promotional opportunities.
3. Cary Institute encourages members of under-represented groups to seek employment with Cary Institute for any position for which they may be qualified.

HIRING POLICY

The guidelines for hiring outlined below are designed to help to facilitate an employment process that is both consistent and fair. The Office of Human Resources (“Human Resources” or “HR”) is responsible for ensuring that Cary Institute policies are followed in a consistent fashion.

PLANNING

The purpose of this is to define the requirements of the position as precisely as possible. This involves a discussion between Human Resources and the person seeking to hire a new employee.

Title - To establish grade level for the job.

Job Description - To set forth the duties and responsibilities of the position.

Account Number - To verify that money is in the budget to cover the added salary.

Salary / Wages – All salary/wage decisions should be made in conjunction with the Office of Human Resources. There are four categories for hourly wages, A-D, which reflect the minimum skill and experience required for applicable positions. Specific hourly rates reflect suggestions from the staff as well as market considerations. For further information see the Human Resources Office.

- A. **Entry Level** – Positions requiring little previous experience, training or higher education. Examples include: routine filing, washing test tubes, weeding, etc. These positions would generally be entry level positions, offering minimum hourly wage for very routine work.
- B. **Experienced Entry Level** – Entry level positions with wage adjustments for returning and more experienced employees who entered in category A.
- C. **Skilled Level** – Positions that require some previous relevant experience or skills and some higher education. Examples of skills and experience include some computer knowledge, data entry work, field work, and experience in property or equipment maintenance.
- D. **Expert** – Positions requiring expertise in a particular field. Requires advanced knowledge and/or training. In most instances employees at this level would have a college degree and be doing work utilizing their degree.

Non-exempt employees - Must be paid within the guidelines of the Fair Labor Standards Act and accurate records and pay for all hours worked must be maintained. Lunch periods are not considered working time and therefore are not paid. The Cary Institute maintains a standard 35-hour work week. Any work in excess of 40 hours per week must be paid at a rate of time and one half.

Type of Employment: - Employment opportunities include, regular, temporary, full-time, or part-time.

RECRUITMENT

The primary goal of the Cary Institute's staffing policy is to secure the best and most qualified candidate. Guidelines for the recruitment process are as follows:

Posting of the position: Collective bargaining agreements and Cary Institute policy require the posting of all available positions. This is done by the Office of Human Resources on a standard form which includes:

- Title
- Duration of position
- Duties and responsibilities of position
- Necessary qualifications and experience required
- Deadline for applying (10 workdays minimum)

Closing dates of the application period must be enforced. No one can be hired before the closing date, if a specific time has been set. Where a closing date has been noted as "when position filled", a decision may be made after the minimum required 10 day posting period.

The **Search** process (which may or may not include a search committee includes):

- Review of applications and resumes currently on file.

May also include:

- Advertising in various media to invite outside applications.
- Soliciting from college placement offices as well as other independent and state agencies.
- Notifying of union, where applicable.

It is permissible to contact an individual and solicit his/her application, if one knows of a person who might be interested in a specific position. During such solicitation, no promises of employment can be made. All applicants will be put into a pool and considered after the closing date. Those applicants who are deemed best suited for the job are then called and if they are interested, an interview is scheduled.

Selection is coordinated through the Office of Human Resources, which will provide initial screening of applicants, when appropriate and if desired.

References are obtained on finalists. All applicants being given final consideration must have verifiable references which must be verified, before a final offer of employment is made. This investigation can be done either before or after any interview and may be done by an appropriate Supervisor or the Office of Human Resources.

Interviews may be conducted. For certain senior positions, a brief interview with the President may also be required.

Salary – All hiring personnel must confirm salary offers with the Office of Human Resources, before an offer letter is sent out.

HIRING PROCESS

An **offer letter** is sent, by either the proposed Supervisor or the Office of Human Resources. Offer letters that are sent by, or in the name of the proposed Supervisor, are subject to the review of the Office of Human Resources, before being sent to the prospective employee. The offer letter must include the salary, title, a general description of the duties of the position, the start date, and an explanation that acceptance of the offer must be made in writing.

After **written acceptance** by the selected candidate, the other applicants are notified by the Office of Human Resources or the Supervisor if he/she prefers.

All resumes are retained on file for two years.

At the commencement of each period of employment, a **Payroll Change Notice** with the following information must be completed by the Supervisor:

- Name
- Title
- Date of hire (if temporary, expected ending date)
- Account number to be charged
- Salary

First week of employment - The Office of Human Resources will conduct an employment orientation and assist the candidate with completing the necessary forms. These forms include, but are not limited to, any required withholding forms and any forms necessary for an employee to prove authorization to work (e.g. I-9 form), and applicable releases and/or acknowledgments. Continued employment may be conditioned on completion of orientation and satisfactory completion of required paperwork.

APPOINTMENT AND PROMOTION POLICY FOR SCIENTIFIC STAFF

GENERAL POLICY

Appointments are available to persons holding the Ph.D. or equivalent, terminal degree. In an extraordinary case, an individual without such a degree but with extensive relevant experience may be appointed. An appointment to the Scientific Staff is made with the expectation that the individual will work for the Cary Institute on a full-time, year-round basis. While research and education are the primary foci of the Scientific Staff, it is expected that individuals will participate in administrative duties through occasional service on committees, editorial assignments and work on specific Institute projects as needed. Those engaged primarily in research also are encouraged to promote the educational mission of the Cary Institute, e.g. by teaching or participating in public outreach. The maintenance of a stable, productive and creative scientific staff is the primary goal of the Cary Institute.

Institutions of higher education may wish on occasion to involve Scientific Staff in their instructional programs. Appointment as lecturer or adjunct faculty may result. Irrespective of whether faculty appointments are involved, all arrangements for teaching or other paid employment outside the Cary Institute must receive the written approval of the appropriate supervisor (for Postdoctoral Associates and Research Associates) or of the President (for Core Scientific Staff).

Scholarship in ecology often benefits from the combined efforts of two or more scientists. The Cary Institute values collaborative endeavors, be they with internal colleagues or those from other institutions. Original contributions expressed through collaborative efforts are weighed along with individual achievements in the process of review for promotion or reappointment.

THE SCIENTIFIC STAFF

Titles within the Scientific Staff vary according to the level of professional growth and source of financial support for the position.

1. The Core Scientific Staff includes the following titles: Assistant Scientist, Associate Scientist, Senior Scientist and Distinguished Senior Scientist. The President may from time to time appoint to the Core Scientific Staff such individuals as he deems necessary to assume managerial responsibilities in furtherance of the Cary Institute's mission statement. Examples include Head of Education and Manager, Field Research Facilities. All appointments to the Core Scientific Staff are confirmed in a letter from the President specifying the title, the term of appointment and expectations, including recovering a portion of salary from outside awards. No appointments carry tenure.
2. The Scientific Staff includes the Core Scientific Staff plus the following titles: Postdoctoral Associate and Research Associate. Individuals with these latter titles contribute to one or more projects headed by a principal investigator who is a member of the Core Scientific Staff. The salary and associated expenses are derived from outside awards. All appointments to these titles are confirmed in a letter from the supervising principal investigator and specify the title, the term of appointment, the nature of

the research to be done and the sources of funding for salary. Appointment of a Research Associate must also be approved in writing by the President.

In addition to the titles listed under 1 and 2 above, the title of Postdoctoral Fellow is reserved for those who win postdoctoral fellowships in national competition and are invited by a member of the Core Scientific Staff to spend their fellowship tenure at the Cary Institute. Postdoctoral Fellows are included in the Scientific Staff.

OPPORTUNITY TO DELAY PROMOTION/REAPPOINTMENT REVIEW

Members of the Scientific Staff who take advantage of the Child Care Leave Policy may postpone the time of the next scheduled promotion/reappointment review for the amount of leave taken, up to six months per qualifying event. Should exceptional circumstances warrant a delay beyond six months, a request for exception may be presented by the supervisor to the President. This option recognizes that the demands of a new child may compete with the demands of a scientific career. The delay of promotion review thus gives the individual the opportunity to present a record of achievement reflecting fairly the time spent on the advancement of career.

Members of the Scientific Staff expecting the birth or adoption of a child must discuss in advance to the extent practicable, with their supervisor, the type and duration of leave desired and arrangements for delegating supervisory or other responsibilities. Any delay of promotion/reappointment review will be confirmed in writing by the supervisor as part of the approval of Child Care Leave.

RANKS AND TERMS OF APPOINTMENT

Appointment as **ASSISTANT SCIENTIST** may be given to an individual who has sufficient experience and the demonstrated ability to conduct original work of high quality. Assistant Scientists are expected to address questions important to ecological research and education. They are also expected to present the results of this work to the judgment of peers and others through lectures, courses, training programs and publications (including monographs, textbooks, curricula and journal articles). The position provides the individual with an opportunity for professional development as a scientist and also provides the Cary Institute an opportunity to evaluate the individual's potential for promotion.

An Assistant Scientist may be appointed for an initial term of up to three years. Following a favorable evaluation, including the opinion of a standing committee of the Core Scientific Staff and external peer review, one additional appointment of up to three years may be made. The term in rank for an Assistant Scientist will not exceed six years. An Assistant Scientist is a term appointment, which implies no commitment by the Cary Institute for continuing employment. However, since it is hoped that Assistant Scientists will qualify for promotion, an active interest in the welfare of the Cary Institute is expected by such activities as the preparation of research proposals, service on committees, editorial assignments, teaching, etc. An Assistant Scientist should assume that an appointment to the Core Scientific Staff will not be continued unless advised in writing by the President by the date of appointment expiration that it is the Cary Institute's intention to reappoint or promote. A one-year terminal appointment will be offered to an Assistant Scientist not recommended for promotion.

In the case of new appointees at the level of Assistant Scientist and above, due consideration will be given to previous experience to determine at what stage promotion is considered.

Appointment as **ASSOCIATE SCIENTIST** may be given to an individual who has gained national recognition by demonstrating the qualities expected of a mature and original scientist. The following would be among those qualities:

- the capacity to identify significant questions;
- the ability to answer these questions;
- the ability to exercise judgment and discrimination in the interpretation of results;
- and finally, the demonstrated ability to present the results to the judgment of peers and others through lectures, courses, training programs and publications (including monographs, textbooks, curricula and journal articles).

Associate Scientists are expected to pursue original ideas; this may involve collaboration with other scientists. They are expected to promote the interests and welfare of the Cary Institute by such activities as the preparation of research proposals, service on committees, editorial assignments, and by providing assistance and advice to their colleagues and students.

An Associate Scientist will normally be appointed for an initial term of three years renewable twice for a maximum of nine years. It is expected that an Associate Scientist would be considered for promotion to Senior Scientist after six to eight years in the rank of Associate Scientist. The promotion review will include the opinion of a standing committee of the Core Scientific Staff and external peer review. An Associate Scientist should assume that a term appointment to the Core Scientific Staff will be continued unless advised by the President in writing at least twelve months prior to expiration that it is the Cary Institute's intention not to reappoint or promote. An individual who has been an Associate Scientist of the Core Scientific Staff for nine years cannot be reappointed, unless that individual is promoted to Senior Scientist.

Appointment as **SENIOR SCIENTIST** is awarded to an individual who has shown continued excellence and through significant original contributions has gained international recognition. A Senior Scientist is responsible not only for initiating and conducting original research, but is expected through example, influence and advice to promote the attainment of the highest scientific standards within the Cary Institute and beyond.

A Senior Scientist normally will be appointed for a five-year term. A performance review will be conducted by the President in the fourth year of the term. The review will include the opinion of a standing committee of the Core Scientific Staff and external peer review. If the evaluation is favorable, subsequent five-year appointments may be made. If the evaluation is unfavorable, a two-year terminal appointment will be offered.

DISTINGUISHED SENIOR SCIENTIST is a special title to recognize senior scientists or scholars of exceptional achievements. It is not part of the normal promotional progression but is reserved as a special honor for outstanding service to the Cary Institute or for international recognition of outstanding scientific or scholarly achievement. Those holding this title are reviewed for reappointment for five-year terms.

POSTDOCTORAL ASSOCIATES AND RESEARCH ASSOCIATES

GENERAL POLICY

Appointments to these titles within the Scientific Staff are available to persons holding the Ph.D. or equivalent degree. These positions provide either a period of additional training immediately after receipt of the Ph.D. degree (Postdoctoral Associate or Postdoctoral Fellow) or an opportunity to contribute as a more advanced professional to funded projects of the Cary Institute (Research Associate). The principal investigators of awards from which the salaries of individuals holding these titles are derived supervise the appointees and are responsible for informing them of any change in the status of the award as soon as practicable after the information becomes available.

RANKS AND TERMS OF APPOINTMENT

POSTDOCTORAL ASSOCIATE is the title given to individuals who have recently received the Ph.D. or equivalent terminal degree and who seek postdoctoral research training under the supervision of a member of the Core Scientific Staff. Appointment as a Postdoctoral Associate is designed to enable the appointee to devote up to three years to research and education in an environment of close association with Institute staff and advanced students, thereby enabling the incumbent to develop professional maturity, judgment, experience and a record of scientific publication. The principal difference between a Postdoctoral Associate and a Postdoctoral Fellow is the source of support. A Postdoctoral Fellow is the recipient of an outside fellowship, which may or may not be administered by the Cary Institute. Appointment as a Postdoctoral Associate is considered for renewal annually, with the expectation that the total term shall not exceed three years.

The salary for a Postdoctoral Associate is from outside awards administered by the Cary Institute on behalf of principal investigators. Progress is evaluated annually by the supervisory principal investigator(s) as part of the decision on appointment renewal.

Appointment as **RESEARCH ASSOCIATE** may be given to an individual holding a Ph.D. or equivalent terminal degree and whose continued participation is important to the scientific research or scholarship of the supervising scientist. An appropriate candidate will typically have at least two years of relevant experience following the Ph.D. or equivalent degree, will have demonstrated professional achievement in fields related to the program concerned, and will be expected to contribute to it.

The source of funds for this position will be outside awards administered by the Cary Institute. The initial term of appointment in this rank will be for up to two years, contingent on the availability of outside salary support. The appointment may be renewed at intervals up to two years but may not extend beyond the period for which outside grant funding is in hand. There is no limit to the number of two-year renewal appointments.

EMPLOYMENT OF MINORS

No persons under the age of 18 will be permitted to work at Cary Institute without prior written permission from the Office of Human Resources to be obtained prior to the start date and any necessary parental consent. Specific working conditions and hours must be strictly adhered to. Hours (scheduling and duration) and certain types of work may be limited or prohibited by applicable law. Please see the Office of Human Resources for the current regulations as they relate to the particular employee.

VOLUNTEERS

Persons under the age of 18 may volunteer to work at the Cary Institute, but they are still subject to certain health and safety conditions regardless of their unpaid status. Specific working conditions and hours must be strictly adhered to. Hours (scheduling and duration) and certain types of work may be limited or prohibited by applicable law. Some volunteer positions may be conditioned on parental consent. Please see the Office of Human Resources for the current regulations as they relate to the particular volunteer.

EMPLOYMENT OF RELATIVES

Members of the same family are permitted to work for the Cary Institute. However, having family members working in supervisor/subordinate roles is a practice to be avoided. Any employment situation that creates or gives the appearance of a conflict of interest will also be avoided.

Family members are defined as parents, spouses, domestic partners, children, siblings, grandparents, grandchildren, aunts, uncles, cousins, in-laws, step relatives or co-habitants.

When a change in circumstances outside or inside the workplace occurs and causes a reporting relationship between family members, the Cary Institute will consider all available options in order to resolve any conflict or perceived conflict of interest.

EMPLOYMENT STATUS & RECORDS

EMPLOYMENT APPLICATIONS

Cary Institute relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

PROOF OF U.S. CITIZENSHIP AND/OR RIGHT TO WORK

Federal regulations require that before any applicant becomes employed, (1) such applicant must complete and sign Federal Form I-9, Employment Verification Form; and (2) such applicant must present documents of identity and eligibility to work in the U.S. Each new employee must provide the appropriate documents within three business days of his or her start date. Additionally, pursuant to New York State law, all employees under the age of 25 must be prepared to present proof of age and right to work; Student Non-Factory, Student General, and Full-time Employment Certificates will be kept on file.

TIME KEEPING

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require Cary Institute to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

PAYDAYS

All employees are paid bi-weekly. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a Saturday, Sunday or holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation.

CHANGES FOR EXISTING EMPLOYEES or COMPLETION OF EMPLOYMENT

CHANGES

A Payroll Change Form from the supervisor must be sent to the Office of Human Resources listing any change of status of an employee, i.e. account, salary, title, etc.

COMPLETION OF EMPLOYMENT

Any employee completing employment at the Cary Institute should meet with the Office of Human Resources prior to departure for an exit interview. The purpose of this meeting is to see that keys are recovered and deposits refunded, the identification card returned, outstanding charges paid, forwarding address noted and the handling of benefits agreed upon as well as to discuss their employment experience at the Cary Institute. Except as otherwise provided by law, all benefits cease on the last day of work. (See Continuation of Health Insurance for Eligible Beneficiaries at **p. 35** below for more information.)

The supervisor must complete a Payroll Change Form with the following information:

- Account number(s)
- Last day of work
- Supervisor's signature

Any special conditions of separation must be specified on the Payroll Change Form.

At the time of separation from employment, unused accrued vacation will be calculated. A check for the amount in the form of a lump sum payment will be issued at the time of the next pay day.

SUMMARY OF BENEFITS

ELIGIBILITY

The Cary Institute maintains a range of fringe benefits for all eligible employees as part of its goal to offer competitive compensation. Subject to applicable law, the Cary Institute reserves the right to modify or discontinue these benefits for any reason, at any time, with or without notice.

Eligible Full Time Employees -- Full-Time employees, who are employed on a regular basis are eligible for fringe benefits.

Eligible Part-Time Employees -- Part-Time Employees who are employed on a continuing basis and regularly work 60% or more of full-time will be eligible for fringe benefits. Eligible Part-Time Employees are eligible for the same health plan benefits as eligible Full-Time Employees. Eligible Part-Time Employees will be receive paid leave such as vacation, holidays, and sick time, on a prorated basis, calculated upon the number of hours worked per week.

Retirement contributions and life insurance will be based upon salary for all Eligible Employees.

Eligible Temporary Employees -- Temporary Employees are not generally eligible for benefits.

The following paragraphs provide a general outline of benefits. Employees are reminded not to rely solely on this outline; more detailed information is available in the Office of Human Resources.

HEALTH & WELFARE BENEFIT PLANS

MEDICAL INSURANCE

The Cary Institute offers health and dental insurance to its employees. All Eligible Full-Time and Eligible Part-Time Employees may participate in the plans. The Cary Institute pays a portion of the premium cost for the medical and dental plans. Employees contribute their portion through payroll deduction and have the option of having premiums deducted for these benefits on a pre-tax basis.

