1. Call to Order and Approval of Agenda.

2. Senate Chair’s Remarks – Norm Beauchamp. [Exhibit B]

   a. Report of the Secretary of the Faculty. [Exhibit C]
   b. Report of the Chair of the Senate Committee on Planning and Budgeting. [Exhibit D]
   c. Report of the Faculty Legislative Representative. [Exhibit E]
   d. Report of the Faculty Athletic Representative.

4. President’s Remarks – Ana Mari Cauce.

5. Consent Agenda.
   a. Approve the January 11, 2016, Senate Executive Committee minutes.
   b. Approve the January 28, 2016, Faculty Senate minutes.
   c. Confirm the 2016-2017 Vice Chair nominees.
      Kurt Johnson, Professor, Rehabilitation Medicine; Thaïsa Way, Professor, Landscape Architecture.

6. Announcements.

7. Unfinished Business.

   a. Class A legislation – Second Consideration. [Exhibit F]
      Faculty Council on Faculty Affairs
      Title: Proposed amendments to the Faculty Code regarding conflict of interest.
      Action: Conduct final review of legislation to submit to the faculty for approval or rejection.
   
   b. Class A legislation – Second Consideration. [Exhibit A--attached]
      Faculty Council on Faculty Affairs
      Title: Proposed amendments to the Faculty Code regarding faculty salary policy.
      Action: Conduct final review of legislation to submit to the faculty for approval or rejection.
   
   c. Approval of the March 3, 2016, Faculty Senate Agenda. [Exhibit G]
      Action: Approve for distribution to Faculty Senators.


Prepared by: Marcia Killien 
Approved by: Norm Beauchamp, Chair
Secretary of the Faculty 
Faculty Senate

NOTE: If a continuation meeting is necessary to conduct unfinished or special business, it will be held on Monday, February 29 at 2:30 p.m. in Gerberding 142.
Report of the Faculty Senate Chair  
Norm Beauchamp, Professor, Radiology  

Dear friends,  

I look forward to seeing you at SEC. The work we are doing is of such great importance to the faculty. To get it right asks so much of each of you. I could not be more appreciative.  

Our agenda is a full one. This is the second review of the Class A legislation on faculty salary policy by the SEC. We will decide whether or not to advance to the Faculty Senate the version of the legislation that includes modifications recommended by the Advisory Committee on Faculty Code and Regulations “code cops” and the President.  

We will also have the second consideration of Class A legislation on conflict of interest. A safe productive environment requires that conflicts of interest are identified and addressed.  

We will receive the Faculty Athletic Representative’s report. Insuring that the academic needs of our student athletes are being addressed is an important role for the faculty.  

Finally, we will review nominations for Vice Chair. Building on the partnerships and momentum you all have established will benefit from identifying an excellent Vice Chair of the Faculty Senate.  

Our commitment is to use your time well. What could be better than preparing for and addressing matters of such importance to the communities we serve?!  

See you Monday.  

Norm
Report of the Secretary of the Faculty  
Marcia Killien, Professor, Family and Child Nursing

1. **Election of Senators for 2016-18.** Nominations from the elected faculty councils (EFC) of schools, colleges, and campuses holding Senate elections this year are in process. In order to be considered for election to SEC, names of the elected Senators need to be sent to the Secretary of the Faculty no later than March 2, 2016. Further information about the election process and deadlines has been sent to those EFC chairs.

2. **University Lecturer Nominations.** The University Faculty Lecture Award Selection Committee is being formed and information about nomination deadlines will be sent shortly. The purpose of the award is twofold: to honor UW faculty members whose scholarship or creative work is widely respected by their colleagues as original and important and to share those accomplishments with the community, both on and off the campus, through a public lecture. Each year since 1974, a distinguished member of our faculty has been chosen.
Report of the Chair of the Senate Committee on Planning and Budgeting
Kate O'Neill, Professor, Law

*The Senate Committee on Planning and Budget meets weekly with the Provost, the Vice-Provost for Planning and Budget, and the head of the Board of Deans. SCPB is charged with consulting on all matters relating to the University budget and on a wide range of program and policy decisions.*

**State appropriation issues**

Our Faculty Legislative Representative, JoAnn Taricani, has reported that the legislature has finished the portion of the session in which new bills may be proposed. Of the bills to date that may be acted upon none appears to have significant financial consequences for the UW.

