

March 28, 2016

Ana Mari Cauce, President
Office of the President
301 Gerberding Hall
Box 351230

Dear President Cauce:

In accordance with the rules, the faculty has approved the *Faculty Code* amendment in Class A Bulletin No. 137: Conflict of Interest.

The results of the election submitted to the faculty for vote on March 4, 2016 are:

Total ballots distributed electronically:	4,745
Total ballots returned:	1,144
Percent of faculty who voted:	24.11%
Percentage of "yes" votes:	85.21%
Percentage of "no" votes:	3.50%
Percentage of abstentions:	11.29%

(The above percentage figures are based on ballots recorded electronically by the Catalyst Group.)

Attached is Professor Norm Beauchamp's certification that the faculty has voted to approve the changes as proposed in Class A Bulletin No. 137. Before the *Faculty Code and Governance* can be revised, we need your approval. According to the *Faculty Code*, you have fourteen days to respond.

Sincerely,



Marcia Killien
Secretary of the Faculty

/jjs

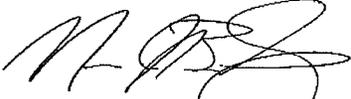
Cc: Norm Beauchamp, Faculty Senate Chair
Rolf Johnson, Chief of Staff, Office of the President
Rebecca Deardorff, Director of Rules Coordination

Class A Legislation #137

Proposed amendments to the Faculty Code.

Chapter 24
(Related to: conflict of interest)

CERTIFIED AS APPROVED:



Norm Beauchamp, Chair
Faculty Senate

Date: 3/28/2016

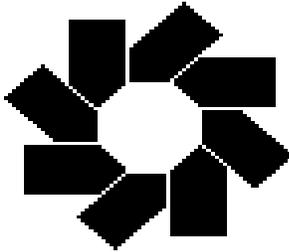
APPROVED:



Ana Mari Cauce
President

Date: 3/30/2016

University of Washington
FACULTY SENATE
Box 351271



Class A Bulletin No. 137

March 4, 2016

GENERAL LEGISLATIVE ACTION

At its meeting on March 3, 2016, the Faculty Senate approved legislation that would amend the Faculty Code related to conflict of interest. These changes have been approved at every step of the legislative process. The Faculty Council on Faculty Affairs has developed and approved this legislation.

Please vote by March 25, 2016.

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, this proposal adds the language from the 24-33 footnote to 24-50.

The proposed legislation has been passed by the SEC and the Senate with support of the President. Discussion focused on whether all of the language from the footnote needed to remain. Those opposed suggested the language in this section could be better worded while those in support spoke to the importance of a strong policy in the Faculty Code on various types of relationships in which conflicts of interest may arise.

**Proposed Amendments to the Faculty Code
(Additions are underlined; deletions are struck through)**

**University of Washington
Faculty Code and Governance
Faculty Code Chapter 24**

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

Approved by:
Senate Executive Committee

February 22, 2016

Approved by:
Faculty Senate
March 3, 2016