Institute employees who are union members (District Council 37 AFSCME) may select coverage from Institute sponsored plans or from those offered by District Council 37. A District Council 37 union welfare fund financed by the Cary Institute entitles union employees and their dependents that select the union health plans to receive dental, optical and prescription drug benefits through this trust.

Current plan information and rates are available from the Office of Human Resources.

DOMESTIC PARTNERSHIP INSURANCE COVERAGE

Couples meeting the criteria of domestic partnership set forth in the Cary Institute's medical insurance agreement are eligible for health, dental, vision and other various optional insurance coverage through the Cary Institute. Evidence of commitment and financial interdependence is required to qualify for domestic partnership coverage. After confirmation by Human Resources that the eligibility criteria have been met, an employee may obtain health coverage for self and partner at the family rate then in effect. In addition,

children of a domestic partner who are eligible for coverage under our contract may be covered. Please note that there are tax implications for those who select domestic partner coverage. Anyone interested in this benefit should contact Human Resources for more detailed information.

DOMESTIC PARTNERSHIP INSURANCE COVERAGE

Couples meeting the criteria of domestic partnership set forth in the Cary Institute’s medical insurance agreement are eligible for health, dental, vision and other various optional insurance coverage through the Cary Institute. Evidence of commitment and financial interdependence is required to qualify for domestic partnership coverage. After confirmation by Human Resources that the eligibility criteria have been met, an employee may obtain health coverage for self and partner at the family rate then in effect. In addition, children of a domestic partner who are eligible for coverage under our contract may be covered. Please note that there are tax implications for those who select domestic partner coverage. Anyone interested in this benefit should contact Human Resources for more detailed information.

OPT-OUT MEDICAL EXPENSE REIMBURSEMENT PLAN

For eligible employees hired prior to January 1, 2013, the Cary Institute also offers an opt-out medical expense reimbursement plan to be used in lieu of medical insurance coverage through the Cary Institute. Under this benefit, any person who provides documentation of coverage on a plan which is not funded or sponsored by Cary Institute may decline Cary Institute coverage and receive a \$30 bi-weekly payment into a medical expense reimbursement account to be used for un-reimbursed eligible medical expenses.

LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE

Enrollment in one of the life insurance plans offered by the Cary Institute is determined by job title and begins after a period of eligible employment.

- **Cultural Institutions Retirement System Life Insurance and Accidental Death & Dismemberment Benefit (CIRS)** - This plan is available for members of the Cultural Institutions Retirement System. The Cary Institute pays the premium. Insurance coverage for the first ten years of service is equal to the amount of the annual salary of the insured, and thereafter is equal to twice the amount of the annual salary of the insured, up to a maximum coverage amount of \$500,000. The effective date of coverage coincides with the enrollment date in CIRS. Coverage after age 70 is as follows:

Age	% of Coverage
70-74	65%
75-79	45%
over 79	30%

- **Life Insurance and Accidental Death & Dismemberment Benefit** - All regular non-union employees who work a minimum of 21 hours a week (60% of full-time) are eligible for this plan. Those eligible for the TIAA-CREF Retirement Annuity receive insurance benefits equal to twice their annual salary up to \$250,000. Those eligible for the CIRS retirement plans receive a straight \$10,000 policy to age 70.

- **Sun-Life Optional Life Insurance** - Employees are eligible the first of the month following three months of employment to purchase optional supplemental life insurance through the Sun-Life Insurance and Annuity Company of New York. Supplemental life insurance is available for employees, their spouse or domestic partner, as well as eligible children. Cost is minimal and is made through payroll deduction on an after-tax basis. This plan is sponsored by CIRS and is open to *all* employees, including those who are not enrolled in the CIRS plan. Employee must purchase optional supplemental insurance for themselves in order to purchase supplemental insurance for their spouse or domestic partner as well as eligible children. This plan is portable for 31 days from the last date of employment. See HR for more details.

LONG TERM DISABILITY INSURANCE

Employees who work at least twenty-one (21) hours per week (60% of full-time) on an ongoing basis are eligible for Long Term Disability insurance at no cost to the employee. Upon completion of an elimination period, eligible employees receive a monthly income benefit of 60% of their monthly base salary up to a maximum of \$5,000 per month, reduced by any other disability benefit.

If an employee goes on full time Long Term Disability, their status as an active employee will be ended. Their accrued vacation bank will be paid out to them in the first pay period that occurs at the start of the full time Long Term Disability. Employees who are on full time Long Term Disability will not be eligible to remain on Cary Institute benefits as an active employee but will be eligible to continue their medical, dental and vision benefits through COBRA coverage for up to 29 months.

Employees that are on partial Long Term Disability should contact Human Resources to discuss their benefit eligibility.

RETIREMENT PLANS

Participation in one of the two retirement plans begins after a period of eligible employment and attainment of age 21. Enrollment in a particular plan is determined by job title.

- **Cultural Institutions Retirement System** - A defined benefit plan and 401K, CIRS offers a retirement plan that is available only to designated positions. At retirement, the benefit received is comprised of a pension annuity, the cost of which is borne by the Cary Institute as well as the monies contributed by both the employee and the Cary Institute to a 401(k) plan. Participation in the 401(k) plan begins the first of the month after three months of eligible employment.

- **Teachers' Insurance Annuity Association/College Retirement Equities Fund Retirement Plan** - A defined contribution plan, TIAA/CREF offers a retirement plan that is available only to designated positions. The employee contributes 5% of gross salary and the Cary Institute contributes 12% of same. The employee contributions are made before taxes through salary reduction. The plan is a contract between the member and TIAA/CREF. It begins the first of the month after twelve months of eligible employment and provides for immediate vesting.
- **Supplemental Retirement Annuity** - All Institute employees who are eligible for either the CIRS or TIAA/CREF retirement plans are eligible to participate in the TIAA Supplemental Retirement Annuity Plan (SRA). This participation is voluntary and is funded by amounts authorized to be withheld from paychecks before the deduction of income tax. Earnings credited to these accounts accumulate on a tax-deferred basis until they are received as benefit payments. The Tax Reform Act of 1986 imposes certain restrictions that generally limit the use of tax-deferred annuity contributions as a means of saving for purposes other than retirement. Employees may contribute up to a specified amount of total gross income (subject to limitations in the Tax Reform Act of 1986).

RETIREE MEDICAL EXPENSE REIMBURSEMENT PLAN

For eligible employees hired prior to January 1, 2012, the Cary Institute offers a medical expense reimbursement plan for eligible retirees. The plan pays to each participant, up to a maximum of \$1,200 in reimbursements for medical care expenses such as insurance premiums, prescription drugs, deductibles and co-insurance payments incurred during the plan year and which are not reimbursable from any other source. Retirees become eligible for the plan when they reach the age of eligibility or other criteria for full Social Security benefits, are receiving or have received a pension from a qualified retirement plan, and have met one of the following service requirements:

- Retired from service with the Cary Institute on or after January 1, 1998 after having reached the age of 55 and after completing a minimum of 30 years of full-time service with Cary Institute; or
- Retired from service with the Cary Institute on or after January 1, 1997 after having reached the age 60 and after completing a minimum of 20 years of full-time service with Cary Institute;
- Retired from service with the Cary Institute on or after November 1, 1993 after having reached the age of 62 and after having completed at least 10 years of full-time service;
- Retired from service with the Cary Institute on or after September 1, 1993 and before November 1, 1993 after reaching the age of 60 and completing at least nine (9) years of full-time service;
- Retired from service with the Cary Institute due to Disability Retirement on or after January 1, 2004 having completed at least twenty (20) years of full-time service.

SHORT TERM DISABILITY INSURANCE

Employees who must be absent from work because of illness or accident incurred off the job, may be eligible for New York State Disability benefits. These benefits are provided to all employees to protect them from loss of income when they are unable to work. Employees who have worked at least four (4) consecutive weeks are eligible to apply for benefits.

Disability payments begin after seven (7) consecutive calendar days of absence from work due to non-work related illness or injury. Payment of benefits begins after the employee has exhausted their accrued sick leave. Sick and vacation time accrue during the first twelve (12) weeks of short term disability (while the employee is eligible for Family Medical Leave). Sick and vacation time will no longer accrue if an employee is on short term disability for more than twelve (12) weeks. Employees are not paid for holidays that occur during their period of short term disability. Disability benefits are fifty (50) percent of an employee's average weekly wage, but no more than the maximum New York State benefit allowed for a period of up to twenty-six weeks.

Union Employees who are covered under the DC 37 Cultural Institutions Health and Security Plan receive their short-term disability benefit from DC 37. Claims must be filed with the Health and Security Plan Trust within 15 days from the onset of disability. Benefits under this plan are paid directly by "the Trust" and become payable after all sick time is exhausted.

WORKERS' COMPENSATION

Employees who are injured while at work or acquire a work-related illness must immediately report the injury or illness to their supervisor and Human Resources. An incident report form (available in Human Resources as well as on the Human Resources intranet page) must be completed with their supervisor and submitted to the Office of Human Resources within seven (7) days after the occurrence of the accident or knowledge of the illness. Employees who are unable to work as a result of a work-related injury or illness will receive benefits after the seventh (7) consecutive calendar day following the incident. Employees who are disabled for more than fourteen (14) calendar days, will be paid Workers' Compensation back to the first day of disability (up to two-thirds (2/3) of an employee's lost wages subject to a state mandated maximum while an employee is unable to work). Medical expenses, including doctor's fees, prescriptions and mileage to and from the doctor's office are also covered by Workers' Compensation.

During the waiting period for disability benefits, employees may use accumulated sick time. The Cary Institute will advance sick pay during the waiting period for employees who do not have enough accumulated sick time. If the disability lasts longer than 14 days, the first week's compensation is paid retroactively and the sick time used by the employee during the first week is then credited back to the employee or the Cary Institute.

During the period of disability caused by a work related injury or illness, the insurance company will issue weekly checks directly to the employee. This money covers only wages and therefore, it is the responsibility of the employee to pay the Cary Institute for the employee portion of any benefits he/she wishes to continue. Both pension and any supplemental retirement annuities are suspended during the period of disability and are consequently ineligible to receive contributions.

CONTINUATION OF HEALTH INSURANCE FOR ELIGIBLE EMPLOYEES

The Consolidated Omnibus Reconciliation Act (otherwise known as COBRA) is a federal law requiring employer-sponsored group health plans to offer currently enrolled employees and their dependents the opportunity for a temporary extension of health coverage at their own expense but at group rates in certain instances where coverage under the plan would otherwise end. Eligible employees may choose this continuation coverage if group health coverage is discontinued because of a reduction in hours or termination of employment (for reasons other than gross misconduct), for example. More detailed information on COBRA is available from the Human Resources Office.

LEAVES OF ABSENCE

FAMILY MEDICAL LEAVE is an unpaid leave.

All Cary Institute employees are covered under the Family Leave Act provided they have completed at least twelve (12) months of employment and have worked as least 1,250 hours during the twelve (12) month period immediately prior to the commencement of leave. The maximum duration of a leave of absence under this policy will be twelve (12) weeks during the twelve (12) month period measured forward from the date an employee's leave first begins. Married, eligible employees are entitled to twelve (12) weeks of leave in total.

Employees desiring a leave of absence under this policy must submit a written request to the Human Resources Office at least thirty (30) days in advance of the start of the leave when the needs for such leave is reasonably foreseeable (as in the case of a birth, adoption or planned medical treatment for serious medical condition). However, if the date of the birth, placement or planned medical treatment requires leave to begin in less than thirty (30) days, the employee must provide as much notice as possible. Failure to provide timely notice may result in a delay of approval.

Employees may obtain a copy of the complete Federal leave policy and related forms from Human Resources and are encouraged to contact the Office of Human Resources with any questions.

CARY INSTITUTE CHILD CARE LEAVE

After FMLA leave is exhausted and in the case where family medical leave is for the care of a newborn or newly adopted child, the Cary Institute provides up to an additional four weeks of Cary Institute Child Care Leave at 60% of pay. Child Care leave extends the Family Medical Leave period to a total of 16 weeks of leave which may be taken with the approval of his or her supervisor when a staff member bears or adopts a child or when his spouse bears a child. The additional four weeks of Cary Institute Child Care Leave may be utilized at any time within the first year of the child's birth or adoption. In the case of an employee who has given birth, sick time followed by short-term disability must be taken first.

BONE MARROW OR ORGAN DONATION LEAVE

Leave of absence with pay of up to seven (7) days within any twelve (12) month period will be granted to an employee who seeks to undergo a medical procedure to donate bone marrow and up to thirty (30) days to serve as a human organ donor. An employee may use such leave only after obtaining approval. The Cary Institute shall not retaliate against an employee who requests such leave, but may require verification by a physician for the purpose and length of each leave requested by the employee. The provisions of this policy shall not prevent the Cary Institute from providing leave for donations in addition to leave allowed under any other provision of law. For purposes of determining seniority, pay or pay advancement and receipt of any benefit that may be affected by a leave of absence, the service of the employee shall be considered as uninterrupted by a leave of absence for bone marrow or organ donation.

MILITARY LEAVE

The Cary Institute complies with the Uniformed Services Employment and Re-employment Rights Act of 1994 and any other provisions of local, state and federal law pertaining to reinstatement rights following extended military leave.

Employees entering active military service are entitled to a leave of absence without pay. Employees have certain reinstatement rights upon completing military service and should check with HR about applicable time limits for reinstatement. Under New York State law, Reservists and National Guard members are entitled to military leave with pay for up to 30 calendar days or 22 workdays (whichever provides the greater benefit) of military leave for ordered military duty in a calendar year or a continuous period of absence that spans more than one calendar year. Employees are expected to notify the Cary Institute as soon as possible regarding their need for military leave. Employees may be required to provide a copy of their military orders to Cary Institute. In the case of employees receiving military leave with pay, they may also be required to provide a copy of their Leave and Earnings Statement or other evidence confirming the actual performance of military duty.

EMERGENCY SERVICE VOLUNTEER LEAVE

Cary Institute provides paid leave for American Red Cross certified emergency service volunteers for time spent participating in authorized disaster relief services up to ten (10) days per year. An employee granted leave under this policy shall not lose seniority, accumulated vacation leave, sick leave, or earned overtime. In addition, the employee shall be paid the employee's regular pay based on regular work hours during the leave. The Cary Institute will not be liable for workers' compensation claims of the employee arising out of the disaster relief service work performed during the leave.

GENERAL UNPAID LEAVE

The Cary Institute may grant general unpaid leave to employees who have been employed at the Cary Institute for a minimum of one year. Eligible employees must obtain a recommendation from their supervisor and submit a written request to Human Resources for review and approval. During general leave, Cary Institute will maintain group health insurance for a covered employee for a period of up to 30 calendar days, after which COBRA is offered, enabling the employee to continue benefits on the Cary Institute Plan at his/her own expense.

Because of the availability of generous paid leaves through the Cary Institute's benefit program, unpaid leaves will be granted only in response to exceptional circumstances. The nature of the circumstances and the potential impact on the Cary Institute's program will be given primary consideration. The employee's length of service will also be a factor. Approval will be in writing with the duration and conditions of the unpaid leave clearly stated.

VACATION

Vacation days are accrued from the date of appointment to a regular, full-time or part-time position (scheduled to work 60% time or more). Vacation days are pro-rated for Eligible Part-Time benefited

employees based on their regular scheduled hours of work. Hours are accrued as outlined in the chart below:

Years of Service	Annual Limit	Non-union Employees	DC 37 Union Employees
0 - 7	20 days	5.38 hours/pay period	6.15 hours/pay period
8 - 14	25 days	6.73 hours per pay period	7.70 hours per pay period
15 or more	27 days	7.27 hours per pay period	8.30 hours per pay period

Employees may take, with their supervisor's approval, vacation as it is accrued, or bank days for the future. At any given time, employees may carry a credit not to exceed twice their annual leave. When this cap is reached, no days accrue until some vacation has been taken. Employees whose salaries are derived from a grant must take vacation earned on that grant before the end of the grant.

Vacation days consist of either annual leave that is scheduled in advance, or personal time used to cover unexpected absences, usually of a short duration. Examples of personal days would be those used for the observance of a religious holiday not observed by the Cary Institute.

HOLIDAYS

Employees receive eleven (11) paid holidays per year. Eligible Part-Time Employees accrue pro-rated holiday time based on their regular scheduled hours of work. If an employee is scheduled to work on a Cary Institute holiday, the employee may schedule an alternate day off within thirty (30) days of the scheduled holiday. In addition, a part-time employee whose scheduled day off occurs on a Cary Institute holiday may arrange to take an alternate day off within thirty (30) days of the holiday. Holiday pay will not be received if an employee is absent on a workday immediately preceding or following a scheduled holiday, unless the employee is on a scheduled vacation, it is the employee's regularly scheduled day off, the employee is on sick leave, or the employee uses a vacation day for an unanticipated emergency. Any unused holiday time is forfeited at the end of the calendar year.

Normally, a holiday whose traditional date falls on a Sunday is observed on the following Monday, and a holiday falling on a Saturday is observed on the previous Friday.

SICK LEAVE

Sick days accumulate at the rate of one per month and may be accumulated indefinitely, to be used when the employee is sick and for visits to the doctor for treatment or checkups. Up to twelve (12) accumulated sick days may be used annually to care for a family member who is sick or needs to go to the doctor. This benefit is designed to provide short-term or emergency assistance to the employee who would otherwise be compelled to use accrued annual leave or unpaid leave to provide care for an ill family member. Sick days used in this manner should be coded (F) on the time sheet. Part-time benefited employees accrue pro-rated sick time based on their regular scheduled hours of work.

In order to be eligible for paid sick leave, employees must notify their supervisor of their absence as early as possible and, if possible, prior to their scheduled starting time each day of their absence, unless the employee has previously advised their supervisor of their expected date of return. A doctor's certificate will not normally be requested for an absence of three (3) days or fewer.

Return to work: If an employee is absent due to illness or injury for more than three (3) days, the employee may be required to provide a doctor's certification specifying the nature of the illness or injury, fitness to return to work and any necessary work restrictions. The Cary Institute may require a certificate from the employee's attending physician or an examination or consultation by a physician selected by the Cary Institute. In the latter case, the cost of the examination will be borne by the Cary Institute.

BEREAVEMENT LEAVE

Up to five work days with pay per calendar year may be taken for death of a member of an employee's family. Bereavement time is pro-rated for Eligible Part-Time Employees, based on their regular scheduled hours of work.

