University of Washington
Faculty Council on Faculty Affairs
October 18th, 2016
11:00 a.m. – 12:30 p.m.
Odegaard Undergraduate Library 320

Meeting Synopsis:

1. Call to order
2. Review of the minutes from June 7th, 2016
3. Welcome and Introductions
4. Council orientation (Burgess)
6. Faculty regent update (Taricani)
7. Discussion of EOs 64 & 54
8. Good of the order
9. Adjourn

1) Call to order

Mike Townsend (Secretary of the Faculty, Faculty Senate & Governance) called the meeting to order at 11:00 a.m. He noted he is standing in as proxy chair for the first meeting of the council as the chair had a teaching conflict.

2) Review of the minutes from June 7th, 2016

The minutes from June 7th, 2016 were approved as written.

3) Welcome and Introductions

Members and guests of the council introduced themselves. There were four new faculty members on the council: Purnima Dhavan (History), Eric Bugyis (IAS UW-Tacoma), Kamran Nemati (Civil and Environmental Engineering), and Jacob Vigdor (Evans School of Public Policy and Governance).

4) Council orientation (Burgess) (Exhibit 1)

Burgess (council support analyst) gave an orientation to the council on its role and function within the faculty senate and within the larger university. He used a PowerPoint as part of his presentation (Exhibit 1).

5) Council charge letter 2016-2017 (Exhibit 2)

The council reviewed its 2016-2017 charge letter forwarded from faculty senate leadership. No changes were recommended, after discussion.
6) Faculty regent update (Taricani)

Taricani (Faculty Legislative Representative) was present to report on the state of draft legislation proposing the addition of a faculty member regent to the university Board of Regents (BoR). She explained the topic has been of interest at the UW for several years, yet there may be more success in the Washington State Legislature this time around given support and interest from Washington State University (WSU). After a question, it was noted both WSU and UW presidents remain neutral to the legislation.

Taricani asked for feedback on two questions relating to eligibility for the position. First, may retired “non-active” faculty serve as faculty regent, and second, may a faculty member who also works in a UW administrative position be eligible to serve as faculty regent. She noted WSU has expressed its own views on both questions. She encouraged FCFA members to consider the questions and provide feedback outside of the meeting, if necessary.

Taricani explained the proposed process to appoint a faculty regent would include a nominating committee forwarding a pool of candidates to the Governor who will make the final appointing decision (per state law). A member recommended that language in the legislation refer specifically to the “UW Faculty Senate” to carry out details of the selection process.

State Representative Gerry Pollet has expressed interest in being the prime sponsor of the Bill, Taricani reported. There was some discussion of political details and other considerations surrounding sponsors for the legislation. It was noted it is important to have a prime sponsor from the party majority in the Senate.

Vigdor asked what problem appointing a faculty regent is designed to solve. Some members noted having a faculty regent allows a faculty member to vote on issues presented to the BoR, as currently, the faculty senate chair does sit in on UW BoR meetings, but does not hold a vote. Another member explained that a faculty regent might add a valuable perspective to the overall Board composition.

Taricani explained that more information relating to the final make-up of the House and Senate will come in mid-November, which will inform the initiative. She noted the primary legislative goals of the UW will continue to be faculty salary and tuition funding in 2016-2017.

Members thanked Taricani for presenting, and she thanked them for their feedback.

7) Discussion of EOs 64 & 54 (Exhibit 3) (Exhibit 4)

Townsend explained the council had been forwarded two Executive Orders (EOs) – revised EO 64 (Faculty Salary Policy) and new EO 54 (Employee-Student Romantic Relationships and Conflicts of Interest) – to review as part of the 60-day comment period provided to the Faculty Senate (Exhibit 3) (Exhibit 4).

EO 64 (Faculty Salary Policy)
A brief background into the revised EO was given by Cameron (President’s Designee), which closely paralleled the introductory cover letter included with the revised policy:

*The proposed revision to EO 64 would increase the promotion adjustment to 12 percent beginning in 2017-18. Further, the revisions are intended to clarify and expand the scope of use of unit adjustments, including the ability to proactively address unit-wide, rank specific, and individual compensation needs. In line with an ongoing commitment to meaningful shared governance, this revised EO is the result of a collaborative process between the administration, faculty senate leadership, and the Board of Deans (EO No. 64 9-29-16 Submission to Senate).*

**Council feedback**

It was noted a typo is present in the first paragraph of Section #6 of the EO; “gag” should be “gap.”

