

# UPSTATE

## MEDICAL UNIVERSITY

### Office of Faculty Affairs and Faculty Development

## General Faculty Policies, Procedures and Services

### Academic Freedom

It is the policy of the University to maintain and encourage full freedom, within the law, of inquiry, teaching and research. In the exercise of this freedom, faculty members may, without limitation, discuss their own subject in the classroom; they may not, however, claim as their right the privilege of discussing in their classroom controversial matter which has no relation to their subject. The principle of academic freedom shall be accompanied by a corresponding principle of responsibility. In their role as citizens, employees have the same freedom as other citizens. However, in their extramural utterances, employees have an obligation to indicate that they are not institutional spokespersons.

### Changes in Records

Faculty members and professional staff should notify the following offices of changes to their official records: Changes in: Home Address and Telephone: Payroll Office., Office Address and Phone: Office of Human Resources. Name and/or Marital Status: Payroll Office. Dependents: Payroll Office.& Health Insurance Office. Tax Exemptions: Payroll Office. Beneficiary: Benefits Office. Office contact information is printed in Upstate directories annually and address information is needed to maintain Upstate mailing lists. Failure to report changes may result in the delay or loss of mail or denial of benefits.

### Circulation of Petitions and Posting of Notices

No poster, circular, handbill, newspaper, magazine or pamphlet representing an outside concern may be posted, distributed or circulated on the property of Upstate Medical University without the approval of the Office of Marketing and University Communications, 250 Harrison Street. In addition, Upstate Medical University in-house mail service will not distribute such materials without administrative approval.

### Collections and Donations

No canvassing, peddling, or soliciting is permitted on Upstate property except with the permission of the Vice President for Public and Governmental Affairs. Certain solicitations for charitable causes, including the State Employees Federated Appeal/United Way, are approved by Upstate Medical University each year. These are publicized through official channels, i.e., bulletin boards, University mailboxes, and publications. While Upstate Medical University sanctions collections for charitable causes, there is no obligation on the part of any employee to contribute.

### Commitments to Outside Organizations

No agreement or action involving personnel, equipment, services, etc. of Upstate Medical University should be entered into with outside organizations before consultation with the administrative officer responsible for the area involved. This is to ensure that any commitments made conform to Upstate and State University policies, that they can be supported, and that they

have the approval of the necessary state and university officials. As the University is not legally responsible for any arrangements made without the approval of the President or his designee, it is for the individual's protection, as well as to avoid placing the University in an unfavorable light, that all such arrangements be discussed and cleared in advance.

**Copyright Policy** Generally, faculty members retain all rights to copyright and publish written works which they produce. However, in cases where persons are directed within the scope of their employment to produce specific work subject to copyright, the University has the right to publish such work without copyright or to copyright it in its own name. The copyright will also be subject to any contractual arrangements by the University for work in the course of which the writing was done. The University's policies on copyrights, which are very favorable to faculty, are contained in a resolution of the State University Board of Trustees, adopted June 1, 1972. Contact the Office of Finance and Management, 464-4510, for updated information.

### **Patent Policy**

State University of New York recognizes that the purpose of University research is to seek new knowledge for the general benefit and not to make inventions for profit. It will not, therefore, permit its research programs to be directed intentionally toward inventions for which patents might be obtained except in special instances where authorized by the State University in the public interest. It is recognized, however, that patentable inventions and discoveries do result from University research. In such cases, it is deemed to be generally in the best interests of the State University and of the public that patents should be obtained and administered as hereinafter provided in order that such inventions may be usefully developed and the net proceeds may be devoted to support of the University's research programs. The State University Board of Trustees, acting through the Chancellor with the advice of the Patent Policy Board, reserve the right to determine by special action in any such case that it would not be in the best interests of State University or the public to obtain a patent for a particular invention and to publish such invention without patenting it. Questions as to patentability and patenting shall not be allowed to delay prompt publication of the results of University research but all concerned shall cooperate to the end that all patent applications shall be made in a timely manner. To this end, all inventions resulting from University research shall be promptly disclosed to appropriate University officials. Further information is available from the Research Development Office.