Of course, we still await the legislature’s action on the UW’s supplemental budget request for FY 2017. The biggest item is a request to backfill over $5 million for lost tuition revenue that the legislature did not fully fund after it reduced undergraduate tuition last year. Other requests include almost $4 million for Dentistry’s RIDE expansion and slightly over $1 million for developing a legal education pipeline in the south sound. It is not clear at this time how much, if any, of the supplemental budget request will be met. In particular, there is some disagreement over the calculation of the amount needed for the backfill. The budget request is here:

[https://opb.washington.edu/sites/default/files/opb/Budget/2016_Supplemental_Operating_Budget_Submission.pdf](https://opb.washington.edu/sites/default/files/opb/Budget/2016_Supplemental_Operating_Budget_Submission.pdf)

We are beginning now, and will focus more intensely in spring quarter, on advising the interim Provost on long-term priorities for budget proposals for the next and subsequent biennium. We agree with the President that we need a long-range vision of the UW’s mission and strategy for how to fund it.

**Major issues**

Kelli Trosvig, Vice-President for UW-IT, updated SCPB on the status of the proposed new HR/Payroll system. The program is currently undergoing a re-planning effort to validate the work that was done and assess how much work is remaining before an updated timeline will be announced. A summary of the current status is below in this report. Professor Haselkorn, an SCPB member, suggested that, going forward, the administration should enlist the help of the significant faculty expertise with complex systems design for this project and for other needed upgrades of UW systems, including its financial systems.

We also received two reports from Vikram Jandhyala, Vice Provost for Innovation, about CoMotion and the Global Innovation Exchange (GIX). CoMotion has significantly expanded and altered the tech-transfer mission of the former Center for Commercialization (C4C). While tech-transfer operations are housed in CoMotion, Jandhyala does not expect those to generate sufficient funds to sustain all of CoMotion’s activities. (It should be noted that revenues from licenses of the Hall patent, which were a major source of revenue for UW, are diminishing and will soon cease.) As a result, CoMotion will, for the foreseeable future, rely on central funds to accomplish its mission of fostering interdisciplinary collaborations within UW and with external parties. It was noted, during the SCPB discussion, that CoMotion seems to have acquired more of an academic mission to facilitate interdisciplinary innovation even though it is an administrative unit. In the next few years, the SCPB, and perhaps other senate faculty councils, should consider periodically revisiting CoMotion’s funding and administrative structure.

Vice Provost Jandhyala also presented on GIX. GIX is a partnership among UW, Tsinghua University, and Microsoft. It is designed to provide team-based, experiential education to students from both Universities. The focus will be on solving problems through applied technologies, designing connected devices, and learning entrepreneurial skills. For now, there will be two degrees offered Tsinghua Master of Engineering in Information Technology, and UW Master of Science in Technology Innovation. Students may pursue a dual degree. The first cohort of students at Tsinghua will be admitted Fall 2016. The GIX facility in Bellevue will open in Fall 2017. A total of 140 students are hoped for then, one cohort of 70 in the UW degree and another 70 in a certificate program. It is hoped that the program will eventually have 3000 students.
GIX is expected to be self-supporting. Curriculum for the UW degree will be established by departments, and departmental faculty will teach in the program. (Non-UW faculty may also teach. The nature of those appointments was not discussed at SCPB.)

A new facility is planned for the Spring District in Bellevue. There is a memorandum of understanding under which UW will lease the space for five years and Microsoft will pay the rent.

This is plainly a major and novel undertaking. SCPB should monitor it regularly.

Routine Business

SCPB has devoted much of its time this quarter to reviewing and advising Interim Provost Baldasty on units' budget proposals and requests for Provost Reinvestment Funds (PRF). The committee members agree with Baldasty’s stated priorities for the use of PRF – for faculty compensation and for critical compliance issues. We also agree that units with unnecessarily large reserves should be reducing those to levels necessary to fund their missions and allow for unexpected needs. We also agree with the administration’s TAP agenda – Transforming Administrative Practices – to encourage administrative units to reconsider how they can provide service to UW stakeholders most effectively. Under TAP, the interim provost is essentially reducing central funding for administrative units by about 5 percent from the prior year in an effort to encourage units to focus on ways to provide needed services most efficiently.