A member noted the FCFA had a lot of discussion during drafting of proposed changes to the faculty salary policy (legislation failed in 2016) on faculty consulting with their Dean on budgetary matters, and the use/need for unit adjustments. It was noted this was also a main point of discussion in faculty senate meetings. He wondered if the administration would entertain a much more explicit process in gaining advice from a unit, such as a vote within the unit on these matters. It was noted this level of consultation should be addressed at the school or college-level, rather than come as a directive from the President. It was noted there are currently efforts in the faculty senate involving the Provost, Deans, and Elected Faculty Councils (EFCs) to bolster the parties consulting with one another in reviewing and approving matters of budget.

Discussion on the topic continued. A question arose on whether unit adjustments are initiated at the Dean level, or if they can be initiated at a departmental level. It was noted there is nothing in revised EO 64 which precludes a unit adjustment proposal beginning at the departmental level. Cameron explained one of the main intents of the revised policy is to present more opportunity for discussion. It was noted this discussion must occur in the context of available resources and fiscal prioritization.

Reddy brought up recent promotions that may have been carried out right before the EO was put in place. He questioned if the policy would be applied retroactively, to raise promotion percentages for those individuals. It was noted that there has been no discussion of a retroactive application but individuals who were promoted this year did receive a 9% promotion increase.

Vigdor explained his unit conducted an analysis of separate proposed changes to the faculty salary policy (Class A legislation) and found that the legislation would allocate more money to faculty across the board, also meaning the UW would be spending more money overall. After a question, another member explained there is no new money available to supplement the EO; the administration is engaged in providing “tools” to address compensation issues.

*EO 54 (Employee-Student Romantic Relationships and Conflicts of Interest)*
Cameron provided the background for EO 54, explaining it is an extension of a policy which was passed by the faculty senate as Class C legislation in 1992, and then ultimately placed in a footnote in the Faculty Code Chapter 24 Section 24-33. In March 2016, the footnote was moved to the Faculty Code Chapter 24 Section 24-50 (via Class A legislation) to ensure the policy was not lost if proposed Class A revisions to the faculty salary policy were approved (the legislation would have eliminated Section 24-33).

The new EO, among other things, includes a clarification of such terms as “student,” “romantic relationship,” and “conflict of interest”; explanation as to the new policy’s intersection with EO No. 31 (Nondiscrimination and Affirmative Action); explanation as to how potential conflicts may be disclosed; identification as to whom is authorized to determine whether a conflict can be avoided; description of potential consequences for violations of the policy; prohibition against retaliation for those who raise concerns under the policy; and referral to resources for additional information.

Vigdor noted the EO seems to be designed to cover students; he mentioned similar considerations of relations between senior faculty and junior faculty, staff and perhaps faculty who oversee them, etcetera. Cameron pointed to existing EOs 32 and 31.

There was no more discussion. Townsend explained members’ comments would be forwarded to the President.

8) Good of the order

Nothing was stated for the good of the order.

9) Adjourn

Townsend adjourned the meeting at 12:13 p.m.

Minutes by Joey Burgess, jmbg@uw.edu, council support analyst

Present: Faculty: Margaret Adam, David Goldstein, Chandan Reddy, Aaron Katz, Purnima Dhavan, Eric Bugyis, Jacob Vigdor, Kamran Nemati
Ex-officio reps: N/A
President’s designee: Cheryl Cameron
Guests: Mike Townsend, JoAnn Taricani

Absent: Faculty: Alissa Ackerman, Steve Buck, Joseph Janes, Kurt Johnson, Gordon Watts (chair)
Ex-officio reps: Miceal Vaughan

Exhibits
Exhibit 1 – Orientation to university faculty councils.pdf
Exhibit 3 – EO No. 64 9-29-16 Submission to Senate.pdf
Exhibit 4 – EO No. 54 9-29-16 Submission to Senate.pdf
Orientation to university faculty councils