### **Equipment**

**University Property:** Accountability for equipment purchased is delegated by Upstate Medical University to Department Chairpersons or Administrative Officers. Such individuals may, in turn, assign the function of local control and inventory to members of their staff. The Office of Property Management will provide advice on methods of maintaining appropriate inventories, replacement of equipment, and disposal of surplus equipment.

**Research Foundation Property:** With the exception of equipment purchased under grants from the Army or Navy, which is the property of the grantor, all equipment purchased by the Research Foundation from research grants generally becomes the property of the Foundation. If the investigator leaves for another position during the term of his/her grant, equipment of a highly specialized nature may be transferred to the new institution with the permission of the granting agency provided the grant activity is to be continued at the new institution. Authorization for transfer of equipment must be obtained from the Department Chairperson, the Office of Business Affairs, the President of Upstate Medical University, the Research Foundation and Property Management. Upon request, a booklet is available from the Research Foundation covering Research Foundation property and a Property Control Procedure Manual is available from Property Management. Departments are responsible for the location and explanation of all missing equipment.

## **HIPAA Overview**

### **Health Insurance Portability and Accountability Act**

#### **HIPAA Overview**

The federal law known as the Health Insurance Portability and Accountability Act (HIPAA) was enacted on August 21, 1996 as part of a comprehensive healthcare reform package. HIPAA encompasses five major sections or titles. The first title to be enacted addresses the transferability of health coverage for individuals changing employers. The second title contains administrative simplification provisions establishing standards for the electronic data interchange of health information. It was widely recognized, however, that transmitting data electronically without establishing appropriate privacy and security safeguards could potentially result in widespread dissemination of an individual's sensitive health information. As a result, included in the administrative simplification provision was a requirement for Congress to pass privacy legislation within three years or default to regulations to be issued by the Secretary of the Department of Health and Human Services. Congress did not pass privacy legislation, resulting in the issuance of proposed privacy regulations by DHHS on November 3, 1999.

The first part of the newly published regulations under title two, Administrative Simplification, requires standardization of electronic data interchange of healthcare transactions and unique identifiers for providers, payers, employers, and individuals. The primary purpose of the Administrative Simplification provision is to reduce the administrative burden and overall costs to the healthcare industry associated with paper transactions, disjointed processes, and use of local codes. Although the original compliance date was October 16, 2002 legislation passed in December 2001 allows for a one-year compliance extension providing a model compliance plan was submitted to the Department of Health and Human Services by October 16, 2002.

The HIPAA Privacy Rule became effective April 14, 2003 and applies to 'covered entities' such as health plans, healthcare clearinghouses, and health care providers. The Privacy Rule outlines specific rights and protections granted to individuals regarding their health information including a greater level of control over the use and disclosure of personally identifiable health information. In addition, the Privacy Rule also establishes specific obligations of covered entities to protect individually identifiable health information from use or disclosure except as authorized by the individual or specifically permitted by the regulation. The Privacy Rule outlines penalties that may be levied against covered entities that inappropriately use or disclose individually identifiable health information.

The HIPAA Security Rule adopting standards for the security of electronic health information was published in the Federal Register on February 20, 2003. Under this rule, health insurers, certain health care providers and health care clearinghouses must establish procedures and mechanisms to protect the confidentiality, integrity and availability of electronic protected health information. The rule requires covered entities to implement administrative, physical, and technical safeguards for electronic protected health information. The security standards work in concert with the final privacy standards, scheduled to take effect for most covered entities on April 14, 2003. The security standards were published in the Federal Register with an effective date of April 21, 2003. Most covered entities will have two full years, until April 21, 2005, to comply with the standards; small health plans will have an additional year to comply, as HIPAA requires.

The ultimate goal of HIPAA is to reduce health care fraud and abuse, assure the portability of health insurance, improve the efficiency and effectiveness of healthcare through the use of modern technology, and guarantee the security and privacy of an individual's personally identifiable health information. Although the scope of HIPAA is far reaching and for some organizations may prove costly and complicated, the overall benefit will be shared by covered entities and individuals alike given our place in society as health care consumers.

