1) Call to order

Watts called the meeting to order at 11:04 a.m.

2) Approval of pending council minutes

The minutes from October 27th, 2015, November 3rd, 2015, and December 8th, 2015, were approved as written. The minutes from November 24th, 2015 were approved as amended.

3) Announcements

Watts gave his happy new year wishes to council members and expressed thanks for the council’s work in the previous calendar year, especially in relation to the detail-oriented work on the faculty salary policy. He gave some background into the status of the salary policy, explaining that the deadline for review of the policy by the “Code Cops” and the President’s Office will be extended to accommodate the large task of reviewing and making recommendations to the code language therein.

Marcia Killien (Secretary of the Faculty, Faculty Senate & Governance Office) noted that the process for review includes the policy going simultaneously to the President’s Office and the “Code Cops,” with the former signaling any issues that would prevent approval, and the latter looking at the policy in terms of issues with the code language itself (i.e. contradictions between sections of code). She explained section references as well as the numbering system within the code were reported to require some correction. The review is scheduled to be finished in time for the February 22nd Senate Executive Committee (SEC) meeting; comments from the administration and “Code Cops” are due on February 1st, 2016.

Watts noted he believes it is completely appropriate there be an extension for review of the policy. He explained the chances of the policy being vetoed by the President’s Office are lower than before the last faculty senate meeting wherein it was passed. He remarked he continues to receive requests to go to
departments and discuss the salary policy, and also receives a number of emails about “tiers,” particularly concerning senior lecturers and artists in residence. It was noted UW Bothell has been more active than UW Tacoma in following up to receive more information on the faculty salary policy, and there was some question of why this would be. It was noted the adjoining FAQ document to the salary policy is well-written and useful for policy comprehension.

Killien introduced her new assistant, Jordan Smith (Assistant to the Secretary of the Faculty, Faculty Senate & Governance Office). Freddy Mora also introduced himself as the newly appointed representative from the Professional Staff Organization (PSO) to the FCFA. The council welcomed his input and participation.

4) Revisiting the conflict of interest

Watts gave some background into the Class A legislation recommending changes to Chapter 24 of the faculty code (Exhibit 1). He explained the conflict of interest code changes were originally included in the faculty salary policy Class A legislation passed by the FCFA earlier in the academic year, but were decoupled from that legislation to be considered separately by the SEC and faculty senate, and to consider further revisions.

Killien explained she had met with Cameron (president’s designee) and Amanda Paye (Title IX/ADA Coordinator, Compliance and Risk Services) wherein the incorporated code language was finalized (Exhibit 1). She noted that the faculty salary policy and the proposed conflict of interest changes are part of the same faculty code chapter (24), and so it would be beneficial if they were to be on the same timeline for approval and incorporation into the faculty code. She noted ideally the faculty salary policy and the conflict of interest changes would be considered as separate pieces of legislation, but within the same faculty senate meeting, given that they revise the same chapter of the faculty code.

Cameron noted the language in the legislation had already been approved by the FCFA at a prior meeting this year (2015-16), and she questioned if the council intended the conflict of interest definition to be as broad as it is. She explained the current language would preclude someone from being involved in a decision if they were in a relationship 20 years in the past that indicated a conflict of interest. Watts remarked that relationships from a single week in the past may not matter, but others from 20 years ago may be very important. Cameron explained the way the language is written, there is no “escape clause,” and the university may have to enforce something that was not intended.

There was some question of what “professional relationship “ is intended to mean in the language, with concern that the term “professional relationship” is too broad given that, theoretically, all faculty have professional relationships. Cameron explained this definition came from concerns associated with research misconduct and an adjoining Executive Order; she explained this to be the context of the definition.

Killien explained it may be better to include language stating “this may include” instead of “this includes” in the first paragraph of the legislation.
There was continued discussion on this topic. Some members explained familial, romantic, or sexual relationships are clear conflicts of interest, and professional relationships are less so. Watts presented a scenario wherein a professional relationship would lead to the improbability of one faculty member judging another objectively during a review process.

More discussion arose over the urgency of the legislation, given that there is currently no language in the faculty code that addresses students (in regards to conflict of interest). Some members explained the legislation can wait another month to be crafted carefully, given that the faculty code has been in the state it is in for a period of some years.

Cameron and Killien clarified that a person voting for a salary raise has the responsibility to state if there is a conflict of interest, or, if the decision was negative, the faculty member can say they believe there was a conflict of interest during his or her review. They explained there are different circumstances for that of a student in a personal relationship, given the power dynamics.

During discussion, council members generally agreed that a very narrow definition of conflict of interest may be problematic after implementation, agreeing that a discussion should occur among stakeholders to determine if a conflict of interest was present in a given scenario. Buck explained that no list of rules can provide direction for all the various circumstances that may arise in faculty affairs, explaining that good judgement of individuals is essential.

After more discussion, the council agreed to use the language “perceived by a reasonable person” in the conflict of interest definition paragraph. The definition paragraph saw more wordsmithing and was eventually formalized.

Watts read the first (definition) paragraph aloud for the council, and asked how members felt about its wording and intent. The response was positive. The second and third paragraphs of the legislation were grammatically altered and eventually agreed upon, as well.