JOEY BURGESS, UW FACULTY SENATE OFFICE
Welcome to the Faculty Senate

- Zoe Barsness, Faculty Senate Chair
- Thaisa Way, Faculty Senate Vice Chair
- Paul Hopkins, Chair, Senate Committee on Planning and Budgeting
- Mike Townsend, Secretary of the Faculty
- JoAnn Taricani, Faculty Legislative Representative
- George Sandison, Deputy Faculty Legislative Representative
- Nancy Bradshaw, Assistant to the Chair
- Jordan Smith, Assistant to the Secretary
- Joey Burgess, Council Support Analyst
Faculty councils

- Address issues of the faculty as a whole for the general welfare of the university
- Standing committees appointed by the Senate Executive Committee and confirmed by the Faculty Senate
- Advise both the provost and the Senate Executive Committee on issues of faculty and university concerns

Roles include:
- Prepare legislation and resolutions to the Senate Executive Committee
- Submit reports to the senate chair
- Receive and make recommendations on behalf of university faculty
- Request information/assistance and appoints ad hoc committees to address university concerns
- Receive reports from university administrators and provides recommendations/feedback
- Represent faculty through service on university-wide committees
Faculty councils and subcommittees

- Academic standards
  - Admissions and programs (SCAP)
  - Admissions and graduations
  - Honors
- Benefits and retirement
- Faculty affairs
- Multicultural affairs
- Research
  - Classified/restricted research
- Student affairs

- Teaching and learning
- Tri-campus policy
  - Tri-campus review
- University facilities and services
- University libraries
- Women in academia
Council membership

- Voting members of the university faculty (3-year terms)
  - Appointed by the Senate Executive Committee
- President’s designees (1-year terms)
  - Appointed by the president
- Ex officio members (1-year terms)
  - Associated Students of the University of Washington (ASUW)
  - Graduate and Professional Student Senate (GPSS)
  - Association of Librarians of the University of Washington (ALUW)
  - Professional Staff Organization (PSO)
Faculty council chairs

- Provide leadership of council activities and meetings
- Represent university faculty and their concerns to stakeholders across UW
- Work closely with Faculty Senate leadership to pass legislation/resolutions
- Work with other council chairs on issues that impact multiple stakeholder groups
- Serve as ex officio voting members of the Faculty Senate
Meetings

- Meetings last 1.5 hours
- Quorum is 50% of all voting members
- When quorum is met councils can take official actions (approve minutes/legislation/etc.)
- When quorum is not met councils can still meet, but not take official action on agenda items
- Please raise your hand if your name is: (you are a voting member)
Google drive

- Used to host council meeting materials and facilitate council collaboration
- No securities on folders, all are accessible via a hyperlink sent in meeting announcements
Senate legislative process – class A

- “All changes to the Faculty Code”
- Begins with a faculty council
- Approved by the Senate Executive Committee (1st round)
- Approved by the Senate (1st round)
- Reviewed by the code cops and the president
- Approved by the Senate Executive Committee (2nd round)
- Approved by the Senate (2nd round)
- Approved by a full faculty vote
- Approved by the president
Senate legislative process – class A

- Professor of Practice
- Updates to the Faculty Code
- Academic Freedom and Responsibility
- Modifying Procedures and Promotions
Senate legislative process – class B

- “Legislation that is not class A”
- Begins with a faculty council
- Approved by the Senate Executive Committee
- Approved by the Senate
- Approved by the president
- Legislation is sent to the full faculty for feedback
- If less than 5% of voting members object, the legislation is approved
- If 5% or more object, the legislation returns to the senate to consider feedback
Senate legislative process – class B

- Updates to Scholastic Regulations Chapters 101-117
- Revisions of Scholastic Regulations to create a diversity graduation requirement for undergraduates.
- Revisions related to Scholastic Regulations.
- Procedures related to Honorary Degrees.
Senate legislative process – class C

- Senate resolutions, not legislation
- Begins with a faculty council
- Approved by the Senate Executive Committee
- Approved by the Faculty Senate
- Announced to the entire voting faculty
- Non-binding; therefore used sparingly to support specific policy actions or garner awareness on exceptional issues

Alternatives to Class C’s:
- Collaborating with other councils
- Consulting with Senate Leadership to find the most effective way to address the issue
Senate legislative process – class C

