

MEMORANDUM

October 16, 2007

TO: Faculty Affairs Committee
FROM: Gene Merrell and Sharyl Kammerzell on behalf of the Committee on Ethical Guidance and Oversight (Committee)
Re: Draft New and Revised Policies on Ethics, Conflict of Interest, Nepotism, Organization and Oaths, and Consulting

This cover memorandum provides an update and background for these new and amended policies, which the Committee first presented to Faculty Council on April 3, 2007.

As you may recall, the ad hoc Committee bringing these policy changes forward was formed in June 2005, by President White. Committee members include:

Patricia Hartzell, Professor and Department Head, MMBB

Michael O'Rourke, Associate Professor of Philosophy

Sharon Stoll, Professor and Director of the Center for Ethics (replaced Troy Ott, Associate Professor of Animal Science)

Paul Michaud, Assistant Vice President for Human Resources (replaced Pat Sturko, Interim AVP)

Andrew Turner, Professor and Director of WWAMI

Gene Merrell, Associate Vice President for Research, chair (replaced Charles Hatch, VPR and former chair)

And staff to the committee:

Sharyl Kammerzell, Senior Associate General Counsel

Dolores Salesky, Internal Auditor

President White charged the committee with reviewing, revising, and developing policies on conflicts of interest, nepotism and ethical conduct. Last spring we brought draft policies before Faculty Council. Faculty Council suggested some edits and voiced general support for the policies, but asked that we also seek input from Staff Affairs and Faculty Affairs. We presented the draft policies to Staff Affairs on September 6, 2007 and to Faculty Affairs on October 3, 2007. The drafts before you show changes made to the proposed policies in response to comments from Faculty Council last spring, and from Staff Affairs and Faculty Affairs.

Please note that this package includes one more policy section than the package presented last spring: FSH 3260. We discussed with Faculty Council in April the need to make changes to this section to insure that it would be consistent with the other changes, and we have presented the proposed FSH 3260 amendments to Faculty Affairs and Staff Affairs.

The policy package contains five policies and three associated forms as follows:

- FSH 3170: This is currently titled “Professional Ethics” in the attached draft it is renamed to “University Ethics.” Beginning with the existing text, the committee subdivided this policy into sections that set out statements of ethics with respect to instruction and scholarship, rules of ethical conduct and reporting of unethical behavior. The reorganization reflected between the two drafts is in response to comments from Faculty Council. The section that sets out rules of ethical conduct is accompanied by guidelines that are intended to provide examples and that will be hotlinks when the policy is on-line.
- FSH 3260: This is currently titled “Professional Consulting and Workload.” Changes were made to this policy to make it consistent with the changes made to FSH 3170 and 6240, to reduce redundancy and to reflect organizational changes. The changes to this policy also resulted in revisions to the request form for outside consulting and to the reporting form, which was combined with the reporting requirements in FSH 6240. Attached forms include:
 - Form 3260 A: Request to Engage in Professional Consulting
 - Form 3260 B/ 6240 B: Disclosure of Outside Employment and/or Consulting
- FSH 6240: This is currently titled “Employee Rights and Responsibilities,” and includes sections on Conflict of Interest, Employment of Relatives, Loyalty Oaths and Professional and Labor Organizations. The Committee separated out the various sections of the policy, and proposes to change the title of FSH 6240 to “Conflicts of Interest or Commitment.” In the revised 6240, the Committee sought to provide a more comprehensive policy on conflicts, addressing both conflicts of interest and commitment, classing potential conflict situations into those that are routinely allowable, those that may be allowable follow disclosure and establishment of a management plan if necessary, and those that presumptively are not allowed. The changes also establish an annual disclosure process. To allow for consistency in disclosure the Committee developed the following two forms:
 - Form 6240 A: Disclosure of Conflicts
 - Form 3260 B/ 6240 B: Disclosure of Outside Employment and/or Consulting
- FSH 6241: This is a newly numbered policy that builds from the “Employment of Relatives” section that is in the current FSH 6240. The revised policy differentiates between situations involving direct and indirect supervision or control, explicitly prohibits direct nepotism, and sets guidelines for situations involving indirect supervision.
- FSH 6242: This is a newly numbered policy that retains the text from the “Organizations and Oaths” section in current FSH 6240.