FOCUS ON SAFETY AND SECURITY

THE TOPICS COVERED IN THIS OF COUNSEL NEWSLETTER CENTER AROUND THE THEME OF SAFETY AND SECURITY. WHETHER IT’S IN A LAB OR IN A CONTRACT, ON CAMPUS OR ONLINE, STAYING COGNIZANT OF SAFETY AND SECURITY MEASURES IS IMPORTANT FOR ALL MEMBERS OF THE NORTHEASTERN UNIVERSITY COMMUNITY.

New Campus Security Regulations

On October 20, 2014, the federal Department of Education published final regulations that will impact how colleges and universities are required to address reports of certain crimes, including allegations of sexual harassment and sexual violence. Although not effective until July, 2015, colleges and universities are expected to make a good faith effort to comply with the regulations now. Compliance with these regulations includes providing students, faculty and staff with information regarding the university’s policies and procedures for responding to reports of sexual violence.

This information already has been and will remain available in multiple places at the university, including at the Office of Institutional Diversity and Inclusion (“OIDI”), University Health and Counseling Services (“UHCS”), the Center for Student Involvement (“CSI”), the Northeastern University Police Department (“NUPD”), and on the websites of these offices. To learn more about resources for persons affected by sexual violence and their rights within the university, you may also visit the website of the Violence Support, Intervention and Outreach Network (“ViSION”), which is the university’s network of on- and off-campus resources for persons impacted by sexual violence (http://www.northeastern.edu/vision). Resources include the Boston Area Rape Crisis Center (“BARCC”) and the Victims’ Rights Law Center.

Please remember that faculty and staff are required to immediately report allegations of sexual harassment or sexual violence of which they may become aware to the Title IX Coordinator in OIDI or to NUPD. OIDI and/or NUPD will determine the appropriate course of action in response to the reported allegations. OIDI and NUPD are ready to assist persons affected by sexual violence and sexual harassment and take appropriate action in response to reports of sexual violence. If you are not sure whether what someone has disclosed to you constitutes allegations of potential sexual harassment or sexual violence, please contact OIDI or NUPD immediately.
PLAY IT SAFE: CONTRACT DOS AND DON’TS

It’s a new year and a great time to think about the steps you should take and the steps you should avoid when considering a contract on behalf of the university. In keeping with this edition’s theme, here are six simple steps regarding contract dos and don’ts that will help protect you and the university from legal liability (not to mention headaches and misery):

1. **Do** read the contract to make sure you understand it and it correctly states what you think the agreement should be. If you don’t understand what a particular term in a proposed contract means, please ask us. We’re happy to discuss the legal terms with you and answer any questions you may have about language used in an agreement.

2. **Do** make sure you understand and agree with any deliverables the university is expected to provide under the terms of the agreement and/or the deliverables the other party is expected to provide to the university. For example, if the university is supposed to provide a report, data or anything else under the terms of an agreement, know and understand this obligation before you ask the university to execute the contract.

3. **Do** observe the confidentiality and other obligations in the contract. If the contract requires the university or you not to share the confidential information of your sponsor (or other person), make sure you and those covered by the agreement do not share that information with others outside the university.

4. **Do not** start any work or ask anyone else to start work until you have a signed contract in place. Financial loss and other penalties often await those who work or receive work without having a written agreement in place first; the obligations of the parties are confirmed when both parties have signed the agreement. Moreover, in certain cases, you may be personally liable for the losses.

5. **Do** use the university template agreements and follow the university and your department’s procedures for handling contracts. These offer the best protection for all involved; the university procedures are available from the OGC’s website.

6. **Do** get all necessary approvals for your contract. Some contracts (for example, those over $1,000,000 in value and over one year in length) require prior approval from the university’s Board of Trustees. Be sure you speak with your department chair or supervisor about your contract to make sure there are no questions, comments or concerns about the contract, or its required approvals, or if there are, there’s a plan to address them.

Following these six simple steps will help you get your contract processed quickly and avoid painful and unexpected outcomes. If you have any questions, please do not hesitate to contact our office at 671-373-2157 or email contract_questions@neu.edu.

**NUPD ANNUAL REPORT**

The Northeastern University Police Department 2014-2015 [Annual Safety, Security and Fire Safety report](#) is required by federal law and contains policy statements and crime statistics for our institution. The report outlines the department’s policies, procedures, programs, and services concerning safety on campus, in or off campus buildings or property owned or controlled by Northeastern and on public property within or immediately adjacent to our campus. Please take the time to review this report. Hard copies of the report are also available at NUPD headquarters at 716 Columbus Ave, 100 CP, at the Forsyth Street Circle sub-station and at the Renaissance Building substation across from International Village.
Three New University Policies with a Focus on Safety

As part of a year and a half-long university-wide project, all university policies were reviewed, updated and, as they were completed, posted to the new policies website. In addition, several new policies were developed to consolidate existing requirements in certain areas, clarify the university’s commitment to best practices, and/or fill identified gaps. All new policies are being posted to the policy webpage as they are finalized and approved. Recently, three such policies were developed to advance the safety of faculty, staff, students and visitors:

- The **Policy on Restricted Access and Supervision Requirements for Laboratories and Support Rooms** sets out requirements for access to and supervision of defined restricted areas, including classrooms, labs and lab support rooms where hazardous materials, equipment or environmental conditions may present exposure concerns. You should be familiar with and adhere to these requirements if you are an investigator, instructor, lab manager, departmental safety officer or anyone else whose work or other responsibilities encompass any such areas.
- The **Policy on Keys and Keycards** confirms the framework for when and how keys and keycards are to be issued, monitored and maintained, providing for a chain of custody and secure records to be kept at the unit or department level.
- The **Policy on Environmental Health & Safety** is an overarching, “global” policy that requires compliance with laws, regulations and best practices to further the goal of promoting a safe and healthy environment. The policy applies to all activities on each campus as well as to off-campus activities associated with teaching or research, and sets out the university’s EH&S safety regime that includes Safety Committees, Department Safety Officers and Program Managers.

As with other university policies and procedures, these three safety-focused policies articulate the university’s values and its commitment to operating according to the highest legal and ethical principles. At the same time, they provide direction to members of the university community as to standards, expectations and legal requirements, in order to further the university’s goals and mission. Please review the above policies, and visit the policy webpage regularly to keep current with applicable requirements in your area.

University Programs Involving Minors

Last fall the university rolled out a new policy for all university-sponsored programs for youth under age 18. The policy consolidates and clarifies previous practices, requiring registration of programs with the Office of Risk Services (ORS), and training for all “Responsible Adults” as defined in the policy as those who will be working with, coaching or supervising the minors. The policy also requires criminal background checks for those responsible adults who will have direct unsupervised contact with minors. Since the policy was issued, OGC and ORS have been holding trainings on the policy for interested groups of students, faculty and staff. So far, more than 130 people from 15 different units or departments have attended training, and 14 programs registered between September and December. ORS has also fielded calls from many other organizations to assist in the determination whether specific programs on which they collaborate with the university come within the policy. The result is that we have a more accurate account of what programs are being offered and run, and the university is better able to promote the safety of minors who participate in the many activities that are presented by student groups, departments and offices across the university. If you would like to attend or schedule training on how the policy works and what activities it applies to, please contact Maryellen Callanan in the Office of Risk Services at X2690.
Keeping your Ideas Safe: Patenting an Invention

Publishing a description of an inventive idea prior to having filed a patent application severely limits the number of countries available for patent protection to a mere handful. Most countries in the world will not allow patent protection for already-published inventions. The key to ensuring that an inventive idea can be protected by patents in the most appropriate countries in the world is securing a patent application filing date in a single country, e.g., the U.S., from which filing date priority can be claimed by patent applications in any of the other countries often targeted for patent protection. The priority date is central to keeping global filing options open. Later filed applications can reach back to the first filing date (the priority date), which avoids the publication-based bar to patenting.

In plain English, make sure that two things happen before you publish your paper or give your talk about your latest advancement over the state of the art:

1. Disclose your invention to the university, and
2. Make sure that the university has filed what is called a provisional patent application in the US Patent Office.

The Center for Research Innovation (CRI) at Northeastern is the receiving office for invention disclosures of all types from all corners of the university. An invention disclosure form completed by you and delivered to the CRI will provide detail about the invention and how it advances the state of the art, as well as provide relevant information as to the identity of inventor(s), potential commercial uses of the invention and other details. The CRI can then file a provisional patent application if appropriate, so you can tell the world about your invention without consequences to global patent protection. The CRI can do this in short order when necessary, even within twenty-four hours in many cases. The provisional patent application is a simple document that can later be converted into a regular patent application, to be examined by the patent office and hopefully issued as a patent. If you have questions about intellectual property, please contact the CRI or the Office of General Counsel.

Environmental Health and Safety

With the start of the new semester and a new year already underway, this is a timely reminder to ensure that your safety training is up to date. The office of Environmental Health & Safety offers safety training not only for work with hazardous materials and equipment in laboratories but also conducts ergonomic assessments in the office environments. On the EH&S Training website (www.ehs.neu.edu) or your MyNEU page, you can register for EH&S classroom training sessions; review the classroom training schedule; take on-line training; or review what training you are required to take based on the work performed in your work environment. The classroom registration and on-line training resides on a software application called EH&S Assistant. Users can get immediate feedback on the results of their training as well as review their safety training history. These records are incorporated into an information database that authorized laboratory supervisors or department safety officers can access on the EH&S Assistant web application. If you have any questions about available safety training or want to discuss developing a new safety training program for your work area, please contact the EH&S office at (617) 373-2769 or email: ehs@neu.edu.

You may access this edition of Of Counsel on the OGC’s website at: www.northeastern.edu/general-counsel/

Of Counsel has been prepared as a general summary of important developments. It is not intended as individual legal advice. Should you have any questions or need information concerning a specific situation or any of the content of this advisory, please contact the Office of the General Counsel, 716 Columbus Place, ext.