## **Name, Seal, Logo and Stationery (Use of)**

The official and legal name of the institution is "State University of New York Upstate Medical University." Any documents or publications describing programs of the University should use this name on the cover. This applies to first references in publications, memoranda, and letters. An acceptable subsequent reference should be "Upstate." The only acceptable name of the hospital facility is University Hospital. An acceptable abbreviation is "UH." (It is not State University Hospital or Upstate Medical.) The Office of Marketing and University Communications oversees the application of Upstate and University Hospital names and logos. Contact the office for details on their usage.

## **Publicity and Public Statements**

Staff members of the Office of Marketing and University Communications provide information about Upstate Medical University, its personnel, and their activities and achievements to members of the Upstate community and to the media. The Marketing Communications staff is available to faculty members to assist in releasing appropriate information to media representatives, to answer questions, and to obtain information as promptly as possible. Public statements or news releases about Upstate Medical University and/or professional activities of its faculty members must be issued through the Office of Marketing Communications and Public Relations. Routine news releases on matters such as appointments, promotions, research grants and special events are released to the public media by the office when they are deemed to be of public interest. Faculty members are encouraged to submit information concerning their scientific publications and their research and other professional activities to the Office of Marketing and University Communications (250 Harrison Street, 4th floor) where appropriate publicity will be determined by the staff in accord with the Upstate publicity policy and with the general or specialized interest value of items submitted. Faculty members who are approached directly by a reporter regarding a feature story should promptly inform and discuss the matter with the Marketing Communications and Public Relations Director who will, as needed, work with the parties at interest and obtain the necessary local clearance. Additional information on communications policies and procedures may be obtained by contacting the Marketing and University Communications office at 464-4836.

## **Questionnaires**

Questionnaires concerning Upstate Medical University should be cleared through the Accounting and Budget Office before being mailed to the agency or individual submitting the questions. This is to avoid inconsistencies in general Upstate statistics or conflicting statements from different departments.

## **State University of New York Press**

State University Press publishes scholarly books and journals that support the University's commitments to teaching, research, and public service. Authors who publish through the Press come from SUNY faculty ranks as well as outside the University. The Press serves as an

informational resource for University faculty and provides advice and assistance in the production and distribution of scholarly publications. It operates under the authority of the Chancellor, and in the management of its operations the director of the press is responsible to the President of the SUNY Research Foundation. An editorial board offers advice and final approval of books and journals to be published under the Press imprint. The board consists of nine faculty members drawn from campuses across the system with the chairperson and members appointed to three-year terms. Members receive no compensation but are reimbursed for expenses to attend board meetings. The mailing address is: State University of New York Press, State University Plaza, Albany, NY 12246.

## **Office of Diversity and Affirmative Action**

Reporting to the President, the Office of Diversity and Affirmative Action has responsibility to plan and implement strategies to actively counteract the effects past discrimination has had on ethnic minorities and women, and to remove any remaining intentional or unintentional discriminatory practices that interfere with equality of opportunity and equal access to employment and educational opportunities and the use of distributive goods and services provided by the SUNY Upstate Medical University. In the discharge of these responsibilities, the Office will design and conduct sensitivity training; remediate complaints of discrimination; assume an institutional leadership role in the development of a climate of mutual trust and respect for all; monitor all aspects of employment, including promotions and tenure; provide reports to federal, state, and local agencies; and develop and maintain affirmative action plans for the University, the Hospital, and the Research Foundation. The Office is located in Jacobsen Hall, and may be reached by calling 464-5234.

## **Duplicating and Printing Services**

The Duplicating and Printing Department, located at 936 East Genesee Street, is designed and equipped to provide a high-technology facility available to all departments and individuals located throughout the Upstate Medical University campus. From a networked high speed copier, a DocuTech 135 produces 110 copies per minute at 600 dpi for direct electronic printing, to large sheet offset presses (15 x 18 sheet, two-color applications), Duplicating offers a wide variety of services including collating, stapling, binding, paper drilling, perforating, cutting, folding, and more. Duplicating has the capability to handle all pre-press and typesetting needs from high resolution scanning, both black and white and color, to quality output on both paper and film (including four-color separating) up to 2540 dpi resolution. Utilizing the proper paper stock and professional typesetting, this department produces quality work meeting the highest standards. Please call Duplicating at ext. 4-5390 for any assistance in proper forms or procedures in using this departmental resource.

