



SJSU Foundation

Project Administration Guide

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About This Guide

To preserve the ability to meet the Foundation's need under changing conditions, the San José State University Foundation may modify, augment, delete, or revoke any and all policies at any time. Such changes shall be in writing and effective immediately upon approval by the Foundation Board and/ or the Chief Operating Officer.

This Project Administration Guide supersedes any and all other project administration guides of The San José State University Foundation.

Introduction

For years, San Jose State University faculty have successfully competed for research funding from major federal, state, county and local sponsors, as well as private industry and non-profit foundations. The SJSU Foundation provides the administrative infrastructure necessary to support and facilitate research and other education-related work of SJSU faculty and other project managers from within the campus community. As of fiscal year ending June 30, 2001, the SJSU Foundation received over \$38 million in awards on behalf of University faculty and Foundation project managers.

Engaging in externally-funded research and other education-related projects can be professionally rewarding and personally satisfying. At the same time, directing a program is a serious management responsibility that requires time and careful execution. The Foundation has developed this Project Administration Guide to provide information necessary to assist principal investigators and other project directors and administrators in successfully meeting programmatic goals and fulfilling important administrative requirements.

The Foundation's central administrative staff strives to serve and support the work of principal investigators, while simultaneously ensuring that, as a non-profit corporation and SJSU auxiliary, the Foundation employs sound business practices and complies with California State University, state, federal, and other external sponsor requirements. In the following pages you will find information on how to identify, apply for and receive funds, and manage budgets awarded for your work. As part of that activity, you are provided with guidelines on the full range of project activities, including recruitment, hiring, time reporting, procurement, travel, contracting for consulting services and other project needs. We hope the information provided is clear and concise, however when in doubt, a sponsored program analyst is assigned to assist you with any questions you may have on your grant or contract management. A complete staff directory is included in this guide.

Periodically, the Foundation offers special programs and incentives to increase and encourage research and other education-related activities. You are invited to review a description of current programs at our website:

<http://www.sjsu.edu/depts/Foundation/osp/Foundation.html>

We welcome any comments or questions you might have to help us improve this guide or the distribution of this information.

Mary Sidney
Chief Operating Officer
San Jose State University Foundation

I. SAN JOSE STATE UNIVERSITY FOUNDATION

Mission Statement

The San Jose State University Foundation fosters the university quest for excellence by implementing the following mandates in all Foundation operations:

HELP FACULTY SUCCEED

- Promote, develop and manage sponsored programs involving research (including research related to enhancement of teaching), scholarship, creative activity, public service, education, and training.
- Support the full development of intellectual property by acting as the university's exclusive agent for technology commercialization.
- Develop unique strategies to secure support for interdisciplinary programs related to the role of SJSU as a "metropolitan university."

EXPAND STUDENT HORIZONS

- Promote student involvement in sponsored programs.
- Develop unique opportunities for student research with faculty mentors.
- Seek student internships in local business, industry, professional organizations, public agencies, art museums, historical societies, and other appropriate venues.

DELIVER SPECIALIZED BUSINESS SERVICES

- Administer funds for campus programs.
- Seek opportunities to manage monies for other CSU/ campus auxiliaries and/or public agencies.
- Maintain a diversified investment portfolio using targeted investment advisors.

DEVELOP PARTNERSHIPS WITH THE COMMUNITY.

- Establish and/or support business incubators consistent with the role of SJSU as a "metropolitan university."
- Provide the legal and administrative structures for new ventures with business, industry and community organizations, including acquisition and management of real property.

ENHANCE UNIVERSITY QUALITY, IMAGE, PROMINENCE

- Support the growth of university advancement activity through the management of gifts, donations, endowments, and real property on behalf of the university and the donors.
- Seek leadership positions in community service organizations consistent with the role of SJSU as a "metropolitan university." Provide financial support to seed capital campaigns for improvements in the university physical plant.

As an integral member of the total university community, the San Jose State University Foundation is a flexible, service-oriented organization, provides outreach and continuous information flow in support of the role of SJSU as a "metropolitan university," and acts as a financial/management partner to fulfill the university mission.

About San Jose State University Foundation

The San José State University Foundation is one of the oldest of the nonprofit corporations in the California State University system. The name changed in 1961 to the “San José State College Foundation” from its 1932 original “The San José State College Corporation. It changed again in 1975 to the current title, reflecting the growing research capabilities augmenting the University’s excellence in teaching.

The fifteen Board of Directors – consisting of five University administrators, five University faculty members, one college dean, one member of the student body, and three community members – governs The San José State University Foundation. (Please refer to Appendix 1 for a listing of the current Foundation Board of Directors.) Additionally, as a SJSU auxiliary, the Foundation resides organizationally with the University’s Academic Affairs Division, under the direction of the provost.

The general purpose of the Foundation, set out in its articles of incorporation, advances the welfare of the University through assistance in research, education, and community service. The San José State University Foundation's primary responsibility as an auxiliary of the University is the development and business administration of sponsored projects, endowment funds, and separate departmental and college “self support” accounts.

II. PRE-AWARD SERVICES AND PROPOSAL SUBMISSION

Applying for Funding

San Jose State University Foundation is the designated fiscal recipient for all extramural funding awards that support SJSU research, training, and other sponsored projects. All proposals for such funding must be developed and processed through the SJSU Foundation.

Office of Sponsored Programs (OSP)

Within the Foundation, the Office of Sponsored Programs (OSP) is responsible for the pre-award project development and proposal submission of San José State University's sponsored projects. The OSP staff assists SJSU faculty in all aspects of proposal preparation and submission. The three pre-award areas within OSP area are:

Office of Sponsored Programs Managers

The initial contacts for proposal development are the Office of Sponsored Program Managers who:

- Assist in defining research goals
- Locate funding sources
- Edit proposal narratives
- Develop and ensure accurate project budgets
- Ensure adherence to institutional and sponsor guidelines and
- Negotiate awards.

Proposal Processing

The Proposal Processing group supports the OSP Managers and faculty in narrative, chart, and graph production, as well as application preparation and actual proposal submittal via US post or courier mail service to funding sponsors.

Information Services

Information Services manages the Faculty Keyword Database and Funding Alert system, the research library, the OSP WebPages, compiles and distributes the Funding Alerts and is responsible for the [OSP Bulletin](#).

Who Can Apply for Funding?

With certain exceptions, the Principal Investigator of a funding application must be a faculty member with a tenure-track appointment in the rank of professor, associate professor, or assistant professor. Persons with appointments carrying other instructional titles, including those in a visiting or adjunct grade, may act as Co-Principal Investigators or Co-Directors. However, they may not serve as the sole principal investigator or project director without the special approval of the department Chair, College Dean, and AVP for Graduate Studies and Research.

How to Get Started

Contact the OSP Manager assigned to your academic college. A staff directory can be found at: <http://www.sjsu.edu/depts/Foundation/osp/Foundation.html>. This web site is available to you to search databases, find grant writing guidelines and tips, forms, policies and procedures.

When to Get Started - Project Deadlines

Allowing sufficient time in the proposal process is critical. In addition to the funding agency's deadline, which is absolute, all funding applications must go through a number of on-campus institutional reviews before receiving final authorization for submission to the targeted funding agency. The on-campus institutional review process of the **completed** proposal, including narrative, budget, and forms, should begin no later than three days prior to the funding agency's deadline.

Institutional On-Campus Reviews and Authorization to Submit Proposals

The Sponsored Programs Application Routing Sheet (commonly referred to as the "Green Sheet") indicates which signatures are necessary in the review process and final authorization to submit funding proposals. In summary, each proposal for funding must be reviewed and signed off by the following:

- Principal Investigator
- Department Chair
- College Dean
- OSP Manager
- Director of OSP
- Campus CFO/VP of Administration and Finance
- AVP for Graduate Studies and Research (President's designee)

The Green Sheet summarizes important information such as the project abstract, budget, the authorization to use animal or human subjects from the appropriate review boards, the use of hazardous materials or recombinant DNA. For more information on the use of animal or human subjects, or any other research related policies, please refer to Section VII of this Guide, Academic Senate Policies Related to Research.

Greensheet Online:

<http://www.sjsu.edu/depts/Foundation/greensheet-97.doc>

III. POST-AWARD SERVICES AND PROJECT ADMINISTRATION

A. RESPONSIBILITIES

Responsibilities of the Principal Investigator

The administrative and fiscal responsibility for the management of a sponsored project resides with the **Principal Investigator(s)** named in the award. In the eyes of the funding agency, the individual who is primarily responsible for the *overall conduct of a project* is the Principal Investigator (PI). Several agencies refer to this individual as the Project Director (PD). With most funding agencies the terms are interchangeable; however, SJSU Foundation uses “PI” consistently. When more than one individual is responsible for the conduct of a project, each one is usually called a **Co-Principal Investigator** or simply a **Co-PI**.

A Principal Investigator is required to:

- Ensure that all the information in the proposal is presented in a manner that is complete, accurate, and developed according to the practices commonly accepted within the scientific community;
- Ensure that all required University forms and certifications are completed in a timely manner;
- Conduct the work on the project according to the research protocol or statement of work that was submitted with the original proposal or as subsequently modified by the sponsor in agreement with the Principal Investigator and the university;
- Ensure that all work meets the highest ethical standards and is conducted without real or apparent conflicts of interest;
- Ensure that all work performed is conducted in compliance with applicable federal, state, and local laws and with SJSU policies;
- Submit reports on the research in a timely manner and according to the sponsor's requirements;
- Abide by the terms and conditions of the sponsored project award;
- Manage the project's budget so that funds are spent correctly, taking into account any restrictions imposed by the sponsor to avoid overspending.
- Manage project personnel in compliance with federal and state laws and Foundation policy.

Compliance with federal assurances is extremely important for PIs, especially those regulations for:

- Protection of Human Subjects
- Care and Use of Animals
- Conflict Of Interest
- Scientific Misconduct

Please refer to Section VII of this Guide, Academic Senate and SJSU Policies Related to Research, for more information on these compliance issues.

Responsibilities of the Post-Award Analyst

At the beginning of a project, or when an account is established, a PI will be assigned to an SJSU Foundation Post Award Analyst who will provide the PI with administrative support. Typically one analyst will manage all of the funds associated with a particular PI. Should more than one analyst be involved (for example, when the PI has two different types of accounts such as sponsored programs or self support accounts), both analysts will work closely together to ensure the PI has an overall picture of all available financial resources.

Upon receipt of an award the Post Award Analyst establishes an account and monitors those funds, informs and instructs the PI of sponsor regulations and reporting requirements for each award, and monitors expenditures to ensure compliance with sponsor, university and Foundation policies and procedures. The Post Award Analyst will act as a primary point of administrative contact for the sponsor agency, and will forward all official correspondence such as progress or technical reports, requests for budget revisions, or requests for time extensions to the sponsor agency.

B. ACCOUNT DEFINITIONS

Sponsored Program Account

The following elements determine whether external funding falls within the definition of a Sponsored Program.

Commitment from an External Sponsor

A written commitment from the sponsor that follows receipt and acceptance of a proposal. It may take various forms such as a grant agreement, contract, purchase order or a letter of award. All federal funds, including funds passing through other sponsors, must be administered as Sponsored Programs, with the exception of student financial aid or general construction grants. Funds may also come from state or local government, business and industry, or not-for-profit organizations, including associations, foundations, and other universities.

Restricted Activities and Use of Funds

The agreed-upon activities by the external sponsor and SJSU restrict the use of external funds. Refer to the proposal for limits and fund restrictions.

Faculty or Staff Leadership

Each program involves a faculty or staff member qualified to serve as a Principal Investigator (Project Director) who provides leadership in determining, proposing, and completing the activities of the project.

Compliance

The terms and conditions of any award documents must be reviewed before acceptance and must comply with the University and sponsor policies, regulations, and applicable law. In some instances, sponsors have the authority to audit activities of a Sponsored Program as to fiscal and program compliance.

Final Reports, Products, or Other Deliverables

The end products of a Sponsored Program are usually one or more deliverables. Deliverables may include anything to which both parties have agreed in advance. Some may be specific, others more general. They may take the form of tangible products, written documents or financial information. Examples include:

Videos

- Software

Material formulations

- Curricular materials
- Reports of results or surveys
- Manuscripts
- Works of art
- Documentation of completed instructional or service commitments.

These and other forms of intellectual property may be subject to patent, copyright, or other statutory protection.

Period of Performance

Each program or contract has its own longevity, with specific starting and ending dates. In some projects, a sponsor may *not* specify an exact period, but there *is* a time expectation when the work will occur and be completed.

C. ACCOUNT NUMBERS

All accounts within the SJSU Foundation consist of ten numbers (xx-xxxx-xxxx). The first two numbers represent a specific accounting fund; the second set of numbers identify the academic department the account is associated with; the third set of numbers are randomly assigned to distinguish one account from another. The table below describes account prefixes and types.

All Sponsored Program account numbers will begin with any one of the following fund numbers:

<u>Account Prefix</u>	<u>Account Types</u>
21	Federal funds
22	State funds
23	Private industry funds
24	Private foundation funds
25	Local government funds
26	Cost-share funds
34, 35, 37	Self-Supported Program accounts
62	Endowment
38	Pre-Endowment or other endowment related accounts
95	Scholarship accounts

D. ESTABLISHING NEW ACCOUNTS

Self-Supported Accounts

The first step in establishing a new account for a self-supported project requires that the Project Director meet with the CFS Analyst or Director to discuss the purpose and goals for the project and the proposed sources of revenues. The information provided will allow Foundation staff to do a preliminary risk assessment of the project requirements, including the need for special or off-site facilities, major contracting, construction/renovation, or other special requirements. The project Director will then be advised of the Foundation estimated fee structure and any additional charges, based on project requirements.

Once the project requirements and estimated fee structure is established, the Project Director will be issued a New Account Request Form. When signed, this form will be the basis of a contract between the Project Director, their affiliated Department Chair, Dean/VP, and SJSUF. The Project Director will obtain authorizing signatures from their affiliated Department Chair and Dean/VP and return to the CFS Analyst. Upon completion of this form, the Analyst will forward the form to the Director of CFS for authorization and final signature.

Upon receipt of the fully signed New Account Form (Account Authorization Form) the Analyst will initiate opening the account using the Bi-Tech system. The Analyst will follow the Bi-Tech new account procedure supplying the necessary information from the Account Authorization Form. The Analyst will add the new account number to the form and forward to the Records

Retention staff. The Records Retention staff will open a new account folder and file the Account Authorization Form in the folder.

Upon completion of account set up, the Analyst will issue a New Account Memo to the Client, noting the account number, authorized signers, and report distribution information.

Endowments Accounts

The minimum amount necessary to establish an endowment account is \$25,000.

As endowments are legally binding agreements between the donor, the Foundation, and San José State University it is important to clearly establish the ability of the University and the Foundation to honor the desires of the Donor. The first step in establishing a new account for an endowment requires that the Donor meet with University Advancement to discuss the purpose and goals for the endowment. University Advancement is the designated authority at San José State University for initiating and developing endowments. In this capacity, University Advancement will facilitate the endowment process by drawing up the preliminary Memorandum of Understanding (MOU) between the Donor and the designated/affiliated University College and/or Department, and the Foundation. This process is managed by the University Advancement Planned Gift Officer in close collaboration with the Foundation Charitable Gifts Administrator.

The draft MOU is prepared and circulated to the parties by the University Advancement Planned Gift Officer. After the draft MOU is reviewed and the parties agree to the terms and restrictions, the final MOU is submitted and signed by the designated signatories. The fully signed MOU is then sent to the Foundation Charitable Gifts Administrator.