There are several issues that emerge, in particular, from SCPB’s review of unit budget proposals and that should inform the process going forward. First, the budget proposals vary considerably in the depth of detail – and in particular whether they reveal a unit’s strategic vision out beyond the next year. SCPB’s advisory capacity, and the Provost’s decisions, are much improved by a considered presentation of a unit’s challenges and strategies over the next several years, at least. With respect to academic units, such presentations should be the product of consultation with the elected faculty councils of the units. It appears that the consultation is significant in some units and pro forma in others. The SCPB chair will be meeting shortly with elected faculty council chairs to emphasize the value of thoughtful consultation on budgets and long-range strategies for accomplishing a unit’s shared goals.

Second, the Interim Provost cannot fund the great majority of PRF requests, particularly in light of his commitment to faculty compensation and critical compliance needs. This means, at least for now, that strategic initiatives within units must usually be self-funded. That requires making strategic choices within the unit – another reason that broad consultation with stakeholders may be especially useful and important. It also means that new initiatives, particularly ones that require collaboration with other units or with outside entities, must be spear-headed and negotiated by deans and administrative leaders. It does not appear that the provost’s office has sufficient funds to provide many carrots or sticks for new initiatives.

Third, some units have significant deficits, some of which may be due to isolated events and others that may be more long-term and structural. To the extent that units borrow central funds to carry them through, the borrowing – and any repayment – have implications for the central administration’s resources and ultimately for other units’ resources under an ABB model. There are also significant implications of not subsidizing a unit that is in deficit. SCPB will be working in spring to provide guidelines for dealing with unit deficits.

Looking Ahead

We are entering the season when the UW’s budget priorities are set for the next biennium and beyond. As SCPB moves into spring, we will have two meetings for faculty members only in which we will try to find consensus about what those priorities should be and what the strategy should be for achieving them. We will then be sharing those with Interim Provost Baldasty, with the Office of Planning and Budgeting, and with the UW’s lobbyists. As chair, I encourage senators and their constituents to contact me directly with suggestions for priorities and strategies by email to kateon@uw.edu or senate@uw.edu.
HR/PAYROLL MODERNIZATION PROGRAM UPDATE

Background and Context

The Human Resources/Payroll Modernization (HRPM) program is the largest administrative transformation effort ever undertaken at the University. It is a major, multi-year initiative to replace the University's 33-year-old legacy payroll system with a modern, integrated HR/Payroll system; this is essential to support the UW's large and diverse workforce. The Board of Regents approved the program in February 2014, and the University selected the Workday solution as its new system. The new system will transform the University's HR and payroll operations, significantly improve compliance, reduce risk, provide better data for decision making, and increase efficiencies across the institution. This project is the first step in a larger strategy to modernize the University's aging administrative infrastructure.

In March 2015, the project Executive Sponsors reached a major decision not to move forward with initial plans to implement a biweekly pay cycle as part of the system implementation. This move was necessary because of the many complexities of the UW's pay practices, along with difficulties in reporting employee compensation on a monthly basis to the state of Washington. The change resulted in a six-month delay in the launch of the new Workday system.

Leadership Changes

With the retirement of Senior Vice President V’Ella Warren at the end of July, Kelli Trosvig, Vice President for UW Information Technology (UW-IT) and CIO, became the project's new Lead Executive Sponsor. The project also welcomed three new Executive Sponsors: Paul Jenny, Senior Vice President for UW Planning & Management and Lead Executive Sponsor on the Finance Business Transformation project; Dave Anderson, Executive Director for the Health Sciences Administration and Associate Professor, Department of Comparative Medicine, also with a reporting relationship to Finance & Facilities; and Ruth Mahan, Chief Business Officer, UW Medicine and Vice President for Medical Affairs in UW Medicine, replacing Lori Mitchell, Chief Financial Officer, UW Medicine (retired). In addition, the Executive Sponsors team includes Cheryl Cameron, Vice Provost for Academic Personnel and Mindy Kornberg, Vice President, Human Resources.

The program also has a new Executive Program Director, Aubrey Fulmer, who stepped into this role in November 2015. Aubrey has an extensive background directing the implementation and ongoing operational support of Human Resources, Benefits and Payroll systems, including leading a successful on-time, on-budget implementation of Workday’s Human Capital Management/Payroll suite at the University of Chicago.