JURY DUTY LEAVE

Institute policy recognizes jury service as an important duty in our society; requests for deferral of jury service will be made only for compelling reasons. The employee receives full pay while on jury duty, but must assign jury duty payments to the Cary Institute. If released early or otherwise excused from jury duty within the period the employee is regularly scheduled to work, the employee must call his/her supervisor to determine if he/she should return to work. Part-time and hourly employees who are called to serve as a juror will be granted leave and will receive full pay if regularly scheduled to work.

To receive jury duty leave the employee must submit a copy of the summons to jury to his/her supervisor and Human Resources as soon as it is received.

VOTING TIME

All employees should be able to take care of their responsibility to vote outside of working hours. If an employee has four (4) consecutive hours either between the opening of the polls and the beginning of his/her working shift, or between the end of his/her working shift and the closing of the polls, he/she shall be deemed to have sufficient time outside his/her working hours within which to vote. However, in the event that it is impossible for an employee to vote outside of working hours, up to two (2) hours with pay may be granted by the employee's supervisor at the beginning or end of the workday. If an employee requires working time off to vote he/she shall notify his/her supervisor not more than ten (10) nor less than two (2) working days before the day of the election that he/she requires time off to vote.

ADDITIONAL LEAVES OF ABSENCE FOR MEMBERS OF THE CORE SCIENTIFIC STAFF

POLICY

The Cary Institute's commitment to the professional development of its scientific staff includes provision for paid and unpaid leaves of absence. Such leaves are to enable the scientists to take advantage of professional opportunities to pursue their careers for a short time away from their normal duties. Underlying this policy is the belief that periodic residence and participation in other academic research or public policy settings will offer the individual new perspectives and opportunities. Eligible staff are encouraged to schedule leaves not less frequently than every seven years and to discuss their plans in advance with the President.

ELIGIBILITY

All members of the core scientific staff are eligible for a leave of absence.

SABBATICAL LEAVES OF ABSENCE

Upon approval by the President, a sabbatical leave of absence with salary will be granted to eligible members of the core scientific staff wishing to leave Cary Institute for up to one year for the purpose of research and/or professional development. Those requesting sabbatical leaves are expected to compete for outside fellowships or grants which will cover at least the current salary recovery expectations of the individual's annual salary and benefits during the sabbatical leave.

Arrangements for the oversight of research programs, graduate students or other Institute responsibilities should be made prior to the period of leave. Remunerative employment while on paid leave from the Cary Institute requires advance written approval from the President.

LEAVES WITHOUT SALARY

All members of the Core Scientific Staff, with the exception of Postdoctoral Associates, are eligible to apply to the President for a leave of absence without salary. Such a leave may offer the individual an opportunity to be in residence at a university for the purpose of learning new research techniques, interacting as part of a research group or teaching a course. Public service (a term appointment in city, state or federal government, for example) is another reason for requesting unpaid leave.

GENERAL

Leaves, whether paid or unpaid, will generally not exceed one year. In compelling circumstances, the President may approve a leave exceeding one year. No combination of leaves will be approved which totals more than two years in length.

Eligibility for Institute fringe benefits differs with the type of leave granted and should be discussed with the President in advance. The Cary Institute's contributions toward TIAA/CREF will cease during an unpaid leave, but will be continued during a sabbatical leave on the amount of salary paid through the Cary Institute's payroll. Arrangements for medical insurance will be discussed on a case-by-case basis.

APPLICATION PROCEDURE

A member of the core scientific staff wishing to apply for leave under this policy should prepare a written request to the President at least three months before the start of the proposed leave. The request should describe the nature of the activities to be pursued, the location and proposed duration. The anticipated amount and sources of funding for salary and benefits to be provided by outside funds should be identified. The President will provide a written response to the request.

OTHER GENERAL EMPLOYEE BENEFITS

TUITION ASSISTANCE PROGRAM FOR EMPLOYEES

The Cary Institute provides a college tuition assistance program for job-related courses for Eligible Full-Time Employees and Eligible Part-Time Employees. Funding of this benefit shall be paid based on supervisor's written authorization and availability of supervisor's funds. This program covers 50% of the tuition up to \$2,000 per semester with a yearly maximum of \$4,000.

For further information on the plan and instructions for applying, please see the Office of Human Resources prior to registering for a class.

TUITION SCHOLARSHIP FOR SONS & DAUGHTERS OF CARY INSTITUTE EMPLOYEES

For eligible employees hired prior to January 1, 2008, the Cary Institute provides a college scholarship program for dependent children of Eligible Full-Time and Eligible Part-Time Institute employees, provided they are full-time students enrolled in a program leading to an Associate's or Bachelor's degree at an accredited college. This scholarship covers 50% of the tuition for undergraduates up to \$2,000 per semester with a yearly maximum of \$4,000. No student shall receive scholarships totaling more than \$16,000 under the plan.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Cary Institute has an annual contract with The Workplace, a program of St. Francis Hospital, to offer The Employee Assistance Program, without cost to Cary Institute employees. This service provides confidential counseling, information, and referral services to all Cary Institute employees and their families experiencing difficulties. Those experiencing problems with any of the following are encouraged to take advantage of this program: family problems, marital conflicts, alcohol/drug abuse, financial problems, legal problems, emotional problems, domestic violence, and eating disorders. A Cary Institute employee or family member can contact EAP at any time. Simply call (845) 483-5150 or (800) 724-0917 for an appointment. In an emergency situation, contact the EAP crisis line at (800) 724-0917, 24 hours a day, 7 days a week.

CARY INSTITUTE FITNESS PROGRAM

The Bacon Flats Lodge exercise room has been equipped with various exercise machines and Ping-Pong and Pool tables. A squash court and locker rooms are located in the basement of the Plant Science Building. Membership may be obtained through the Payroll Office. Prior to using the equipment, please ask for a short orientation from a member. Bacon Flats Lodge exercise room is open from 7:00 a.m. to 10:30 p.m. on weekdays and from 10:00 a.m. to 10:30 p.m. on weekends or holidays. The Squash Court is available at all times and may be reserved in advance. In addition, the Recreation Field located off Route 82 has a softball field, a volleyball court and a pavilion. For safety reasons, employees are permitted to bring an accompanying guest when using the exercise room. However all Cary Institute employees who use the exercise room are expected to pay for membership.

DIRECT DEPOSIT

Employees may make arrangements to have the net check or a portion of their paycheck directly deposited to a savings or checking account at any U.S. banking institution through electronic funds transfer.

EMPLOYEE DISCOUNTS

Local businesses with a relationship to the Cary Institute on occasion extend discounts to Institute employees. These privileges are available only to employees and may not be transferred to friends or relatives or used in connection with any other business the employee might be pursuing. In addition, discounts offered may change from time to time.

RECREATION

Additionally, employees, retired employees, and their guests may enjoy recreational access to the CaryInstitute grounds. See Section G for a full description of the opportunities and terms of use.

COMPENSATORY TIME

Under certain circumstances and conditions, the Cary Institute gives compensatory time to exempt* employees.

WHAT IS COMPENSATORY TIME?

Compensatory time is equal time off for **authorized** hours worked beyond the normal thirty-five hour work week. Compensatory time is generally reserved for executive, administrative, or professional employees who otherwise would not receive overtime pay and is used when significant blocks of time have been worked beyond the normal work week.

WHEN IS COMPENSATORY TIME PERMITTED?

Compensatory time may be taken if an employee is required to work a six- or seven-day week or to work an evening in addition to a full day. It is not to be used for the extra hour or two worked beyond the normal work day. Supervisors are responsible for authorizing work, beyond the standard Institute schedule and awarding compensatory time off, subject to the needs of specific projects and the Cary Institute.

*Exempt from the requirements of the Fair Labor Standards Act because of the nature of the work performed.

OFFICIAL CLOSURE POLICY

On rare occasions, hazardous weather will make it advisable to open the Cary Institute late, close early, in very rare cases, close for an entire day. When weather conditions make it unsafe or impossible for the Cary Institute to operate, activities may have to be curtailed. The procedures for this are outlined below.

- Delayed opening or cancellation will be decided before 6:00 a.m. and will be part of the early morning announcements carried on the following radio stations:

WHUD	100.7 FM	www.whud.com
WSPK (K104)	104.7 FM	www.k104online.com
WBNR 1260 AM and WLNA 1420 AM		www.hvradionet.com
WXPB	107.1 FM	www.1071thepeak.com
WBPM	92.9 FM	www.wbpmfm.com

- Decisions will also be confirmed through a recorded message. After 6:00 a.m. on the day in question, dial voice-mail at 845-677-7600 and listen to the message. **In addition, employees may call extension 222 for more information relative to the weather.**
- Decisions will also be confirmed on the Cary Institute intranet.

Individuals who are on snow clearance crews or other special detail are aware of their assignments and reporting times. Should time beyond the normal workday be needed, these individuals will be paid in accordance with their union contract.

Official Closing:

In the rare instances when State, County or Town governments declare an emergency because of weather conditions, an institutional decision on closing will be made and communicated. This does not refer to a “snow emergency” declared by a municipality to prompt removal of vehicles for snow clearance purposes.

Employees who are not scheduled to work on the day of an official closure or who are on sick leave, annual or other leave, or are working at a distant site should code their time as if no closure occurred. If the Cary Institute is officially closed, yet certain individuals are required to work, they may take an equal amount of compensatory time off later.

Supervisor Discretion:

When hazardous conditions develop during the day, the responsibility for the decision about whether to come to work or leave early is placed upon the supervisor and employee. Employees should reach a clear understanding with their supervisors regarding the conditions under which they will want to leave early in case the supervisor is away when a storm arrives. A decision not to come in at all should of course be conveyed to the supervisor in the same fashion as any personal need arising on short notice.

If an employee takes time off because of inclement weather, it should be coded as VACATION TIME unless the supervisor approves an alternate code. Many jobs at the Cary Institute do not offer “work that can be done at home.” However, where this is an option, the supervisor should give approval in advance.

SMOKE FREE CAMPUS

It is the policy of the Cary Institute to provide a smoke-free environment. Smoking and the carrying of lighted cigars, cigarettes or pipes on Institute property is prohibited as follows:

- in any Cary Institute building;
- in any Cary Institute vehicle, except where a vehicle assigned permanently to an individual who chooses to smoke;
- within 10 feet of the entrance to any Institute buildings;
- by minors;
- in any area where flammable liquids or gases are stored or are transferred from one container to another;
- at anytime that it interferes with work responsibilities of employees or the health and safety of other employees and their right to enjoy a smoke-free workplace.

Smoking is otherwise permitted, provided that any cigars, cigarettes or pipes are properly extinguished and waste is properly disposed of.

POLICY ON ALCOHOLIC BEVERAGES

STATEMENT OF POLICY

- A. Employees or participants in Institute programs must report to work free of the influence of alcohol.
- B. No alcoholic beverage will be brought into or consumed upon the Cary Institute property except as follows.
 - 1. Alcoholic beverages are permitted in residences on Cary Institute grounds at the discretion of the occupants, whether long term or temporary, provided the occupant is 21 years of age or older.
 - 2. Alcoholic beverages may be served to those 21 year of age or older, in conjunction with approved activities such as receptions, after-seminar activities, approved holiday parties, or special events approved in advance by the President.

Violations of this policy will result in disciplinary action up to and including termination.

Human Resources provides relevant information to employees to help understand the dangers of alcoholism and assists in referring those needing help to appropriate agencies. Confidential assistance is available through the EAP program see **pg. 44**.

SERVING ALCOHOL AT NON-INSTITUTE FUNCTIONS HELD ON INSTITUTE PROPERTY

Alcoholic beverages may not be served or consumed at private gatherings sponsored by employees. This prohibition does not apply to a champagne toast of a wedding reception or other celebratory event. The host employee must accept full responsibility for strict enforcement of this policy.

An exception to this prohibition may be granted if the host employee provides a certificate of insurance for a policy in effect at the time of the event that provides for not less than \$2,000,000.00 of appropriate liability insurance. The policy must name the sponsoring employee and Cary Institute as insureds/additional insureds.

POLICY ON USE OF ILLEGAL DRUGS

As required by applicable law, the Cary Institute maintains drug-free workplace.

STATEMENT OF POLICY

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited on Cary Institute of Ecosystem Studies property. Violations of this policy will result in disciplinary action up to and including termination.

ILLEGAL DRUG AWARENESS PROGRAM

The Cary Institute of Ecosystem Studies has established an illegal drug awareness program to acquaint employees with:

1. The dangers of drug abuse in the workplace,
2. This policy of maintaining a drug-free workplace,
3. The availability of drug counseling, rehabilitation and employee assistance programs, and
4. Any penalties which may be imposed upon employees for drug abuse violations occurring in the workplace.

In the event of a violation the following procedure will be followed:

1. The employee will notify the Office of Human Resources of any conviction for a violation of the criminal drug statute that occurred in the workplace, no later than five days after each conviction. Failure to do so may be grounds for dismissal.
2. The Cary Institute will notify the appropriate federal agency within ten days after receipt of such notice.
3. In addition, the Cary Institute, within 30 days of receiving the notice, will:
 - a) Require, as a condition of continued employment, that the affected employee complete satisfactorily a drug abuse assistance or rehabilitation program. The Office of Human Resources has information on programs approved for these purposes by federal, state, or local health, law enforcement, or other appropriate agency, and
 - b) Take appropriate personnel action against such an employee, up to and including termination.

In accordance with federal law, the Cary Institute of Ecosystem Studies will:

- Give a copy of this policy to every employee.
- Make a good faith effort to continue to maintain a drug-free workplace.

CONFIDENTIALITY

All discussions with or about an employee suspected of having a drug abuse problem will be kept strictly confidential. Only those whose responsibilities require it will be involved in these discussions.

PROGRESSIVE DISCIPLINE

The need to discipline employees occurs very rarely at the Cary Institute of Ecosystem Studies. Nonetheless, there must be a procedure in place so that all participants know what to expect. The procedure to be followed is outlined below.

1. When an employee's performance is unsatisfactory, all reasonable steps will be taken to give the employee the opportunity to improve. Initially the supervisor will meet with the employee informally to identify the problem areas and to offer constructive suggestions for improvement.
2. If the private informal discussion with the employee does not produce satisfactory results, the supervisor will again meet with the employee. They will review performance and the supervisor will again advise the employee that the problem must be corrected. At this time a written notice will be sent to the employee and a copy given to the Office of Human Resources for the employee's file.
3. In the absence of satisfactory improvement, the employee may be suspended without pay for a period of time and, as a last resort, the employee may be terminated. Immediate suspension or termination may be recommended to, and approved by, the President in instances demonstrating a willful and flagrant violation of Cary Institute policy or public law.

Nothing in this policy is intended to supersede the terms of any applicable collective bargaining agreement.

SEXUAL AND OTHER UNLAWFUL HARASSMENT OR DISCRIMINATION

Cary Institute is committed to providing a constructive work environment that is free of harassment and that supports individual dignity and respect. Accordingly, Cary Institute maintains a strict policy prohibiting sexual harassment and discrimination because of race, color, creed, gender, national origin, age, physical or mental disability, sexual orientation, military service, or any other classification protected by Federal, State or local law. Such conduct will not be tolerated and is prohibited by Cary Institute. This policy applies to all persons involved in the operation of Cary Institute's affairs and prohibits harassment and discrimination by any employee of Cary Institute.

Sexual harassment includes, but is not limited to, the following:

- (1) Unwelcome sexual advances; requests for sexual favors; and all other verbal, visual or physical conduct of a sexual nature based on gender, especially where:
 - (a) submission to such conduct is made explicitly or implicitly a term or condition of employment;
 - (b) submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
 - (c) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- (2) Offensive comments, jokes, drawings, pictures or cartoons, innuendoes, and other sexually oriented statements, whether verbal or written.

Similarly, any of the following conduct may involve unlawful harassment or discrimination because of race, color, creed, gender, national origin, age, physical or mental disability, sexual orientation, military service or any other classification protected by Federal, State or local law:

1. Verbal conduct such as epithets, derogatory comments, slurs, jokes or comments;
2. Visual conduct such as derogatory posters, photography, cartoons, drawing or gestures;
3. Physical conduct such as unwanted touching, blocking normal movement, or inappropriate physical gestures;
4. Retaliation for having objected to reported or threatened to report harassing conduct.

If an employee believes that he or she is being harassed or discriminated against on the job because of his or her sex, race, disability, ancestry or other protected classification, such employee should **immediately notify his/her supervisor, the Human Resources Manager or the Senior Management of Cary Institute.**

Training on the subject of harassment and discrimination and the Cary Institute's policies and procedures regarding harassment and discrimination will be open to all employees of the Cary Institute. A copy of the Cary Institute's anti-harassment/discrimination policy will be distributed to all employees on an annual basis.

Supervisors who receive complaints of harassment or discrimination must refer all such complaints to the HR Manager. Complaints of harassment or discrimination will be investigated. Such complaints will be kept confidential to the maximum extent possible. However, the investigation may include obtaining a written statement from the complainant and others, and conducting interviews of all persons with relevant knowledge.

No individual will suffer reprisal or retaliation for reporting any incidents of actual or perceived harassment or discrimination, for making any complaints of harassment or discrimination, or for participating in any investigation of incidents of actual or perceived harassment or discrimination. However, **any complaint found to be frivolous, malicious, or based upon false information will also be treated as a serious violation and may result in disciplinary action**, up to and including termination of the complaining employee.

Nothing in this policy prohibits an aggrieved employee from seeking relief from Equal Employment Opportunity Commission or equivalent local agency.

If an employee has any questions concerning this policy, he or she should feel free to contact the Human Resources Manager.

WORKPLACE VIOLENCE PREVENTION

Cary Institute is committed to preventing workplace violence and to maintaining a safe work environment. Cary Institute has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of Cary Institute, without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, a volunteer, student, visitor, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment and discrimination, including discrimination that is based on an individual's race, color, creed, gender, national origin, age, physical or mental disability, sexual orientation, or military service.

All threats of (or actual) violence, both direct and indirect against an employee should be reported as soon as possible to the employee's supervisor or any other member of management. This includes threats by employees, as well as threats by volunteers, visitors vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. No employee should place himself or herself in peril.

The Cary Institute will promptly and thoroughly investigate all reports of threats of (or actual) violence and

of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, Cary Institute may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these workplace rules will be subject to prompt disciplinary action up to and including termination of employment.

Cary Institute encourages employees to bring their disputes or differences with other employees to the attention of their supervisor or the Office of Human Resources before the situation escalates into potential violence. Cary Institute is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

GRIEVANCE POLICY FOR EMPLOYEES

Every effort is made to sustain a work environment at the Cary Institute of Ecosystem Studies which promotes openness and harmonious interaction. Respect for colleagues and fellow employees is essential to the cooperation which distinguishes our programs in research and education.

Experience confirms, however, that people in the normal course of working together, may on occasion encounter misunderstandings or problems which are not resolved swiftly. This Grievance Policy for Employees seeks to provide a mechanism for prompt resolution of such problems or complaints. Employees are encouraged to use this procedure and may do so without fear of prejudice or reprisal.