## **Employee Assistance Program**

The Employee Assistance Program offers help in coping with a wide variety of non-job related problems: emotional and personal problems (marital difficulties, family problems, child and elder care, legal and financial entanglements); all types of chemical dependency (alcoholism, alcohol abuse, drug abuse), etc. It is available on a self-referral basis to employees who may have a personal problem, or a problem with a member of their immediate families. The program can also assist supervisors who feel an employee has a problem affecting job performance. Anyone contacting the EAP may arrange for an interview at the EAP Office. The interview provides an opportunity to discuss the nature of the problem as well as to outline an approach to its solution. The EAP Office is located in room 570, Jacobsen Hall, at 464-5760.

## **Environmental Health and Safety Office**

The Environmental Health and Safety Office is responsible for the University's compliance with applicable Federal and State laws regarding work place safety, student safety, chemical safety, hazardous waste disposal, fire safety, life safety, environmental issues, toxic substance control, industrial hygiene, and safety training. The office is located in room 411, Jacobsen Hall. For advice and guidance about specific environmental health and safety issues call 464-5782.

## **Food and Nutritional Services**

The Department of Food and Nutritional Services provides a full range of services to Upstate Medical University. Patients at University Hospital receive tray service and nutritional counseling coordinated by Upstate's Dietitians (464- 4987).The Department also provides specialized counseling by Registered Dietitians in the following areas:

### **Nutrition Support Team**

#### **Dietitian - 464-4987**

Adult Outpatient Nutrition Counseling—464- 2778. Counseling to adults with physician referral, both private and clinic.

Perinatal/Maternity Nutrition Counseling—464-4458 or 467-5280. Counseling for maternity clinic patients and high-risk prenatal patients with physician referral. Oncology Nutrition Counseling - 464-8229 or 467-4574. Counseling for outpatients at the Regional Oncology Center and the Department of Radiation Therapy.

Joslin Center for Diabetes—464-5726. Counseling for adult and pediatric inpatients and outpatients with diabetes.

Cafeteria facilities are provided for staff and visitors to Upstate Medical University at the following locations and times:

Main Cafeteria, second floor University Hospital, open 24 hours a day, seven days a week

CAB Snack Bar, M-F, 8 am-2:30 pm

9th floor Weiskotten Hall, M-F, 8 am - 2:30 pm

Catering services are available for both on-and-off campus events through the Catering Department at 464- 4203.The Catering Department also reserves the limited number of private rooms that are available for special conferences and catered events.

## **Health Services – Employee**

The Employee/Student Health Office is located on the fourth floor of Jacobsen Hall. The Health Office is not intended to be an outpatient facility for employees. Its purpose is to conduct pre-employment physical examinations and to provide annual health assessments. Employees should contact their own doctor if they become ill at work. In an emergency situation, employees should be sent directly to the Emergency Department of University Hospital.

## Information Management and Technology

The Division of Information Management and Technology (IMT) coordinates all computer and related technology activity on the Upstate Medical University campus. The Division is comprised of the following departments: Administrative Information Systems, Clinical Data Services, Customer Support Services, Decision Support Services, Educational Communications, Hospital Information Systems, Operations and Networking, Telecommunications, and Telemedicine and Medical Informatics. These departments provide support services for the IBAX system, academic systems, personal computers, networks, and computer training.

**Clinical Data Services:** is responsible for all aspects of medical records. Educational Communications offers audiovisual services and support for instructional activity. Telemedicine and Medical Informatics offers the delivery of health care through the use of telecommunications technologies and explores the application of emerging technologies to clinical and related applications. Customer Support Services includes the Computer Support Help Desk (464-4115) for hospital and UMAS departments to find assistance with questions and problems related to personal computers, networks, and the hospital information system. Refer to the Upstate telephone directory for contact numbers and more information on all IMT departments.

**Academic Computing:** The Academic Computing unit, a part of IMT's Educational Communications Department, located in Weiskotten Hall, facilitates educational uses of computers by providing access to computer resources (computer laboratories and software), instruction on computer use, support of computer applications (CAI), and consultations on computer purchases. The public computer facilities supported by this group are located in the Instructional Computing Center (5305 WH), CHP Microcomputer Lab (1212 Silverman), and at two smaller locations in the CAB and Clark Hall. For more information, call 464-4860.