As part of the leadership transition, an evaluation of the project was conducted by an external consultant. The findings revealed several significant challenges, including lack of visibility across the seven interrelated projects crucial for go-live (Human Resources Information Systems, HR/P Modernization, HR/P Intersections, Academic Personnel, Medical Centers, School of Medicine and the Operating Model), inadequate coordination between those projects, and insufficient resourcing across the overall effort. As a result, it was determined that the projects were not making sufficient progress toward a June 2016 go-live, and the project status was moved to red.

Unifying Projects into a Program

To provide better coordination across all related Human Resources/Payroll projects, HR/Payroll Modernization is now operating as a program. The program provides a unified approach to the HR/Payroll Modernization effort, bringing together all of the related projects, including Human
Resources Information Systems, HR/P Modernization, HR/P Intersections, Academic Personnel, UW Medicine, School of Medicine, as well as important stakeholder groups.

An essential part of this new structure is the establishment of a centralized Program Management Office (PMO) that enables both technology and people-readiness through coordinated leadership over all of the projects. With the projects united under the PMO leadership, the new structure provides better oversight across all aspects of the program, as well as better transparency and accountability. The program uses a single set of performance metrics across all projects to continually monitor status, risks, and issues.

To ensure appropriate support for the program, significant resources have been deployed from other University units, including UW Information Technology and UW Organizational Excellence. These resources were strategically selected to support key areas of the program, including Project Management, Integrated Change Management, Instructional Design, and Operations Support.

**Investing in Change Management**

To support the transition to the new Workday system, the program’s Integrated Change Management effort is focused on a people-first approach that is designed to help UW units work effectively with the new system and business processes. The Integrated Change Management team has assigned Change Managers to guide academic and administrative units through a seven-step process to ensure readiness across the University.

The Change Manager, working with an Instructional Designer and an Operations Support Manager, serves as the liaison between the units and the HR/P Modernization program. These teams focus on supporting academic and administrative units as they engage in the seven-step process. Their role is to optimize the capacity for change across the University, and to support units in maximizing the potential of the new Workday system.

The seven-step process was designed using best practices in the Change Management field, and includes gathering information, analyzing the current state, testing new processes from end-to-end, implementing new processes, and assessing the effectiveness of this approach.

**Enhanced Support Center**

To provide support to the UW community once the HR/P Workday system goes live, the University will create a new HR/P Enhanced Support Center (ESC) composed of staff from Academic Human Resources, Human Resources, and Payroll. The ESC will be part of the Transforming Administration Program (TAP), which focuses on efficiency and effectiveness at the UW. The support center will provide continuity across these vital HR/Payroll processes, a single point of contact for most inquiries, a unified approach to support and training, and the development of a comprehensive knowledge base that will expand the level of accurate information accessible to all.

The team responsible for this TAP initiative will be led by Ruth Johnston, Associate Vice President & Chief of Staff for Planning & Management, and sponsored by President Ana Mari Cauce, Interim Provost Jerry Baldasty, and Vice President for UW-IT and CIO Kelli Trosvig. It will be advised by a small team of senior administrators and staff, including Dave Eaton, Dean and Vice Provost, Graduate School and Professor, Environmental and Occupational Health Sciences; Lisa Graumlich, Dean, College of the Environment, and Virginia and Prentice Bloedel Professor; Dave Anderson, Executive Director for the Health Sciences Administration and Associate Professor, Department of Comparative Medicine; Heidi Tilghman, Manager, College of Arts and Sciences Shared Services and Affiliate Germanics; and Curtis Colvin, Director, Medical Centers Staff Services. The team will host a series of meetings this winter with key constituencies to gather feedback on initial ideas for services and processes within the ESC. They will then make revisions and recommendations to the sponsors based on feedback. Once the ESC is operational, it will report within the HRPM Program.
Current Status

Since moving the HR/P related projects into a single program five months ago, the program team has developed a clearer understanding of program interdependencies and work yet to be completed. Gaining a holistic view of the program uncovered significant issues and crucial work that was not completed prior to designing the system; these issues will impact the ability of the new HR/P Workday system to meet campus needs.

The program is currently conducting a careful evaluation, assessing work priorities, timelines, and options going forward; the full impact will not be known until the conclusion of the assessment.