The grievance procedure outlined here is available to all regular and temporary employees except those covered by a collective bargaining agreement. Those employees are covered by the provisions of their union contract.

Members of the Cary Institute community who are not employees (visitors and students, for example), who have problems or complaints should seek assistance from their sponsor or the President.

Anyone found to have retaliated against an employee for initiating a grievance may be subject to disciplinary action. If any employee believes that he or she has been retaliated against as a result of pursuing a grievance, the employee should inform the Office of Human Resources, who will investigate the charge and recommend appropriate action.

Nothing in this policy is intended to preclude an employee's invocation of other applicable remedies that may be available under the law.

GRIEVABLE ISSUES

The grievance procedure may be used by eligible employees whenever they believe that (a) they have been treated in a manner inconsistent with Institute policies of non-discrimination or (b) they have been inappropriately discharged, suspended, or otherwise disciplined for misconduct.

Professional assessments and judgments by supervisors concerning such issues as performance evaluations, salary and grade classification determinations, and the staffing or organization of a department or allocation of its resources are not subject to review under this procedure, unless it is alleged that the professional assessment or judgment resulted from unlawful discrimination.

ELIGIBILITY

Any employee may file a grievance. However, grievances which are covered exclusively by the Collective Bargaining Agreement between Local 374 of District Council 37, the American Federation of State, County and Municipal employees, and the Cary Institute, remain subject to the grievance provisions of that agreement.

INFORMAL REVIEW

Experience at the Cary Institute, as in most other institutions, has shown that employee complaints often can be resolved informally. Therefore, in an attempt to resolve a problem, an employee is encouraged first to bring a complaint covered by this procedure directly to the attention of the person or persons whose actions are the subject of the complaint. Where this approach is unsuccessful or impracticable, the employee is also encouraged to consult at this stage with his/her supervisor and when the problem cannot be resolved to the satisfaction of the employee after discussions with the appropriate supervisor, the employee is encouraged to enlist the assistance of the Office of Human Resources to resolve the problem.

FILING A COMPLAINT – Grievance process

When the informal review process does not resolve the issue, an aggrieved employee must invoke the Grievance Procedures within 10 working days of the end of the informal review process. Such an employee may appeal to Step Two within the shorter of 10 days of the submission of his/her grievance or 5 working days of a decision in Step One respectively. Inexcusable delay in filing a timely grievance may result in denial of further review of the complaint.

At each stage the grievant must file a written grievance. Any writing that includes the material facts at issue shall be deemed sufficient for the purpose of making a timely filing. However, it shall not excuse the requirement that each aggrieved employee fill out a grievance form, before the grievance is heard. Copies of the grievance form and this procedure may be obtained from the Office of Human Resources.

An employee may request an opportunity for a face-to-face meeting before a determination is made on his/her grievance. Such a meeting is intended to provide the employee an opportunity to present whatever information he or she deems relevant to his/her grievance. Nothing in this policy precludes the party hearing the grievance from conducting further investigation, as he or she deems necessary to address the grievance.

Each step of the grievance process shall result in a written response documenting the issues discussed, Cary Institute's response, if any, and the course of action recommended. Such a response shall be issued as soon as practicable.

Step One -- the employee shall present the matter to his or her immediate supervisor, who shall attempt to resolve it;

Step Two -- if the grievance is not resolved by the Step One intervention, the employee shall present an appeal to the Human Resources Manager.

Step Three -- Step Two is final unless the grievance involves termination, allegations of discrimination relative to termination, salary or material working conditions in which case an employee who is still dissatisfied may submit the matter to the President of Cary Institute.

The decision reached based on the grievance process will be conveyed to the grievant in writing and will be the Cary Institute's final decision.

**CARY INSTITUTE OF ECOSYSTEM STUDIES
GRIEVANCE FORM (Non-Union)**

NAME _____

POSITION _____SUPERVISOR _____

INSTITUTE POLICY BELIEVED TO HAVE BEEN VIOLATED _____

DATE OF ALLEGED VIOLATION _____

STATEMENT OF GRIEVANCE: _____

(Continued)

SPECIFIC RELIEF SOUGHT _____

Signature

Date

Cary Institute of Ecosystem Studies Whistleblower Policy

The Cary Institute of Ecosystem Studies (Cary) is committed to operating in furtherance of its tax-exempt purposes and in compliance with all applicable laws, rules and regulations, including those concerning accounting and auditing, and prohibits fraudulent practices by any of its trustees, officers, employees or volunteers.

This policy outlines a procedure for trustees, officers, employees and volunteers to report actions or suspected actions known to such persons that they reasonably believe violate a law, regulation or an adopted policy of the Cary or that constitutes fraudulent accounting or other practices. This policy applies to any matter which is related to activities of Cary and does not relate to private acts of an individual not connected to the activities of Cary. This policy will be administered by Manager of Human Resources.

If a trustee, officer, employee or volunteer has a reasonable belief that a trustee, officer, employee or volunteer of Cary has engaged in any action or suspected action that violates any applicable law, or regulation, including those concerning accounting and auditing, or constitutes a fraudulent practice or is in violation of any adopted policy of Cary, the individual is expected to immediately report such information.

In some cases the supervisor of an employee or volunteer is in the best position to address the matter. However, if the reporting person is not comfortable speaking with his or her supervisor or is not satisfied with the supervisor's response, such person is encouraged to speak with the Assistant Director or the President. Once a report in writing is made it will be communicated promptly to Cary's Compliance Officer who in this case is the Chair of the Audit Committee. He/she is responsible for the investigation of all reported violations directly or through an appropriate designee. If the employee or volunteer is not comfortable with reporting internally, he or she should contact the Audit Committee Chair directly. Trustees, officers and senior scientists should report directly to the Audit Committee Chair. Attached is Appendix A, the Whistleblower Reporting Form, which should be used to report under this policy.

All reports will be followed up promptly, and an investigation conducted by the appropriate person. In conducting its investigations, Cary will strive to keep the identity of the complaining individual and the reported information as confidential as possible consistent with the need to conduct an adequate review and investigation and to comply with applicable laws.

No trustee, officer, employee or volunteer who in good faith reports a violation shall suffer intimidation, harassment, discrimination or other retaliation or adverse employment consequences.

A trustee, officer, employee or volunteer who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination.

A copy of this whistleblower policy shall be distributed to all trustees, officers, employees and volunteers.

Cary Institute of Ecosystem Studies

Whistleblower Form

The purpose of this form is to provide a mechanism to encourage reporting of any action or suspected action taken within Cary Institute of Ecosystem Studies (Cary) that is illegal, fraudulent or in violation of any adopted policy of Cary in a safe environment. Anyone reporting a violation must act in good faith, without malice to Cary or any individual, and have reasonable grounds for believing that a violation occurred.

No one who in good faith makes a report or cooperates in the investigation of a violation shall suffer harassment, retaliation or adverse employment consequences.

Cary will strive to keep the identity of the complaining individual and the reported information as confidential as possible, consistent with the need to conduct an adequate review and to comply with applicable laws.

Is this the first time you are filing a report for the improper conduct?

Yes

No, please state the date(s) or approximate date(s) of your previous report(s).

Name of Person Filing Report*

*You are not required to provide your name and may retain anonymity. If you choose to provide your name, it will remain confidential whenever possible. Providing your name may facilitate the investigation of the misconduct. Anyone filing an anonymous report will not be updated as to the progress of the investigation, but do understand that investigations are taken seriously and will be addressed. Making a complaint does not automatically shield you from consequences of your own involvement in unlawful or improper conduct. However, full and frank admissions may be considered in deciding disciplinary actions.

Name

Date

Name of Person(s) Subject to this Complaint

Name(s)

Relation/Position**

***If this person is not an employee of the Cary, please list his or her position (e.g. Board Member, Volunteer)*

Complaint Report

Please include as much detail as possible to enable a thorough investigation of the matter. Please go beyond the question prompts and the lines provided if necessary to adequately describe the matter.

What act occurred and how do you believe it was fraudulent, illegal, or inappropriate? *If applicable*- please describe the nature of the injury or damage sustained.

When and where did the misconduct occur?

(Please indicate if the actions were committed over a period of time)

What do you believe enabled the act(s) to occur? E.g.: a lack of controls, circumvention of controls, or collusion with other individuals? Are you aware of any motives for the misconduct?

Does the misconduct involve the participation of people external to the Cary?

Are there any witnesses that can confirm the misconduct?

EVIDENCE: Please attach a copy of original of any supporting documents or other evidence in your possession, if any. **DO NOT ATTEMPT TO OBTAIN** more evidence. You are a reporting party and not an investigator of the misconduct.

SECTION C
RESEARCH AND EDUCATION

POLICY ON THE SUBMISSION OF PROPOSALS

Members of the Core Scientific Staff are expected to submit proposals to outside sources to attract the funds needed for their research programs. While the Cary Institute does have funds for the support of research, their highest priority use will be for partial salary support for the Core Scientific Staff, innovative or exploratory research projects, set-up funds for newly appointed scientists and start-up funds for projects on which proposals are pending.

There are two important benefits from this competition for funds. First, the resulting awards make possible much more research at the Cary Institute than would be possible otherwise. Second, the competition itself provides the opportunity for staff scientists to present and defend proposed research before a larger group of their peers. The comments and criticisms involved in the review process are frequently helpful in refining the project.

POLICY

Individuals seeking outside support for projects for which the Cary Institute assumes sponsorship, or which involve the commitment of Cary Institute space, facilities or funds, should observe the following principles:

1. The Cary Institute will generally sponsor proposals only when the principal investigator holds an appointment on the Core Scientific Staff.

A Postdoctoral Associate, Adjunct Scientist or Visiting Scientist wishing to submit a proposal for funding through the Cary Institute must do so as co-investigator with a member of the Core Scientific Staff serving as lead principal investigator. A Research Associate wishing to submit a proposal for funding through the Cary Institute must do so as co-investigator with a member of the Core Scientific Staff, but can serve as lead principal investigator. A lead principal investigator is the individual whose name is listed first on the proposal under senior personnel who assumes responsibility for the proposed research

2. A Proposal Review Form covering the requirements for space, equipment use, new staff, cost sharing, etc., must be completed and approved prior to the submission of each proposal. All proposals should state the full cost of the project and the proposed sources of support.
3. Because of a finite amount of space within the Cary Institute, the President will not approve proposals unless it is clear that appropriate space will be available.
4. Investigators should review their draft proposal, budget and Proposal Review Form with the President at least three weeks before the proposal submission deadline. A draft proposal (or proposed revisions to proposals or awards) in nearly final form must be submitted to the Manager of Grants Administration for review at least 10 working days prior to the submission deadline. All proposals, or proposed revisions to proposals or awards, must be signed by the Grants Administrator. All electronic

5. Submissions of grant proposals for restricted funds will be done by a member of the Grants Office staff.

POLICY ON DEALING WITH ALLEGATIONS OF SCIENTIFIC MISCONDUCT

POLICY STATEMENT

Scientific misconduct is rare, but when it does occur it erodes the integrity of the scientific process and the confidence of the public. The Cary Institute of Ecosystem Studies is committed to the highest ethical standards in the conduct of research. The Cary Institute believes that the scientific community must do everything within its power to guard against scientific misconduct and, as part of that responsibility, should have in place clear and detailed procedures for dealing with allegations of scientific misconduct swiftly and fairly. Such procedures are needed to simultaneously protect the scientific community from misconduct and protect individuals who may be accused unjustly.

PRINCIPLES

The Cary Institute has an obligation to see that the scientists doing research at the Cary Institute maintain high ethical standards and will, therefore, thoroughly investigate and resolve promptly and fairly all instances of alleged scientific misconduct.

Every member of the scientific staff and all others involved in research bear the responsibility for adhering to the ethical standards and maintaining the intellectual honesty of Cary Institute research. Each member of the scientific staff, as mentor and director of research in his or her research group,⁽¹⁾ accepts responsibility for setting the ethical tone and for using reasonable care and diligence to assure the integrity of the research conducted in his or her laboratory. The scientist is responsible for the supervision of research personnel and trainees in his or her research group. Each scientist will use reasonable care and diligence in auditing all primary data and in reviewing these data prepared for any form of publication. All research results should be recorded in laboratory or field notebooks or any other commonly accepted form. All such research data are to be available for at least three (3) years beyond the date of publication of such research.⁽²⁾

The rights and reputations of all parties involved in an instance of alleged scientific misconduct shall be respected and protected, including the individuals who report possible misconduct in good faith. This policy provides for confidential treatment, prompt and thorough inquiry and/or investigation, and the opportunity to respond to all allegations and/or findings by all involved parties.

Accusations of falsifying or misrepresenting data and plagiarism are among the most serious charges that can be lodged against an investigator. Any person contemplating such accusations should consider fully the gravity of the accusation and its consequences and should make every reasonable effort to avoid lodging charges that fall outside the definition of scientific misconduct.

All proceedings shall comply with applicable policies and contractual obligations of the Cary Institute.

- (1) Research group here also refers to field sites where research is done.
- (2) Publications often have co-authors from other institutions. Retention of data generated by a scientist whose primary affiliation is with another institution will be the responsibility of that scientist and institution.

DEFINITION OF SCIENTIFIC MISCONDUCT

Misconduct in research is defined as **fabrication, falsification, plagiarism or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting or reporting research, or retaliation of any kind against a person who has reported or provided information about suspected or alleged misconduct and who has not acted in bad faith.** It does not include honest error or honest differences in judgments or interpretations of data.

PROCEDURES

The procedures described herein represent the general approach to be employed by the Cary Institute in instances of possible scientific misconduct, since no policy can anticipate every possible issue that may arise in the course of an investigation. The Compliance Officer/President of the Cary Institute of Ecosystem Studies is responsible for implementing these procedures and modifying them as necessary to ensure adherence to the policy and principles outlined above.

1. Prevention

The Cary Institute will encourage intellectual honesty in research done at the Cary Institute by encouraging open communication, submitting work for peer review, and committing to self-regulation.

By distribution of this policy, the Cary Institute intends to inform all employees regarding its ethical standards, its philosophy and policy of dealing with and reporting possible scientific misconduct and the importance of complying with the policies and procedures.

Each scientist will use his or her best efforts to assure compliance with this policy by individuals working under his or her supervision.

2. Allegations

Charges of scientific misconduct will normally be brought to the supervisor of the individual accused of such conduct. That supervisor shall immediately inform the Compliance Officer/President. If the subject of the allegations is a member of the scientific staff, the charges should be brought directly to the Compliance Officer/President. If the Compliance Officer/President determines that there is any

possibility that the charges have merit, an initial inquiry shall be instituted immediately. If the President is the subject of allegations, the Chairman of the Cary Institute's Board of Trustees, or a Trustee designated by the Chairman, shall perform the role as President in any inquiry or investigation.

The Compliance Officer/President shall determine whether an inquiry can proceed effectively without the direct involvement of the complainant. Instances of possible scientific misconduct that depend upon the observations or statements of the complainant cannot proceed without the open involvement of that individual; other instances that can rely on documentary evidence may permit the complainant to remain anonymous.

When an inquiry is initiated, the party(ies) charged with misconduct may be reminded of the obligation to cooperate in providing the material necessary to conduct the inquiry. Uncooperative behavior will be considered unacceptable and may result in immediate implementation of a formal investigation and appropriate administrative actions.

The process of dealing with allegations of possible misconduct raises difficult and sensitive issues for those making the allegations, those suspected of misconduct and those responsible for investigation. All proceedings shall be conducted with care and sensitivity. The privacy of the accused as well as those who in good faith report possible misconduct will be protected to the maximum extent possible. Appropriate administrative action will be taken when retaliation against any party involved in an inquiry or investigation of possible scientific misconduct occurs.

3. Whistleblower

The Compliance Officer will monitor the treatment of individuals who bring allegations of misconduct or of inadequate institutional response to an allegation(s) and to those individuals who cooperate in inquiries or investigations. The Compliance Officer will ensure that there will be no retaliation against these persons, especially in the terms and conditions of their employment or in any other status that they may have in the institution. The Compliance Officer will review all instances of alleged retaliation for appropriate action.

Employees should immediately report any alleged or apparent retaliation to the Compliance Officer.

The institution will protect the privacy of those who report misconduct in good faith.

4. Protecting the Respondent

Inquiries and investigations will be conducted in a manner that will ensure fair treatment to the respondent(s) in the inquiry or investigation and confidentiality to the extent possible without compromising public health and safety or the ability to carry

out a thorough inquiry or investigation.

Institutional employees accused of scientific misconduct may consult with legal counsel or a non-lawyer personal advisor (who is not a principal or witness in the case). The attendance of counsel or personal advisors at interviews or meetings on the case must have the prior approval of the Compliance Officer and the President.

5. Initial Inquiry

Inquiry is defined as information gathering and initial fact-finding to determine whether an allegation of apparent misconduct warrants an investigation.

- a. The Compliance Officer/President shall appoint an Inquiry Committee of no more than three (3) individuals with sufficient expertise and dedication to conduct a thorough, authoritative and impartial inquiry into the allegations. In making appointments to the Inquiry Committee, the Compliance Officer/President shall take precautions against real or apparent conflicts of interest on the part of those involved in the inquiry. To protect the privacy and afford confidentiality to all affected individuals, including those who report possible misconduct in good faith, members of the Inquiry Committee shall sign a statement prior to the commencement of the inquiry assuring that any information related to a case of possible misconduct shall not be disclosed, except to the Compliance Officer/President and representatives of the Cary Institute authorized by the Compliance Officer/President in writing. In addition, all proceedings of the Inquiry Committee shall be handled discreetly and in a manner designed to preserve confidentiality.
- b. Separate and private sessions may be conducted to hear the complainant, the subject of the allegations and others as determined necessary by the Inquiry Committee. An accused, when being interviewed by the Inquiry Committee, may be accompanied by an advisor, but not by legal counsel. All evidence that is produced which bears directly upon the charges will be reviewed and secured by the Committee.
- c. The Inquiry Committee shall make a written inquiry report and recommendation to the Compliance Officer/President within sixty (60) days after the appointment of the Inquiry Committee, unless the Compliance Officer/President approves an extension for good cause. The inquiry report should state what evidence was reviewed, summarize relevant interviews, and include the conclusions of the inquiry. A copy of the inquiry report shall be given to the subject of the investigation and the Compliance Officer/President will set a reasonable time to be allowed for any comments, which may be made part of the record in the form of an appendix to the report.