The Charitable Gifts Administrator will follow the Bi-Tech new account procedure supplying the necessary information from the Memorandum of Understanding. The Charitable Gifts Administrator will add the new account number to the form and will open a new account folder and file the MOU in the folder.

Upon completion of the account set up, the Charitable Gifts Administrator will issue a New Account Memo to the designated/affiliated University College Dean and/or Department Chair, noting the account number, authorized signers, and report distribution information.

Pre-Endowments Account

To facilitate building to the endowment minimum of \$25,000, a Pre-Endowment account may be established. To initiate a pre-endowment account the donor and the designated representative from any affiliated College and/or Department will meet with University Advancement and discuss the planned purpose and goals for the future endowment. University Advancement is the designated authority at San José State University for initiating and developing pre-endowments. In this capacity, University Advancement will facilitate the process by working with the parties to complete the Notice to Establish Pre-Endowment Account Form. This process is managed by the University Advancement Planned Gift Officer. When the form is completed and approved by the Vice President for University Advancement (or their designee) it will then be forwarded to the COO of the Foundation (or their designee) for final approval and signature.

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Upon final approval, the form will be sent to the Charitable Gifts Administrator to open the new account at the Foundation. Additionally, the Charitable Gifts Administrator will circulate a Foundation Authorization for New Pre-Endowment Account Form to be signed by the affiliated College Dean and Chair. The Charitable Gifts Administrator will follow the Bi-Tech new account procedure supplying the necessary information from Pre-Endowment Account Form.

The Charitable Gifts Administrator will add the new account number to the form and forward to the Records Retention staff. The Records Retention staff will open a new account folder and file the Account Authorization Form in the folder.

Upon completion of the account set up, the Charitable Gifts Administrator will issue a New Account Memo to the designated/affiliated University College Dean and/or Department Chair, noting the account number, authorized signers, and report distribution information.

Scholarship

Donors and affiliated Colleges and Departments are encouraged to meet the San José State University, Office of Financial Aid to establish any non-endowed scholarships (less than \$25,000). After meeting with the Office of Financial Aid, if they determine that they would prefer to establish a non-endowed scholarship at the Foundation, the donors and affiliated College/Department will meet with the Director of CFS to discuss the planned purpose and goals for the scholarship.

The Director of CFS will develop (in collaboration with the University Planned Gift Officer) a Memorandum of Understanding (MOU) outlining the intended purpose, restrictions, and process for administering the scholarship. Upon review and approval, the MOU will be circulated for final signature by the designated signers.

Upon final approval, the MOU will be sent to the Charitable Gifts Administrator to open the new account at the Foundation. Additionally, the Charitable Gifts Administrator will circulate a Foundation Authorization for Scholarship Form to be signed by the affiliated College Dean and Chair.

The Charitable Gifts Administrator will follow the Bi-Tech new account procedure supplying the necessary information from the Memorandum of Understanding and the Scholarship form.

The Charitable Gifts Administrator will add the new account number to the form and forward to the Records Retention staff. The Records Retention staff will open a new account folder and file the Account Authorization Form in the folder.

Upon completion of the account set up, the Charitable Gifts Administrator will issue a New Account Memo to the designated/affiliated University College Dean and/or Department Chair, noting the account number, authorized signers, and report distribution information.

E. PROJECT BUDGETS

Direct Costs

A direct cost is a cost that can be identified specifically with a particular sponsored project or that can be directly assigned to such activities relatively easily with a high degree of accuracy. Examples of direct costs include salaries of technical staff, fringe benefits, equipment, travel, participant costs, supplies and services, subcontracts, telecommunications, publication costs, animals and animal care costs.

Indirect, or Facilities and Administrative Costs

Facilities and Administrative (F&A) costs, also referred to as indirect costs or overhead, are those Foundation general operating expenses that are not readily identified with a particular project, account, or transaction. F&A costs include the costs of campus research and other facilities, utilities, libraries, which are reimbursed annually to the University. F&A costs also include general administrative services such as proposal and contract management, financial accounting, payroll, procurement, human resource administration, legal, and other operating expenses associated with the management of externally-funded sponsored research, training, and education-related projects managed by SJSU faculty or academic units.

Because the SJSU Foundation receives no state funding for its operations and is totally self-supported, the Foundation covers the cost of its general operation in part through the assessment of Facilities and Administrative (F&A) charges to applicable projects administered through the Foundation. If F&A revenues generated annually are sufficient (see Appendix X Foundation Indirect Cost Allocation policy), some portion of F&A revenues are rebated back to the academic units of the respective projects to seed future externally sponsored work. These rebates, also called "indirect cost allocations," and are made directly to specific Foundation discretionary accounts held for the deans, chairs, and principal investigators associated with the externally-funded projects that generated the F&A revenue.

The term "indirect costs" was coined many years ago by the federal government's Office of Management and Budget. As a result of recent changes, the new name for these costs is "Facilities and Administrative costs," or F&A costs.

F&A costs are incurred every time a grant or contract dollar is spent on research, public service, or instructional projects, whether or not the funds are spent through SJSU Foundation.

F&A costs are built into a project budget as an integral part of the proposal, not "taken off the top" of an award. As expenditures are made in the process of conducting a project, the correct amount of money is concomitantly deducted for F&A. Similarly, if not all of the direct costs are expended during the life of a project, SJSU Foundation will not expend all of the F&A allowed in the budget.

(This page revised October 2002)

What Are Indirect Costs or Facilities and Administrative Costs?

Please note that Facilities and Administrative Costs (F&A) is the new federal term for what was previously referred to as indirect costs. The term "indirect costs" is being phased out.

F&A costs are those expenses associated with maintaining the infrastructure of universities, such as library services, building and equipment depreciation, utilities, janitorial services, sponsored projects administration, human resource administration, accounting and finance services, legal and audit costs. F&A costs should be considered as an integral part of the proposal budget. They should not be considered as "taken off the top" of an award, or easily waived.

The F&A funds recovered through contracts and grants go toward supporting research, instructional, and public service projects that are paid for with external funds.

Why does SJSU Foundation charge F&A costs on grants and contracts?

The operation of any enterprise, whether it is non-profit or for-profit, involves costs. In order to fully pay SJSU for the costs of its sponsored research and educational activities, F&A costs must be reimbursed by funding agencies. If these costs are not reimbursed, the university itself would have to pay for them. This, of course, would have an adverse impact on department budgets, student fees, and university resources. Sponsors recognize this fact and, with few exceptions, are willing to pay for F&A costs. The SJSU Foundation is directed by the CSU Office of the Chancellor to include the proper F&A costs in proposal budgets and to collect these funds on behalf of SJSU.

What F&A costs include:

- Building use
- Library use
- Improvement use
- Equipment use
- Operations and maintenance
- General and departmental administration(accounting, human resources, procurement, insurance, legal)
- Sponsored projects administration (proposal and grant/contract management, information services)

What F&A costs are not:

- F&A costs are not a tax or "transaction costs" such as the cost of cutting a check
- F&A recoveries are not all kept by SJSU Foundation but are used to reimburse the university
- F&A costs are not taken out of a grant or contract; they are built into it
- F&A costs are not discretionary or arbitrary

(This page revised October 2002)

How are F&A rates determined?

The procedure for calculating F&A costs is prescribed for all universities by the federal government's Office of Management and Budget (OMB). SJSU and SJSU Foundation work together to determine what the University's F&A costs are, and present the documentation to the government for review and audit.

The U.S. Department of Health and Human Services (DHHS) is the federal agency (referred to as cognizant agency) that audits this process for SJSU, and it is with DHHS that the SJSU Foundation signs the COLLEGES AND UNIVERSITIES RATE AGREEMENT that specifies the F&A rates used when determining budgets.

Definitions:

- An On-Campus program is one where the majority of activities are conducted using facilities where space related costs (e.g. rent, utilities and maintenance) are paid for by the university or its affiliates, and are not charged directly in the project budget.
- An Off-Campus program is one where the majority of activities are conducted (1) in leased facilities where space related costs (e.g. rent, utilities and maintenance) are charged directly in the project budget, or (2) in facilities made available (at no costs) to the program by a non-University organization.

Certain projects do not require a "facility" in that all work (up through analysis) is done in the field. These type of projects are usually in the field over an uninterrupted period of time and would be considered "off-campus." In the case where the majority of work is in the field without the use of university or university affiliate owned facilities such as buildings, trailers, or vessels, that work would be considered off-campus.

- "Research" means all research and development activities that are sponsored by Federal and non-Federal agencies and organizations. This term includes activities involving the training of individuals in research techniques (commonly called research training) where such activities utilize the same facilities as other research and development activities and where such activities are not included in the instruction function of the university.
- "Instruction" means specific instructional or training activity established by grant, contract, or cooperative agreement. This term does not include the training of individuals in research techniques, commonly referred to as research training.
- "Other" means sponsored activities programs and projects financed by Federal and non-Federal agencies and organizations which involve the performance of work *other than* instruction and organized research. Examples of such programs and projects are health service projects, and community service programs.
- "MTDC"– Modified Total Direct Costs. Full F&A costs are applied on an MTDC basis which means that certain cost categories of direct costs are excluded when calculating F&A for a given project.

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What items are excluded from F&A?

The following cost categories are excluded from a Modified Total Direct Cost base:

- Capital expenditures (buildings; equipment costing more than \$5,000 and with a useful life of more than one year; alterations and renovations)
- That portion of subawards over \$25,000
- Patient care costs
- Participant support costs for workshops and conferences and student support costs such as stipends, scholarships and fellowships. (note: these cost reimbursements are generally made directly to the participants or students and are identified as such in the budget).

Will adding F&A costs to my budget hurt the chances of my project being funded?

A well-planned budget includes F&A. As long as all direct-cost items are realistic, F&A will not affect a proposal's competitiveness. This is true for two reasons. First, other applicants will also be including F&A costs in their budgets. Second, funding agencies recognize that F&A is a necessary part a budget and do not discriminate against institutions that include F&A. The substance and content of a proposal, including its objectives, methodology, and care of preparation is far more important than F&A in determining whether or not a project gets funded.

How do SJSU's F&A Costs compare to other major universities?

SJSU's F&A rates are average when compared to similar institutions across the nation. Variations in F&A rates from university to university are common. Some institutions have rates above 70%; others charge as little as 35%. When calculating F&A, some institutions use a Modified Total Direct Cost base (MTDC) and others use a Salaries, Wages, Benefits (SWB) or Total Direct Cost (TDC) base. There are dozens of factors that account for differences in F&A rates, including costs of heating and cooling, age of buildings, amount of administrative activity devoted to research management, need for replacement of research equipment, and the "balance" between research and instruction on campus.

I'm applying to the same program a colleague of mine is applying to. Her institution is willing to charge less than their full F&A rate. Why can't SJSU do the same?

Some institutions choose to bear a greater share of research costs than others. Reasons why usually correspond to the institution's prescribed research agenda and its ability to justify for the university to absorb those F&A costs. For the most part those institutions have a budget absorbing some of those costs. A lower F&A rate does not usually mean the research costs are less at one institution than another. More likely it suggests that the costs are being shifted to the university or the state's taxpayers and not charged to the sponsor.

IV. Reference

Please consult the Office of Management and Budget Circular A-21, which can be located at <http://www.whitehouse.gov/omb/circulars/a021/a021.html>.

Circular A-21 establishes principles for determining costs applicable to grants, contracts, and other agreements with educational institutions. The principles are designed to provide that the Federal Government bear its fair share of total costs, determined in accordance with generally accepted accounting principles, except where restricted or prohibited by law.

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What are SJSU's current F&A rates?

As with most universities, SJSU has several F&A rates. The rates are as follows and are in effect until July 31, 2002.

As a general rule, a project is determined to be either "on-campus" or "off campus" based on the location of the majority of project activities. In other words, where is the preponderance of effort?

Research On Campus:	47% MTDC (Modified Total Direct Costs)
Research Off Campus:	26% MTDC

Instruction On Campus:	55% MTDC
Instruction Off Campus:	17.8% MTDC

Other Activities On Campus	29.3% MTDC
Other Activities Off Campus	26% MTDC

"Other Activities" refers to projects that are neither research nor instruction. Examples can include filmmaking, editing a journal, and conferences.

F. MONTHLY STATUS REPORTS

After the close of each month, the Foundation provides a financial report to the Principal Investigator for their account(s). The report is processed and printed during the first week of the month, for the transaction detail of the prior month. Principal Investigators can expect to receive the report via intercampus mail, during the second week of the month. The report has three sections:

- A cumulative summary of the account
- Transaction detail for the month
- Outstanding encumbrances

The cumulative summary of the account provides the budget, current month's expenses, cumulative expenses, outstanding commitments, and available balance.

The transaction detail page provides the transaction date, references, description and amount of all transactions that occurred during the month.

The outstanding encumbrance page provides detail information about encumbered purchase orders.

If a Principal Investigator finds an error, has a question about any transaction, or notices that something is missing, they can contact the appropriate individual at the foundation as listed below. If the Foundation staff is made aware of the corrections prior to the last week of the month, the correction will be made in the current month.

- 21-26 accounts – OSP Analyst(s)
- 34-55 (Except 38) accounts – Client Financial Services
- 62-95, 38 accounts – Client Financial Services

G. EXPENDING PROJECT BUDGETS

Allowability, Allocability, Reasonableness, Availability

All project expenditures must adhere to the principles of allowability, allocability, reasonableness, and availability.

An allowable cost is one that complies with the requirements of the funding agency. In the case of federally sponsored projects, allowable costs are determined by Office of Management and Budget (OMB) Circular A-21. For example, A-21 stipulates that the federal government will not reimburse a sponsored project for entertainment costs, thus, such costs are unallowable.

An allocable cost means the cost to a project has been incurred to support that project and is consistent with the scope of work contained in the proposal and resulting award. An example of an unallocable cost would be the cost of foreign travel to an award that is meant to cover a local training project, for which no foreign travel would be necessary.

All costs must be evaluated for reasonableness. In addition to considering whether or not the cost is necessary for the performance of the project, the nature and level of costs of the goods or services purchased should be consistent with criteria that establish common business sense. Finally, availability means that funds are available prior to incurring and expenditure.

When uncertainty exists regarding specific expenditures, PIs are encouraged to check with their assigned Post Award Analyst before making any commitment to funding or actual expenditures. Purchase requisitions or other instruments of project spending such as personnel time certifications must be signed by the individual who has signature authority for a particular project account - the Principal Investigator. Signature authority may not be assigned to project staff unless a staff member occupies a managerial position within the administration of the project. In that case a written request from the principal investigator to assign alternative signature authority will be considered by the Foundation on a case-by-case basis.

In order for costs to be reimbursed directly to a PI, any request for reimbursement must be signed by a person who would be considered to hold a supervisory capacity to the principal investigator, such as department chair or dean. This is commonly referred to as a “one-up” signature, and is applicable to any kind of reimbursement made directly to the PI (supplies, travel, personnel, etc.).

Budget Revisions

Most sponsor agencies make provisions for reasonable budget revisions that are not subject to prior approval from the sponsor agency. However many changes to the budget do require prior approval. Therefore it is critical that the PI work closely with the Post Award Analyst to determine budget flexibility before incurring expenses that are different from the proposed and awarded budget. In all cases of re-budgeting, changes to a sponsor-approved budget must be approved by the SJSU Foundation.