Moving Forward – Building a Cohesive Design

After completion of this evaluation, campus leaders will be involved in developing an action plan for the University as a whole, as well as for each unit. This plan will include a clear understanding of the impacts on the program timeline, budget, and staffing. To resolve the outstanding issues, the new plan will also include a Building a Cohesive Design phase. This phase will occur at the program level, validates the integrity of the design, ensures that the Workday business processes, security configurations, and integrations meet the needs of the University, and allows unfinished work to be completed before moving forward with further testing.

A New Approach to Administrative Technologies

Workday represents the first Software as a Service (SaaS) program of this scale that the University has undertaken for its core administrative business systems. Under the SaaS model, software is licensed and hosted by a third-party, and capabilities and functionalities are typically added with each release. This model is more cost effective, but the delivery of functionality occurs over time. In addition, customization is limited in order to ensure a cost-effective implementation.

When Workday goes live at the University, the system will start with core functionality, and enhancements will be added every six months, continually unlocking new capabilities. The system requires more standardization of business processes across the University, and the continual need to improve these processes with each software release. The benefit of this model is that functionality is continually updated by the third-party vendor throughout the life-cycle of the system.

By creating a framework for change and technology implementation now, the University is laying the foundation for future administrative modernization efforts. This first implementation of a SaaS program creates a framework for continuous improvement that will enable the University to successfully integrate new technology in the future.

Transforming How the UW Does Business

The HR/P Modernization program is the largest single administrative initiative ever undertaken at the University, and is the UW’s highest administrative priority. It will increase efficiencies across the institution, improve reporting and compliance, provide better data for decision making, and transform the way the University does business. To enable the Workday system, the University is working to streamline and modernize HR and Payroll processes. This program marks a major step in a larger effort to transform the UW’s administrative infrastructure to better support the University into the future, and the Executive Sponsors are committed to taking any necessary steps to ensure a successful launch of the new Workday system.
February 22, 2016, SEC Agenda

Report of the Faculty Legislative Representative
JoAnn Taricani, Associate Professor and Chair, Division of Music
olympia@uw.edu

Update as of very early on February 18, 2016: The final deadline for passage of legislation from the “house of origin” occurred at the end of the day on February 17. This is one of the major marking points of the session for policy bills. Bills that are passed by this date begin their lives again in the “opposite” chamber, so House bills move to the Senate, and Senate bills move to the House, all going back to legislative committees for more hearings.

There were 219 bills related to higher education policies or the administrative functions of universities. 16 are still alive and have moved to the opposite chamber. Not all will survive to the end of the session.

What happened is the same general outcome of every legislative session: many good bills did not survive this cutoff, because both the House and Senate reach a point of having to decide which bills are most necessary, then to advance those selected bills for a vote of the full House or Senate, leaving behind some very compelling legislation.

What did not happen: Many higher education bills had been passed out of the House and Senate higher education committees, and some received considerable attention, such as the “Free to Finish” legislation (HB 2955) that would provide free tuition in the final quarter to a student who had been out of school for over three years. That bill never received a House floor vote, despite substantive support from a broad constituency that included university presidents. Other useful bills that emerged from committees, but did not survive, addressed enhanced opportunities for students (HB 2691, SB 6260, 6512), pilot projects for textbook affordability and open source course materials (HB 2680, 2686, 2796), and adjustments to student fees (HB 2593, SB 6587).

What is still alive in the legislative approval process (and not all of these will survive the process of the “opposite house”): protecting students from unfair business practices (HB 1949), supporting services for students with disabilities (HB 2825, SB 6466), creating a limited pilot program for community and technical colleges to offer bachelor degrees (HB 2769), establishing a work group to study accelerated bachelor degree programs (SB 6626), and authorizing new 529 college savings program (SB 6601), which deals with the problems created in the GET program (pre-paid tuition plan) by the current reduced tuition.

Two of the large general issues facing the Legislature have been addressed: the House and Senate have approved a plan to address the State Supreme Court order to fund the McCleary decision on K-12 funding (the Legislature did not provide the funding yet, but offered a plan to work on the funding mechanism); if this satisfies the Supreme Court, the sanctioning $100,000 per day fine may end. Another major issue has been the November 2015 Eyman initiative (I-1366), which proposed to cut the state sales tax by 1 percentage point, beginning April 15, unless lawmakers allowed a public vote on an amendment that would require a two-thirds supermajority in the Legislature for future tax increases. However, a King County Superior court judge had struck down this initiative in late January. The State Supreme Court has granted expedited review to an appeal of the lower court ruling, with oral arguments scheduled on March 15. Despite this ruling, the Senate introduced legislation that would require a two-thirds supermajority to approve any new taxes. This did not pass the Senate; to create this provision would have required a two-thirds vote by the current Senate to create a permanent supermajority provision on taxes.