- d. Three basic recommendations may follow from this initial inquiry: (1) the allegations are without merit; or (2) no culpable conduct was committed but serious scientific errors were discovered, necessitating appropriate corrective action; or (3) the allegations have sufficient substance to warrant further investigation.
- e. The Compliance Officer/President shall review the recommendation and supporting rationale of the Inquiry Committee and decide whether to request a complete investigation as described in Section 4 below or take any other appropriate action pursuant to Institute policies or contractual agreements.
- f. If the Inquiry Committee concludes that the allegations are without merit, the Compliance Officer/President shall undertake immediate efforts to assist in restoring the reputations of those accused as well as those who made allegations in good faith.

6. Investigation

Investigation is defined as the formal examination and evaluation of all relevant facts to determine if misconduct has occurred. If misconduct has already been confirmed, an investigation may nevertheless be conducted to determine the extent of any adverse effects resulting from the misconduct.

- a. If the Compliance Officer/President decides that an investigation is warranted, the subject(s) of the investigation shall be informed promptly regarding the general nature of the allegations of scientific misconduct.
- b. The Compliance Officer/President shall determine whether sponsored research is involved. If the research is conducted with federal funds, the Compliance Officer/President will inform the appropriate agency that an investigation is warranted on the basis of initial inquiry to determine the propriety of the conduct or reporting of the research and that the agency shall be apprised of the results.
- c. The Compliance Officer/President shall appoint an Investigating Committee within fifteen (15) days of the completion of the inquiry to conduct a complete investigation of the allegations and the Investigating Committee shall commence the investigation within thirty (30) days of the completion of the inquiry. The Investigating Committee should not be excessive in size but should contain individuals with sufficient expertise and dedication to conduct a thorough, authoritative and impartial investigation. In making appointments to the Investigating Committee, the Compliance Officer/President shall take precautions against real or apparent conflicts of interest on the part of those involved in the investigation. To protect the privacy of and afford confidentiality to all affected individuals, including those who report possible misconduct in good faith, members of the Investigating Committee and any Institute employees involved in the investigation shall sign a statement prior to the commencement of the

investigation assuring that any information related to a case of possible misconduct shall not be disclosed, except to the subject(s) of the investigation, members of the Investigating Committee, the Compliance Officer/President, and representatives of the Cary Institute authorized in writing by the Compliance Officer/President. In addition, all proceedings of the Investigating Committee shall be handled in a discreet and confidential manner. The Compliance Officer/President may include a member or members of the Inquiry Committee on the Investigating Committee. The Compliance Officer/President may also appoint investigators and/or administrators from another institution or institutions to serve as members of the Investigating Committee.

- d. The Investigating Committee shall not be bound by any conclusion reached by the Inquiry Committee. The Investigating Committee shall be empowered to review all primary evidence associated with the alleged misconduct including, but not limited to, relevant research data and proposals, publications, correspondence, electronic mail and memoranda of telephone calls. Whenever possible, interviews shall be conducted with all individuals involved in lodging allegations or participating in the alleged misconduct, as well as other individuals who might have information regarding key aspects of the allegations. Complete summaries of interviews shall be prepared, provided to those interviewed for comment or revision, and included as part of the investigatory file.
- e. The subject(s) of the investigation, together with an attorney of his or her choice, shall be afforded the opportunity to be present during the interview of any individual whose testimony is considered essential by the Investigating Committee in any determination of misconduct. The attorney may serve as advisor to the accused, but will not be permitted to direct questions or concerns or offer argument on behalf of the accused. The investigation is not a trial-type proceeding.
- f. Necessary support (e.g., clerical, information gathering, witness notification, organizational, security, record keeping and confidentiality) shall be arranged by the Compliance Officer/President or his designee.
- g. Subject to the requirements of Paragraph e. above, the Investigating Committee may conduct private and separate sessions to hear the complainant, the subject of the allegations and others as determined necessary. All evidence produced which bears directly upon the charges shall be reviewed and secured. Interviews with any individuals may be recorded for the use of the Investigating Committee.
- h. The report shall be made available for comment to the subject of the investigation and affected individuals deemed appropriate by the Investigating Committee. A reasonable time, as determined by the Compliance Officer/President, should be allowed for response and their comments, if any, should be appended to the report. The Investigating Committee shall then provide the final report of its

proceedings, findings, conclusions and recommendations, together with all pertinent documentation and evidence, to the Compliance Officer/President.

- i. The Compliance Officer/President shall review the report of the Investigating Committee and the written comments, if any, of the affected individuals and determine what further action shall be taken.
- j. When scientific misconduct is substantiated, the Compliance Officer/President shall impose appropriate sanctions under applicable policies and contractual agreements, which sanctions may include one or more of the following:
 - (1) Alteration of employment status or termination of employment of those individuals whose misconduct has been substantiated.
 - (2) Withdrawal of all pending abstracts and papers deemed to include affected research and notification of editors of journals or books in which previous abstracts and papers containing these research results were published.
 - (3) Notification of and, if required, restitution to the sponsoring agency.
 - (4) Notification of collaborators regarding any substantiated scientific misconduct related to their research.
 - (5) Notification of institutions and sponsoring agencies with which the individual has been affiliated if reason exists to believe the validity of previous research might be questionable.
- k. At any time that scientific misconduct as defined herein or significant errors are substantiated in any sponsored or reported research, the Compliance Officer/President shall notify in writing the sponsoring agency or publisher without delay. If the research is conducted with federal funds, the sponsoring agency shall be informed of the final outcome of the investigation. The final report will 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, the actual text or an accurate summary of the views of any of the individuals found to have engaged in misconduct, and a description of the sanctions taken by the Cary Institute.
- l. If scientific misconduct is not substantiated, the Compliance Officer/President shall undertake immediate efforts to assist in restoring the reputations of those investigated as well as those who made allegations in good faith.
- m. The Cary Institute shall take any actions necessary at any stage of this process to protect the integrity of a project or the continuity of research.
- n. The investigation process, including preparation of a written report and notification of a sponsoring agency, shall be completed within one hundred

twenty (120) days, unless the sponsoring agency agrees in writing to an extension of time.

7. Other Institutional Responsibilities

During any stage of possible misconduct proceedings, the Cary Institute will take appropriate administrative action to protect federal or other sponsor's funds.

For every instance of verified misconduct, the Cary Institute is obligated to report the facts and conclusions of its investigation to (1) the current or potential funding agency or agencies involved, (2) past or potential publications affected and (3) past or present collaborators affected.

8. Reporting and Record Keeping

- a. When federal funds are involved, before an investigation begins, a written report containing the name of the person(s) against whom the allegations have been made, the general nature of the allegations and the proposal or grant number(s) involved, will be prepared and provided to the federal agency.
- b. If the Cary Institute plans to terminate an inquiry or investigation without completing all of the relevant requirements, a report describing reasons for such termination shall be made to the sponsoring agency.
- c. (i) If the Cary Institute determines an inquiry will not be completed within sixty (60) days, the Compliance Officer/President may approve an extension for good cause. The reason for the extension will be entered into the records of the case and into the report, and the subject of the inquiry will be notified of the extension.

(ii) If the Cary Institute determines an investigation will not be completed within one hundred twenty (120) days, a written request for extension shall be submitted, if required, to the sponsoring agency explaining the reason(s) for delay, describing the progress to date and providing an estimated date of completion. If an extension is granted, the Cary Institute shall file periodic progress reports as may be requested by the agency.
- d. The Compliance Officer/President shall maintain detailed documentation and records of any inquiry or investigation for at least three (3) years.
- e. Except for disclosure as provided herein, all records relating to any part of this process shall be considered confidential and appropriate protection shall be provided.

- f. The Compliance Officer/President shall apprise the sponsoring agency of any developments during an investigation which disclose facts that affect that agency's funding.
- g. The Compliance Officer/President shall notify the sponsoring agency if it is ascertained at any stage of inquiry or investigation that:
 - (1) there is an immediate health hazard involved;
 - (2) there is an immediate need to protect federal funds or equipment;
 - (3) there is an immediate need to protect any individual;
 - (4) the alleged incident is to be reported publicly; or
 - (5) there is reasonable indication of possible criminal violation. In this instance, the Cary Institute shall inform the sponsoring agency within twenty-four (24) hours of obtaining that information.

9. Responsible Conduct in Research (RCR) Training

RCR training is available for all grant funded employees and volunteers. For RCR training go to <http://www.caryintranet.org/content/compliance>.

ACKNOWLEDGEMENT FOR PUBLICATIONS

“Contribution to the program of the Cary Institute of Ecosystem Studies.

Financial support was provided by _____*.”

* Here the name of grantees supporting the research should be inserted. When Cary Institute funds support the research, partially or wholly, the Mary Flagler Cary Charitable Trust should be included as well.

OCCASIONAL PUBLICATIONS

Institute policy encourages publication of the results of its research and education programs in peer-reviewed journals. In instances where journal publication is not appropriate (examples include position papers, compilations of student research and conference proceedings), issuance as a Cary Institute of Ecosystem Studies Occasional Publication may be considered.

In order to maintain consistency of quality and format, the following procedures apply:

1. All Cary Institute Occasional Publications will be numbered, dated and approved in advance by the President.
2. Peer review must precede publication. This may involve review outside the Cary Institute or review by a staff scientist who is not an author of the draft.
3. All drafts will be formally copy edited prior to publication.

FUNDS FOR PERSONAL MEMBERSHIP IN PROFESSIONAL SOCIETIES AND PURCHASE OF BOOKS BY CORE SCIENTIFIC STAFF

GENERAL

The Cary Institute Library subscribes to a wide range of scientific journals and periodicals. Additionally, relevant monographs are purchased regularly to increase Library holdings. However, Core Scientific Staff members may wish to join scientific societies (including journal subscriptions) and purchase books in their own names in order to meet very focused interests or to build a personal collection. A modest allowance is available to each eligible core staff member for this purpose.

POLICY AND ELIGIBILITY

1. All full-time members of the core scientific staff are eligible.
2. Materials purchased should be both consistent with the individual's interests and the Cary Institute's stated mission.
3. This allowance is not to supplant available grant funds. Materials needed for grant-funded projects should be charged to those grants.
4. The amount available to each staff member under this policy will be determined annually by the President.

PROCEDURE

1. Each eligible staff member will be notified annually by the President regarding the amount of the allowance.
2. Purchases should be made by the individual from his/her personal funds.
3. Appropriate evidence of purchase should be given to the Comptroller with a request for reimbursement.
4. The Comptroller will provide reimbursement up to the total annual allowance for each individual.

CHARGING FABRICATED EQUIPMENT TO SPONSORED PROJECTS

Only apparatus which can be defined as equipment will be directly charged to research accounts. This would include items with an estimated useful life of at least two years and a value of \$5000 or more.

All requests to fabricate such equipment must be made in writing to the Manager of Physical Plant by the Principal Investigator. The Manager of Physical Plant will respond with a written estimate of the total labor and materials required and estimated time required to complete the project. If the project is undefined, a response listing the hourly labor rate alone is acceptable; time and materials will be billed.

The charge to research projects should be the hourly rate(s), plus the appropriate benefit rate, of the person(s) performing the work. These rates will be adjusted as salaries and/or fringe rates change.

After the equipment has been fabricated and accepted by the Principal Investigator, the Manager of Physical Plant will submit the following supporting documentation to the Comptroller's office:

1. The original memorandum requesting the work, signed by the Principal Investigator, and the resultant cost estimate. This must include the Cary Institute project account number to be charged and a description of the equipment fabricated.
2. A breakdown of the hours worked by each employee by day.
3. A summary of all labor costs and any material costs incurred. These costs should be based on the individual rate specified in the estimate. This summary should be approved for charging by the Principal Investigator. The approved expenses will be charged to the specified research account and the accounts will be credited for an equal amount in a budget line entitled "Fabricated Equipment Recovery – Grants."

POLICY ON THE CUSTODY and STEWARDSHIP OF DATA

Federal policy recognizes the public interest in gaining access on occasion to any data generated by research that is funded by federal grants. This policy outlines guidelines for custody and stewardship of such data.

The Cary Institute's responsibility for stewardship of research data, including access to data, derives from the Office of Management and Budget (OMB) Circular A-110, Subpart C. 53 (Retention and access requirements for records), as implemented by federal funding agencies. This policy applies to data derived from research that is funded "wholly" or "partially" by federal funds. The procedures are outlined below. A full copy of the OMB Circular described here is available from <http://www.whitehouse.gov/omb/circulars/index.html>

I. Definitions of Data

- A. As used in this policy, the definition of "data" is the one that has been put forth in OMB Circular A-110, Subpart C .36 (d) (2) (i) and defined in the Grants Policy Statements of the National Science Foundation and the National Institutes of Health.¹
- B. Research data do not include drafts of scientific papers, future research plans, peer reviews or communications with colleagues; trade secrets, commercial information or materials necessary to be held confidential by a researcher until they are published, or similar information protected under law; personnel, medical and similar information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. (OMB Circular A-110, Subpart C .36 (Intangible property) (d) (2) (i).)

II. Other Definitions

¹ OMB Circular A-110, Subpart C .36 (d) (2) (i)

(2) The following definitions apply for purposes of paragraph (d) of this section:

Research data is defined as the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This "recorded" material excludes physical objects (e.g., laboratory samples). Research data also do not include:

- (A) Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and
- (B) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

NIH and NSF

"Data" means recorded information, regardless of the form or media on which it may be recorded, and includes writings, films, sound recordings, pictorial reproductions, drawings, designs, or other graphic representations, procedural manuals, forms, diagrams, work flow charts, equipment descriptions, data files, data processing or computer programs (software), statistical records, and other research data.

- A. Principal Investigator – Any individual (s) who holds primary responsibility for the research project/activity for which data will be collected.
- B. Senior Personnel – Any individual involved in the design, conduct, data collection or reporting of research/project activity at or under the auspices of the Cary Institute.
- C. Others – Any individual (example: visiting scholar, collaborating scientist or postdoctoral fellow) who holds primary responsibility for a research project/activity for which data will be collected at or under the auspices of the Cary Institute.

III. Ownership of Data

- A. Federal policy presented in OMB Circular A-110 and federal granting agencies gives grantees the right of ownership to data and inventions arising from funded research. However, the Federal awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so. (OMB Circular A110, Section .36 – Intangible Property)
- B. Principal investigators shall have custody of the data, and in so doing will retain physical possession and direct responsibility for protecting research data, including accurate recording and proper retention, maintenance, access, sharing and disposition of the data.
- C. The Cary Institute shall be the steward of the data and as such is responsible for developing, maintaining and ensuring adherence to appropriate policies for data ownership and management.
- D. Each Principal Investigator must ensure that the Cary Institute, as award grantee, has access to all data collected at or under the auspices of the Cary Institute. An authorized Institute official must grant such access upon request. Should a Principal Investigator leave Institute employment, he or she will give the Cary Institute electronic copies of and access to all data necessary to fulfill its obligations to the granting agency.

IV. Agreements to Control Ownership or Restrict Access to Data

- A. The Cary Institute might be a participant in research projects in which the ownership, control or access to research data may be stipulated or where restrictions on the communication or reporting of research results have been agreed to. In rare instances, the sponsor may share proprietary information as part of a project. Any proprietary information must be identified and conditions of access and use clearly set forth in the agreement and agreed to by the Cary Institute and the sponsor.
- B. Work that is identified as proprietary or restricted will only be made publicly available in accordance with terms of the executed agreement.

V. Retention of Data

- A. OMB Circular A-110, Section .53 requires all records, including scientific data, be maintained for a minimum of 3 years after the final close-out of the award or until any claim or audit is resolved. The Cary Institute of Ecosystem Studies requires that all records and data arising from research be maintained for a minimum of three years after the final close-out (all reports filed and audits completed) of the award occurs.

- B. During the retention period, access to the data must be provided to appropriate Institute officials or administrators; coauthors; co-investigators, collaborators or fellows involved in the research; and to representatives of external sponsors or designated government officials, as required to fulfill federal regulatory requirements.

- C. If a custodian of research data transfers to a new institution during the retention period, project data generated by that individual may also be transferred with the permission of the Cary Institute and on the condition that the Cary Institute retains copies of all data for a minimum of three years after final close-out of the award. Copies of any project data still within the three-year record retention period will be placed on file in the Grants Office prior to departure and this transfer documented as part of an exit interview.

PRINCIPLES AND GENERAL STANDARDS

The purpose of the policy on consulting and related activities is to state with both clarity and generality the limits on such activities and the reasons for those limits. Consulting can provide an important means of continuing education for the core scientific staff and can provide them with a currency and experience in aspects of their professional fields outside the context of the Cary Institute itself. This, in turn, may result in improved research, service and public education. Though such attributes of consulting may make core scientific staff members better scholars and researchers, the employer-employee nature of the consulting process has in it the potential for diversion of the staff member from their primary activities and responsibilities.

DEFINITION OF "CONSULTING"

In general, consulting is defined as professional activity related to the person's field or discipline, where a fee-for-service or equivalent relationship with a third party exists.

There are many types of consulting relations and fee arrangements, and the precise form entered into may vary. The principle is that, in consulting, a person agrees to use his or her professional capabilities to benefit a third party, in return for an immediate or prospective gain. Activities or titles that constitute or imply managerial or supervisory responsibility are not permitted since they may constitute a conflict of commitment. Titles such as CEO, Director, Scientific Officer, or Vice President, etc., are designations generally assigned to people with line management responsibilities. Staff members must avoid titles that include terms such as executive, officer, director, manager, or chief as they imply or indicate management responsibilities and create real or perceived conflicts of commitment. Situations arise in which a Cary Institute staff member is chosen to serve on a Board of Directors of a company, or on a company's advisory council or scientific advisory board. These appointments and titles are different from the managerial roles and titles mentioned above, and are permitted as consulting relations.

Several types of staff activity, other than regular Institute duty, are not "consulting." These are:

- a. **Scholarly communications** in the form of books, movies, television productions, art works, etc., even if they result in a financial remuneration for a staff member and for another party (e.g., publisher), are not viewed as consultation.
- b. **Professional Public Service** - Under this rubric is included service on national commissions, on governmental agencies and boards, on granting agency peer-group review panels, on visiting committees or advisory groups to other universities, and on analogous bodies. The distinction between these activities and consulting is that they are a public service. Although an honorarium or equivalent sometimes is forthcoming, these professional service activities are not undertaken for financial benefit but to provide

service to the professional community and the public. Therefore, such service does not fall within the consulting category.

THE NUMBER OF PERMISSIBLE CONSULTING DAYS

Consulting is permitted provided the core scientific staff member's obligation to outside funding sources and work obligation to the Cary Institute is met. The maximum number of consulting days permissible for a staff member on a full-time appointment is 30 days per year. The allowable time will be pro-rated for core scientific staff members employed on a part time basis.

Only incidental* use of Cary Institute facilities and staff may be used for consulting activities. (For example, in the course of consulting work use of laboratory space and supplies, long distance phone calls, use of research support or administrative staff time is not allowed without prior Presidential approval).