H. PROJECT DELIVERABLES

Progress and Technical Reports

The PI is responsible for preparing any progress or technical reports required by the sponsor agency. These reports must be submitted by the sponsor's required deadlines. Failure to submit reports in a timely manner may jeopardize future funding or payment of invoices from the sponsor agency for future sponsored projects to SJSU, including the projects of other PIs. A copy of the report may be sent to the SJSU Foundation for further forwarding to the sponsor agency, or the PI may submit the report directly, but must provide a copy of the report along with the transmittal letter to the SJSU Foundation in order to establish an official record of compliance.

Financial Reports

The SJSU Foundation Post Award Analysts prepare all interim and final financial reports required by the sponsor agency. Most sponsors require a final financial report 60-90 days after the termination date of the project. Therefore it is critical that PIs submit all final expenditures to the Post Award Analyst within 30 days of the end of the project to ensure that all costs are reimbursed and financial reporting is accurate.

Tasks, Milestones, or Specific Deliverables

Some projects, usually governed by a contract rather than a grant, stipulate the completion of tasks, milestones, or specific deliverables such as a report or product. The completion of tasks, milestones, and specific deliverables must be evidenced by a report, or a copy of the deliverable itself, if appropriate, to the SJSU Foundation in order to establish an official record of compliance.

I. PURCHASING AND ACCOUNTS PAYABLE

The San Jose State University Foundation maintains standard operating purchasing procedures designed to:

- Provide faculty, staff and students with needed supplies, equipment and services.
- Provide for a cost effective procurement process.
- Offer fair and competitive bidding.
- Provide quality service to Foundation users.
- Support the SJSU educational mission.

Purpose

The purpose of the San Jose State University Foundation Purchasing Policy is to provide a process to procure supplies, equipment and services in an expeditious manner that is in accordance with the policies of the State Administrative Manual, the Education Code (Title V), and all other applicable federal, state and independent contract rules and regulation.

Federal grant purchase requests will be administered in accordance with *OMB Circular A-110*, "Uniform Administrative Requirements for Grants and Agreements with institutions of Higher Education, Hospitals, and Other Nonprofit Organizations." Circular A-110 does not apply to contracts.

The mission of the San Jose State University Foundation Purchasing Unit is to:

- Provide quality service.
- Maintain satisfactory relations with external suppliers.
- Maintain satisfactory relations with SJSU faculty, administrator, project directors.
- Comply with the code of ethics as adopted by the National Association of Educational Buyers.

Code Of Ethics

- Give first consideration to the objectives and policies of San Jose State University and San Jose State University Foundation.
- Obtain the maximum value for each dollar expended.
- Demand honesty in sales representation whether offered through oral or written statements, advertising, or product samples.
- Grant all competitive bidders equal consideration; regard each transaction on its own merit.
- Decline personal gifts or gratuities.
- Accord a prompt and courteous reception to all who call on legitimate business missions.
- Use only by consent original ideas and designs devised by one vendor for competitive purchasing purposes.
- The purchasing power of San Jose State University Foundation shall not be used for personal acquisitions for faculty, staff or students.

Purchasing Agent

The Foundation's function as a purchasing agent is delegated to individual projects. Each principal investigator acts as the project's purchasing agent. The project director shall abide by the SJSU Foundation Purchasing Policy and Code of Ethics within. Any individual acting as a purchasing agent shall, at all times, ensure integrity in purchasing practices to protect the Foundation from possible charges of conflict of interest.

Vendor Selection

Vendor selection should be made from companies that do NOT provide economic interest to Foundation employees or project staff. This policy ensures that integrity is maintained in all purchasing transactions. In addition, all vendors must not appear on the US Government debarment list.

Bidding

It is the policy of the San Jose State University Foundation to obtain at least three competitive quotations for the purchase of equipment with a per-unit cost of \$5,000.00 (five thousand) or more for Federal contracts and grants (Foundation accounts 21-XXXX-XXXX). Bidding requirements for all other Foundation activity will increase to \$10,000.

Equipment as defined in the Property Accounting Policies and Procedures Manual is non-expendable property that meets the following requirements:

1. A per unit acquisition cost of at least \$5,000.00. Cost shall include purchase price plus all costs to acquire, install, and prepare equipment for its intended use. For example, four items at \$2,000.00 each, for a total of \$8,000, would not meet the requirement unless the four items are components of equipment whose value would be at least \$5,000.00.
2. Equipment must be used to conduct Foundation business.
3. A normal useful life of at least two years.

The project or department is responsible for acquiring three bids to be submitted for processing with the requisition.

Sole Source

Required bidding may be circumvented with a justifiable sole source or unique statement.

Sole Source - When the item requested must match with existing equipment needed to maintain standardization, or when continuity of service is required.

Unique - When the item or service requested is unique, or has unique features that make it the only one that will meet the requirements.

A Sole Source equipment shall be justified in writing. Justification will include features requested which are essential for the intended use that other manufacturers of like products do

not have. Exterior size will only be used if space available is critical.
Preference for one vendor product or service does not constitute a sole source.

Resale

Resale purchases from individuals shall be certified as to their competitive value by the department head and approved by the appropriate dean.

J. PURCHASING PROCEDURES

Requisition

Prepare a requisition. Follow directions on the back of the requisition. Requisition shall be signed by a designated authorized signer (project director, dean, etc.) on file.

Online form:

<http://www.sjsu.edu/depts/Foundation/requisition.html>

For equipment purchases of \$5,000.00 or more, attach 3 bids or sole source justification for 21-XXXX-XXXX accounts. \$10,000 or more for all other activity.

Per OSHA, hazardous and toxic substances can be defined as those chemicals present in the workplace that are capable of causing harm. In this definition, the term chemicals includes dusts, mixtures, and common materials such as paints, fuels, and solvents. OSHA currently regulates exposure to approximately 400 substances. The OSHA Chemical Sampling Information file contains listings for approximately 1500 substances; the EPA's TSCA Chemical Substances Inventory lists information on more than 62,000 chemical or chemical substances. It is not possible to address the hazards associated with each of these chemicals. The intent of this page is to provide general information about hazardous and toxic substances, and then to provide access to more specific information sources.

The list can be found at the following web page: <http://www.dir.ca.gov/title8/339.html>

The Foundation will provide the San Jose State University Environmental Health & Occupation Safety Department a copy of requisitions and the purchase orders for the purchase of hazardous substances included in the above-mentioned list.

The Purchasing Department at the Foundation shall maintain a Material Safety Data Sheets (MSDS) log and copies of all MSDS's. The Foundation will provide a copy of MSDS to the department that purchased the materials and to the University Environmental Health & Occupation Safety Department.

Purchase Orders for Radioactive Materials

All requisitions for the purchase of radioactive materials and radiation devices must be approved by the campus Radiation Safety Officer before submitting the purchase order requisition to the Foundation.

Purchase of items will be screened and handled as radioactive material if they contain the following key words, mass numbers or radiation measurement units:

Key Words

isotope	nuclide	radiation	activation
radioisotope	radionuclide	x-ray	active/labeled
tritium	irradiator	irradiated	generator
tritiated			

or a mass number specified as:

c-14	carbon-14	^{22}Na	^{24}Na
^{14}C	h-3	^3H	thyroxine [I-125]
^{125}I	iodine-labelled thyroxine	I-125	P-32
^{32}P	sodium-22	Pu-239	S-35

or radiation measurement units, such as:

millicurie	mCi	megabecquerel	Mbq
Millirems	mrem	roentgens	R
Microcurie	uCi	Kilobecquerel	kBq

Processing Requisitions For Purchase Order

1. The San Jose State University Foundation receives a requisition for a purchase order. The requisition is date stamped and forwarded to the Accounts Payable Department for processing.
2. If the requisition is from a Sponsored Programs account, it is forwarded to the Office of Sponsored Programs for approval of expense and coding. The Post Award Analyst will then return the requisition to the A/P specialist for issuance of a purchase order.
3. If the requisition is from a Self Support program account, or any non-OSP account, it is forwarded to the A/P specialist in charge of purchase orders. AP reviews for allowability, funding, and valid signature authority.
4. After P.O. is printed, the P.O. is compared to requisition to ensure correct information is on the P.O. Requisition is then stamped "obligated" and paper clipped together with P.O. This is then turned into A/P Lead for audit. If there are any discrepancies, then all paperwork is returned to A/P specialist to correct.

5. P.O. is then given to Business Service manager for final approval and signature.
6. Approved P.O. is then returned to A/P specialist who mails the P.O. to the department.

ACCOUNTS PAYABLE

The San Jose State University Foundation (Foundation) will maintain and implement Accounts Payable policies and procedures designed to provide accurate disbursement of project funds in a timely manner. All expenditures must be in conformity with State control procedures as stated in the "Expenditure of Funds Policy for CSU Auxiliary Organizations."

Review of Requests to Disburse Funds

It is the responsibility of the Foundation Accounts Payable Department to analyze all disbursements of funds for proper signature, availability of funds, allowability of expenses and proper documentation. All disallowable or unusual expenditures will be reviewed by the Associate Director and/or the Director of Business and Finance. The Executive Director may also review the expenditure if necessary.

Requisition Procedure

Requests for disbursement of funds must be submitted to the Foundation by using Requisition Form CR1. The requisition must be signed by the project-authorized signer. In the event the requisition is for a disbursement of funds to the account-authorized signer, and payment of funds is from a sponsored program account, the Post-Award supervisor (the SJSU Foundation Associate Director of OSP) shall have the authority to approve expenses. By signing the reimbursement, the signer certifies that:

- The expenditure is appropriate to the account;
- The expenditure is in compliance with the educational mission of the University and the policies and procedures of the Foundation;
- The expenditure is within the restrictions imposed by the source of funding; and
- No other source or reimbursement will be claimed.

The bottom of the requisition form has been designed to guide users in determining if an expenditure falls within the SJSU educational mission. This part of the requisition form is completed by the authorized signer if there is any doubt whether the expenditure supports the SJSU mission.

This form shall be used for all types of expenditures except independent contractors, travel advances, travel expense claims or mileage reimbursements. Requests for Independent Contractor payments should be submitted on Independent Contractor Invoice/Check Request Form CR2, preceded by an approved Independent Contractor Agreement Form FP12. Incomplete or illegible requests may be delayed or returned to the originator.

Travel and mileage claims require a separate form. Please see the Travel policy guidelines.

Sales and Use Tax

Sales tax is imposed on the retailer for the privilege of selling tangible personal property at retail. This tax applies to purchases made in the State of California. Use tax applies to sales from out-of-state to a California consumer.

If a vendor does not charge sales tax or charges incorrect sales tax on the invoice, the Foundation will adjust the amount on the invoice and pay the sales tax either to the vendor if located in California or to the State Board of Equalization for out-of-state vendors.

Accounts Payable will notify the project director for the additional expense by returning a copy of the requisition with the adjusted total. The additional sales tax expense will appear on the project's monthly *Account Status Report* detail. Questions regarding sales tax should be directed to the Accounts Payable department.

Sales Exempt for Sales and Use Tax

The U.S. Government and U.S. Government agencies are exempt from sales and use tax. Purchases made by federal government projects, where the title of such purchases is held by the U.S. Government, are exempt from sales tax.

ACCOUNTS PAYABLE – CHECKS

Foundation Accounts Payable checks are generated every Tuesday and Thursday and are ready for release in the afternoon of Wednesday and Friday, respectively. This schedule may be adjusted due to month- or year-end processing and holidays. Completed paperwork must be received five to seven working days prior to the day checks are to be issued.

Distribution

The requisition form gives the user several routing options. Checks that have been designated as "hold for pick up" must have a contact phone number and will be available for pick-up from the Foundation Receptionist. The receptionist will contact the department when the check is ready. If the requisition is not specifically marked with distribution instructions, it will be mailed.

Voided Checks

A check that is incorrectly written or is not needed should be returned to the Foundation Accounts Payable Department promptly with a note explaining why the check is not needed. The word "void" should be written on the check with the signature cut out for security reasons. The check will be voided and credit will be given to the project account.

Notify Accounts Payable if the voided check must be reissued. If the check must be reissued for a different amount, an authorized signature is required on the notification. If a check to a different vendor is required, submit another requisition with authorized signature and proper documentation.

Lost or Stolen Checks

The Foundation Accounts Payable Department must be notified immediately by telephone when a check is lost or stolen. The Accounts Payable specialist will require information such as check date, amount, vendor name, etc.

The Foundation will place a stop payment with the bank for the lost or stolen check. It takes ten to fifteen working days for the bank to process and verify stop payment requests. A new check will be issued after verification of the stop payment is received.

ACCOUNTS PAYABLE – PAYMENTS

Invoices Related to Purchase Order

The Foundation issues a purchase order in accordance with the Foundation Purchasing Policy. The department receives two copies of the purchase order. The goldenrod copy is retained by the department. The pink copy is signed and returned to the Foundation. This certifies that the goods or services were satisfactorily received or rendered and acts as approval for payment. The purchase order instructs the vendor to submit invoices directly to the Foundation.

Vendors should send all invoices to:

San Jose State University Foundation
Attn: Accounts Payable
P.O. Box 720130
San Jose, CA 95172-0130

Upon receipt, the invoices are matched with the pink copy of the purchase order and the original requisition. This document set is the support for payment of invoices against a Foundation purchase order.

If the pink copy of the purchase order is not returned by the department authorizing payment of invoices, accounts payable will call the project director and request approval.

A purchase order should be used for all equipment and restricted purchases such as chemicals and laboratory animals. The Foundation assumes financial obligation on behalf of the project for allowable purchases processed through the purchasing system. Invoices for non-allowable purchases will be denied payment.

V. TRAVEL

It is the policy of the SJSU Foundation Board of Directors to reimburse employees and non-employees for necessary and reasonable travel expenses incurred for properly authorized, official Foundation business in accordance with the established Foundation procedures. Employees traveling on official business should exercise the same care in incurring expenses as they would exercise on personal travel. Travelers are responsible for complying with Foundation travel policy. This policy applies to all travel expenses paid by the Foundation regardless of the source of funds. Where travel costs are to be charged to a sponsored project, the terms of the applicable contract or grant will take precedence if at variance with Foundation policy. At their discretion, schools, departments, and institutes may impose stricter guideline for budgetary or control

reasons by lowering reimbursements put forth in this policy, but may not exceed guidelines. Reimbursement for unsubstantiated travel expenses will be reported as additional income to the individual per Internal Revenue Service (IRS) regulations.

The Foundation shall reimburse a traveler for supportable expense according to three methods:

1. FEDERAL Per Diem
2. Actual lodging expense plus FEDERAL per diem for food and incidentals.
3. Actual expense with receipts.

A traveler may choose one of the above methods: that method of reimbursement must be used for the entire trip. A consultant may be reimbursed only through Method 3 (actual expense).

Travel Request Procedures

Travel Authorization and Requisition of Funds Form

The Foundation Travel Authorization form serves as a requisition for a travel advance and as the expense claim form used to reconcile the advance. This form is also used to request for an additional reimbursement over the advance amount or to refund the Foundation unused funds.

Travel Authorization and Requisition of Funds Form is a three-part form:

- Pink copy Submit to Accounts Payable Department
 Travel Authorization
 Request Travel Advance
- White Original Submit to Accounts Payable Department with original receipts
 To reconcile travel advance
 Request additional reimbursement over advance amount
 To request reimbursement for travel - no advance
- Yellow Copy Traveler copy

A Request for Approval of Travel Form [<http://www.sjsu.edu/depts/Foundation/travel.html>] must be submitted for any trip which requires the absence of a University or Foundation employee from the campus or normal work site for four hours or more. A travel request for academic personnel must be on file with the appropriate supervisor signatures; Department Chairman or College Dean and traveler prior to any travel advance or reimbursement from a Foundation Account. Foundation employees who are non-academic personnel need only the Project Director's signature on the travel authorization. (In Project Director's absence, Department Chairman may sign authorization).