**Administrative Information Systems:** Administrative Information Systems, located in Jacobsen Hall, provides programming and technical support services for campus administrative departments including Human Resources, Payroll, Parking, and Student Affairs. The AIS staff collaborates with campus users in the development of systems for accessing Upstate administrative databases. This group also develops and supports all of the interfaces to the systems provided by SUNY Central Administration. For more information, call 464-5428.

**Medical Illustration and Design:** A part of IMT's Educational Communications Department, Medical Illustration and Design provides medical illustration, design and production of graphic materials for instruction, publication, and presentation mediums (graphs, charts, diagrams, tables, world web pages, illustrations, computer based presentations, posters, signs, brochures, certificates, annual reports, etc). The group operates a 35 mm computer imager that can make 35 mm slides directly from a wide range of computer packages. For more information call 464-4860`.

**Telecommunications:** Located in University Hospital in room 414, at 464-5444, the Telecommunications Department develops and implements all telecommunications related systems, services, and associated equipment for Upstate Medical University. The department coordinates new installations, moves, adds, and changes to existing systems, inventory control and associated billings. The Upstate operators handle all general information calls for the institution. They transfer all outside calls to appropriate departments, handle overhead and radio pages, coordinate emergency and stat calls and report all telephone equipment and service troubles. Telecommunications is also responsible for the staffing of the University Hospital Information Desk.

## Laboratory Animal Resources

The Department of Laboratory Animal Resources (DLAR) serves SUNY Upstate faculty and staff who utilize animals in research, education, and testing. The department office is located in 4159 Weiskotten Hall, and facilities for animal housing are adjacent to the office, as well as on the seventh floor of University Hospital. Facilities are available for housing laboratory animals ranging in size and diversity from mice to frogs to nonhuman primates. Consultation and assistance are available for all aspects of planning and implementation of research, education, and testing projects involving animals. The DLAR office also serves as the coordinating center for the Committee for the Humane Use of Animals (CHUA), the institutional animal care committee responsible for reviewing and approving protocols involving live animals prior to their use. A CHUA protocol submission form, and answers to all other questions, can be obtained by contacting the DLAR office at 464-6563

## **Mail**

Upstate Medical University Mail Room handles internal mail distribution and incoming and outgoing mail. The Mail Room is located in the Purchasing Distribution Center. Internal mail for offices within Upstate Medical University should be put into interoffice envelopes (obtainable from Central Stores). Delivery of both internal and external mail to local mailboxes is made at 10 a.m. and 3 p.m. daily. Outgoing mail is delivered by Mail Room personnel to the Post Office at 3:45 p.m. daily. All mail that requires special handling, such as registered mail, insured mail, or bulky packages, should be in the Mail Room by 1:30 p.m. to ensure same day dispatching to the Post Office. Arrangements should be made with the Mail Room if insurance is desired. The Mail Room is not responsible for the campus distribution of unauthorized bulk material. Only official mail enclosed in State University or Research Foundation envelopes is processed through Upstate Medical University postage machines.

## **Faculty Student Association**

The Faculty Student Association is composed of elected representatives of the administration, faculty and the student body. It administers scholarships, loan funds, and student activity fees. The Association also sponsors special projects for the general welfare of both students and faculty.

## **Parking – Employee**

Parking can be obtained by applying in person at the Parking Office, room 1801 of University Hospital, 7 a.m. to 4 p.m., Monday through Friday. A valid Upstate ID and the registrations from all vehicles that you plan to drive must be presented. Parking fees are payable on a calendar month basis (multiple months will be accepted) or by payroll deduction if you are on either the State/Research payroll. The Parking Office pre-sells parking passes. Please contact the Parking Office 464-4801 for further information.

## **Physical Plant and Maintenance**

Physical Plant cleans, repairs, and maintains the buildings and acreage occupied by Upstate Medical University. Physical Plant is also responsible for issuing keys and state vehicles for Upstate staff. It is located in University Hospital, with Plant Administration in room 1804, at 464-4230. Maintenance and Operations is located in room 1806 of UH.