- Resolution Concerning Transgender Coverage
- Resolution Concerning University of Washington International & English Language Programs Extension Lecturers
- Resolution Addressing Faculty Demographic Concerns
- Resolution Concerning Repairing Shared Governance and the Faculty Salary Policy
- Resolution Concerning the Provost Search Process
- Resolution Concerning the Faculty Fund for Library Excellence
September 16, 2016

Gordon Watts
Chair, Faculty Council on Faculty Affairs

Dear Professor Watts:

The Faculty Council on Faculty Affairs is charged with responsibility “for all matters of policy relating to the interests of the faculty, such as appointment, tenure, promotion, professional leave, compensation (including salary and fringe benefits), academic freedom, standards of academic performance, and professional ethics” (Faculty Code, Sec 42-36). Activities historically performed include identifying issues and areas of interest on behalf of all UW faculty, especially those relating to potential revisions to the University of Washington Faculty Code, and carrying out the initial stages of those revisions with appropriate feedback from key stakeholders and relevant administrators.

Our recommendation is that the council identify 3 specific goals that can be accomplished by the end of the 2016-17 academic year.

The Senate office did a background review to help identify goals for your council. This included review of minutes from last year’s meetings, review of discussions at Faculty Senate meetings, and selected outreach for topics. Recommended goals and / or topics for discussion include:

- Evaluate amendments to EO 64 during review and comment period. Identify additional needs associated with faculty salary policy that remain to be addressed.
- Resume investigation of lecturer issues at the UW.
  - Analyze university-wide lecturer data during January of 2017, focusing on assessing external equity on salaries and working conditions. Identify means to monitor whether new lecturer and part-time lecturer guidelines are being adhered to in hiring and annual merit review processes.
  - Identify best practices across units that facilitate lecturers’ integration into unit activities; support lecturer professional development and promote a culture that values lecturers’ contributions
  - Investigate how lecturers are utilized around the university to monitor the application of the Faculty Code by various units, and to discover any issues relating to lecturer titles in varying disciplines. Collect additional grassroots data on lecturers (e.g. focus group, university-wide survey, existing reports and feedback from elected faculty councils) to this end.
  - Complete excel sheet titled “Grid on Rights, Privileges, and Responsibilities of Lecturers.” Assess need to alter the UW Faculty Code to improve the working conditions and career trajectory for lecturers at the University of Washington.

Supplementary:

- Receive an update on faculty regent bill during fall 2016 and provide feedback. The Bill will go to the faculty senate in the fall for review and discussion.
- Resume consideration of UW Librarians request to transition from being classified as “Academic Staff” to the classification of “Faculty” at the UW.
After your first council meeting we will be available to discuss the goals your council identified. Thereafter, we will post your council's goals on the Faculty Senate Website to communicate the important work you are doing on their behalf.

Sincerely,

Zoe Barsness
Faculty Senate Chair
Associate Professor of Business
September 29, 2016

Zoe I. Barsness, Chair, Faculty Senate
Michael E. Townsend, Secretary of the Faculty
36 Gerberding Hall
Box 351271
Seattle, WA 98195

Re: Executive Order No. 64 (Faculty Salary Policy)

Dear Zoe and Mike:

On behalf of President Cauce, enclosed please find a revised Executive Order (EO) for review by the Faculty Senate pursuant to EO No. 3. This revised EO is numbered 64 and titled “Faculty Salary Policy.”

As you know, last spring a record number of faculty participated in a robust shared governance process and vote on proposed changes to faculty salary policy. Despite the concerns that led to the proposal's defeat, President Cauce and Provost Baldasty believe that the work that went into the policy, the discussions leading up to the vote and the significant percentage of people who voted for it made clear that there was room for improvement in our current policy.

This revised EO is the outcome of President Cauce and Provost Baldasty's pledge to work with the Faculty Senate on substantive faculty salary policy improvements. The salary discussions of the past few years have included proposed increases to promotion adjustments. As you know, consistent with last year's proposal, this year's promotion adjustments increased to 9 percent. The proposed revision to EO 64 would increase the promotion adjustment to 12 percent beginning in 2017-18. Further, the revisions are intended to clarify and expand the scope of use of unit adjustments, including the ability to proactively address unit-wide, rank specific, and individual compensation needs.