Furthermore, in cases where questions arise regarding potential or apparent conflict between consulting activities and Institute duties, the core scientific staff member should consult the Conflict of Interest and Commitment Policy and the Compliance Officer.

GUIDELINES FOR POLICY IMPLEMENTATION

General - Consistent with considerations of Conflict of Interest, staff members are free to make private agreements for any portion of their time which is not already committed to the Cary Institute or outside funding sources. The facilities, staff and services of the Cary Institute may not be used in connection with compensated outside work, except in a purely incidental way.

Changes – Any variance in the policy requires the prior approval of the President.

Incidental Use -Institute resources, including facilities, personnel, equipment, or confidential information cannot be used in other than a purely incidental way for non-institute purposes. More than incidental use of institute resources includes the use of specialized, research-related facilities, equipment or supplies which are provided for academic purposes and support staff time. The occasional and infrequent use of routinely available, office-type equipment (ex. computers), commercially available software and reference material is not considered more than incidental use

SECTION D

FACILITIES

OFFICE AND LABORATORY SPACE

POLICY

It is Institute policy to provide the facilities, equipment and space needed by the scientific staff. In doing this, the following basic principles will be observed.

1. Scientific staff will be assigned office and laboratory space as appropriate to conduct their current research, but to the maximum extent possible, Institute space, facilities, and equipment will be used cooperatively and flexibly.
 - a. Space assignments will be made by the President.
 - b. All research personnel will be assigned a desk or otherwise appropriate individual work area.
2. All Institute scientific equipment in the Rachel L. Carson Analytical Facility is under the direct supervision of the Manager of the Rachel L. Carson Analytical Facility, through whom arrangements for use and maintenance of this equipment should be made.

FIELD RESEARCH SITES

All Institute field research sites and facilities are under the direct supervision of the Manager of Field Research Facilities. Arrangements for use of these facilities should be made with the Manager. There is more information on application for field research sites in Section G.

CARY INSTITUTE SAMPLE LABELING, STORAGE, AND DISPOSAL GUIDELINES

The Cary Institute of Ecosystem Studies provides the following sample labeling, storage, and disposal guidelines for all samples generated during ecological research under the aegis of the Institute. These guidelines help to better manage safe storage and disposal of samples and to better manage available storage space. Samples must be labeled, stored, and disposed of according to the following guidelines.

I. Definitions

- A. Scientist – The name of one of the permanent core Cary Institute scientists.
- B. Cary Institute – Cary Institute of Ecosystem Studies.
- C. The Institute – Cary Institute of Ecosystem Studies.
- D. Active use samples – these samples will be processed within 6 months of collection date.
- E. Long-term storage samples – These samples are being held until project completion and data publication.
- F. Archived samples – Archive is used loosely since there are no curation services at Cary. These samples are held for possible use in future projects. These samples will be discarded at the discretion of the scientist or upon retirement of the scientist.
- G. Samples Matrix – The core body of the sample; e.g. Soil, Water, KCl extraction, Fish, Invertebrates, Gas Sample, etc.
- H. Sample Preservative – the medium used to maintain the integrity of the sample; e.g. Alcohol, Formaldehyde, 0.5M H₂SO₄, None, etc.

II. Sample Labeling

- A. Sample Label - each sample must be labeled with the following information
 - i. Scientist's Name
 - ii. Sample ID
 - iii. Collection Date
 - iv. Sample Matrix
 - v. Sample Preservative
 - vi. Any other optional information such as project name, researcher, etc.
- B. Bulk Container Label - alternatively, samples in very small containers that will not accommodate an individual label may be grouped and placed in a common sealed container. A label is then applied to the common container with the following information:
 - i. Scientist's name
 - ii. Collection Date
 - iii. Sample Matrix
 - iv. Sample Preservative
 - v. Any other optional information such as project name, researcher, etc.
- C. Sample Labeling Material – A label printer and labeling software is provided by the Institute. A selection of most commonly used sample labels is also provided. Researchers may use these labels, free a charge, or provide their own labels. Hand written labels using indelible ink are also acceptable.

III. Sample Storage

- A. Sample Storage Category – Samples are placed in three categories: Active use, long-term storage, archive storage (see definitions above). Please be responsible for your samples and properly dispose of them when the research is completed.
 - B. Sample Storage Facilities - Samples may be stored in Scientist's personal laboratory or in one of the common use sample storage facilities described below.
 - i. Cary West Storage Bunker
 - a. Cold Room - Use this room to store samples at 4°C, acceptable samples include water samples, soil samples, and water or soil extracted samples. Samples preserved in Formaldehyde, >50% Ethanol, or other volatile organic compounds are not permitted in this area.
 - b. Dry Room - Use this room to store samples that can be stored at room temperature, including dried soil and plant tissue. The humidity of this room will be maintained between 40-60% relative humidity. Samples preserved in Formaldehyde, >50% Ethanol, or other volatile organic compounds are not permitted in this area.
 - ii. Plant Science Building
 - a. Walk-in cooler - Use this room to store ACTIVE USE samples at 4°C, acceptable samples include water samples, soil samples, and water or soil extracted samples. Samples preserved in Formaldehyde are not permitted in this area.
 - b. PSB 40 - Dry Storage - Use this room to store ACTIVE USE samples that can be stored at room temperature, including dried soil and plant tissue. The humidity of this room will be maintained between 40-60% relative humidity. Samples preserved in Formaldehyde are not permitted in this area.
 - c. Freezer Storage - A limited amount of freezer space (-30°C) is available. Please contact the Director of Laboratory Research Facilities and Analytical Services for access to this space. Samples preserved in Formaldehyde are not permitted in this area.
 - d. Ultra-low Freezer - Please contact the Director of Laboratory Research Facilities and Analytical Services for access to this space. Samples preserved in Formaldehyde are not permitted in this area.
 - e. Formaldehyde Preserved samples -These samples are stored in the Formaldehyde closets in PSB 13 west.
- IV. Sample Disposal - Contact the Safety Manager for proper disposal guidelines as required, based on the sample matrix and sample preservative. Please be responsible for your samples and properly dispose of them when the research is completed.

Please contact the Director of Laboratory Research Facilities and Analytical Services any concerns regarding this policy.

CARY INSTITUTE COMPUTER NETWORK POLICY

THE COMPUTER NETWORK DEFINED

The Computer Network includes two types of computers (described below), servers, peripherals and other hardware, software, internet access and the world wide web.

General Use Computers -- Those purchased with Institute funds for general use

Special Use Computer -- Those purchased with Institute funds or sponsored project funds for use on a specific project or by one individual.

The Cary Institute Computer Network is the property of the Cary Institute. Cary Institute reserves the right to control or monitor its usage, including, but not limited to, limiting or prohibiting personal use, monitoring Computer Network use and/or access/usage of the internet and Cary Institute email.

Access to **GENERAL USE** computers is restricted to individuals working at the Cary Institute -- specifically employees, volunteers, visiting scientists or students working on Institute-related projects. These individuals must become authorized users. An "authorized user" is one who has undergone orientation by another authorized user. Unauthorized users may not use Institute computers. In addition, such individuals may use **SPECIAL USE** computers after becoming authorized users and with permission of the individual who is the primary user of the computer.

Users of the Computer Network are expected to use it for purposes which promote Institute activities. Subject to availability, limited personal use of the Computer Network is allowed. At all times use of the Computer Network is limited to lawful and appropriate purposes.

Cary Institute tries to provide security, but security and privacy cannot be guaranteed. Use of the Computer Network constitutes an acknowledgement of the risks of inadvertent disclosure of information created, stored or transmitted through the Computer Network.

Employee emails and usernames follow the following format:
lastnamefirstinitial@caryinstitute.org

The General and Specific Access Computers will reset to their default settings upon reboot. Any changes to the hard drive will be removed at that time. Files may be temporarily stored on the "D" drive; however Cary Institute reserves the right to erase this drive at any time.

GUIDELINES FOR USE

1. All new computer users must receive an orientation given by their supervisor, thesis advisor or mentor or other authorized person.
2. Users are responsible for reporting any computer malfunctions to the IT Manager immediately.

3. The software which the Cary Institute has purchased for its computers is registered and **should not**, under any circumstances, be copied. Unauthorized software copying may constitute a civil or criminal violation of law. The Cary Institute does not approve or condone the copying of software without the approval of the copyright holder. Institute software may be used only on Institute computers. The use of this software on non-Institute machines is both illegal and against Institute policy.
4. No users may install software, without prior approval.
5. No user may disable software, including virus checking software, without prior approval.

USE OF CARY INSTITUTE VEHICLES FOR CARY INSTITUTE ACTIVITIES

POLICY

Those needing vehicles for travel in connection with Institute matters should make arrangements with the Supervising Mechanic directly at the Automotive Shop (677-3896).

Use of the Vehicles is controlled as followed:

1. Vehicles should be picked up at and returned to the Automotive Shop.
2. Reservations should be made well in advance. It will not be possible to meet all needs for those making requests the day before a car is needed.
3. Mileage slips must **always** be turned in as soon as the car is returned.
4. Any problems with vehicles should be reported immediately to the Automotive Shop (677-3896).
5. If you reserve a vehicle in advance and do not need it because of a change in plans, let the Automotive Shop know. Somebody else may need it.
6. Institute vehicles are not to be driven by any person under 18 years of age or by anyone not in possession of a valid driver's license.
7. The vehicle driver must be a Cary Institute employee or official visitor.

USE OF CARY INSTITUTE VEHICLES FOR PERSONAL NEEDS

POLICY

Permission has been granted occasionally for employees to borrow a Cary Institute vehicle for personal use. The borrower assumes full responsibility for the vehicle and will reimburse Cary Institute for mileage driven at the standard federal reimbursement rate.

Following are some guidelines:

1. Vehicles for personal use will be assigned by the Manager of Physical Plant.
2. Personal use of Cary Institute vehicles will be limited to the following:
 - a. A personal vehicle is temporarily broken down.
 - b. There is a need for a pickup or van for heavy or bulky loads.
 - c. There is a civic need in the Town of Washington. (Special circumstances will be considered by the Physical Plant Manager.)
 - d. Driver of the vehicle must be at least 18 years of age and have a valid driver's license.
 - e. The driver must be a Cary Institute employee.
3. Mileage slips must also be turned in at the time of return with payment.

Borrowers should exercise care and not use vehicles for inappropriate purposes (e.g., using passenger vehicles to carry heavy items, fuel cans, etc.) Insurance limitations mean that only the employee may drive the Cary Institute vehicles. Cary Institute insurance does not include collision coverage for vehicles more than eight years old and there is a \$500 deductible for collision damage. The borrower assumes responsibility for damage or liability not covered by Cary Institute insurance and agrees to indemnify Cary Institute for any costs incurred in connection with his/her use.

USE OF CARY INSTITUTE AUTOMOTIVE SHOP BY EMPLOYEES

1. Employees wishing to use the Automotive Shop are required to attend a training session provided by Cary Institute automotive mechanics. The training session will be offered periodically.
2. Use of the Automotive Shop is at your own risk.
3. Check with the Supervising Mechanic (677-3896) for availability of shop. ***This is a must.***
4. The use of the Automotive Shop is after normal working hours only.

Monday through Friday	4:30 PM – 11:00 PM
Saturday through Sunday	By special arrangement
5. Weekend users must sign up the week before. **(Do not drop in unexpectedly and ask Security to let you in.)**
6. Your time and date will be logged in on a calendar at the shop. Security will check this log at the beginning of each shift and will meet you at the specified time to let you gain access.
7. Use of vehicle lift is not permitted. This is for safety purposes.
8. Use your own tools. Provide your own supplies, parts, oil, etc.
9. No burning or welding.
10. Turn off air compressor and lights when leaving.
11. Keep room clean.
12. Rights of an employee to use the shop may be suspended at the request of the Supervising Mechanic.

If you are not sure about any aspect of the shop facility, please call the Supervising Mechanic.

WOODWORKING FACILITY - ACCESS AND USE

POLICY

A woodworking facility is available for use primarily by the scientific staff and their RSS staff. The facility is located at the field lab off Canoe Hill Road and is operated and maintained by the Field Research Facilities Manager. Equipment available includes: Band saw, Drill Press, Table Saw, Radial Arm Saw, Belt-Disc Sander, Bench Grinder, Bench Vise, and a variety of hand tools and ample work space.

For practical purposes (training time), it is desirable to limit the number of individuals using the equipment. Scientists should designate one or two individuals from their group to be the primary equipment operators for their group. All users must be trained and/or approved by the Field Research Facilities Manager before the equipment may be used. If an approved operator is not available, and if time permits, the Field Research Facilities Manager may be available to operate the equipment for the scientific staff. Assembly of materials however will be the responsibility of the scientist or their staff.

ACCESS

During regular working hours (8:30 AM - 4:30 PM), authorized personnel can gain access to the facility by contacting the Field Research Facilities Manager (preferably in advance). When the Field Research Facilities Manager is away or unavailable, authorized persons should contact the Physical Plant Manager to gain access to the facility (again, preferably in advance). After-hours or weekend access will need approval from the Field Research Facilities Manager who will also arrange an access option (advanced notice required). It is highly recommended that another adult be present when working evenings or weekends.

REGULATIONS

1. Only approved personnel may operate the power equipment (i.e., those who have been checked out). A list of approved persons will be posted in the shop.
2. No piece of equipment is to be used until the operator has read the operator's manual and has been checked out on the equipment. All operating manuals will be kept on a shelf in the shop.
3. Safety glasses must be worn whenever operating the power equipment. These are provided in the shop.
4. No tools or equipment are to be taken from the shop area.
5. Do not attempt to adjust any equipment that appears to be out of alignment except for the normal bevel and height adjustments as required for completing your work. If other adjustments are necessary notify the Facilities Manager as soon as possible.
6. Do not use any equipment tagged "**NEEDS REPAIR**" and discontinue the use of equipment that sounds or acts out of the norm. Notify the Field Research Facilities Manager of the problem as soon as possible.
7. Users must leave the shop clean and all tools put away whenever they are done for the day.

8. The shop is a work area, not a storage area. Once a project is completed, excess materials and field equipment must be removed from the area.
9. All users must supply all their own material and hardware (i.e., lumber, screws, bolts, glue, brushes, stains, etc.).
10. **Be careful, use common sense, and don't hesitate to ask for help** if you are not sure about something. In the event of an emergency, a telephone and first aid kit are available in the shop.

USE OF CARY INSTITUTE MEETING FACILITIES BY OTHER ORGANIZATIONS

From time to time outside organizations may request the use of Cary Institute facilities for meetings or similar functions. The lecture hall in the Auditorium and the lecture room in the Gifford House are the spaces most likely to be requested by outside groups. Although these rooms, like all Cary Institute facilities, are primarily to serve Cary Institute program needs, Cary Institute policy permits use by certain outside organizations under specified conditions. The purpose of this policy is to set forth the conditions for such use.

1. The use of space is on an "as available" basis. That is, use by outside groups may be scheduled only when the space is not needed for Cary Institute programs.
2. Use is limited to public agencies or non-profit organizations with a public purpose similar to that of the Cary Institute for events compatible with Cary Institute goals.
3. The outside group must demonstrate that it has liability insurance of a minimum of \$1,000,000.
4. The outside organization will pay a fee in accordance with the Cary Institute's established fee schedule. The fees are set to recover the cost of labor to prepare and clean up, overtime, utilities, wear and tear, security, etc. Special needs such as the cost of parking attendants, projectionist, etc. are not included and will be billed accordingly. Repairs or the clean-up of excessive spills, etc. will be billed separately.
5. Outside groups must make their own arrangements if refreshments, etc. are required. Advance approval for such use must be obtained in writing.
6. Although standard audio-visual equipment and telephones for emergency use are available, access to items such as copiers, facsimile machines, computers, and other office/business equipment is not provided.
7. Requests for use must be in writing and sent to Director of Events for the lecture hall in the Auditorium and for the Gifford House lecture room well in advance of the proposed date.

SCHEDULE OF FEES AND RESERVATION PROCEDURE FOR USE OF CARY INSTITUTE FACILITIES BY OTHER ORGANIZATIONS

Gifford House Lecture Room / Gifford Carriage House Lecture Room

- Capacity:** 24 people with tables
40 people with chairs only
- Fee:** Half day \$ 75.00
Full day \$125.00
Evening \$ 75.00
- Terms:** Reserve in advance through Director of Events. Confirm reservation and provide payment one week before use. Cary Institute will invoice for balance due (if any) after event.

Auditorium Lecture Hall

- Capacity:** 151 seats
- Fee:** Half day \$ 350.00
Full day \$ 500.00
Evening \$ 350.00
- Terms:** Reserve in advance through Director of Events. Confirm reservation and provide payment one week before use. Cary Institute will invoice for balance due (if any) after event.

Note: An approved audio-visual operator will be required for events in the Lecture Hall using audio-visual equipment. The cost for this is over and above the fee noted above.

SECTION E

WORKPLACE SAFETY

GENERAL PHILOSOPHY OF WORKPLACE SAFETY

The Cary Institute strives to provide safe working conditions for all employees at all times. This goal requires an awareness at all levels of what is needed for safe work. This includes clear written policies and procedures, appropriate training and certification and accountability of supervisors and those who are supervised. While safety is a shared responsibility, accountability for providing safe working conditions and working safely is an individual responsibility.

Cary Institute provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, and other written communications.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their supervisor and fill out a work-related accident report form.

Please see the safety section on Cary Institute intranet <http://www.caryintranet.org/content/safety> for general policies which address safety in various working conditions and at different sites. A detailed Safety Manual and training modules can also be found in the intranet. The intranet site is updated periodically by the Safety Officer and serves as the continuing reference point for training and for compliant spaces and conditions.

SECTION F

MANAGEMENT OF CARY INSTITUTE PROPERTY

ACCESS TO ECOLOGICAL FIELD RESEARCH SITES

Most of the Cary Institute of Ecosystem Studies property is set aside for ecological research and education projects of long or short duration. Varied habitats meet many needs for members of the Cary Institute community. The following policy provides guidelines in allowing individuals access to field sites on the property.

All on-site research is subject to review in advance. A completed application must be submitted to the Manager of Field Research Facilities and accompanied by a detailed proposal. Approval is granted in writing and continuation is conditional upon compliance with annual reporting and other requirements.

Access to field sites is essentially reserved for Cary Institute scientists, their collaborators and students. Non-affiliated researchers need a member of the scientific staff to act on their behalf, to sponsor their request for access. When approval is granted, use of other Cary Institute facilities needs to be sanctioned by, and facilitated through, the sponsoring scientist according to current Cary Institute policies and procedures. It is generally expected that non-affiliated researchers would collect data (as approved) and then conduct all other work at their home institution. Annual reporting of field activities is required.