Physical Plant sections include: HVAC (heating, ventilating and air conditioning including plumbing, welding, and machine shops), Maintenance Operations (electricians, electronics, carpenters, handymen, P.M. crew, locksmith, painters, masons, labor and grounds crew), Environmental Services (housekeeping), the Upstate Construction Crew, and Facility Design Services. The Physical Plant Department has three support groups: Maintenance Stores, Maintenance Operations Center, and Technical Support Group. Sections of the Physical Plant support Upstate Medical University seven days a week, 24 hours a day to ensure all emergencies are resolved immediately and the facility is in full operation at all times.

## **State of New York Public Officers Law Section 17 Summary of Professional Liability (malpractice) Provisions § 17. Defense and indemnification of state officers and employees**

1. (a) As used in this section, unless the context otherwise requires, the term "employee" shall mean any person holding a position by election, appointment or employment in the service of the state, including clinical practice pursuant to subdivision fourteen of section two hundred six of the public health law, whether or not compensated, or a volunteer expressly authorized to participate in a state-sponsored volunteer program, but shall not include an independent contractor. The term employee shall include a former employee, his estate or judicially appointed personal representative and persons who assist the education department or the department of health as consultants or expert witnesses in the investigation or prosecution of alleged professional misconduct, licensure matters, restoration proceedings, or criminal prosecutions for unauthorized practice pursuant to title eight of the education law or title II-A of the public health law.

2. (a) Upon compliance by the employee with the provisions of subdivision four of this section, the state shall provide for the defense of the employee in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties; or which is brought to enforce a provision of section nineteen hundred eighty-one or nineteen hundred eighty-three of title forty-two of the United States code and the act or omission underlying the action occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the state.

(b) Subject to the conditions set forth in paragraph (a) of this subdivision, the employee shall be entitled to be represented by the attorney general, provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the attorney general determines based upon his investigation and review of the facts and circumstances of the case that representation by the attorney general would be inappropriate, or whenever a court of competent jurisdiction, upon appropriate motion or by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his choice. The attorney general shall notify the employee in writing of such determination that the employee is entitled to be represented by private counsel. The attorney general may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel under the provisions of this section, the attorney general shall so certify to the comptroller. Reasonable attorneys' fees and litigation expenses shall be paid by the state to such private counsel from time to time during the pendency of the civil action or proceeding subject to certification that the employee is entitled to representation under the terms and conditions of this section by the head of the department, commission, division, office or agency in which such employee is employed and upon the audit and warrant of the comptroller. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by the court upon motion or by way of a special proceeding.

(c) Where the employee delivers process and a request for a defense to the attorney general as required by subdivision four of this section, the attorney general shall take the necessary steps including the retention of private counsel under the terms and conditions provided in paragraph (b) of subdivision two of this section on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

3. (a) The state shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court, or in the amount of any settlement of a claim, or shall pay such judgment or settlement; provided, that the act or omission from which such judgment or settlement arose occurred while the employee was acting within the scope of his public employment or duties; the duty to indemnify and save harmless or pay prescribed by this subdivision shall not arise where the injury or damage resulted from intentional wrongdoing on the part of the employee.

(b) An employee represented by the attorney general or by private counsel pursuant to this section shall cause to be submitted to the head of the department, commission, division, office or agency in which he is employed any proposed settlement which may be subject to indemnification or payment by the state and if not inconsistent with the provisions of this section such head of the department, commission, division, office or agency in which he is employed shall certify such settlement, and submit such settlement and certification to the attorney general. The attorney general shall review such proposed settlement as to form and amount, and shall give his approval if in his judgment the settlement is in the best interest of the state. Nothing in this subdivision shall be construed to authorize the state to indemnify and save harmless or pay an employee with respect to a settlement not so reviewed and approved by the attorney general.

(c) Nothing in this subdivision shall authorize the state to indemnify or save harmless an employee with respect to fines or penalties, or money recovered from an employee pursuant to article seven-a of the state finance law; provided, however, that the state shall indemnify and save harmless its employees in the amount of any costs, attorneys' fees, damages, fines or penalties which may be imposed by reason of an adjudication that an employee, acting within the scope of his public employment or duties, has, without willfulness or intent on his part, violated a prior order, judgment, consent decree or stipulation of settlement entered in any court of this state or of the United States. The attorney general shall promulgate such rules and regulations as are necessary to effectuate the purposes of this subdivision.