Blanket Travel Request

A Blanket Travel Approval is a request covering several short-term trips which involve reimbursement for mileage and allowable per diem (for trips of more than four hours but less than one day). One of these forms should be completed for each person who will be claiming mileage reimbursements on Foundation account. All longer trips involving reimbursement for air travel, hotel, per diem, etc. must have a separate request for each trip. Note: all mileage claims require a "Foundation Certification for Use of Private Autos" be on file in Foundation office prior to reimbursement. Please obtain one when requesting a blanket travel approval for mileage.

Travel Advance

Request For A Cash Travel Advance

A cash advance is requested from the Foundation on a Travel Authorization and Request of Funds form and submit fully signed to the Foundation Accounts Payable Department. Note: a travel advance can be denied to anyone with an outstanding delinquent travel balance. Each individual receiving a travel advance will be provided with a copy of "Summary of Foundation Travel Policy." All travel arrangements and reservations are made by the traveler.

Prepaid Expenses

When it is necessary to prepay travel agencies, hotel deposits, fees for conference/registration or other expenses, checks should be requested on a Foundation Requisition form [<http://www.sjsu.edu/depts/Foundation/requisition.html>] payable to the vendor. The traveler may also receive an advance to cover the estimated amount of the travel. In either case all receipts must be submitted to reconcile advance payment.

Estimated Amount of Advance

Travel advances may be requested only for expenses incurred on behalf of the foundation or when representing the Foundation in a function for which the claimant will not be reimbursed by another agency. The amount advanced should not exceed the estimated cash needs. A good guideline is per diem rate times the number of travel days.

Unused Funds

Travelers are personally responsible for Foundation funds advanced to them until they submit an approved expense report for funds used, and return any unused funds. When an authorized trip is

canceled or postponed for more than two weeks, the advance should be refunded to the Foundation immediately.

Travel Reconciliation

Travel reconciliation and request for additional reimbursement should be submitted with the White copy of the Travel Authorization and Requisition of Funds Form with receipts. Below are the specifics of the travel policy.

Lodging/Subsistence Expenses

The Foundation shall reimburse a traveler for supportable expenses according to three standard methods:

1. Per Diem expense.
2. Actual Lodging expense plus Per Diem subsistence.
3. Actual Expenses with receipt.

The Traveler may choose only one of the above methods and that method must be used to reconcile the entire trip.

Consultants may use only method 3 (actual expenses), unless negotiated differently through the Foundation prior to travel.

The Foundation will reimburse Federal per diem for foreign travel and a single standard per diem rate for domestic. (Explanation of Methods below)

Explanation of Methods:

1. **Per Diem** Expenses--Per diem expenses is a single rate for subsistence, incidental personal expenses, and lodging. The following is the rate for reimbursement applicable to both in-state and out-of-state travel expenses. Incidental allowance includes all personal expenses incurred while traveling.

As of July 1, 2001

Lodging.....	\$	90.00
Breakfast.....	\$	7.00
Lunch.....	\$	7.00
Dinner.....	\$	18.00
Incidentals.....	\$	<u>2.00</u>
		\$124.00

2. **Actual Lodging expense plus Per Diem**--The traveler will be reimbursed for the actual lodging expense when original receipts and an itemized hotel ledger/charge sheet are presented with the expense claim form. The Per Diem subsistence allowance is as follows:

Breakfast.....	\$	7.00
Lunch.....	\$	7.00
Dinner.....	\$	18.00
Incidentals.....	\$	<u>2.00</u>
		\$ 34.00

3. **Actual Expenses** with receipts--Original receipts for all expenses must be submitted to claim reimbursement using this method. Note: Incidental allowance does not apply.

Computation of Allowances

In computing the allowances for continuous travel of more than 24 hours, one full per diem allowance will be paid for each 24 hour period, beginning with the traveler's time of departure. For travel extending beyond a 24 hour period, additional meal(s) may be claimed if the travel ends after the scheduled mealtime. Guidelines - (use per diem meal rate) for travel ending after 9 a.m., breakfast may be claimed; 2 p.m., lunch; 6 p.m., dinner. Incidental expenses are included when claimant is entitled to 2 or more meals.

In-State Travel UNDER 24 Hours

Employees on travel status for less than 24 hours and more than 24 miles from headquarters may claim subsistence expenses incurred before or after the regularly scheduled workday. (Lunches on one-day trips are, therefore, not reimbursable). The employee may claim breakfast and/or dinner expenses and must depart one hour prior to or return one hour after their regularly scheduled workday.

Personal Expenses

Expenses that are not directly related to and required for official Foundation travel, but that are incurred for personal use or the convenience of the traveler, such as personal phone calls, entertainment, magazines, etc. will not be reimbursed.

Transportation Expense

Policy

To be fully reimbursed by the Foundation, the traveler must use the most economical mode of transportation available, consistent with the authorized purpose of the trip. This includes charging no more than the rate for the most direct or frequently traveled route. Airfare can only be reimbursed at coach rates or less. Also, when mileage reimbursement between two points of

travel is claimed where airfare would be cheaper (i.e. San Jose to Los Angeles), the claimant will be reimbursed the amount of airfare only.

Payment of Fare

The traveler's expense claim must be accompanied by the flight coupon when airfare is being claimed. If a credit card was used for payment the receipt must also be submitted. If no flight coupon was issued, as may be the case with chartered or private aircraft, a formal receipt must be submitted.

Commercial Automobile Rental

Reimbursement will be made for car rental when a voucher substantiating its necessity for business travel is included with claim. The Foundation does not carry collision or primary liability insurance on private nor rental automobiles. It is recommended, therefore, that the insurance offered by the rental company be taken. Rental car collision insurance is a reimbursable expense.

Private Vehicles

Reimbursement for use of a private automobile will be allowed for the owner of the vehicle only, provided that the travel was necessary for business purposes. The Foundation office must have a "Foundation Certification for Use of Private Autos" on file prior to reimbursement as proof that the claimant is in possession of the collision/liability insurance required by law. Mileage may be claimed at .325 cents per mile if the above requirements are met.

Travel Expense Report

Expense Claim

No travel expenses shall be reimbursed unless rendered on a Travel Authorization and Requisition of Funds Form Expense Claim copy. All expenses incurred must be properly itemized on the Expense Claim form and be accompanied by appropriate receipts and vouchers. Forms must be signed by both the traveler and by the project director approving the expenditures against the Foundation account. Properly completed and approved expense claim reports must be sent to the Foundation within 15 working days after the completion of each trip.

Purpose - The expense report must include a statement of purpose if not already stated on travel approval form. The purpose should show the direct relationship of the travel to an official Foundation function, including the performance of a contract or grant for which the Foundation has responsibility.

Dates - All days from the date (day and hour) of departure to the date (day and hour) of return must be included on the claim form. Days for personal use must also be referenced as such.

Expenses - Costs of transportation, meals, lodging, and miscellaneous expenses must be listed by date and location. Expenses that are prepaid or invoiced should be shown. Unpaid invoices must be noted under "Remarks" so that they will not be overlooked

Balance Due - Advanced funds are not used for travel expenses must be returned together with the expense report within 15 working days after trip completion. A balance due to the claimant will be paid as soon as the expense report is processed usually seven to ten working days if a properly completed claim is submitted.

Signatures - The expense report should be signed by the person who incurred expenses, and must be approved and signed by the authorized signer on the Foundation account from which the claim is to be reimbursed or reconciled. When the traveler is the authorized signer, the travel must be approved by a direct supervisor.

PLEASE NOTE: Project direct signature on expenses claim report approves expenses over those originally estimated for the travel advance or the travel approval form. If expenses of the originally estimated amount are not approved by the project director it must be noted on the signed expense claim report. Claimants must sign their own names; they cannot have others sign for them. An expense report will be processed with the authorized approval signature alone if the signature of the traveler cannot be obtained and if the reason for not obtaining the traveler's signature is given on the expense report.

Improperly Completed Forms - If the check request or expense report is not completed properly, it will be returned to the originator, delaying reimbursement/reconciliation.

Explanation Of Travel Expenses And Arrangements

Written explanations (vouchers) for the following must be submitted with the expense claim report.

1. The traveler must report, including all pertinent details, whether the expenses for any part of the trip were or will be reimbursed by any source other than the Foundation. Source name, address, and amount must be included on the expense report.
2. Expenses that are not expressly allowed must be fully explained in writing on either the expense claim form or an attached note in order to support a claim for reimbursement, i.e. car rental expense.
3. If the cost of first-class air transportation, travel by private automobile, or travel by a spouse is claimed, an explanation on the expense report is required. Approval of full reimbursement is contingent upon meeting the guidelines and limitations established for these expenses.
4. If reported expenses include entertainment, meals, lodging, or transportation provided for others, an explanation must be submitted and reference the other expense reports where applicable.
5. An explanation should be given for any telephone and telegraph charges. Business calls must be noted as such or they will not be reimbursed.

Original Receipts

Dated original receipts or invoices for expenses must be submitted with a properly completed Travel Expense Claim Form. Receipts should be attached chronologically and numbered consecutively as referenced on the expense report. Lodging and car rental expenses should be substantiated by an appropriate itemized receipt. (Copies of credit card payments are not considered itemized receipts). Where expenses are being shared with external organizations, a copy of the receipts will suffice if submitted with a copy of expense report used to reconcile travel with other party, or a common expense report showing all expenses being charged to both the Foundation and the other organization.

Transportation tickets - passenger copies of air, rail, boat, helicopter, and non-local bus tickets are required with the travel expense report. Reimbursement will not be made without appropriate receipts.

Car Rentals - agreements or invoices must be submitted with travel expense report. (Correct the invoice if personal use of the vehicle is involved).

Meal/Lodging Bills - originals must be submitted unless a per diem allowance is being claimed for duration of trip.

Expenses - Claims for actual expense – Any item of expense for \$25.00 or more must be substantiated.

Record Requirements

Travelers who keep accurate daily records, obtain the required receipts, and submit expense reports to the Foundation are relieved of the IRS requirements of reporting and substantiating expense information on their own personal income tax returns.

Travel Expense As Income

Reimbursement for unsubstantiated travel expenses will be reported as additional income to the individual per Internal Revenue Service (IRS) requirements.

VI. HUMAN RESOURCES

EMPLOYEE DEFINITIONS

Foundation Employees

Those employees who receive a payroll check from the Foundation. Foundation employment is separate and distinct from San Jose State University or State of California employment.

Project Employees

Those employed through funds received for a research, training or other sponsored project through a grant, contract, campus program, cooperative agreement or other discretionary funds.

Central Office Employees

Those employees who are under the direction/ supervision of the Foundation Executive Director and are not directly funded from a grant, contract, cooperative agreement or a campus program activity.

Subcategories of the Above Definitions:

Regular Employees are those Project or Central Office employees whose expected term of employment is usually one year or more. Regular employees receive a set salary every pay period. Regular employees must work half-time [minimum of 20 hours per week] or more on a regular schedule. This term will be used throughout the handbook.

Regular employees qualify for and may participate in benefits plans and programs offered by the Foundation, as fund allows.

The Foundation generally advertises most Regular positions, therefore, Hourly, Temporary and Student Assistant employees are not normally transferred to these positions without participating in a competitive recruitment process.

Hourly Employees are paid an hourly rate and their pay is based on the number of hours reported on their time sheets each pay period. Hourly employees may work half-time or more on a regular scheduled. Employees in this category receive no benefits other than those mandated by law that includes workers' compensation and disability insurance. They are not eligible for such benefits as employer paid health insurance programs or retirement benefits.

Temporary Employees are those whose expected length of service is less than three months, or whose work schedule is intermittent or irregular, or whose appointment is for less than half-time. Students who are **not** currently enrolled and regularly attending classes at San Jose State University are also in this category. These employees are paid an hourly rate and they receive no benefits other than those mandated by law which includes worker' compensation and disability insurance. They are not eligible for such benefits as employer paid health insurance programs or retirement benefits.

Student Assistants are those employees working half time or less (maximum of 20 hours per week and 40 hours per week during summer and intersession) and who are enrolled and regularly attending classes at either San Jose State University or another institution of higher education. Students under the age of 18 are required by law to obtain a work permit before an offer of employment can be made and are subject to all federal and state “child” labor laws.

Student Assistants are paid an hourly rate and are eligible for Workers’ Compensation and Disability Insurance.

Volunteer Employees are those performing services to the Foundation without payment. Volunteer employees must have the approval of the academic department or administrative project before volunteering.

Volunteers who are minors must satisfy the same requirements as those outlined under Student Assistants. Volunteer employees are covered by Workers’ Compensation only.

EMPLOYMENT PRACTICES AND PROCEDURES

The Foundation Chief Operating Officer (or designee) is the only person with the legal authority to appoint, reappoint, terminate or change any employee's work status or pay. Any oral or written statements or promises by any other person are unauthorized by the Foundation and are not binding upon it.

Should any such statements or promises be made, they must be confirmed in writing by the FHRD. The Foundation shall not be responsible for such statements that are not confirmed by the Foundation Director of Human Resources in writing.

Employment shall be "at will" and shall be terminable "at will" by the Foundation or employee with or without cause notwithstanding the projected appointment term specified in the employment agreement, the job definition or classification for each employee hired by the Foundation. Any oral or written statements or promises to the contrary are unauthorized and are not binding upon the Foundation. No Foundation employee or officer has the authority to change the at-will status of employment.

Affirmative Action/Equal Opportunity

It is the policy of the San Jose State University Foundation to provide equal employment opportunities to all applicants and employees regardless of race, color, religion, national origin, sex, sexual orientation, marital status, pregnancy, age, disability, disabled veteran's or Vietnam era veteran's status. Employment decisions will be evaluated on the basis of an individual's skills, knowledge and abilities. Equal Employment Opportunity is a legal, social and economic necessity for the Foundation. It will provide for further utilization and development of previously underutilized human resources.

Affirmative Action is a means by which Equal Employment Opportunity is achieved. It provides a mechanism for the Foundation to take positive (affirmative) practices and to insure against subtle and overt discrimination. The Affirmative Action requirements of the Federal government are designed to enhance employment opportunities for women, ethnic minorities, the disabled and other protected classes. Ethnic minorities are defined as African-American, Native American, Hispanic-American and Asian-American.

Affirmative Action affects all employment practices including recruiting, hiring, transfer, promotion, training, compensation, benefits and terminations.

Employee Records

Records concerning employment of an individual are kept in the FHRD at the Foundation. Employees are responsible for notifying this department of any information that affects their records including: additional education, change in dependents or marital status, and change

in address or telephone number. It is important that an employee's file contain up-to-date information on whom to contact in case of an emergency, dependents or beneficiaries under insurance plans, citizenship status and similar items.

It is the policy of the Foundation that salary information, records concerning performance and other personal information are treated confidentially. Confirmation of employment status and dates of employment are provided in answer to telephone or written inquiries from organizations to which employees have applied for credit. This same information is normally all that is provided to prospective employers to which past employees are applying for jobs. Salary information is provided only when an employee has explicitly authorized its release. In the absence of such authorization, the FHRD will suggest the agency again check with the employee or secure authorization.

Foundation employees have access to their employment records and may review them, request copies of their records and request corrections during regular business hours. Employees must schedule an appointment to view their files.