The supplemental budget proposals will be issued by the House and Senate in the next two weeks. The House and Senate will then negotiate their budgets in the final two weeks of the session, with the end of the session on March 10. There is still no expectation that there will be a need for a special session. The quarterly revenue forecast was presented on February 17, with slower growth projected in revenue than was projected in Autumn. The state economic forecast is a combination of revenue growth and projected expenditures. Revenue is slightly lower than projected for 2015-17, but a larger downturn is projected for 2017-19. The slower growth in revenue is offset somewhat by lower expenditures in social services. But an increase is anticipated in expenditure in the state contribution to health care costs for federal programs, such as Medicaid. A lower revenue forecast is not in the same category as a budget shortfall; the long-term forecast is used by legislators to project anticipated budget expenditures. I did not hear any elected official or staff suggest that the slightly lower forecast would have any impact on the already-
approved budget for 2015-17. But it likely will create caution in terms of any additions to the supplemental 2016 budget, currently being written.

The bill that proposed the creation of a UW faculty regent did not receive a committee vote, and so did not advance to a vote of the full House. This bill did not originate from UW Faculty Senate process, and the legislative committee decision not to advance the bill was in response to the January 28 UW Faculty Senate resolution, stating that the discussions already underway with the other public four-year institutions of the state should proceed, along with internal discussions among the appropriate UW faculty councils and committees, in order to prepare legislation for a faculty regent for the 2017 session. The Legislature is very mindful of listening to the voice of faculty governance, which is charged in state statute with responsibility regarding faculty issues. So, we receive particular consideration when we can provide positions codified in our Faculty Code, such as our recently revised policy on academic freedom and responsibility. (Academic free speech has been an issue in this session, and our policy on academic freedom was very much on point, as was testimony from Law Professor and past Senate Chair Kate O’Neill.) The resolution you passed in January regarding faculty regent legislation similarly received careful attention from legislators.

Aside from the legislative discussion about the possibility of a UW faculty regent, I want to let you know that the representatives of faculty governance at the other four-year public universities were very glad to see this resolution from our Faculty Senate, as it left open the door to working collaboratively on this issue. We will discuss internally what the UW would want to see in legislation, and then our Senate leadership will talk with the other universities, through their faculty governance systems, to see what partnership and specific elements will have the best chance of success in the 2017 session. I do not know if the UW will proceed with all the other four-year universities or perhaps just with WSU, but as I said in the full Faculty Senate meeting in January, a bill that includes only the UW would have a much lower chance of success. Our Faculty Senate leadership is discussing this matter with the WSU Faculty Senate leadership. Because bills have failed five times, including the 2016 attempt, we want to create proposed legislation that combines the provisions we want with a partnership that offers the best chance of a different outcome. I outlined this in a preliminary way to our Faculty Council on Faculty Affairs on February 16, and had a productive discussion at that meeting with the council.
Class A legislation concerning conflict of interest:

ORIGINAL PROPOSAL RATIONALE: This section is updated to clarify policy on conflict of interest.

The first paragraph is added to define conflict of interest. The second paragraph is modified from existing language to add salary as a decision that may be affected by conflicts of interest.

The third paragraph 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. Because the footnote in 24-33 was not the result of Class A legislation, it is not shown here as existing Code language. It remains on the Senate website as previously approved Class C legislation.

If Class A legislation #136 (merging chapters 24 and 25 of the faculty code and changing the faculty salary policy) is approved, this section (if approved) will be renumbered as Section 24-25.

PRESIDENTIAL PROPOSAL RATIONALE (All in red underline): The President is basically comfortable with this legislation, except that we’re concerned about leaving out most of the text from the 24-33 footnote and adding to 24-50 only the footnote’s operative language. Part of that concern is the risk of unanticipated consequences if language that has existed in the Faculty Code for nearly 25 years is eliminated prior to issuance of the new Executive Order on relationship policy.

Accordingly, we propose that the remaining language from the 24-33 footnote—not just the operative language—also be added to 24-50. We recognize that explanatory information of this sort is not typical code language. However, inasmuch as that language has existed all this time as a ‘footnote’ in FC Section 24-33, retaining it here in 24-50 will be nothing new. Moreover, we can take comfort knowing that any anomalous-ness will be cleaned up with the issuance of the relationship policy EO.