(d) Upon entry of a final judgment against the employee, or upon the settlement of the claim, the employee shall cause to be served a copy of such judgment or settlement, personally or by certified or registered mail within thirty days of the date of entry or settlement, upon the head of the department, commission, division, office or agency in which he is employed; and if not inconsistent with the provisions of this section, such judgment or settlement shall be certified for payment by such head of the department, commission, division, office or agency. If the attorney general concurs in such certification, the judgment or settlement shall be paid upon the audit and warrant of the comptroller. On or before January fifteenth the comptroller, in consultation with the department of law and other agencies as may be appropriate, shall submit to the governor and the legislature an annual accounting of judgments, settlements, fees, and litigation expenses paid pursuant to this section during the preceding and current fiscal years. Such accounting shall include, but not be limited to the number, type and amount of claims so paid, as well as an estimate of claims to be paid during the remainder of the current fiscal year and during the following fiscal year.

4. The duty to defend or indemnify and save harmless prescribed by this section shall be conditioned upon (i) delivery to the attorney general or an assistant attorney general at an office of the department of law in the state by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleading within five days after he is served with such document, and (ii) the full cooperation of the employee in the defense of such action or

proceeding and in defense of any action or proceeding against the state based upon the same act or omission, and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the state provide for his defense pursuant to this section.

5. The benefits of this section shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party nor shall any provision of this section be construed to affect, alter or repeal any provision of the workers' compensation law.

## Public Safety Services

The Department of Public Safety's 24-hour operational office is located in room 1326 in University Hospital. The phone number is 464-4000. Public Safety Officers are available to serve Upstate employees and students 24 hours a day, seven days a week. The administrative offices are located at 100 Light Court which is across the street from the south side of the Computer Warehouse Building.

The Department of Public Safety is charged with enforcing the laws of New York State and the Rules and Regulations of the State University of New York and Upstate Medical University. Public Safety assists the University in providing an environment that is conducive to academic and personal growth. The Director and Associate Director of Public Safety are state employees and are Peace Officers. Uniformed SUNY police and a contract security agency supply patrol personnel who report to the Department of Public Safety.

Security is an attitude and involves the entire Upstate community. A secure Upstate can only be achieved when each employee and student applies his or her own personal security standards to the institution as well. The cooperation of all students, faculty, and staff is essential to assure adequate protection.

**Escort Services:** The Department of Campus Public Safety provides escorts, upon request, for all personnel to and from any campus location. Personnel who must walk alone during the hours of darkness are encouraged to take advantage of this service. If you wish an escort, call campus Public Safety at 464-4000, or stop in room 1326 of University Hospital and arrangements will be made for an officer to assist you.

**Property Protection:** Do not leave valuables unsecured. Keep your office, desk, lab, locker and car doors locked when unattended. This is a precaution against intruders and thieves. Use available procedures for protecting patient property and valuables. Upstate Medical University cannot take responsibility for lost or stolen articles. Report all thefts or other crimes immediately to campus Public Safety, 464-4000. No unauthorized tradesmen, solicitors, or loiterers are permitted on Upstate property. Report any unfamiliar or suspicious persons or activities to campus Public Safety immediately.

**Identification Cards:** It is the policy of the SUNY Upstate Medical University to require all employees, physicians, volunteers, and students of Upstate to wear Identification Cards while at the University. Temporary ID cards are available for those individuals who have misplaced or forgotten their permanent ID cards. They may be obtained at the campus Public Safety Office, room 1326, University Hospital, and are valid for one day only.

**Electronic Security System:** Selected areas in buildings, grounds, and some doorways of Upstate Medical University are continually under surveillance by a closed circuit television system. Key doorways are electronically controlled via CCTV monitor located at Campus Public Safety. As a general rule, access through these doors is limited to 6:30 a.m. to 6:30 p.m. To request access through a controlled doorway, touch the button on the call box.

The person requesting access should identify themselves and the reason for needing access. In addition to gaining access, the call boxes can be used in an emergency to summon a Public Safety response.