Employment of Relatives and Other Conflicts of Interest

The Foundation will not employ relatives in positions where one person is in a position to participate in decisions involving direct benefit (initial appointment, promotion, retention, salary, etc.) to another person. This is because an actual, potential or perceived conflict of interest occurs when one person is in a position to influence a decision which may result, or be perceived as resulting, in personal gain to a relative. For the purpose of this policy, relatives are those who are: related by blood or marriage, or whose relationship is similar to that of persons who are related by blood or marriage.

If two employees marry or become related or whose relationship is similar to that of persons who are related by blood or marriage, and the potential problems noted above exist, only one of the employees will be permitted to continue their employment with the Foundation unless reasonable accommodations can be made to eliminate the potential problems. Where these problems exist and cannot be eliminated by reasonable accommodation, the employee or employees who are the cause of such problems may be terminated. The Foundation Human Resources Director may make exceptions, under unusual circumstances.

Harassment

The San Jose State University Foundation, as your employer, is committed to taking all reasonable steps to prevent discrimination and harassment from occurring. In addition to other forms of unlawful discrimination, the Foundation maintains a strict policy prohibiting sexual harassment and harassment because of race, color, national origin, ancestry, religion creed, physical or mental disability medical condition, marital status, sexual orientation, age or any other basis protected by federal, state or local law, ordinance or regulation. All such harassment is unlawful and will not be tolerated from any employee. In addition, the Foundation will take all reasonable steps to prevent discrimination and harassment from occurring.

Sexual Harassment Defined

Federal law defines sexual harassment as unwanted sexual advances, request for sexual favors or visual, verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made a term or condition of employment; or
2. submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

California law defines sexual harassment as unwanted sexual advances or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior. The following is a partial list:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters.
- Verbal conduct: making or using derogatory comments, epithets, slurs, sexually explicit jokes, comments about an employee's body or attire.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes of invitations.
- Physical conduct: touching, assaults, impeding or blocking movements.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful whether it involves co-workers harassment, harassment by a supervisor or manager, or by persons doing business with or for the Foundation.

Discrimination Complaint Procedure

Foundation's complaint procedures provides for an immediate, thorough and objective investigation of any sexual harassment claim, appropriate disciplinary action against one found to have engaged in prohibited sexual harassment, and appropriate remedies to any victim of harassment. An employee may have a claim of harassment even if he or she has not lost a job or some economic benefit.

Employees who believe they have been sexually harassed on the job or who are aware of the harassment of others, must provide a written or verbal complaint to their own or any other supervisor, (e.g., Project Director or Chief Operating Officer) or the Director of Human Resources as soon as possible. The complaint must include details of the incident(s), names of individuals involved, and the names of any witness. Supervisors and managers must immediately refer all harassment complaints to the Director of Human Resources.

All incidents of sexual harassment that are reported will be investigated. The HR Director or designated representatives, will immediately undertake an effective, thorough and objective investigation of the harassment allegations. The investigation will be completed and a determination regarding the harassment alleged will be made and communicated to the employee(s) who complained and the accused harasser(s).

If the HR Director determines that sexual harassment has occurred, the HR Director will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a complaint of sexual harassment is substantiated, appropriate disciplinary action, up to and including termination, will be taken. Whatever action is taken against the harasser will be communicated to the employee who complained, and the HR Director will take appropriate action to remedy any loss to the employee resulting from the sexual harassment.

The Foundation's policy and California law prohibits retaliation against any employee by another employee or by the Foundation for using this complaint procedure or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by a federal or state enforcement agency. Prohibited retaliation includes, but is not limited to, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affective working conditions or otherwise denying any employment benefit.

Any employee of the Foundation, whether coworker, supervisor or manager, who is found to have engaged in unlawful sexual harassment is subject to disciplinary action up to and including termination from employment. An employee who engages in sexual harassment, including any manager who knew about the harassment and took no action to stop it, may be held personally liable for monetary damages. The Foundation will not pay damages assessed personally against an employee.

Additional Enforcement Information

In addition to the Foundation's internal complaint procedure, employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment & Housing (DFEH) investigate and prosecute complaints of sexual harassment in employment. Employees who believe that they have been sexually harassed may file a complaint with either of these agencies. Both the EEOC and the DFEH serve as neutral fact finders and attempt to help the parties voluntarily resolve disputes.

For more information, contact HRD at (408) 924-1411 or the nearest office of the EEOC or DFEH. The address and telephone numbers of the local offices of the EEOC and DFEH are located in the telephone directory.

EMPLOYEE STATUS / RELATIONS

Duration of Employment

Duration of employment, regardless of an employee's specific employment status, is contingent upon satisfactory job performance and the availability of funds and work.

Employment is at the mutual consent of the employee and the Foundation and may be terminated by either the employee or the Foundation at will, with or without notice or cause. Any oral or written promises to the contrary are unauthorized and are not binding on the Foundation.

Continuation of employment with the Foundation for Project Employees beyond one year is dependent on funding and must be renewed on an annual basis. Renewal does not guarantee employment for the next year. All other afore-mentioned regulations apply.

Initiation Period

For non-management and non-supervisory employees, the Foundation considers the first period of employment, depending upon the different position or classification for which an employee is hired, as an initiation period.

An initiation period is utilized by supervisors for closely observing an employee's work and for securing the most effective adjustment of a new employee to his or her position and to the people with whom he or she comes in contact. This is the period in which a new employee "tries the job" and is, in turn, evaluated by the supervisor. The Foundation considers the first six months for most non-management positions and the first year for most professional and technical positions to be an initiation period. However, this may differ depending on the performance or conduct of each employee. Upon reclassification, promotion, or transfer, a new initiation period may be served as if the employee has been newly hired into the newly occupied position. Completion of the initiation period does not create an expectation of continued employment, nor in any way alter the at-will nature of employment.

Promotion and Transfer

The Foundation encourages promotion and transfer of interested employees whenever possible. Employees may keep apprised of current career opportunities in the Foundation through posting on the Foundation's bulletin board.

Promotions may also be accomplished through the process of reclassification. As an employee assumes greater responsibility in his or hers position it is possible that the job may become eligible for reclassification to a higher level. Reclassification is usually warranted when there is an increased level of responsibility, not volume, quality or variety of tasks. Increased quality or

variety are normally rewarded through merit increases, and volume through overtime compensation.

Any and all increases in compensation, including cost of living adjustments, merit and permission to work overtime, are governed by the availability of funds and Foundation policy.

Performance evaluation

Employees should receive at least two performance reviews (but not less than one) during the initiation period and one annually thereafter. The purpose of the review is to let employees know how well they are performing their assigned duties, to provide a forum for discussing problems, solutions, training or education possibilities as well as departmental and personal goals. A supervisor may conduct more than one performance review during a one year period.

Terminations

It must be remembered that the employment relationship is based on the mutual consent of the employee and the Foundation. Accordingly, either the employee or the Foundation can terminate the employment relationship at will at any time. It is expected that whoever terminates the employment agreement, the Foundation or the employee, will give some notice if possible and practical. However, no notice is required of either party.

Most Foundation employees sign appointment forms for a specified time of one year or less. The end date of any appointment or the end of any grant, contract or fiscal year is the end of employment for most Foundation employees unless they are offered a new appointment by the FHRD. Severance is not normally paid to departing Foundation employees. However, such pay may be authorized by the Chief Operating Officer on the recommendation of the Director of Human Resources.

Upon termination for any reason, employee should contact the FHRD to determine eligibility for any vacation pay, unemployment insurance, and disposition of health insurance, retirement, and final paycheck.

Employees whose services are terminated because of a reduction in work force will be given 60 day notice prior to release except that lesser notice may be given in the event of unforeseen circumstances. The selection of the individual employees to be retained or terminated shall take into consideration their performance, length of service, and ability to do the work remaining. The determination shall be made by the Chief Operating Officer on the recommendation of the Director of Human Resources.

Upon termination, employees receive the cash equivalent of accumulated vacation; conversion of group medical and life insurance plans to individual policies is available. No benefits or seniority accrue during periods of termination extending over 30 days.

Termination of Employment Exit Procedures

When an employee terminates their employment with the Foundation voluntarily or involuntary, they are expected to return all Foundation and University property before picking up their final paycheck. University keys must be returned to the Lock Shop; parking permits to Traffic and Parking; and Identification Cards to the FHRD.

If the employee is moving out of the area, a forwarding address should be given to the FHRD for mailing of insurance information and the W-2 Forms.

Rehires

Applications received from former employees will be processed using the same procedures and standards that govern all direct applications. The hiring supervisor/ manager or project director may review the former employee's performance records and the circumstances surrounding termination of previous employment with the Foundation. This information will be provided upon request to the chair of the hiring committee responsible for screening and interviewing applicants.

A rehired employee is eligible to receive credit for previous Foundation employment toward vacation accrual and service credit toward retirement only and in accordance with the terms of the Retirement Plan Documents. In all other respects, the individual is treated as a new hire.

Outside Employment

Employees of the Foundation may not work in any other job, private or professional, during the hours they are employed by the Foundation. In addition, employees may not work as consultants or independent contractors for the Foundation. Employment in any other job which might impair the employee's performance at the Foundation or create a conflict of interest is also prohibited.

General Work Rules and Standards of Conduct

The Foundation has established guidelines concerning standards of conduct and work rules for the benefit and protection of the rights and safety of all employees and to assist in the orderly and productive operation of each department or project. The inappropriate conduct or infractions of work rules normally call for some form of disciplinary action. The supervisor or manager or project director, with the assistance of the Director of Human Resources, will determine the course of action best suited to the circumstances. In some cases, the action may result in either verbal or written warnings or reprimand, followed by suspension and termination if repeated. In other cases, the employee may be subject to immediate termination. This policy in no way alters the at-will nature of employment.

The types of misconduct or infractions identified below are merely examples of conduct that may lead to disciplinary action. They are not a complete list of all types of conduct that can result in disciplinary action, up to and including termination.

- Obtaining employment based on false or misleading information;
- Falsifying information in, or making material omissions in, any documents or records;
- Deliberate or reckless action that causes actual or potential injury, loss, destruction or damage to Foundation or University property or supplies, equipment or the property or person of another employee, or visitor;
- Theft or unauthorized removal from Foundation or University premises of property that belongs to or is in the possession of the Foundation, the University, another employee, or a visitor;
- Bringing or possessing firearms, weapons, or any other hazardous or dangerous devices on Foundation or University property without proper authorization.
- Absence of five or more days without authorization from either the appropriate supervisor or the FHRD;
- Failure to return from an authorized leave of absence on the date such a leave ends;
- Dishonesty, misuse of funds or property.

The violations listed below are examples of actions that usually result in termination, particularly if repeated or uncorrected.

- Unsatisfactory job performance;
- Failure or refusal to perform the normal and reasonable duties of the position as assigned by a supervisor, or failure or refusal to perform work in the manner described by a supervisor;
- Carelessness or negligence when performing duties;
- Insubordination.

Disciplinary Procedures

Disciplinary procedures may be initiated when the Foundation supervisor/ manager or project director believes that an employee's performance problem can and will be resolved through adequate coaching and counseling. The level of discipline imposed is completely at the discretion of the Foundation and in no way alters the at-will nature of employment.

Complaint Procedure

The Foundation believes that each employee's particular work carries dignity and challenges which, in turn, enhances the Foundation's varied activities, and creates a more dynamic work unit. The intent of the Complaint Procedure is to provide each employee with an opportunity to be heard. Employees are encouraged to communicate any employment problems or suggestions to the Foundation. This policy applies to all Regular Central Office and Regular Project Employees.

It is the Foundation's policy to resolve any complaint at the lowest possible level of supervision. All suggestions or complaints should be submitted by an employee to his or her immediate supervisor within one week of the occurrence, or one week from the time the occurrence was known. The supervisor has the responsibility to initially investigate and provide a solution or explanation to the employee.

If the complaint involves imposition of a written warning, other formal disciplinary action and/or decisions which materially affect the individual's employment status, the employee may also present the complaint as hereinafter provided. If the complaint is not resolved to the satisfaction of the employee, the employee may place such in writing not more than one week after the initial response of the supervisor, and present it to the Director of Human Resources, who will thereafter investigate and provide a solution or explanation to the employee.

If the complaint is not resolved to the satisfaction of the employee by the Director of Human Resources, the employee may place such in writing not more than one week after the initial response of the Director of Human Resources, and present it to the Chief Operating Officer. If the employee is not satisfied with the remedy of the Chief Operating Officer, the employee may place in writing not more than one week after the response of the Chief Operating Officer, and present it to the Personnel Committee of the Foundation Board of Directors. The Personnel Committee will thereafter schedule a closed session meeting to hear the employee's complaint. If the Personnel committee believes that further investigation is warranted. It will investigate the employee's complaint, and will thereafter provide a solution or explanation to the employee. The decision of the Personnel Committee is final.

Written record of any employee complaints will be maintained.

COMPENSATION AND TIME ACCOUNTING

Salary and Wage Determination

The Foundation Director of Human Resources (or designee within the FHRD) is the only person with the legal authority to establish compensation for a Foundation employee. Oral or written statements or promises by any other person are not binding upon the Foundation.

Salary and wage ranges are established for each position based on comparable classifications within the California State University (CSU) and in accordance with prevailing practice and Foundation policy. Salary surveys are conducted locally and include prevailing wages at SJSU, the CSU and other CSU auxiliaries. Salary surveys help to ensure that the Foundation's salary ranges are in line with comparable positions of other firms within the recruiting area.

Most Foundation salary ranges have a minimum of five steps, with the majority of appointments starting at the first or second step. Regular non-management employees may become eligible for a merit salary award after completion of one year (six months in some classes) of meritorious service in the same position and annually thereafter until the top step of the salary range is achieved.

Managers are reviewed on an annual basis and may be awarded merit salary increases based on a percentage recommended by the supervisor and/or the Foundation Board of Directors. The recommended percentage must fall within the salary range of the position classification. Central Office Managers have a common anniversary date of July 1 each year.

All merit awards are made only upon recommendation of the supervisor in recognition of satisfactory performance and are subject to available funds.

Pay Periods and Paydays

Employees are paid twice a month for work performed the preceding pay period. Work performed from the first through the fifteenth is paid on the twenty-sixth of the month and work performed from the sixteenth through the end of the month is paid on the tenth of the following month. Dates may be adjusted if the pay date falls on a weekend or holiday. Employees should check the pay date calendar issued each year.

Hours of Work

The usual Foundation workday is 8:00 a.m. to 5:00 p.m., Monday through Friday, with one unpaid hour for lunch. There may be variations in this schedule depending on the departmental or project needs as determined by the supervisor. One paid 15-minute rest period should be taken by non-exempt employees during each four hours worked. Rest periods cannot be taken during the first or last half-hour of the workday and may not be accumulated to be taken at a later time.

Overtime Eligibility

All positions are either exempt or non-exempt from overtime pay under criteria of the Fair Labor Standards Act as amended and applicable California law.

Exempt employees are generally those in executive, scientific, professional and supervisory positions whose rates of pay and responsibilities permit exemption from the Fair Labor Standards Act. These employees do not receive premium (time and one-half) pay for overtime work and are not "charged" for partial day absences.

Non-exempt employees are normally most technicians, or clerical and maintenance personnel and student employees. These employees receive premium pay when hours worked exceed eight hours in one day or 40 hours in one week (excluding holiday pay, vacation, sick leave, etc.).