After a vote, the council approved the Class A legislation on Conflict of Interest by unanimous vote - to be sent to the Senate Executive Committee in their next meeting and potentially to the full faculty senate for approval and eventual incorporation into Chapter 24 of the faculty code (Exhibit 2).

5) Continuing the lecturer discussion

Watts noted he had sent around his personal notes on council discussions concerning lecturers, and urged council members to read them in order to initiate a more focused discussion in coming meetings.

6) Good of the order

Nothing was stated for the good of the order.

7) Adjourn

Watts adjourned the meeting at 12:32 p.m.
Minutes by Jordan Smith, jjsmith4@uw.edu, Assistant to the Secretary of the Faculty, revised by Joey Burgess

Present:  
**Faculty:** Steve Buck, Kurt Johnson, Carol Landis, Chandan Reddy, Lea Vaughn, Gordon Watts (chair)  
**Ex-officio representatives:** Freddy Mora  
**President’s designee:** Cheryl Cameron  
**Guests:** Marcia Killien, Jordan Smith, Nancy Bradshaw

Absent:  
**Faculty:** Alissa Ackerman, Margaret Adam, David Goldstein, Joseph Janes, Aaron Katz  
**Ex-officio representatives:** JoAnne Taricani, Judith Henchy, Julian Rees

**Exhibits**
Exhibit 1 – conflict of interest legislation_MK revision  
Exhibit 2 – Conflict of interest legislation_fcaapproved_010516
Section 24-XX  Conflict of Interest Regarding Appointment, Employment, and Academic Decisions

RATIONALE: The second paragraph below is added to the Faculty Code, based on Class C legislation passed by the Senate in 1992. (The Class C resolution had been transferred from the University Handbook into the electronic Faculty Code and Governance as a footnote in Section 24-33 (A Statement of Principle: Academic Freedom and Responsibility). The content was judged to be a better fit in this section, 24-50, on Conflict of Interest. The first paragraph is modified to make consistent the language in the two paragraphs identifying sources of conflict of interest.

A conflict of interest exists when a person participating in a decision has a substantial connection or interest related to individual(s) affected by the decision that might bias or otherwise threaten the integrity of the decision process or that might be perceived by a reasonable person as biasing or threatening such decisions. This includes, but is not limited to, personal (familial, romantic, or sexual relationships) and professional relationships and financial conflicts of interest. This may also include some professional relationships. No list of rules can provide direction for all the varying circumstances that may arise; good judgement of individuals is essential.

The procedures set forth in this chapter shall apply in all cases, except that no faculty member, department chair, dean or other administrative officer shall vote, make recommendations, or in any other way participate in the decision of any matter which may directly affect the employment, appointment, tenure, promotion, tier advancement, salary, or other status or interest of a faculty or staff member with whom he or she has a conflict of interest or has had a familial, sexual, or romantic relationship such person's parent, child, spouse, sibling, or in-law. [See also Executive Order No. 32.]

In addition, no faculty member, teaching assistant, research assistant, department chair, dean or other administrative officer shall vote, make recommendations, or in any other way participate in the decision of any matter which may directly affect the employment, promotion, academic status or evaluation of a student with whom he or she has a conflict of interest or has had a familial, sexual or romantic relationship.

Note:
Because the footnote in 24-33 was not the result of Class A legislation, it is not shown here as existing Code language. It may remain on the Senate website as Class C legislation.
Section 24–25 24-50 Conflict of Interest Regarding Appointment, Employment, and Academic Decisions

RATIONALE: The second paragraph below is added to the Faculty Code, based on Class C legislation passed by the Senate in 1992. (The Class C resolution had been transferred from the University Handbook into the electronic Faculty Code and Governance as a footnote in Section 24-33 (A Statement of Principle: Academic Freedom and Responsibility). The content was judged to be a better fit in this section, 24-50, on Conflict of Interest. The first paragraph is modified to make consistent the language in the two paragraphs identifying sources of conflict of interest.

New section Conflict of Interest Regarding Appointment, Employment, and Academic Decisions, formerly 24-50, will be acted on in a separate piece of legislation from the faculty salary policy, and after action reinserted as 24-25 in the new policy.

A conflict of interest exists when a person participating in a decision has a substantial connection or interest related to individual(s) affected by the decision that might bias or otherwise threaten the integrity of the decision process or that might be perceived by a reasonable person as biasing or threatening such decisions. This includes, familial, romantic, or sexual relationships and financial conflicts of interest. This may also include some professional relationships. No list of rules can provide direction for all the varying circumstances that may arise; good judgement of individuals is essential.

The procedures set forth in this chapter shall apply in all cases, except that no faculty member, department chair, dean or other administrative officer shall vote, make recommendations, or in any other way participate in the decision of any matter which may directly affect the employment, appointment, tenure, promotion, salary, or other status or interest of such person's parent, child, spouse, household member, sibling, or in-law a faculty or staff member with whom he or she has a conflict of interest. [See also Executive Order No. 32.]

In addition, no faculty member, department chair, dean or other administrative officer shall vote, make recommendations, or in any other way participate in the decision of any matter which may directly affect the employment, promotion, academic status or evaluation of a student with whom he or she has a conflict of interest.

Note: Because the footnote in 24-33 was not the result of Class A legislation, it is not shown here as existing Code language. It may remain on the Senate website as Class C legislation.