In line with an ongoing commitment to meaningful shared governance, this revised EO is the result of a collaborative process between the administration, faculty senate leadership, and the Board of Deans.

We look forward to the Faculty Senate's review within the EO No. 3 timeline, and please do not hesitate to contact me if there is further information or assistance I might provide.
Very truly yours,

Rolf B. Johnson

CC: Ana Mari Cauce, President
    Gerald Baldasty, Provost and Executive Vice President
    Cheryl D. Cameron, Vice Provost, Academic Personnel
    Rebecca G. Deardorff, Director, Rules Coordination Office
Faculty Salary Policy

1. Introduction

The fundamental purpose of the University of Washington Faculty Salary Policy is to allow the University to recruit and retain the best faculty. To accomplish these two objectives, the faculty must have confidence that their continuing and productive contributions to the goals of their units and to the University's missions of teaching, research, and service will be rewarded throughout their careers. To compete for the best faculty, the University must be competitive with its peers. To retain the best faculty requires a similarly competitive approach. Therefore, the University places as one of its highest priorities rewarding faculty who perform to the highest standards and who continue to do so throughout their appointments at the University. This policy is designed to provide for a predictable and continuing salary progression for meritorious faculty.

Salary funds must be used to attract, retain, and reward those faculty whose continuing performance is outstanding, while recognizing that disciplinary variations exist in the academic marketplace. Accordingly, the University's Salary Policy must allow for differential allocations among for individuals and units. This includes providing the necessary flexibility to address the market gaps that develop between UW units and their recognized peers, to acknowledge existing and future differentials in unit performance and contribution, and also recognizes that differing funding sources and reward structures exist among schools, and colleges, and campuses. The policy must ensure that equity considerations and compression are also addressed as needed. The University's Salary Policy is founded upon the principle that individual salary decisions must be based on merit as assessed by a performance review conducted by faculty and administrative colleagues. Salary adjustments for performance and retention, as well as salary awards stemming from differential unit performance and marketplace gaps, are based upon a consultative process of faculty and administrative evaluation. Merit/performance evaluations are unit-based and reward the faculty for their contributions to local units as well as to the University's goals.

This policy is built on an expectation of meaningful deliberations between the administration and faculty. As such, the policy seeks to manifest shared governance that is at the core of the Faculty Code.

The Faculty Salary Policy is also founded on a clear understanding that the final decision on the University budget, including salaries, rests with the Board of Regents. Therefore, salary progression as envisioned in this policy, including the award of minimum equal-percentage merit salary increases for eligible faculty members, is conditioned on specific approval by the Board of Regents as part of the annual budget.

2. Regular Merit Allocation Procedure

Prior to the beginning of each fiscal year, the Provost will consult with the Board of Deans and Chancellors, and the Senate Committee on Planning and Budgeting, and the University Budget Committee to formulate a recommendation for a salary distribution plan, including providing an
opportunity for input into the criteria to be considered in formulating the plan. If, in times of severe fiscal stress short of a declared financial emergency, the salary distribution plan to be recommended by the Provost includes a minimum equal-percentage salary increase less than a 2% regular merit increase, an explanation of the basis for the recommendation will be provided to the Board of Deans and Chancellors, the Senate Committee on Planning and Budgeting, and the University Budget Committee, with an opportunity to provide comment and feedback, based on the best available information about the University's fiscal situation, before a final recommendation is forwarded. The Provost shall then make a recommendation to the President for faculty salary allocations. The President shall then make a budgetary recommendation to the Board of Regents, which will include any proposed faculty salary allocations for the fiscal year.

3. **Additional Allocation Categories**

Consistent with the stated objectives, the first priority shall be to support regular merit and promotion awards to current faculty. Further, each biennium the minimum salaries by rank will be reviewed and, if adjusted, support will be provided to ensure those minimum levels are achieved for adjustment. Other funds, as available, may be allotted among the following faculty salary adjustments:

A. Additional merit to all faculty;

B. Differential distributions by unit to correct salary gaps created by changing disciplinary markets, assessments of unit quality, determinations of gaps resulting from compression or inversion, or identification of inappropriate differences among individual faculty members within the unit whose accomplishments and career stages are comparable;

C. Retention;

D. System-wide adjustments to raise the salaries of all meritorious faculty.

4. **Merit Principle and Review**

The University commits to support salary adjustments based on performance evaluations for those faculty deemed meritorious after a systematic review by faculty colleagues, department chair or academic appointing unit head, dean/chancellor, and Provost. In order for these performance evaluations and merit salary recommendations to be meaningful, they must be done systematically and over an appropriate length of time to be able to make true quality assessments about performance and progress, considering the cumulative record of faculty.