Government regulations allow supervisors to require employees to work beyond normal hours if workload warrants. Although advance notice is given when feasible, this is not always possible. All non-exempt employees must have supervisory approval before working overtime. Because unauthorized overtime is against Foundation policy, employees who work unauthorized overtime are subject to discipline.

For the purposes of determining overtime, the Foundation's work week normally begins at 12:01 a.m. on Sunday and ends at 12:00 midnight the following Saturday.

Pay Advances

Pay advances are granted only in cases of emergency or personal hardship. The request should be submitted in writing to the Director of Human Resources after written approval by the employee's supervisor.

An advance of wages will not be made for time not worked. A pay advance is not to be granted at the same time an employee has an outstanding wage garnishment.

Check Pickup/ Delivery

Each project or department may authorize one individual to pick up paychecks. Paychecks are available for pick up after 1:00 p.m. on payday. Paychecks may not be picked up by unauthorized individuals without written permission.

It is possible to arrange for paychecks to be sent to an individual's home. However, a check lost in the mail cannot be reissued until the "stop-payment" order to the bank has been verified.

Direct Deposit

Regular salaried employees may make arrangements to have their paychecks electronically deposited directly to a participating bank or credit union. A no-fee checking account is also available at Bank of the West for direct deposit participation. Employees sign up for the direct deposit option at the Foundation Payroll Department.

Payroll Deductions

All employees are subject to the following deductions: Federal and State withholding (or income tax) and Medicare Tax. No payroll deductions will be withheld from an employee's paycheck, except those mandated by federal and state law, without the written authorization of the employee.

LEAVES OF ABSENCE WITH PAY

Vacation

The Foundation recognizes the value of an annual vacation for rest and relaxation and encourages employees to use their full-accrued vacation benefits each year.

The accrual schedules for full-time employees are indicated in the chart on the following page. Part-time regular salaried employees accrue vacation based on their percentage of full time.

Hourly, Temporary and Student Assistant employees are not eligible for vacation benefits.

Central Office Employees:

Months of Service	Accrual Hrs./Month	Days/Year
1 - 36	7 1/3	11
37 - 72	10 2/3	16
3 - 120	12	18
121+	14	21

Directors and Managers

Months of Service	Accrual Hrs./Month	Days/Year
1+	16 2/3	25

Project Employees:

Months of Service	Accrual Hrs./Months	Days/Year
1 - 36	7 1/3	11
37 - 72	10 2/3	16
73 - 120	12	18
121+	14	21

Project Administrator:

Months of Service	Accrual Hrs./Month	Days/Year
1+	16 2/3	25

Scheduling of vacation is determined by the employee and supervisor. In the event of conflict, the employee with seniority has precedence.

Carryover of Vacation Credits:

Central Office Employees: the maximum accumulated vacation which may be carried forward on January 1 each year is:

Non-Exempt

272 hours	less than 10 years of service
384 hours	10 years or more of service

Exempt

384 hours	less than 10 years of service
440 hours	10 years or more of service

Project Employees: the maximum accumulated vacation which may be carried forward on January 1 each year is 80 hours. Anyone exceeding the maximum vacation accrual as of December 31 each year accrues no further vacation until such time as the employee uses the excess hours accrued. Requests for exceptions to this policy must be submitted in writing to the Director of Human Resources. Final authority to authorize carryover vacation accrual rests with the Chief Operating Officer.

Project employees may not carry forward unused vacation credits to a new project. The Foundation may require an employee to use accrued vacation prior to the end of the project. However, if circumstances prohibit the employee from using accrued vacation, unused vacation may be paid off on the employee's next paycheck.

Seniority toward the vacation accrual rate continues when an employee is employed on a new project.

Employees may not use vacation credit in excess of what is accumulated. However, under unusual circumstances, the Chief Operating Officer may allow an employee paid leave when accumulated vacation credits have been exhausted.

Vacations are taken at the mutual convenience of the employee and the project or Foundation, except when it is necessary for a supervisor to require vacation to be taken at a specific time for scheduling or budgetary reasons. All vacations must be approved in advance by the supervisor. Vacation may be used by non-exempt employees in half-hour increments but not less.

Holidays

Holidays are given for the purpose of allowing employees paid time off for special occasions. There are normally 12 such holidays per year. The exact schedule is announced at the beginning of each calendar year.

- New Year's Day
- Martin Luther King's Birthday (3rd Monday in January)
- President's Day
- Cesar Chavez Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving
- Friday after Thanksgiving
- Christmas Day

In addition to the named holidays, 2 - 3 additional days per year are announced, usually in connection with the Christmas and/or New Year's holidays.

Holiday Pay

"Regular salaried employees" who are required to work on a holiday will receive an additional day of compensation. Hourly employees and Student Assistants receive no additional compensation for working a holiday.

Sick Leave

In order to minimize the economic hardships that may result from an unexpected short-term personal or dependent illness or injury, the Foundation provides eligible employees sick leave benefits. All Regular Central Office and Regular Project employees are eligible for sick leave benefits.

Sick leave for full-time employees is credited at the rate of 8 hours per month (or an average of 173.3 hours worked). Part-time employees earn sick leave based on the percentage of time they work (i.e., a half-time employee earns four hours a month).

A notification from a doctor that an employee is able to return to work may be required for any absences longer than three days. Additionally, a supervisor or the Foundation Director of Human Resources may request a doctor's substantiation at any time, (provided the employee is not using

Family Leave) regardless of length of absence.

Sick leave is available in the case of actual illness or injury of an employee or the employee's spouse or children who reside in the employee's household. Sick leave may be granted for other reasons at the discretion of the Chief Operating Officer (or Chief Operating Officer's Designee). For non-exempt employees sick leave benefits are available beginning with the first hour away from the job due to illness or injury. Sick leave is not charged for holidays falling within the period of sick leave.

Employees may not use sick leave in excess of what is accumulated. However, under unusual circumstances, the Chief Operating Officer may allow an employee paid leave when accumulated sick leave credits have been exhausted. Unused sick leave benefits may accumulate year to year by Central Office Employees. Most Project employees, however, may accumulate 96 hours on a continuing grant but are required to forfeit unused sick leave at the end of a grant or contract or project year. Foundation employees are never paid for unused sick leave benefits. Employees who are unable to report to work due to unplanned personal or dependent illness or injury must contact their supervisor as soon as possible and no later than 30 minutes after their normal starting time. In the case of a medical or dental appointment the employee should report it well in advance. If an employee becomes sick during the day, the supervisor must be notified before the employee leaves the worksite. Failure to follow these procedures may result in treatment of the day as an unexcused (unpaid) absence and can result in disciplinary action.

Paid sick leave is a privilege extended by the Foundation and may be regulated or otherwise modified as necessary. The Foundation reserves the right to adjust sick leave benefits for an employee who continually takes the maximum period allowed or abuses the benefit. Abuse of sick leave, failure to return to work when able to return to work or other violation of this policy may result in discipline up to and including termination.

An ill or injured employee who misses five or more consecutive workdays, or is hospitalized may be eligible for State Disability. When an employee is eligible for State Disability, the disability benefit will be coordinated with any accumulated sick leave. Accumulated sick leave may be used as indicated:

Type of Sick Leave

Personal illness or injury

Quarantine for exposure to contagious disease

Medical or dental treatment

Family care (serious illness or childbirth/adoption in the immediate family or household)*

On-the-job injury or illness

Childbirth

*Immediate family is defined, for the purpose of sick leave use, as spouse, parents, persons or guardians in loco parentis, siblings, child, mother-in-law, father-in-law, grandparents and grandchildren.

Immediate household is defined, for the purpose of sick leave use, as a person residing in the immediate household of the employee except domestic help, roomers, landlords or roommates.

Bereavement Leave

When a death occurs in the employee's immediate family (as defined under sick leave policy) which necessitates his or her losing regularly scheduled work time due to bereavement, he/she will receive one day paid leave if travel is less than 500 miles round trip and two days if travel exceeds 500 miles. The employee may also receive compensation through the use of accumulated sick leave for a maximum of five days for such lost work. Additional time, requested and approved by the supervisor, will be charged against vacation or personal leave without pay.

Bereavement leave for other than immediate family must be approved as vacation or personal leave without pay. The employee is expected to notify his or her supervisor so that necessary work arrangements can be made to cover the employee's absence.

Jury/Court Leave

Jury/Court leave includes jury selection, service as a member of a jury panel, appearance at a coroner's inquest, and appearance as a court-subpoenaed witness or expert witness.

Regular Central Office and Regular Project employees are eligible to be paid their regular wages while on jury leave based on the following:

1. Length of service is less than one year: period of regular salary is five working days.
2. Length of service is one to three years: period of regular salary is 10 working days.
3. Length of service is three years or more: period of regular salary is 20 working days.

Hourly, Temporary and Student Assistant employees are provided time off to spend on jury duty but are ineligible for compensation.

Reasonable proof that an employee has been selected for jury duty or court appearance is required before granting time off and/or compensation for jury/court leave. A maximum of 20 working days in any calendar year is the limit on paid jury/court leave.

The employee need not waive jury duty fees. Return of such compensation to the Foundation is not required. The employee will not receive salary for time spent serving as a non-subpoenaed court witness but may use vacation accrual.

Voting Leave

Eligible employees are those entitled to vote at federal, state and municipal elections. If the registered voter-employee does not have sufficient time outside regular work hours within which

to vote, he or she may take off a maximum of two hours of paid leave to vote. If an employee takes more than the maximum time allowed, the remainder of time will be charged to vacation or personal leave without pay.

Employees shall be allowed time off for voting only at the beginning or end of the regular work shift, whichever allows the most free time for voting and the least time off from work, unless otherwise mutually agreed. At least two working days notice shall be given to the supervisor that the voting time off is desired.

Employees who are election officers may be absent themselves from work on Election Day without being subject to loss of pay. At least one week's notice shall be given to the supervisor that the time off is desired. Reasonable proof that the employee is an election officer may be required before granting the time.

Medical/Occupational Disability

This type of leave is granted to employees injured on the job. A leave of absence for a work-related disability shall be extended to the employee for the duration of the work-related disability, up to the termination date specified on the employee's appointment form, the end of the grant, contract or project year, or until the determination by a physician that the employee will be unable to return to his or her usual and customary job and may be eligible for vocational rehabilitation services, whichever comes first.

Before returning to work following a leave of absence for a work-related disability, an employee must submit a physician's verification stating the employee's ability to return to work and the date that she or he is able to return.

The Foundation may require an employee to submit to an examination by a physician of its choice to verify the employee's ability to return to his or her job duties prior to allowing the employee to return to work.

A work-related disability, which extends beyond twelve weeks, will necessitate the employee arranging conversion of benefits to an individual plan. This type of leave also requires an employee to personally provide his or her supervisor with periodic updates the same as those covered under "Family and Medical Leave of Absence." An employee eligible for this type of leave is normally eligible to receive Workers' Compensation benefits.

Benefit Status During Family and Medical Leaves Absence:

All medical leaves of absence may be coordinated with sick leave, short-term and long term disability, and other benefits in an effort to minimize the impact of a leave of absence for both the employee and the Foundation.

Accrued vacation and sick leave benefits may be paid during a leave. Such pay will be coordinated with any state disability, workers' compensation or other wage replacement benefits for which the employee is eligible. Group Insurance plans will continue to be paid by the Foundation, to a maximum of 12 weeks if the employee's leave is covered under the Family and

Medical Leave Act. Arrangements must be made with the FHRD to prepay any additional premiums required to maintain coverage in force upon using up available sick leave and vacation pay benefits.

SJSU FOUNDATION Project Administration Guide

It is the Foundation's policy to consider granting leaves of absence to eligible employees for the purpose of medical disability, personal emergency, military duty, jury duty, witness duty, or bereavement. Unless specifically provided otherwise, all leaves of absence are available only on an unpaid basis.

All Regular Central Office and Regular Project employees are eligible for a leave of absence after completion of one year of service at the Foundation. However, employees may be eligible for a leave of absence before completing one year of service where required by state or federal law. For example, leaves of absence may be granted to any employee for work-related disabilities, disabilities related to childbirth, jury duty, witness duty, or military duty.

Subject to any applicable legal restriction, requests for leaves of absence will be considered on the basis of the employee's length of service, performance, responsibility level, the reason for the request, and the Foundation's ability to obtain a satisfactory replacement during the time the employee would be away from work. If an employee accepts other employment or fails without prior approval or valid excuse to return to work on the next regularly scheduled workday following the expiration of his or her leave, it will be considered that the employee has voluntarily terminated his or her employment.

To apply for a leave of absence, the eligible employee must submit a "Leave Of Absence Request" (FP4) at least 30 days before the requested leave is to start, giving the reasons for the leave to his or her supervisor. The supervisor, in conjunction with the Project Director/ Manager, forwards the request to the Foundation Director of Human Resources with their recommendation. The Director of Human Resources makes the final decision to grant, deny or extend any and all leave requests.

While on an unpaid leave of absence, the employee must make arrangements for direct payment of any payroll deductions. Vacation and sick leave credit does not accrue while on leave status. Time on certain leaves does not count toward an employee's service credit for the purpose of vacation accruals or fulfillment of an initiation period. Leaves of absence are not granted for periods that extend beyond the termination date specified on the employee's appointment form, or the end of a grant, contract or project year.

When an employee is placed on an unpaid leave of absence, an effort will be made to hold his or her position open for the period of the approved leave. However, due to business needs, there will be times when positions cannot be held open.

The Foundation cannot always guarantee an employee's reinstatement following an unpaid leave of absence. However, the Foundation does comply with relevant state and federal regulations pertaining to pregnancy-related disability leaves and leaves due to the serious illness of an employee or to care for a seriously ill family member as defined under the "Sick Leave Policy."

Each type of leave requires various additional specific instructions. This information is available in detail from the FHRD. The following are brief explanations:

Family And Medical Leave

The Foundation will grant family and medical leave in accordance with the requirements of applicable state and federal law in effect at the time the leave is granted. In certain situations, the federal law requires that provisions of state law apply. In any case, employees will be eligible for the most liberal benefits available under either law.

Please contact the FHRD as soon as you become aware of the need for family and medical leave.

Employee Eligibility: To be eligible for family and medical leave benefits, an employee must: (1) have worked for the Foundation for a total of at least 12 months; (2) have worked at least 1,250 hours over the previous 12 months; and (3) work at a location where at least 50 employees are employed by the Foundation within 75 miles.

Leave Available: Eligible employees may receive up to a total of 12 workweeks of unpaid leave during a rolling 12-month period for one or more of the following reasons: (1) for the birth or placement of a child for adoption or foster care; (2) to care for an immediate family member (spouse, child or parent) with a serious health condition; or (3) to take medical leave when the employee is unable to work because of a serious health condition. Under some circumstances, employees may take family and medical leave intermittently -which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

Family and Medical Leaves run concurrently with all other paid and unpaid time off for which the employee qualifies. Pregnant employees may have the right to take a pregnancy disability leave in addition to a family leave; such employees should contact the FHRD regarding their individual situations. Certain restrictions on these benefits may apply.

Notice And Certification: Employees seeking to use family and medical leave may be required to provide:

- (1) 30-day advance notice when the need for the leave is foreseeable.
- (2) medical certification (both prior to the leave and prior to reinstatement).
- (3) periodic re-certifications ; and
- (4) periodic reports during the leave.

When leave is needed to care for an immediate family member or the employee's own serious health condition, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the Foundation's operation.

Compensation During Leave: Family and medical leave is unpaid. The Foundation may require an employee to use accrued paid leave (such as vacation) to cover some or all of the leave.