Definitions:

Affiliated – direct affiliation with Cary Institute, e.g. a staff scientist, a collaborator of a staff scientist or a student of a staff scientist or collaborator. Also included are Cary Institute visiting and adjunct scientists.

Non-affiliated – a researcher completely independent of Cary Institute. These individuals are interested in using Cary Institute property to conduct independent research.

Sponsor – must be a member of the scientific staff (and others as approved by the President). The sponsor should have a direct interest in the proposed research **OR**, feels the proposed research has such strong scientific, education or management merit that the research warrants sponsorship. Sponsor responsibilities include: 1) understanding the general ideas and goals of the proposed research, 2) having a clear understanding and agreement on the availability and use of data produced, 3) a willingness to speak to the merits of the proposal during the review process and 4) the willingness to address and facilitate solving any problems that might arise regarding the sponsored research.

APPLICATION FOR ON-SITE ECOLOGICAL FIELD PROJECT

Name: _____ Email: _____

Address: _____ Phone: _____

Role in Project: _____ Co-Investigators: _____

Project Title: _____

Funding Source: _____ Duration of Funding: _____

Has the funding source put any restrictions on your use or dissemination of your results? _____ If yes, attach explanation and details.

Duration of Field Activities: _____ Most active time of day: _____

Typical Site Requirements: _____

Project activities (e.g., cutting, capturing, tagging, equipment installation, etc. _____

Permit numbers as required. Send copies of permits you are working under.

NY Permit No. _____ Federal Permit No. _____

Do you agree to provide the resources necessary to clean up your field sites and to do so in a timely manner? (initial) Yes _____ No _____

Signature _____ Date _____

.....
OFFICE USE ONLY

Date Received: _____ Date of Staff Review _____

Approved by _____ Date _____

Renewal Requested: _____ Initial _____

REGULATIONS FOR ACCESS TO FIELD SITES

1. All non-staff persons must have current access permit and vehicle identification tag.
2. When entering the internal road system before or after hours, lock gates behind you. Keep gates on Cary and Knapp Drives locked at all times.
3. Driving off paved roads is prohibited unless approval is granted in advance.
4. Do not disturb flagging, stakes, traps, or any other equipment encountered in the field. **DO NOT**, for any purpose, enter areas marked with blue and white striped flagging.
5. Parking is permitted only in designated areas (refer to map). Stopping on paved roads is permitted for loading and unloading of equipment and/or making observations.
6. Respect the boundaries of other landowners. Do not cross boundaries unless you have permission from adjacent landowners.
7. Confine activities to the areas agreed upon and maintain the scope of the project as approved in your proposal.
8. An update or progress report must be filed with the Manager of Field Research Facilities annually. You will be notified of report due dates.
9. Following the completion of your work, all equipment, markers, flagging, etc. must be removed from the field. A final report or any publications derived from this work must also be submitted.

Failure to comply with the stated regulations may result in the revocation of access permits.

IDENTIFYING FIELD RESEARCH SITES

If restricted access to field sites is desired, the perimeter must be clearly marked with **blue and white striped** flagging. Any color flagging may be used within the site for other purposes. If the site is not so sensitive that other persons can carefully walk through the area, the perimeter need not be flagged.

Perimeter flagging should be no further away from the actual plot perimeter than necessary to protect it (e.g. 3 meters) and this flagging should be marked with the PI's initials.

Use only the minimum amount of flagging necessary to do the job both within the plots as well as around the perimeter.

On study sites active for several years, perimeter flagging should be replaced each year for maximum visibility.

The investigator is responsible for removing all flagging on the site at the completion of the project. The Manager of Field Research Facilities must be notified that the project is completed and the site is cleaned up.

GUIDELINES FOR USE OF THE TOMPKINS FARM PROPERTY

Donated to the Mary Flagler Cary Arboretum in the years 1989 through 1993 by Tompkins and Emily Van Rensselaer, the Tompkins Farm is managed as if it were an integral part of the Cary Institute. The property is posted, and access is limited to staff or others authorized by the Cary Institute of Ecosystem Studies. Because Tompkins Farm is not contiguous to the Cary Institute, the following guidelines have been developed.

1. Requests for a key to the gate off Malone Road should be made to the Manager of Field Research Facilities.
2. Be sure to lock the cable when you leave the property.
3. Parking is only permitted in the interior of the property. It is essential that no cars be parked on the right-of-way or on Malone Road.
4. The main access road is suitable for 2-Wheel drive vehicles. However, the various other woods roads require a 4-wheel drive vehicle to prevent degradation of these roads. These secondary roads should only be driven on when dry and firm.
5. **RECREATION** – Presently only hiking and/or cross-country skiing is permitted on the property. These activities must be confined to the road system and are subject to the Cary Institute’s policies governing these activities.

NOTE: The Tompkins Farm property is not presently included in the Cary Institute’s managed deer hunting program. However, permission has been granted to the donor and his guests to hunt on the property during his lifetime. Cary Institute staff may hunt small game in accordance with policy governing this activity.

6. **RESEARCH** – Requests to conduct research should be directed to the Manager of Field Research Facilities and will be handled in accordance with current Cary Institute policies governing field research on the Cary Institute property.
7. The boundaries of the property are clearly marked. Do not trespass or encroach upon our neighbors.

Treat this property as you would the rest of the Cary Institute. Politely confront persons you may encounter, ask who they are, and if they don’t belong, ask them to leave. Report such incidents to security.

STAFF ACCESS POLICY FOR RECREATIONAL ACTIVITIES

Land use at the Cary Institute is primarily for ecological research and educational purposes. Other uses are secondary and may be permitted as long as they do not interfere with these activities. The staff ID card will serve as the access permit, except for hunting, fishing and cross-country skiing where specific permits are required.

USE OF THE AREA

Parking must be in designated areas only. All vehicles must have proper parking permit clearly displayed.

Jogging, bicycling, walking and driving are permitted on the paved internal road system.

Picnicking is allowed only in the designated area behind Gifford House and at the Recreation Field.

Family Use of the Recreation Area. This is by special permit and is explained in a separate section.

Hiking is permitted only on the trails and roads so designated (see map which follows). Only employees of the Cary Institute and their guests may hike in the non-public areas of the Cary Institute. The use by public groups of the designated hiking trails in the non-public areas will be limited to educational field trips and then only when the group is accompanied by a staff member. Hiking for all persons must be limited to the designated trails and roads to protect the integrity of established and future research sites.

NOT PERMITTED ON THE CARY INSTITUTE GROUNDS

Alcoholic beverages	Horse-drawn vehicles	Pets
Camping	Littering	Smoking on trails
Fires	Mountain biking (off-road)	Snowmobiling
Horseback riding	Off-road vehicles	Swimming*
		Trapping**

* Permitted in Fowler Road Pond only.

** Conducted by special permit or permission to address nuisance, human safety and/or neighbor conflicts/complaints. Mgr. Field Research Facilities oversees this activity.

RETIRED STAFF ACCESS TO GROUNDS

The Cary Institute offers a variety of recreational opportunities to benefit the health and happiness of employees. Recognizing that employees who retire and live nearby may wish to continue to take advantage of the recreational opportunities, the following paragraphs describe eligibility for retirees.

Individuals who **retire** from the Cary Institute after completing a **minimum of 10 years of service** may be eligible to participate in programs normally reserved for active employees.

Specific activities include: walking/hiking, jogging, biking, small game hunting, fishing, cross country-skiing, use of recreation field facilities, use of Bacon Flats fitness center (this is a fee-based privilege and can be either an individual or family membership), use of the squash court (during normal business hours) and other possible recreational activities that are permitted and require staff status for eligibility or special privileges.

Retiree access will be considered annually upon application to Human Resources by December 1 in the year prior to which access is being requested. In addition to the 10-year service requirement, a retiree's employment record must demonstrate respect for Cary Institute policies and property. Written confirmation will be provided annually to those granted access. Retiree participants will be required to comply with and adhere to any program requirements, rules and regulations and pay any fees associated with any particular programs. Retiree access to any and all programs may be revoked if she/he is found in violation of the policies, rules or regulations of any activity and/or exhibits a lack of cooperation. This privilege is offered at the discretion of the Cary Institute and may be withdrawn at any time.

USE OF CARY INSTITUTE PROPERTY BY EMPLOYEES AND THEIR FAMILIES

POLICY

The Recreation Area and a complete picnic pavilion were completed in 1992 to provide recreational opportunities for employees and program participants. In addition, the Gifford Garden and other sites offer attractive surroundings for weddings, receptions, etc. In recognition that these offer attractive facilities for family events, the Recreation Area, Gifford Garden, or other sites may be made available for use by employees and their guests when they are not being used for Cary Institute activities. By "family events" we mean gatherings which include numbers well beyond the immediate family. Large birthday or anniversary parties involving extended family and guests are examples. This policy is not intended to discourage spontaneous visits by employees with families and friends to play ball, throw frisbees, etc.

PROCEDURE AND RULES

1. Requests for personal use of the Recreation Area or other site should be in a letter to the Director of Events outlining the nature of the event, desired date and time, number of people, whether food and drink will be served and any other relevant details. If granted, the approval will be a written response from the Director of Events.
2. The employee must assume full responsibility for all activities and be present for the full duration of the event.
3. Unless the approval states otherwise, the event must fall within the stated hours for visitors and all guests must leave before the scheduled closing time.
4. The employee is responsible for returning the area to the condition in which it was found, raking the volleyball court, bagging and removing from the site all trash, recyclables, etc.
5. The bases will be available for use on the softball field but individuals must provide their own bats, balls, gloves, etc.
6. Parking is restricted to the designated areas. Parking is not permitted near the picnic pavilion and any cars proceeding there to drop off coolers or food must be returned to the parking area.
7. There are liability concerns in connection with activities not under the Cary Institute's supervision or control. Alcoholic beverages generally may not be served or consumed at private gatherings sponsored by employees, except by prior approval, where the employee provides a certificate confirming that acceptable liability insurance for coverage of not less than \$2,000,000 is in effect for the event.
8. For large groups, the employee may be required to arrange for portable toilets to supplement the toilets available at the Recreation Area.

9. The Recreation Area was carved out of a post-agricultural landscape of which ticks and poison ivy are an integral part. The employee should alert guests, particularly those with children, to this reality and warn them to stay within the maintained borders.

HIKING POLICY

POLICY

Hiking will be permitted only on the trails and roads so designated. Only employees of the Cary Institute and their guests may hike in designated non-public areas of the Institute. The use by public groups of the designated hiking trails in the non-public areas will be limited to educational field trips and then only when the group is accompanied by a staff member. Hiking for all persons must be limited to the designated trails and roads to protect the integrity of established and future research sites.

RULES

1. It is the responsibility of the employee to secure and understand the policy and map depicting which trails are available for hiking.
2. Hiking off the designated trails is prohibited.
3. Employees may bring guests while hiking. Party size must be limited to six and guests must be accompanied by the employee at all times.
4. The employee's identification card will be the employee permit.
5. Students, summer employees or other official visitors to the Cary Institute may hike on roads and trails only after receiving and reviewing the policy and rules regarding hiking at the Institute.
6. The collecting of any plants, animals, or minerals is prohibited.
7. Parking for hiking is authorized in any of the designated roadside parking areas and at the various building parking lots.
8. Enforcement of these rules will rest largely upon employees themselves when they are hiking. Any group encountered hiking off the paved roads should include a fellow employee; if it does not, an attempt should be made to find out the identity of the individuals. They should be asked to return immediately to an authorized area. The request should be courteous but firm. All incidents of hiking by unauthorized people should be reported to Security.

CROSS COUNTRY SKIING POLICY

POLICY

Only employees of the Cary Institute of Ecosystem Studies and their guests may ski on Institute property. This firm limitation exists because the trails themselves were not designed with cross-country skiing in mind and in many instances run adjacent to plots set aside for research projects. It is only by limiting skiing to a manageable number of well-informed individuals who are sensitive to the fragility of an outdoor laboratory that we are able to permit it. The needs of the scientific program must take precedence over our wish to recreate on our grounds.

RULES

1. Ski permits will be issued to employees of the Cary Institute of Ecosystem Studies only. Attendance at an orientation meeting is required before a permit will be issued.
2. Employees with permits may bring guests while skiing. Party size must be limited to six and guests must be accompanied by the employee at all times. Employees are responsible for the conduct of their guests and any abuse of these rules may lead to withdrawal of skiing privileges for that employee.
3. The ski permit takes the form of an access badge which must be carried when skiing.
4. Skiing is permitted on designated roads only. A map showing these roads will be provided at the orientation meeting. The roads have been chosen to minimize the visibility of ski tracks from public roadways. Some trails dead-end before reaching public roadways and it is important to turn around at the point on the trail where skiing ends.
5. On occasion it will be necessary to plow some of the roads designated for skiing in order to gain access for research and maintenance vehicles. When this is done skiing on the shoulders of the road is permitted.
6. Parking for cross-country skiing is authorized at the following buildings:

Plant Science Building
Behind the Greenhouse

Gifford House
Lee Lovelace House

See map for other approved parking areas.

These parking areas have been chosen to minimize visibility from the public roads and to provide different points of access. The Greenhouse lot is to be used as a point of departure only for the trail behind the Greenhouse.

7. Enforcement of these rules will rest largely upon employees themselves when they are skiing. Security staff will not be patrolling the trails themselves. Every group encountered should include one of your fellow employees; if it does not, you should attempt to find out the identity of the individuals, inform them that they are not authorized to be on the property and request that they leave. The request should be

courteous but firm. All incidents of skiing by unauthorized people should be reported to Security.

A FINAL NOTE - The trails were not originally laid out with cross-country skiing in mind. Some of them have fairly steep downhill slopes and turns. You should choose trails suited to your experience level and exercise care at all times. Inexperienced skiers should always ski with another person and those with more experience are encouraged to do so as well. We cannot patrol the trails regularly so we must rely on the sound judgment of skiers to avoid dangerous situations. All skiers ski at their own risk.

SMALL GAME HUNTING POLICY

Small game hunting is limited to employees of the Cary Institute of Ecosystem Studies and their guests. Guests must be accompanied by an employee at all times.

NOTE: Turkey hunting is permitted for Cary Institute staff only. The same data required by the state tag should be turned into the field lab.

Cary Institute staff must obtain the appropriate New York State hunting license and a current Cary Institute small game hunting permit. Contact the Manager of Field Research Facilities at the Field Lab to obtain a Cary Institute permit.

SMALL GAME HUNTING REGULATIONS

1. Parking is permitted in designated parking areas only.
2. **DO NOT** enter restricted areas with a loaded firearm.
3. Employees may be accompanied by no more than two guests while hunting.
4. Employees are responsible for their guests' actions. Guests must be accompanied by an employee at all times.
5. Hunters must cooperate with all requests regarding data collection of game harvested and hunting effort.
6. Hunters are not to disturb any flagging, stakes, equipment, or machinery on the property.
7. All hunters are reminded that there is a considerable amount of ongoing field research being conducted on the Cary Institute grounds. It is your responsibility to know where these areas are and to avoid them (consult map). **Do not enter areas whose perimeters are marked with blue and white striped flagging.**
8. All small game described under New York State law may be hunted with the exception of bobcat, fox and coyote. Raccoons may not be hunted at night. Ducks and geese are legal game when hunters possess a federal duck stamp.
9. Hunting is prohibited in that area between Rt. 44 and the East Branch Wappinger Creek, the area commonly called the education corridor or nature trail area. This area is bounded on the south by Lovelace drive and the north by the Gifford House area.

FISHING POLICY

A recreational fishing program has existed for a number of years at the Cary Institute. Continuation of the program is year to year based on the needs of research initiatives in and adjacent to the stream. It may be necessary to curtail or discontinue the fishing program some years. This decision will be reviewed annually.

Fishing is open to Cary Institute employees, temporary staff and students. Other persons (volunteers, etc.) who were eligible under the previous policy and fished in 1983 will remain eligible. This group will eventually diminish and will not be replaced except by employees. Permit quotas will be filled according to the following priority rating: Cary Institute employees, temporary staff, students, volunteers still eligible and others grandfathered into the system.

No fee is required to receive a permit, but all first time anglers in the program must attend an orientation meeting before a permit will be issued. Anglers may be accompanied by **no more than 2 guests**. Cary Institute permanent staff may bring anyone as a guest while other anglers may only bring immediate family members living in the same household as guests. All guests must be accompanied by their host at all times and the host is responsible for the actions of their guests.

Creel Limits: Individual permit - set annually
Group permit - set annually

There is a **total daily limit for any group** regardless of size: see Manager of Field Research Facilities for current regulations.

SPECIAL REGULATIONS AREA

From time to time special regulation areas may be in effect. Specific instructions will be provided for these areas during those times.

GENERAL INFORMATION

All persons participating in fishing activities must possess the current Cary Institute land access permit. Parking is permitted in designated areas only. All anglers must cooperate with information and data collection requests. These policies will be strictly enforced.

PUBLIC ACCESS TO CARY INSTITUTE

The Cary Institute of Ecosystem Studies is dedicated to the creation, dissemination and application of knowledge about ecosystems. Toward this end, many of the Cary Institute's approximately 2,000 acres have been set aside for scientific research. Specific trails and roads have been designated for visitors, and Cary Institute grounds provide visitors with a unique opportunity to connect with nature and view local wildlife.

Attractions include: **hiking trails**, the **Fern Glen**, and **public programs** for all ages and levels of interest.

ACCESS

Grounds, roadways and designated hiking trails

Our trails are open from sunrise to sunset. Our internal roadways open at 8 a.m. on weekdays and 11 a.m. on weekends. Gates are locked at 7 p.m.

Public access to Cary Institute grounds is closed from November 1 - March 31

NOT PERMITTED ON THE CARY INSTITUTE GROUNDS

- Smoking & use of alcohol
- Camping & building fires
- Hunting & fishing
- Horseback riding & use of horse-drawn vehicles
- Use of snowmobiles & off-road vehicles
- Swimming & skiing
- Littering, collecting of any kind
- Pets are also not allowed on Cary Institute grounds

SECTION G

OTHER POLICIES

CONFLICT OF INTEREST AND COMMITMENT

The Cary Institute has a responsibility as the steward of institutional resources, which include federal funds, to ensure that all its activities including those related to research* reflect its primary goals of scholarly inquiry and education. Federal funding agencies (as well as other sources of public and private funds) that support the Cary Institute of Ecosystem Studies' research should be confident that the research is a rigorous and open inquiry, unencumbered by conflicts of interest or conflicts of commitment that might affect the judgment of the scientific staff, administrators, and managers.

This policy statement, effective 1 December 2006, replaces all previous written, unwritten, or uncollected Cary Institute Conflict of Interest and Commitment policies and sets forth procedures to identify and address potential conflicts of interest and commitment. (Note that an interaction that has the appearance of a conflict of interest can be as misunderstood as being a conflict of interest. If you are unsure whether an interaction constitutes a conflict, it should be discussed with the Compliance Officer).