**Access to University Hospital:** Entrance to the Hospital will be restricted from 6:30 p.m. to 6:30 a.m. daily. Anyone wishing to enter the Hospital after 6:30 p.m. must enter through the main lobby doors and will be required to show their identification cards. Visitors will not be admitted until a check has been made to ensure the patient being visited is still on the patient census.

**Special Services:** Available to University Hospital from Campus Public Safety: access to the morgue; assistance with patient/prisoners and corrections; assistance with patient restraints; assistance with information for visitors; crime prevention consultation; escorts for staff and visitors; initial response to criminal incidents; initial response to safety hazards; lost and found; visitors/personal injury reports.

**Parking Enforcement:** The campus Public Safety Department is charged with enforcing all vehicular and parking regulations at the University. The Department issues written violation notices to vehicles found parked contrary to Upstate regulations. Repeated violations and/or parking in an emergency zone may result in the vehicle being towed at the owner's expense.

## Purchasing

The Purchasing Department exists to service the campus. University Hospital also maintains a Purchasing Department to buy supplies and equipment. These departments assist units in preparing specifications, securing descriptive material, locating sources of supply, and handling special arrangements with the New York State Division of Standards and Purchase. The purchase of items is initiated by submission of the appropriate requisition to the appropriate purchasing department. For items to be purchased with State funds the requisition form should be signed by the Department Chairperson or authorized deputy. In addition, other approval signatures may be necessary by the campus or hospital business offices. Acquisition of certain equipment with State funds requires prior approval of the NYS Office of General Services. In such cases, campus administration approval is also required. In general, this includes file cabinets, duplicating machines, photocopiers and calculators, regardless of cost, and other equipment if cost is \$5,000 or more. On such items, the department must furnish a letter of justification in addition to the requisition form. Those responsible for requisitioning supplies should become familiar with the items listed in the Central Stores catalog which has been distributed to all departments. Requisitioned items will be filled from outside sources only when they are not carried by Central Stores. When, because of an emergency situation, it is necessary to have an order processed immediately, a telephone call should be made to the appropriate purchasing department to arrange for the most expeditious procurement of the material required. Research Grant Fund purchasing requires a special Research requisition form be signed by the Project Director. Research purchasing personnel invite new faculty to call 464-5720 for any guidance they may require or to request a basic procedure brochure.

## Animals on Campus

The campus is not a sanctuary for unsupervised animals. Persons who wish to bring their pets on campus are not prohibited from doing so, but must take the responsibility to uphold the following conditions: 1. Animals—dogs, cats, etc.—are not permitted in the Campus Activities Building and University Hospital. This is based on the New York State Sanitary Code, which reads as follows: “No animals or fowls shall be kept in or allowed in any area in which food is prepared, stored, or served.” The Health Department will shut down the food service if this code is violated. 2. Dogs brought to campus must be in proper custody as prescribed in the Syracuse Dog Law, which stipulates that dogs are not to run at large. 3. University regulations require that dogs must be leashed and under control at all times. NOTE: An animal tied and left unattended is in violation

of this regulation. 4. Permission to have supervised pets in classrooms and buildings, not included in the above, is determined by the person in charge. 5. Unlicensed dogs may be impounded. This ordinance is enforced both by Public Safety officers and the Syracuse dog warden. 6. No animals or birds are allowed in any area of the Campus Activities Building. 7. Animals are not allowed in Clark Tower.

## **Sexual Harassment**

Sexual harassment is a violation of the law (Section 703 of Title VII of the Civil Rights Act of 1964) and SUNY Upstate Medical University policy and may result in disciplinary actions or arrest. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: 1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment. OR 2. submission to or rejection of such conduct by an individual is used as the basis for educational or employment decisions affecting such individual; OR 3. such conduct has the purpose or effect of unreasonably interfering with an individual's education or work performance or creating an intimidating, hostile, or offensive working environment.

Sexual Harassment Complaint Procedures:

- 1 Any member of the Upstate Medical University community who believes she/he is being or has been sexually harassed should immediately contact the Office of Diversity and Affirmative Action at 464-5234.
- 2 Together, the person who believes she/he is being harassed and the Affirmative Action Officer, will examine the available options.
- 3 No actions will be taken without the consent of the person filing the complaint.

**REVISED June 2013**

**Paula M. Trief, PhD**