Benefits During Leave: The Foundation will maintain group health insurance coverage for an employee on family or medical leave for up to a maximum of 12 workweeks if such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. In some instances, the Foundation may recover premiums it paid to maintain health coverage for an employee who fails to return to work following family or medical leave.

Job Reinstatement: Under most circumstances, upon return from family and medical leave, an employee will be reinstated to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. In addition, an employee's use of family and medical leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using such leave.

Unlawful Acts: It is unlawful for the Foundation to interfere with, restrain, or deny the exercise of any right provided by state or federal law. It is also unlawful for the Foundation to refuse to hire or to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceedings related to family and medical leave.

Pregnancy Disability Leave

The Foundation will grant an unpaid pregnancy disability leave to employees disabled due to their pregnancy, childbirth, or related medical conditions.

Leave Available: An employee disabled due to pregnancy, childbirth, or related medical condition may take up to a maximum of four months leave. As an alternative, the Foundation may transfer the employee to a less strenuous or hazardous position if the employee so requests, with the advice of her physician, if the transfer can be reasonably accommodated.

Leave taken under the pregnancy disability policy runs concurrently with family and medical leave under federal law, but not family and medical under California law.

Notice and Certification Requirements: Employees requesting to take a pregnancy disability leave must provide the Foundation with reasonable advance notice. In addition, employees must provide the Foundation with a certification from a health care provider.

Compensation During Leave: Pregnancy disability leaves are without pay. However, employees may utilize accrued vacation time and any other accrued paid time off during the leave.

Benefits During Leave: If the employee taking pregnancy disability leave is eligible under the federal or state family and medical leave laws, the Foundation will maintain group health insurance coverage for up to a maximum of 12 workweeks if such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. In some instances, the Foundation may recover premiums it paid to maintain health coverage for an employee who fails to return to work following pregnancy disability leave. If ineligible under the

federal and state family and medical leave laws, employees on pregnancy disability leave will receive continued paid coverage on the same basis as employees taking other leave.

Employees on pregnancy disability leave who do not receive continued paid coverage, or whose paid coverage ceases after 12 workweeks, may continue their group health insurance coverage through the Foundation in conjunction with federal COBRA guidelines by making monthly payments to the Foundation for the amount of the relevant premium plus administrative fees. Employees should contact the FHRD for further information.

Job Reinstatement:

Upon the submission of a medical certification that the employee is able to return to work, the employee will be offered the same position held at the time of leaving, unless the job no longer exists or the job has been filled in order to avoid undermining the Foundation's ability to operate safely and efficiently, or the employee is not capable of performing the job responsibilities upon return. If the employee's former position is not available, a substantially similar position will be offered unless there is no substantially similar position available, or filling the available position would substantially undermine the Foundation's ability to operate safely and efficiently, or the employee is not capable of performing the job responsibilities. If an employee returning from pregnancy disability leave is unable to perform the essential functions of the job because of a physical or mental condition, the Foundation's obligations to that employee may be governed by the *Americans with Disabilities Act*.

Military Leaves

The Foundation supports those individuals who serve in the Armed Forces of the United States Reserves and the State's military organizations. The Foundation provides leaves for service in the military. In order to obtain a leave for military services, employees must submit written verification (a copy of their orders) from the appropriate military authority, and a request for the leave through their supervisor to the Foundation Director of Human Resources. The Foundation will reinstate those employees returning from military leave to their same position or one of comparable status and pay as required by law.

Exceptions to this policy occur, within the terms and conditions of an employee's appointment, wherever necessary to comply with applicable laws.

Personal Leaves

Except in the case of an emergency, a "Leave of Absence Request" (FP4) must be submitted at least 30 days in advance of the desired starting date. Failure to meet this requirement may prejudice the granting of a leave. All requests must be for fixed periods of time with beginning and ending dates.

The granting of a personal leave of absence is based on the presumption that the employee intends to return to work upon expiration of the leave. When there is evidence that an employee falsified the reasons for requesting leave, the Foundation reserves the right to disciplinary procedures and/or discharge. Final authority to authorize a personal leave of absence rests solely with the Chief Operation Officer of the Foundation.

When an employee is placed on a personal leave of absence, every effort is made to hold the employee's position open for the period of the approved leave. Due to business needs, there may be times when a position cannot be held open. Accordingly, it is not possible to guarantee reinstatement.

Full and part-time employees may request a personal leave of absence for a reasonable period of time up to 30 calendar days. The leave may be extended in increments of at least 30 days up to a maximum of twelve months. A request for extension must be submitted on an FP4 for each period of extension, at least one week prior to expiration of the original request.

The Foundation does not pay for group insurance plans during an employee's personal leave of absence. Premiums to maintain coverage are the responsibility of the employee. Arrangements must be made with the Foundation Director of Human Resources to prepay premiums during the period of leave in accordance with COBRA.

Vacation and sick leave accruals are discontinued during the period of personal leave. When an employee returns from a leave of absence, the accrual dates for such benefits are adjusted forward to reflect the period of the leave. If a paid holiday falls during the period the employee is on leave, the employee is not eligible for holiday pay. Review dates for the purpose of merit increases are adjusted forward to reflect the period of the leave.

The employee must contact the Foundation Director of Human Resources at least one week in advance of his or her anticipated return date.

If an employee's former position is not available when the employee is ready to return to work in a timely manner from an approved leave, every effort will be made to place the employee in a comparable position for which the employee is qualified. An employee who does not accept a position offered by the Foundation will be considered to have voluntarily terminated employment effective the day such a refusal is made.

An employee who fails to report for work at the end of an approved leave is considered to have voluntarily resigned.

Insurance Plans

The Foundation provides medical, dental, vision and life insurance to Regular Central Office and Regular Project employees whose appointment is at least 50 percent time and is expected to exceed six months' duration. Detailed information and brochures describing available plans are in the FHRD.

Participation in the insurance plans is not automatic. Employees must complete necessary applications before coverage can be established. Eligible employees normally have sixty (60) days to decide on a plan that best suit their medical needs.

Regular Central Office and Project employees may participate fully or partially in the Foundation's benefit program that features:

- Health Insurance
- Dental Insurance
- Vision Insurance
- Life Insurance
- Retirement
- Supplemental Retirement Annuity
- Short Term (State) Disability Insurance
- Long Term Disability Insurance
- Worker's Compensation
- Employee Assistance Program (EAP)

Eligibility requirements and further information concerning these benefit programs are covered in other sections of this document and in booklets available from the FHRD. This handbook merely summarizes the provisions of the Foundation's health, welfare and retirement plans. The provisions of the applicable Plan Documents and Summary Plan Descriptions shall control all aspects of eligibility for and administration of the Plans.

Dual Coverage Employees holding a concurrent appointment with the Foundation and San Jose State University who are eligible for medical, dental and/or vision benefits from both sources may not participate in the Foundation Plans if enrolled in such plans through the University. However, the employee may participate in dual retirement systems for the percentage of time employed by each entity.

Medical Insurance

Employees are eligible to choose from numerous medical plans, depending upon the county and state of residence. Some of the plans include: Aetna HMO, Blue Shield, Cigna, Health Net, Kaiser, Lifeguard, Lincoln National, Maxicare, Qual-Med, Take Care, and Pers. The expected date of coverage is the first day of the month following the date your properly completed Form HBD-12 is received in the FHRD.

Retiring regular Central Office or Project employees are eligible for lifetime medical insurance if they meet the following criteria:

- Are age 55 years or older; and,
- Have accrued five (5) years of service with the Foundation during the preceding 10 years of employment; and,
- At the time of retirement, the employee is currently employed by the Foundation and enrolled in a Foundation sponsored health plan.

Dental Insurance

Enrollment effective the first of the month following 30 days of continuous employment, all other requirements same as medical.

Vision Insurance

Enrollment is effective first of the month following 30 days of continuous employment, all other requirements same as medical.

State Disability

All Foundation employees are automatically covered by SDI. However, an employee must file a claim to receive any benefits. This state-mandated program provides coverage against loss of wages for an employee sustaining a non-work-related injury or illness which prevents the employee from performing his or her regular or customary work.

Accrued sick leave must be used to supplement the SDI benefit up to the employee's regular weekly earnings. Any combination of sick leave and disability payments which exceed the normal salary must be refunded, up to the amount of the disability benefit.

Further information about the program and claim forms may be obtained from the FHRD.

Long Term Disability

All Regular Central Office and Regular Project employees scheduled to work at least 75 percent of the time are eligible for long-term disability. Enrollment is automatic on the first of the month upon becoming eligible to participate in the TIAA-CREF Retirement Plan. The plan description is provided to eligible employees by the FHRD.

Life Insurance

All Regular Central Office and Regular Project employees scheduled to work at least 75 percent time, with an appointment expected to equal or exceed six months' duration, are eligible for life insurance. The coverage is equal to the employee's annual base salary not to exceed \$50,000. The

Foundation bears the cost of this benefit. Eligible employees are covered the first of the month following 30 days of service.

Workers' Compensation

All Foundation employees are protected in the event of job-related injuries and illness by Workers' Compensation Insurance which is an employer-paid benefit. If an employee is injured or becomes ill as a result of his or her job, this insurance pays for medical care, necessary rehabilitation services, income in case of disability, or death benefits to dependents.

If any injury causes temporary disability, temporary disability indemnity will be payable for the period commencing on the fourth day of disability, or in the case of hospitalization for inpatient treatment required by the injury, the first day of disability.

Important!

Report any injury or illness immediately to the appropriate supervisor and call the FHRD at 924-1410. Any delay in reporting an accident may delay Workers' Compensation benefits. Failure to immediately report a work injury or accident may be cause for disciplinary action.

Retirement Annuity

Employees eligible for the Foundation Retirement Benefit Plan will receive a copy of the Plan Documents and Summary Plan Description. These documents shall control all aspects of eligibility and administration of the Plan. The following is a brief description of the retirement benefits provided to eligible employees.

Eligible Central Office Employees may begin participation in the retirement plan on the first of the month coinciding with or following employment. Eligible Project Employees may begin participation on the first of the month following one year of service and must have worked at least 1000 hours.

The Foundation contributes 10 percent of the employee's base salary. An application must be completed by the employee to initiate the employer's contribution. Contributions will not be made until the application has been completed and returned to the FHRD. There will be no retroactivity for delinquent application. Contributions under this defined contribution (money purchase) plan are applied to individual annuities issued to each participant by Teachers Insurance and Annuity Association-College Retirement Equities Fund (TIAA-CREF).

The employee may contribute a minimum of 25 dollars per month either by salary deduction or salary reduction. Voluntary contributions by the employee may be made to the regular retirement annuity or to a GSRA (see below). Contributions by the employee to a TIAA-CREF Retirement Annuity or GSRA may begin the first of any month after hire. Enrollment information and a plan description are provided to eligible employees by the FHRD.

A retired employee is eligible for life time medical benefits provided the employee has at least five (5) years of service within ten years prior to retirement, is age 55, and enrolled in a Foundation paid health plan at the time of retirement.

Group Supplemental Retirement Annuity (GSRA)

TIAA-CREF GSRA's, also known as tax-deferred annuities, are designed for employees who wish to set aside tax-deferred funds over and above any retirement plan contributions. Taxes on the contribution, plus any interest or dividends, are deferred until paid out as benefits or withdrawn from the annuity. This reduces current taxable income as well. Employees who wish to participate should contact TIAA-CREF directly for their maximum contribution allowance.

Group Retirement Annuity (GRA)

The Foundation is concerned about its employees' financial status during retirement. Since Foundation employees do not participate in Social Security Benefits, a separate GRA plan has been established. Employees may voluntarily enroll in the GSRA and set aside a percentage of their salary. The Foundation will contribute a matching amount up to 3 percent of the employee's base salary to the GRA.

Group Supplemental Retirement Annuity Loan

Employees are eligible to borrow on their existing SRA. Loans are available from \$1, 000 to \$50,000, but not more than 45% of your combined SRA TIAA and CREF accumulations. Further information is available in the FHRD. or you may call TIAA-CREF directly (1 800842-2776).

Identification (ID) Card

A San Jose State University Foundation ID card is available to all non-student employees. The ID card is valid for the period of appointment. To secure a new card at the end of the appointment period, contact the FHRD.

Parking Permits

Annual permits for parking in the University's employee parking areas (E permits) are available through the Foundation by payroll deduction for employees with an appointment expected to equal or exceed one year's duration. Information may be obtained through the FHRD.

Parking permits may also be purchased directly from the University by paying a fee per semester or the annual fee. The permits may be purchased at the Seventh Street Parking Garage Office. A Foundation identification card is required. Parking is also available at the Seventh Street Garage by paying the daily entrance fee.

Educational Assistance (Tuition Reimbursement)

Regular Central Office employees scheduled to work at least 50 percent time who have been employed a minimum of six months are eligible for the Educational Fee Payment Program. Information on the program, including reimbursement and application procedures, is available in the FHRD.

Auxiliary Employee Assistance Program (AEAP)

The AEAP provides confidential cost-free consultation to all employees. Whether the source of the program is psychological, chemical, marital, family or workplace related, the AEAP will help the employee identify the problem, provide short term and crisis intervention services and refer the employee to the appropriate resources.

The AEAP is confidential. Information will not be reported to supervisors, managers, project directors or the FHRD without the consent of the employee.

Credit Union

Membership in the California State Employees Credit Union of San Jose is available to employees of the Foundation who have an appointment of at least 50 percent time for a period expected to equal or exceed six months' duration. Spouses and eligible dependents living in the same household are also eligible to join. Applications for membership, loan application, or requests for information should be directed to:

CSECU of San Jose
1570 West San Carlos Street San Jose, CA 95126
(408) 295-7464

HEALTH AND SAFETY

The Foundation is concerned about improving and providing its employees with a healthy and safe environment. Therefore, the Foundation will not tolerate the use of drugs or alcohol by employees in the work place. The Foundation also will not permit any employee to work while impaired because of the use of either drugs or alcohol. (A comprehensive drug and alcohol abuse policy has been developed by the Foundation and is available for review at the FHRD).

Safety

Every employee is responsible for on-the-job safety. To achieve our goal of providing a completely safe work place, everyone must be safety-conscious and immediately report any unsafe or hazardous condition directly to the appropriate supervisor. Every effort should be made to remedy problems as quickly as possible.

In case of an accident involving a personal injury, regardless of how trivial, it is important that the appropriate supervisor and the FHRD be notified immediately. Failure to report accidents can result in a violation of legal requirements, and can lead to difficulties in processing insurance and benefit claims.

Employees injured on the job are, in most cases, entitled to benefits under Workers' Compensation. The Foundation carries Workers' Compensation insurance and the FHRD assists employees in obtaining benefits.

Smoking Policy

In accordance with regulations of the County of Santa Clara and the City of San Jose, the Foundation believes that employees have the right to a smoke-free work place. Therefore, smoking is prohibited in all University buildings on campus.

Life-Threatening Illness Policy

The Foundation understands that employees with life-threatening illnesses including but not limited to cancer, heart disease, and AIDS may wish to continue to engage in as many of their normal pursuits as their condition allows, including work. As long as these employees are able to meet acceptable performance standards, and medical evidence indicates that their conditions are not a threat to themselves or others, the Foundation is sensitive to the medical conditions of these employees and insures that they are treated consistently with other employees. At the same time, the Foundation has an obligation to provide a safe environment for all employees. Therefore, the Foundation will take appropriate precautions to help insure that an employee's condition does not present a health and/or a safety threat to other employees. Consistent with this concern for employees with life-threatening illnesses, the Foundation offers the following range of resources:

1. Employee education and information on terminal illnesses and specific life-threatening illnesses.
2. Referral to agencies or organizations which offer supportive services for life-threatening illnesses.
3. Consultation through the Employee Assistance Program to aid employees in effectively managing health, leave, and other benefits.