CONFLICT OF INTEREST

It has been, and shall continue to be, the policy of Cary Institute that all employees take steps to avoid Conflicts of Interest or the appearance of conflicts of interest between their financial or personal interests and the goals, mission, and policies of Cary Institute.

A conflict of interest arises when a **staff member is in a position to influence either directly or indirectly Cary Institute business, research, or other decisions in ways that could lead to personal financial gain for the staff member or the staff member's family to the detriment of the Cary Institute's integrity and its mission.**

It is the responsibility of each employee covered by this policy to disclose to the Compliance Officer, all significant financial interests (including those of their spouse, domestic partner or dependent children) that would reasonably appear to benefit financially by the research or educational activities funded directly by the Cary Institute or funded or proposed for funding by a federal agency. The goal of the Cary Institute is to: (1) establish boundaries within which conflicts are manageable and beyond which they are unmanageable; (2) provide processes for review of acts of apparent conflict of interest; and (3) establish appropriate mechanisms for the management of conflicts of interest.

CONFLICT OF COMMITMENT

A conflict of commitment exists when the **external activities of a staff member are so substantial or demanding of the staff member's time and attention as to interfere with the individual's primary responsibilities to the Cary Institute and/or the terms of the grants and/or agreements that fund their research programs.**

COVERED BY THIS POLICY

The following categories of employees are covered by this policy:

1. Cary Institute Scientific Staff members,
2. Cary Institute Management Staff members or anyone who has programmatic or financial decision-making responsibilities.

DEFINITIONS

1. **Family.** For purposes of this policy, family is defined as the employee's spouse or domestic partner and minor children (as described in IRS tax regulations).
2. **Financial Interest.** Any relationship, including a consulting relationship, entered into by the employee or his/her family member, which could result in financial gain for the employee or his/her family.
3. **Equity or Debt Instrument.** This term includes but is not limited to preferred and common stock, stock options, warrants, bonds and notes. For purposes of this policy, investments in mutual funds or other investments in which an independent party has primary decision-making control regarding stocks selected or shares held are not included in the definition of equity.
4. **Research Performed Under Contract to Company.** Any research projects for a company that provides full or partial funding of the project. (This includes any materials evaluation that the company requests and pays for).

IDENTIFICATION OF CONFLICTS OF INTEREST

The following is a partial list of activities or actions that **may** create a conflict of interest and should receive a case by case examination to determine whether they create a material conflict of interest that should either be managed appropriately or eliminated.

1. Consulting activities.
2. The purchase of goods or services for Cary Institute from businesses in which the employee or his/her family has a financial interest or, as the result of such purchase, may directly benefit.
3. Receipt of gifts, gratuities, loans, or special favors from research sponsors or vendors.
4. Holding of an ownership interest by employee or the employee's family in any real or personal property rented or purchased by Cary Institute.
5. Holding of an equity, royalty, or debt instrument by the employee or the employee's family in an entity that provides financial support to Cary Institute, including research or other support or services, if this support will benefit the employee or persons who are supervised, either directly or indirectly, by employee.
6. Receipt, directly to the employee from non-Cary Institute sources of cash, services, or equipment provided in support of the employee's Cary Institute activities.
7. Use of information received as Cary Institute employee (that is not otherwise publicly available) for personal purposes and financial gain.

SIGNIFICANT FINANCIAL INTERESTS

The following defines significant financial interests which **may** require disclosure (see below) by a staff member.

1. Any stock, stock option, or similar ownership in an outside entity by the staff member that, alone or together with family member, is valued at least at five percent of total ownership interests in an outside entity or is such that it gives a staff member and/or family member control of an outside entity.**
2. The receipt or expectation to receive income, salary, allowance, forbearance or forgiveness (of loans), interest in real or personal property, dividend, royalty, capital gain, real or personal property or any other form of compensation or any combination thereof, that over the last 12 months is expected to exceed \$10,000 in income and/or represents more than 5% ownership in any single entity.**

ANNUAL REPORTING

Covered staff members, at the time of annual performance evaluation, will be required to report any possible Conflicts of Interest (Disclosure Form) or Commitment (Annual Report). They will be reviewed by the Compliance Officer and/or President and filed in the individual's personnel folder.

Annual Reporting will provide the following information:

- Information on outside entities with which the individual is involved and the relationship of the individual to the company should be disclosed if the involvement would reasonably appear to affect activities funded or proposed for funding by the National Science Foundation (NSF), Public Health Service (PHS) or other federal funding source and/or the involvement results in financial gain at the expense or compromise of federally funded research. This information is useful in avoiding situations where conflict of interest could become a concern. A description of any significant financial interest or management responsibility the individual has in the company should be listed on the Disclosure Form. However, in the case of outside consulting to a company, the amount or rate of compensation need not be stated, and no company-confidential information should be included in the brief description of the nature of the work.
- All significant outside professional activities that are so substantial or demanding of the staff member's time and attention as to interfere or have the appearance of interfering with the individual's primary responsibilities to the Cary Institute and/or the terms of the grants and/or agreements that fund their research programs, whether compensated or not, should be disclosed in the annual report to the President.
- A statement should be signed that attests that the employee has read and understood this Cary Institute policy on Conflict of Interest and Conflict of Commitment and is in compliance. The employee may be in compliance even if a potential conflict had been reported during the year, since actions following the reporting may well have concluded that a conflict did not exist or could be managed through a defined process.

DISCLOSURE

It is the obligation of staff members to update the disclosure form annually or when there is a reportable change regarding financial interests that may pose a potential conflict of interest and

to inform the President of significant outside professional activities and service on external committees. It is the further obligation of staff members to discuss with the Compliance Officer and/or President significant professional outside activities that are new in scope or kind before entering an agreement to undertake them. This obligation is particularly true of those outside activities, such as direct and active management of outside business entities, that may be incompatible with a staff member's meeting his/her obligations to the Cary Institute or the terms and conditions of sponsored research or that may otherwise constitute a conflict of interest or commitment.

Whenever there is a reason to believe a relationship or situation may involve a real, potential or apparent conflict of interest or commitment, covered staff members are obliged to initiate the reporting procedures outlined above. All conflicts of interest must be satisfactorily managed, reduced or eliminated prior to expenditure of any funds under an award for any sponsored project affected.

REVIEW OF CONFLICT OF INTEREST REPORT FORM

After the Conflict of Interest Disclosure Form is submitted, the review and evaluation process may include further involvement of the staff member whose activities are being assessed, either by providing further information or in exploring avenues to manage a conflict if one is found to exist. If, after evaluation, there are judged to be no conflicts, the disclosure form will be initialed by the Compliance Officer and filed in staff member's personnel file. When conflicts are noted, then steps to manage the conflicts will be noted and signed by the staff member and Compliance Officer and the documentation of management and the report will be filed in the staff member's personnel file.

MANAGING CONFLICTS OF INTEREST

Appropriate action will be taken to manage conflict of interest after consultation between the Compliance Officer and the Cary Institute's President. In the event that the President's research program may be the source of the conflict of interest, the Compliance Officer and the Chair of the Board will review the disclosure. A plan will be developed to manage any identified conflict of interest. Possible options include, but are not limited to:

- Public disclosure of all relevant information,
- Reformulation of the research workplan,
- Close monitoring of the research project,
- Divestiture of relevant personal interests,
- Termination or reduction of involvement in the relevant research project,
- Severance of outside relationships that pose conflicts,
- Transfer decision-making to another staff member when a conflict exists.

Any reported conflicts of interest and commitment will be handled expeditiously through Cary Institute's institutional mechanisms for dealing with such conflicts. When a misrepresentation of research results or other unprofessional conduct has occurred, it will be handled according to Cary Institute's policies for dealing with allegations of misconduct in research. Violations of

state or federal statutes and guidelines must be handled according to federal and state law requirements. All decisions must be documented. The nature and handling of such documents will be discussed and decided by the appropriate institutional officials. The existence of a conflict of interest and the steps being taken to manage the conflict will be disclosed to the appropriate funding agency.

*As defined in the federal policy [45CFR16.102(f)], *research* means a systematic investigation, including research development, testing, and evaluation designed to develop or contribute to generalized knowledge.

**Unless these two criteria result in financial gain no disclosure will be necessary. If you are unsure, discuss with the Compliance Officer.

EMERITUS DESIGNATION POLICY

ELIGIBILITY

Any retiree who has been a member of the Core Scientific Staff or the Senior Administrative Staff for at least ten years prior to retirement, and is in good standing at the time of retirement, may request designation as an Emeritus staff member. This designation is intended to apply to individuals who are retiring rather than those who are moving to full-time employment at another institution.

APPOINTMENT AND RE-APPOINTMENT

Eligible individuals who wish to be designated as Emeritus staff members may request this designation in writing at the time of retirement. The designation will be granted by the Board of Trustees upon a positive recommendation by the President. The title "Emeritus" will be appended to the title held by the employee at the time of retirement (for example, "Senior Scientist Emeritus"). The initial appointment will be for a 3-year term, after which Emeriti may apply for re-appointment to subsequent 3-year terms. The evaluation and decision on re-appointment applications will be made by the President with the advice of a committee established for that purpose. Re-appointment will be granted to individuals whose activities reflect positively on the Cary Institute and who have made significant contributions to the Cary Institute's mission or culture during the previous term. Contributions will vary from individual to individual, but may include scholarship, mentoring, fund-raising, public outreach or furthering of a positive workplace environment and culture at the Cary Institute. It is understood that retirement is a time of freedom, and the interests of the individual should dictate in what manner they contribute to the institution.

PRIVILEGES

Emeriti will be accorded the following privileges:

- Parking
- Mailbox and use of the Cary Institute address
- Telephone extension and listing in phone directory and website
- Desk and laboratory space, as determined and assigned by the President on an annual basis
- Email account and Internet access
- Use of Cary Institute stationery for business related to the Cary Institute
- Library access
- IT and web site support
- Use of various Cary Institute facilities, including the Rachel L. Carson Analytical Facility, as available and determined by the President
- A small operating account, at the discretion of the President, to allow access to phone, photocopy, postage, and other account-charged services at the Cary Institute
- Other employee discounts & membership options
- Such other privileges determined appropriate, necessary, and desirable by the President

Emeritus scientists will have the privilege of applying for grants and contracts through the Cary Institute, including being the lead or sole principal investigator on grants and contracts. Grants and contracts to Emeritus scientists will be subject to all Cary Institute policies and procedures for proposal submission. Emeritus scientists may hire and supervise employees associated with such grants, and will be subject to all Cary Institute regulations and procedures pertaining to the hiring and supervision of employees. Emeritus scientists who wish to be paid salary through such grants will be added to the Cary Institute payroll for the duration of the grant or contract in a grant-supported, non-benefited position, subject to all applicable Cary Institute policies and procedures related to employment.

INTELLECTUAL PROPERTY POLICY

GENERAL POLICY STATEMENT

This document describes the Cary Institute of Ecosystem Studies' (Cary Institute) policies for intellectual property. Its objectives are:

- To enable Cary Institute to foster the free and creative expression and exchange of ideas and comment;
- To preserve traditional Cary Institute practices and privileges with respect to the publication of scholarly works;
- To establish principles and procedures for sharing income derived from copyrightable material produced at Cary Institute;
- To protect both the creator and Cary Institute.
- This policy encompasses anyone employed by Cary Institute who creates scholarly works.

PURPOSE

This policy reflects the following goals:

- To create an environment that encourages the generation of new knowledge.
- To facilitate the wide transfer of useful inventions and writings to society.
- To motivate the creation and dissemination of intellectual property by providing appropriate financial rewards to creators and the Cary Institute, and administrative assistance to the creator.
- To ensure that research decisions and the operations of the Cary Institute are independent of any financial return from the creation of intellectual property.

UNDERLYING PRINCIPALS

- There exists a historical tradition allowing authors to retain ownership of intellectual property rights.
- That any proceeds received from the creation of intellectual property be shared 50-50 between the developer and the Cary Institute, if the work on the creation is part of an institutional assignment. Under normal circumstances, royalties from scholarly activities are not included and may be retained by the creator (example: Cary Conference book).
- That any proceeds received from the creation of intellectual property that is done on the creator's personal time, which is not assigned by the institute as a work project, where the employee made no more than incidental use of the Cary Institute's resources, and is not the result of a funded project will belong to the creator.
- Cary Institute resources are to be used solely for Cary Institute purposes and not for personal gain or personal commercial advantage nor for any other non-Cary Institute purposes unless prior approval is obtained from the President*. Therefore, if the creator of an item of intellectual property makes significant use of the services or staff of the Cary Institute to create the work, he or she shall disclose the work to the President and

the Compliance Officer. In the case of the President, disclosure will be to the Chair of the Board and the Compliance Officer.

DEFINITIONS

- *Intellectual Property* - property that can be protected under federal law (patent, copyright, trademark, trade secret, etc.), including **copyrightable works, ideas, discoveries, and inventions, regardless of their state of completion. Examples include (without limitation), books, sound recordings, web products, photographs, a new type of mousetrap, or a cure for a disease - any creation that might be developed on a proprietary basis.**
- *Institute* - Cary Institute of Ecosystem Studies.
- *Creator* – any person or persons who create an item of intellectual property.
- *Institutional Works* – works that are supported by a specific allocation of Cary Institute funds or that are created at the direction of the Cary Institute for a specific Institute purpose. Institutional works also include works whose authorship cannot be attributed to one or a discrete number of authors but are the result of simultaneous or sequential contributions over time by multiple employees. For example, software tools developed and improved over time by multiple contributors where authorship is not appropriately attributed to a single or defined group of authors would constitute institutional work. The mere fact that multiple individuals have contributed to the creation of a work, however, will not cause the work to be considered an institutional work.

PROVISIONS

- Ownership of Intellectual Property, created as a result of work conducted under an agreement with an external sponsor, shall be owned as specified in the agreement with the sponsor.
- If the Cary Institute provides funds for a particular project, ownership will be agreed upon before the project is undertaken.
- Unless specifically prohibited by the terms of a funded agreement, and after discussion with the President of the Cary Institute, the creator of any Intellectual Property may choose to place his or her creation in the public domain. In this case, both the creator and the Cary Institute waive all ownership rights to the Intellectual Property.
- The Cary Institute will retain ownership of works created as Institutional Works.
- The Cary Institute may assign ownership to the Intellectual Property as allowed by law, subject to the rights of sponsors and to the retention of the Institution of a license which, at minimum, allows the Cary Institute the right to use the Intellectual Property on a perpetual, royalty free, non-exclusive basis.

GENERAL PROCEDURES

- The creator of any Intellectual Property that is developed under a sponsored research agreement is required to make a reasonably prompt written disclosure in accordance with the terms and conditions of the agreement.
- The creator of any Intellectual Property that is or might be owned by the Cary Institute (either fully or partially) is required to make prompt written disclosure to the Compliance Officer.
- If there is a possibility that a patent or invention will be the result of an individual's research, it must be disclosed to the Compliance Officer immediately. In cases of

federally funded research, the Bayh-Dole Act requires that the institution notify the federal awarding agency of all patents and inventions resulting from funded research. Therefore, it is the responsibility of the researcher to notify the Compliance Officer of any patents and/or inventions resulted from research activities so that the proper institutional and federal authorities may be notified.

- All persons engaged in the creative activity are encouraged to keep regular notebooks and records in accordance with good lab practices.
 - Questions of ownership or other matters pertaining to this policy shall be resolved by the President* in consultation with the Compliance Officer. No assignment, license or other agreement may be entered into or will be considered valid with respect to intellectual property owned by the Cary Institute or developed under the terms of a sponsored research agreement except by an official specifically authorized to do so.
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RECEIPT & ACKNOWLEDGMENT

This Cary Institute of Ecosystems Studies Policy Manual is an important document intended to help you become acquainted with the Cary Institute. This Manual serves as a guide; it is not the final word in all cases. Special circumstances may call for individual consideration.

Please read the following statements and sign below to indicate your receipt and acknowledgment of the Policy Manual.

I have received a copy of the Cary Institute's Policy Manual. I acknowledge that my signature below indicates that I have read and understand the following Cary Institute Policies:

- Equal Employment Opportunity
- Employment of Minors
- Changes for Existing Employees or Completion of Employment
- Leaves of Absence
- Employee Assistance Program (EAP)
- Smoke Free Campus
- Alcoholic Beverages
- Illegal Use of Drugs
- Progressive Discipline
- Sexual and Other Unlawful Harassment or Discrimination
- Policy on Employee Grievances
- Custody and Stewardship of Research Data
- Consultant Policy
- Office and Laboratory Space
- Cary Institute Computer Network
- Use of Cary Institute Vehicles for Cary Institute Activities
- Use of Cary Institute Vehicles for Personal Needs
- Use of Automotive Shop by Employees
- Woodworking Facility - Access and Use
- General Philosophy of Workplace Safety
- Personal Safety While Doing Research in Remote Areas
Or Abroad
- Access to Ecological Research Sites
- Conflict of Interest and Commitment
- Emeritus Designation Policy
- Intellectual Property

I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the Cary Institute at any time. I understand that this Policy replaces (supersedes) all other previous Policy Manuals.

The employment relationship of all Cary Institute employees may be terminated by either the Employee or the Cary Institute, with or without notice and with or without cause. This means that just as you may terminate your employment with the Cary Institute at any time, with or without cause, for any or no reason, with or without notice, so may the Cary Institute terminate your employment at any time, with or without cause, for any or no reason. This Policy and Procedure Manual is not a contract and does not create any contractual obligations.

I further understand that my employment is at will, regardless of the length of my employment.

I understand that no contract of employment has been expressed or implied, and that no circumstances arising out of my employment will alter my "at will" employment relationship unless normal expressed in writing, with the understanding specifically set forth and signed by the President of Cary Institute, or a person authorized by the President of Cary Institute, and myself. I am aware that during the course of my employment confidential information will be made available to me, i.e., policies, data, protocols, manuals and other related information. I understand that this information is critical to the mission of Cary Institute and must not be disseminated or used outside of the Company's Premises. In the event of termination of employment, whether voluntary or involuntary, I hereby agree not to utilize or exploit this information with any other individual or Company.

I understand that, should the content of this Policy Manual be changed in any way, the Cary Institute may require an additional signature from me to indicate that I am aware of and understand any new policies.

I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Policy Manual. I understand that it is my responsibility to become familiar with all of the polices set forth in the policy manual, and that I will be bound by those policies. Failure to review the relevant polices will not waive their application or excuse my non-compliance.

Employee's Printed Name _____

Employee's Signature _____

Date _____

PLEASE RETURN TO HUMAN RESOURCES