All faculty shall be evaluated annually for merit and for progress towards reappointment, promotion and/or tenure, as appropriate. Subject to the conditions of this policy, a faculty member who is deemed to be meritorious in performance shall in the following academic year be awarded the 2% or the minimum equal-percentage merit increase that has been approved for that year according to the allocation procedures above. Higher levels of performance shall be recognized by higher levels of salary increases as permitted by available funding.

Any faculty member whose performance is not deemed meritorious shall be informed by the chair or dean of the reasons. If deemed meritorious in the next year's review, and subject to the conditions of this policy, the faculty member shall in the following academic year receive the 2% or the minimum equal-percentage merit increase that has been approved for that year according
to the allocation procedures above. A departmental advisory committee, appointed consistent with Chapter 24, Section 24-55, Subsection H of the Faculty Code, will consider the development needs of faculty members not receiving regular merit salary increases for two consecutive years.

When additional merit funds are available the distribution should take into consideration factors of merit, compression, and equity. The additional merit pool must be distributed by departmentalized schools, colleges, and campuses as equal percentage increases to each academic appointing unit.

5. Promotion

Each faculty member who is promoted in rank shall be awarded a 7.5% - 12% promotion salary increase beginning on the date the promotion is effective. July 1st for twelve-month appointees and September 16th for nine-month appointees.

6. Unit Adjustments

Additional salary funds may be allocated authorized by the Provost to be used by colleges, and schools, and campuses at any time during the biennium academic year, after appropriate consultations with the Senate Committee on Planning and Budgeting, to address differentials occurring in the academic labor markets and to reflect assessments of the quality, standing, and contributions of units to college, school, campus, and University goals. The differentials may include determinations of salary compression or inversion and inconsistencies in salaries among individual faculty members within a unit whose accomplishments and career stages are comparable. Such authorization should be informed by an assessment of market gags and availability of funds by deans and chancellors in consultation with the elected faculty council and unit leadership.

Unless specifically allocated by the Provost for a particular unit or purpose, the deans and chancellors shall consult with their elected faculty councils before distributing any developing distribution proposals for additional salary increase funds among their constituent units. The procedures of Chapter 24, Section 24-55 of the Faculty Code will be followed in distributing funds allocated to adjust faculty salaries based on merit.

7. Retention Adjustments

With approval from the Provost, college-administered or University funds may be used to adjust faculty salaries as a means to retain faculty members at the University of Washington either at the time of merit reviews or at other times as necessary throughout the academic year. Assessments of a faculty member’s quality and unit contribution are essential elements in decisions to make retention adjustments. Consultative processes to recommend retention adjustments shall be established at the unit level following the procedures set forth in Chapter 24, Section 24-71 of the Faculty Code.

September 29, 2016

Zoe I. Barsness, Chair, Faculty Senate  
Michael E. Townsend, Secretary of the Faculty  
36 Gerberding Hall  
Box 351271  
Seattle, WA 98195  

Re: Executive Order No. 54 (Employee–Student Romantic Relationships and Conflicts of Interest)

Dear Zoe and Mike:

On behalf of President Cauce, enclosed please find a proposed new Executive Order (EO) for review by the Faculty Senate pursuant to EO No. 3. This EO is numbered 54 and titled “Employee–Student Romantic Relationships and Conflicts of Interest.”

As you know, EO No. 54 is an extension of a policy which was passed by the Senate as Class C legislation in 1992, and then ultimately placed in a footnote to Faculty Code, Chapter 24, Section 24-33 (Section 24-33). In March 2016, the footnote was moved to Faculty Code, Chapter 24, Section 24-50 (via Class A legislation) in order to, among other reasons, ensure that the policy not be lost altogether in the event the Faculty agreed to proposed revisions to the faculty salary policy (FSP), which would have eliminated Section 24-33 and the accompanying footnote.