Workplace Violence

It is the Foundation's desire to maintain a safe work environment. Therefore a climate of fear or intimidation will not be tolerated. Threatening behaviors or acts of aggression and violence will result in appropriate action by the Foundation. Administrators, staff and students must take any threat or violent act seriously and report it to the FHRD.

Violence and threats of violence include, but may not be limited to:

- any act which is physically assaultive;
- any substantial threat to harm or to endanger the safety of others;
- behaviors or actions interpreted by a reasonable person as carrying the potential for violence and/or acts of aggression;
- any substantial threat to destroy property.

Solicitation/Distribution of Literature

In order to maintain and promote efficient operations, discipline and security, the Foundation has established rules applicable to all employees which govern solicitation, distribution of written material and entry into premises and work areas.

All employees are expected to comply strictly with these rules. Any employee who is in doubt concerning the application of these rules, should consult with his or her immediate supervisor.

1. No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed.
2. No employee shall distribute or circulate any printed or written material in work areas at any time or during his or her working time or during the working time of the employee or employer at whom such activity is directed.
3. No employee shall enter or remain on working areas for any purpose except to report for, be present during, and conclude his or her work shift.
4. Under no circumstances will non-employees be permitted to solicit or distribute written materials for any purpose on the different working areas of the Foundation without prior authorization granted by the Director of Human Resources.

Allegations of Misconduct in Research

Each institution which applies for or receives a research, research-training, or research related grant or cooperative agreement under the Public Health Services Act must establish administrative policies and procedures required by the Final Rule (42 CFR Part 50, Subpart A) and must comply with the requirements of the Final Rule as published at 54 FR 32446, August 8, 1989. The San Jose State University is such an institution. The Final Rule addresses procedures that deal with instances of possible misconduct in science.

Some examples of scientific misconduct include deliberate distortion of research data, falsification of research results and plagiarism in research publications, all of which constitute professional misconduct at San Jose State University. The Final Rule mandates timely responses to allegations of such misconduct that will protect the interests of all the parties involved, including those who might be misled by publication or communication of fraudulent data or harmed by fraudulent actions.

The procedure to be followed in cases where evidence exists or allegations have been made regarding academic misconduct and the obligations of the Foundation officials involved in investigations of academic misconduct with respect to confidentiality is located in the FHRD.

Individuals who believe an act of academic misconduct by a SJSU Foundation employee has occurred must inform the Chief Operating Officer of the SJSU Foundation.

Gifts and Gratuities

In order to maintain a high standard of integrity, employees are not permitted to accept personal gifts or gratuities in excess of \$50.00 from users of the Foundation services, visitors or vendors.

CAMPUS FACILITIES

Athletic Facilities

The Associated Student Leisure Services located in the Events Center is open daily. A variety of athletic activities and facilities are provided to Foundation employees at a reduced fee upon presentation of the Foundation identification card. Facilities include the pool, weight room, basketball courts and gymnasium. Participation in intramural sports is also offered on an individual or staff team basis.

Additional information may be obtained by calling the Associated Students Leisure Services Office.

The Career Center

The Career Center and job recruitment board is available to Foundation employees presenting an identification card at the door. The Center is currently located in Business Classroom 013.

Check Cashing

The Spartan Bookstore will cash checks up to \$100.00 for employees presenting a Foundation identification card. This service is available weekdays from 8:00 a.m. to 5:00 p.m. at the rear of the Bookstore, main level.

Dining Room

The Faculty/Employee Dining Room, located in the Cafeteria Building on campus, is operated under the direction of the Spartan Shops. It is open weekdays from 11:30 a.m. to 1:30 p.m. for cafeteria-style lunch. It is closed during intersession and holidays.

Foundation employees and their guests are eligible to use this facility. Meals may be purchased with cash or by redeeming meal coupons purchased in booklet form at discount at the Dining Room cash register. Arrangements for special events, including use of the Dining Room and food service, should be made through the Student Union Food Service.

Library

Employees of the Foundation may borrow books from the open stacks, use library material, or request interlibrary loan privileges in accordance with library policy, upon presentation of a Foundation identification card.

VII. ACADEMIC SENATE AND SJSU POLICIES RELATED TO RESEARCH

Many university policies affect the development of proposals and the administration of funded awards. It is important that faculty members pursuing extramural support be fully aware of these policies developed to protect their interests and those of the university.

Questions related to a specific policy may be addressed to the Director, Office of Sponsored Programs or your Foundation Sponsored Programs Manager.

This page summarizes selected university policies. Visit the [Academic Senate Web Site \(http://www.sjsu.edu/senate/chron.html\)](http://www.sjsu.edu/senate/chron.html) for the full text of all SJSU policies.

- [Policy on Research, Scholarship and Creative Activity](#) (S94-8)
- [Academic Freedom and Professional Responsibility](#) (S99-8)
- [Scientific Misconduct](#) (S99-10)
- [Conflict of Interest](#) (S99-11)
- [Intellectual/Creative Property](#) (F98-3)
- [Organized Research and Training Units](#) (S96-1)
- [Human Subjects](#) (F90-4)
- [Animal Subjects](#) (F97-6)
- [Classified Research and Academic Freedom](#) (F69-12)

Policy on Research, Scholarship and Creative Activity (S94-8)

San Jose State University encourages faculty involvement in research and training projects, scholarship, and other creative activities. Policy S94-8 covers the following topics.

- Sources of research funds at SJSU
- Overview of sponsored research
- Role of the SJSU Foundation
- Faculty eligibility to serve as Principal Investigator
- Classified and proprietary research
- Release time and overload

See attached full text of [S94-8](#)

Academic Freedom and Professional Responsibility (S99-8)

San Jose State University has a responsibility to society to defend and to maintain academic and intellectual freedom. To ensure that those engaged in academic pursuits can effectively execute their responsibilities, SJSU faculty must remain free of the forces of special interests and political interference if they are to fulfill society's expectations and their educational responsibilities. Through their responsible professional conduct, the faculty promote and protect academic freedom.

See attached full text of [S99-8](#)

Scientific Misconduct (S99-10)

As stated in S99-8 all members of the San José State University community are expected to perform their scholarly and scientific activities with the highest ethical standards, honesty, and integrity. Instances of misconduct in science, while rare in occurrence, threaten the academic commitment to truth. San José State University will not tolerate misconduct in any aspect of research or scholarly endeavor and will vigorously investigate allegations of misconduct, taking all reasonable steps to protect the rights and interests of individuals whose work or performance is questioned.

See attached full text of [S99-10](#)

Conflict of Interest Policy (S99-11)

An increased risk in conflict of interest may occur when faculty are funded by industry or by a sponsor which supports an industry related project. The conflict of interest policy regulates potential risk in order to protect funded research from bias.

Investigators must disclose significant financial interests at the time of proposal submission and update this information annually or as new interests are obtained during the life of the award.

The Associate Vice President for Graduate Studies and Research (AVP) will review disclosures, assess their potential for conflicts of interest, and develop resolution strategies with the investigator to manage, reduce or eliminate such conflicts.

Conflict of interest [form](#).

See attached full text of [S99-11](#)

Intellectual/Creative Property (F98-3)

Patent Policy

Research and other sponsored projects may result in the development of inventions by faculty, students, or staff. These inventions are often developed using university resources and facilities. SJSU's patent policy stipulates that all such inventions belong to the university.

When a discovery is made which may be patentable, a disclosure describing the invention is prepared and forwarded to the AVP for Graduate Studies and Research or the Foundation. The University reviews the disclosure to determine its patentability and marketability. If the University accepts the invention, an agreement concerning rights will be reached between the University and the inventor. If determined that the invention is not likely to lead to a marketable product, it is returned to the inventor who then has full ownership of the invention.

SJSU's patent policy details the procedures of filing a disclosure, pursuing a patent, ownership of a patent, and division of any proceeds.

Copyright Policy

Copyright is the ownership and control of intellectual property in original works of authorship. SJSU's copyright policy provides that all rights in copyright shall remain with the creator unless the material is prepared pursuant to a specific university or CSU assignment, or an externally funded project. Terms of ownership must be negotiated in advance of full execution of any agreement.

The copyright policy outlines the type of work subject to copyright laws as well as how this policy administers these works.

See attached full text of [F98-3](#)

Organized Research and Training Units (S96-1)

Separate research and training units may be organized within the University when there is a clear indication that they will aid the research, teaching, and public service of participating faculty and will continue on a reasonably permanent basis.

The creation of such units must be proposed to AVP for Graduate Studies and Research, via the appropriate college dean. Final recommendation and approval is provided by the Research Committee of the Academic Senate and President. The policy for Organized Research and Training Units outlines proposal procedures and rules of administration.

See attached full text of [S96-1](#)

Human Subjects (F90-4)

Administrative responsibility for the protection of human subjects at SJSU rests with the AVP for Graduate Studies and Research and the Institutional Review Board Human Subjects. This committee reviews proposed research involving human subjects in order to ensure full protection of their rights. Human subject involvement is constituted by physical participation in an activity, tissue donation, or other provision of information directly, indirectly, or through a third party.

Protocols should be received by the AVP for Graduate Studies and Research at least 30 days before the funding agency's deadline for submission. If a sponsor funds the project before approval is obtained, work may not commence until approval is received.

See attached full text of [F90-4](#)

Animal Subjects (F97-6)

The University complies with all federal, state, university, and other regulatory requirements related to the acquisition, care, use, and treatment of animals in the performance of instruction and research. The campus veterinarian, in association with the Institutional Animal Care and Use Committee (IACUC), is responsible for oversight and review of all issues related to animal care, facilities and procedures.

The faculty researcher must submit the animal protocol for review to the Manager of the Animal Care Facility, College of Science, who will have it reviewed and approved by members of IACUC. If a sponsor funds the project before approval is obtained, work may not commence until approval is received.

See attached full text of [F97-6](#)

Classified/Proprietary Research and Publishing Research Findings (F69-12)

The university cannot accept any grant or contract that involves classified research, as stated by Academic Senate Policy S69-12. The university will accept no external support for research that restrains the freedom of the university or the project director from disclosing the existence of a grant or contract, the nature of the inquiry, or the identify of the sponsor.

Results of all research approved by the university must be freely publishable. In special circumstances the AVP for Graduate Studies and Research may negotiate in advance to delay publication and/or presentation for a modest period-not to exceed 180 days.

University personnel may sign confidentiality agreements allowing access to privileged material critical to a sponsored research project. They must be free however to report on the general results of the research project within a reasonable time period. See attached full text of [F69-12](#)

VIII. APPENDICES

APPENDIX 1 – SJSU FOUNDATION DIRECTORY (as of 9/11/03)

ADMINISTRATION

Mary Sidney, Chief Operating Officer-----924-1449
Harven Ng, Executive Assistant-----924-1403

OFFICE OF SPONSORED PROGRAMS (*Grant applications, grant and contract administration*)

Jerri Carmo, Director-----924-1429
Lan Duong, Associate Director Post Award-----924-1426

Paul McNamara, OSP Manager	924-1430	Mei Chan, OSP Analyst	924-1433
Yao-Eng Chang, OSP Manager	924-1427	Luann Chu, OSP Analyst	924-1428
Jeanne Dittman, OSP Manager	924-1434	Sydney Chui, OSP Analyst	924-1306
Chris Thompson, OSP Manager	924-1440	Diem Trang Vo, OSP Analyst	924-1432
		Bill Yabumoto, OSP Analyst	924-1435

Sponsored Programs Support Staff

Nick Ortega, Proposal Processing Coordinator	924-1452	Sara Willis, Information Manager	924-1437
Michelle Punongbayan, OSP Assistant	924-1436	Nancy Riley, OSP Assistant	924-1305

CLIENT FINANCIAL SERVICES (*Endowment administration, discretionary accounts*)

Suzanne Murphy, Director-----924-1309

Steve Constantine, Financial Svcs Analyst	924-2170	Rick Yoneda, Financial Svcs Analyst	924-1441
Caesar Sevilla, Charitable Gifts Admin	924-1308		

HUMAN RESOURCES (*Recruitment, payroll, salary transactions, independent contractors*)

Brenda Rogers, Director-----924-1411

		Payroll	
Ricky Chavez, Receptionist/Office Manager	924-1402	Hope Lee, Payroll Technician	924-1423
Dale Dadoy, HR Coordinator	924-1505	Son Nguyen, Payroll Technician	924-1513
Debbie Jacques-Hill, HR Coordinator	924-1410	Mona Salas, Payroll Supervisor	924-1422
Victoria Maese, Front Office Assistant	924-1485	Jasmine Tran, Payroll Technician II	924-1461
Luis Toledo, HR Assistant	924-1412		

FINANCE AND ACCOUNTING (*Vendor payments, purchasing, reimbursements, property inventory*)

Paul Harris, Director----- 924-1405
Kam Lam, Controller----- 924-1438
Norma Rossiter, Associate Director, Business Services----- 924-1418

Business Services

Rahima Chan, Sr. Data Entry Operator	924-1425
Ola Williams, Retentions Clerk	924-1415
Accounts Payable	
Sara Aujla, AP Supervisor	924-1414
Romeo Cruz, AP Specialist	924-1421
Ha Ngo, AP Specialist	924-1417
Demetrios Skapinakis, AP Specialist	924-1415

Finance and Accounting

Daisy Wan, Senior Accountant	924-1404
Curtis Schuh, Accountant II	924-2864
Jason Smith, Accounting Support	924-1442
Hoang Tran, Accountant II	924-1420
Mila Valdez, Senior Cashier	924-1408

INFORMATION TECHNOLOGY (*Central administration IT support*)

Ken Ellsworth, Operations Specialist	924-1308	Max Talebi, Systems Analyst, DBA	924-1419
Danny Ta, Systems Analyst, IT	924-1535	Sandy Xiao, Systems Analyst, DBA	924-1453

APPENDIX 2 – FOUNDATION BOARD OF DIRECTORS

As of September 2003

FROM THE ADMINISTRATION

ex officio

Joseph Crowley

Interim President SJSU and SJSU Foundation

Marshall Goodman

*Provost & Vice President for Academic Affairs, SJSU and
Senior Vice President, SJSU Foundation*

Don W. Kassing

*Vice President for Administration and Finance, SJSU and
Treasurer, SJSU Foundation*

Pam Stacks

Associate Vice President for Graduate Studies and Research, SJSU

Robert Ashton

Vice President for University Advancement, SJSU

FROM THE FACULTY

Daniel Holley

Professor, Biological Sciences

Guna Selvaduray

Professor, Chemical and Materials Engineering

Melanie McNeil

Professor, Chemical and Materials Engineering

Roy Okuda

Professor, Chemistry

Gerry Selter

Dean, College of Science

FROM THE STUDENT BODY

Francis Howard

FROM THE COMMUNITY

Dana Ditmore

President and COO, Tru-Si Technologies

James J. Eller

Attorney at Law

Bryant, Clohan, & Eller

~~Don Gralnek~~ (new community member tba)

~~*Vice President and General Counsel*~~

~~*San Jose Sharks*~~

NON-VOTING MEMBERS

Mary Worth

Chief Operating Officer and

Secretary, SJSU Foundation

William L. Gates

Legal Counsel

Mesirow, Fink, Rosenblatt & Dawson