ADVISORY COMMITTEE ON FACULTY CODE AND REGULATIONS RESPONSE: In terms of the footnote indicated in the original rationale, the committee suggests making it clear that it will not appear in Chapter 24, but will remain on the Faculty Senate Website as a Class C resolution.

Section 24-50 Conflict of Interest Regarding Appointment, Employment, and Academic Decisions

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, 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.
Conflicts of interest resulting from romantic or sexual relationships are detrimental to the functioning of the University because, if present, the professional authority under which decisions are made may be called into question. The University's responsibilities to the public and to individual members of the University community may be compromised if such conflicts of interest are not avoided.

The faculty's decision-making responsibilities should not restrict the faculty's rights as citizens, including the personal rights of association and expression, unless the exercise of those freedoms conflicts with the institutional necessity of impartiality in academic and employment decisions. In that case, the faculty member must restrict his or her participation in such decisions.

State law and University rules preclude a faculty member from participating in decisions which directly benefit a member of his or her family. The same rules should apply to decisions involving sexual or romantic relationships between faculty and students, since these relationships, like formal family relationships, may call into question the ability of the faculty member to assess the performance of another solely on academic or professional merit.

Romantic or sexual relationships between faculty and students may in some instances infringe on the rights of that student or other students or colleagues. The possibility of sexual harassment may arise, if the faculty member's immediate power to influence a student's academic progress brings into question the ability of the student genuinely to consent freely to the relationship. The possibility of impeding the student's academic or professional progress may also arise if the faculty member is already in a position of significant decision-making authority with respect to the student, since the faculty member must abstain from further participation in such decisions, thereby denying the student access to the faculty member's professional assessment. The possibility of an unwelcome, hostile or offensive academic environment may also arise if the faculty member fails clearly to separate personal interests from his or her professional decision-making.

Faculty members should be aware that the harms listed above do not arise only from existing relationships, but may also arise if an individual in a position of authority to a student makes overt sexual or romantic advances upon that student. Even if the advances are welcome, the faculty member should remove him or herself from the teaching or supervisory role, which may impede the student's academic progress. If the advances are unwelcome, the student may suffer unneeded stress, and the academic relationship may suffer.

Approved by:
Senate Executive Committee
January 11, 2016

Approved by:
Faculty Senate
January 28, 2016
Agenda
Faculty Senate Meeting
Thursday, March 3, 2016, 2:30 p.m.
Savery Hall, Room 260

1. Call to Order and Approval of Agenda.

2. Faculty Senate Chair’s Remarks – Professor Norm Beauchamp.

   a. Report of the Secretary of the Faculty.
   b. Report of the Chair of the Senate on Planning and Budgeting.
   c. Report of the Faculty Legislative Representative.

4. President’s Remarks– Ana Mari Cauce.

5. Requests for Information.
   a. Approve the January 11, 2016, Senate Executive Committee minutes.
   b. Approve the January 28, 2016, Faculty Senate minutes.
   c. Report of the Faculty Athletic Representative.

6. Memorial Resolution.

7. Consent Agenda.

8. Announcements.


   a. Nomination of Candidates for 2016-2017 Faculty Senate Vice Chair.
      Kurt Johnson, Professor, Rehabilitation Medicine; Thaïsa Way, Professor, Landscape
      Architecture.
   b. 2016-2017 Faculty Senate Vice Chair Candidates’ Presentations.
   c. Class A legislation – Second Consideration
      Faculty Council on Faculty Affairs
      Title: Proposed amendments to the Faculty Code regarding conflict of interest.
      Action: Conduct final review of legislation to submit to the faculty for approval or rejection.
   d. Class A legislation – Second Consideration
      Faculty Council on Faculty Affairs
      Title: Proposed amendments to the Faculty Code regarding faculty salary policy.
      Action: Conduct final review of legislation to submit to the faculty for approval or rejection.

11. Good of the Order.


Prepared by: Marcia Killien
Secretary of the Faculty

Approved by: Norm Beauchamp, Chair
Faculty Senate

NOTE: If a continuation meeting is necessary to conduct unfinished or special business, it will be held on Thursday,
March 10 at 2:30 p.m. in Savery 260.