The potential elimination of the Section 24-33 footnote was recognized during the process of drafting proposed revisions to the FSP, and a workgroup was formed to evaluate whether a policy should be developed. The workgroup recommended both that a policy should indeed be developed and, moreover, that the policy set out in the Section 24-33 footnote—which covered only romantic relationships between faculty and students—should be extended to cover all University employees. In other words, all University employees would be prohibited from engaging in a consensual relationship with a student if it creates a conflict of interest.

During the course of EO No. 54’s development, other provisions not covered by the Section 24-33 footnote were identified and addressed, including: clarification of such terms as “student,” “romantic relationship,” and “conflict of interest”; explanation as to the new policy’s intersection with EO No. 31 (Nondiscrimination and Affirmative Action); expla-
nation as to how potential conflicts may be disclosed; identification as to whom is authorized to determine whether a conflict can be avoided; description of potential consequences for violations of the policy; prohibition against retaliation for those who raise concerns under the policy; and referral to resources for additional information.

The list of administrators who have reviewed draft EO No. 54 is long and includes: Rebecca Aanerud, Associate Dean for Academic Affairs and Planning, Graduate School; Karen Baebler, Assistant Athletic Director, Intercollegiate Athletics; Jerry Baldasty, Provost and Executive Vice President; Shannon Bailie, Director, Health and Wellness; Beth Beam, Assistant Vice Chancellor, Organizational Excellence & HR, UW Bothell; Cheryl Cameron, Vice Provost for Academic Personnel; Richard Cordova, Executive Director, Internal Audit; Peter Denis, Assistant Vice President, Labor Relations; Shelley Kostrinsky, Assistant Vice Provost for Academic Personnel; Jill B. Lee, Executive Director, Compliance Services; Nicki D. McCraw, Assistant Vice President, Medical Centers Human Resources; Bruce F. Miller, Senior Policy Analyst, HR Administrative and Information Systems; Alison M. Navarrete, Director of Academic Human Resources, UW Tacoma; Lawrence W. Paulsen, Assistant Attorney General; Jon A. Payne, Conflict Resolution Specialist, Medical Centers Human Resources; Jennifer J. Petritz, Director, Medical Centers Human Resources; Erin F. Rice, Assistant Vice President, Campus HR Operations; George Theo, Dean of Student Affairs, UW Bothell; and Richard Wilkinson, Associate Vice Chancellor, UW Tacoma.

We look forward to the Faculty Senate’s review within the EO No. 3 timeline, and please do not hesitate to contact me if there is further information or assistance I might provide.

Very truly yours,

Rolf B. Johnson

C: Ana Mari Cauce, President
   Cheryl D. Cameron, Vice Provost, Academic Personnel
   Amanda L. Paye, Deputy Title IX/ADA Coordinator, Compliance Services
   Rebecca G. Deardorff, Director, Rules Coordination Office
Employee–Student Romantic Relationships and Conflicts of Interest

1. Principles

Romantic relationships between University of Washington employees and students can lead to a conflict of interest that is detrimental to the functioning of the University because, if present, the professional authority under which employees’ decisions are made may be called into question. The following are examples of why the University's responsibilities to the public and to individual members of the University community may be compromised if employees do not avoid such conflicts of interest:

- The possibility of allegations of sexual harassment may arise when an employee in a position of authority over a student has a romantic relationship or makes romantic advances toward that student and if the employee’s immediate power to influence the student's access to educational programs and services, academics or professional progress, and/or work experience or opportunities brings into question the ability of the student to consent to the relationship;

- The possibility of a hostile or offensive academic or work environment may arise if the employee’s romantic interests or advances are or become unwelcome by a student and the employee fails to separate personal interests from his or her professional decision-making;

- The possibility of impeding a student's access to educational programs and services, academics or professional progress, and/or work experience or opportunities may also arise if the employee is already in a position of decision-making authority with respect to the student or may be so in the future, since the employee must then abstain from participation in such decisions, thereby denying the student access to the employee’s professional assessment and/or decision-making authority; and

- Romantic relationships between employees and students may also infringe on the rights of other students or colleagues because there may be actual or perceived bias, partiality, or influence.

This policy does not restrict employees’ legal rights as citizens, including those of association and expression and protection from discrimination based on marital status. However, when the exercise of those freedoms conflicts with the institutional necessity of impartiality in academic and employment decisions, the University may take corrective action in accordance with the terms and conditions of employment governing the employee’s employment relationship with the University.
2. Policy

All University employees or appointees, including faculty and other academic personnel, staff (e.g. coaches and academic advisors), temporary staff, Academic Student Employees, and student employees (e.g. Resident Advisors) are prohibited from:

- Engaging in a romantic relationship with a student that creates an actual conflict of interest or could be perceived to create conflict of interest; or

- Exercising authority over a student with whom the employee has or has had a romantic relationship that creates an actual conflict of interest or could be perceived to create conflict of interest.

This policy is in addition to Executive Order No. 32, Employee Responsibilities and Employee Conflict of Interest.

3. Definitions

A. Conflict of Interest

A conflict of interest arises when an employee’s objectivity and decision-making in his or her professional role relating to students is or has the potential to be compromised because of a romantic relationship the employee has with a student. This professional role encompasses decisions or recommendations that may affect the student’s access to educational programs and services; academics or professional progress; and/or work experience or opportunities. The role also includes voting on actions that involve the student, contributing to or evaluating scholarly work, evaluating academic status or progress, providing career recommendations or references, making hiring or termination decisions or otherwise making decisions that substantially affect academic status or employment.

B. Romantic Relationship

A romantic relationship includes intimate, sexual, dating, and/or any other type of amorous encounter or relationship, whether consensual, casual or serious, short-term or long-term.

C. Student

A student under this policy includes, but is not limited to, any individual enrolled in any course, whether matriculated or nonmatriculated, in any University program of study.

4. Complaint Reporting

Those who have concerns about potential violations of this policy may report them to their supervisor, department chair or director, dean or chancellor, administrative head, and/or Human Resources Consultant or Academic Human Resources Consultant. Reports will be evaluated in order to determine an appropriate institutional response.
5. **Conflict of Interest and Sexual Harassment**

Upon receiving a report of a potential conflict of interest arising from an employee–student romantic relationship, in addition to any other investigatory or corrective action that is taken, the University may be obligated to evaluate whether there is or has been a violation of Executive Order No. 31, Non-discrimination and Affirmative Action. The matter may be referred to the University Complaint Investigation and Resolution Office (UCIRO) for investigation in accordance with Administrative Policy Statement 46.3, Resolution of Complaints Against University Employees and/or the Faculty Code.

6. **Consequences of Violation of Policy**

University employees who violate this policy may be subject to corrective or disciplinary action, including, but not limited to, termination of employment and/or if student employees, subject to Chapter 478-120 WAC, Student Conduct Code for the University of Washington.

7. **Disclosure of Conflict**

Employees who suspect that their romantic relationship with a student may create an actual or perceived conflict of interest must notify their supervisor, department chair or director, dean or chancellor, or administrative head. The purpose of this notification is to evaluate whether a plan can be created that will avoid the conflict or potential impact on the student or others. Supervisors, department chairs or directors, and administrative heads should consult with their human resources consultant, dean’s or chancellor’s office, the Office of Student Life, or other appropriate offices in evaluating the plan. Whether the University is able to create an acceptable plan is within the discretion of the relevant University administrative authority.

Disclosure of a potential conflict does not preclude the University from taking appropriate measures to address any behavior that may have occurred before or after the disclosure that is in violation of University policy.

8. **Retaliation Prohibited**

This policy prohibits taking adverse action against any individual who reports (or is perceived to have reported) concerns under this policy or who cooperates with or participates in any investigation related to this policy.

9. **Additional Information**

For additional information about this policy, contact the following:

- Academic Human Resources (for complaints involving academic personnel); phone: 206-543-5630
- UCIRO (for complaints involving any University employee, including student employees); phone: 206-616-2028
- Human Resources:
- Campus Human Resources (for complaints involving UW Seattle, UW Bothell, and UW Tacoma campus staff employees, including student employees); phone: 206-543-2354

- Harborview Medical Center (HMC) Human Resources (for complaints involving HMC staff employees, including student employees); phone: 206-744-9220

- UW Medical Center (UWMC) Human Resources (for complaints involving UWMC staff employees, including student employees); phone: 206-598-6116