COI and COC meeting February 15, 2017 11:30 AM

Outlined minutes – *not a complete record of all remarks*

Persons in attendance were Becky Keck, Beningo Trigo, Myrna Wooders, Brian Heuser, Audrey Anderson, Steve Bracey, Christy Hooper

Persons absent were Duco Jansen, Geoffrey Fleming, Susan Kay, Ellen Clayton.

*After introductions meeting facilitator Brian Heuser stated three rules, approved by the Senate EC, to which meeting members would adhere:

- rule number one: we will not discuss the history of how the Manual came to be
- rule number two: related to the overlap of Senate and UCC
- rule number three: we must assume that everyone at the table has good intentions

The 3 Key issues at hand are:

1. more carefully define and interpret COC versus COI
2. where will COC and COI policy reside, the same place or different places
3. If revisions are made to either, who is responsible for the revisions and what process will we have for making them.

Issues will be focused on one at a time to resolve deeper, larger issues

ISSUE #1
COI versus COC thoughts and definitions and relation between them:

The GOC representative distributed a 15-page handout on Conflict of Interest and Commitment Policy. She discussed the policy: all COI and COC are defined of the policy paragraph five COI she ready and COC paragraph number six there is interest to better define whether what COC is and wants to be disclosed to the deans.

Discussion: COI is actually fairly well defined. COC is not. COC is part of the required reporting. This variance causes some degree of confusion.

There was good consensus that the definitions of each were quite adequate and fairly defined, but examples were not provided and that may make it difficult to conceptualize at the level of faculty work.

A Senator stated that the descriptives are generally enough to emphasize “internal gains and external activities”.

The GOC representative referred the committee members to pages 47 and page 48 - stated that our job is to comply with the law and that it is generally better when
University policies are allowed to be somewhat more broad as opposed to specific, so as to allow greater nuance.

The Facilitator asked if examples could be provided.

A Senator posited that an example of an issue that has come up often is that of going to a conference to present a research paper – does this qualify as an external activity? Are the Deans’ oversight of these activities appropriate?

It was suggested that in the future, the committee could work towards creating some examples of COI versus COC. It was also suggested that the faculty life committee may have some examples and that other examples could be solicited from the schools, perhaps from Deans’ offices.

It was noted/clarified that “external” means “external to the University” and that we should clarify when “external activities” are referenced.

“Permissible amounts of external activities” was discussed, relative to one’s particular faculty position.

It was discussed that the distinction between COI and COC has bearing on both personal and professional lives. And because these can be understood in a variety of ways, the definitions in the COI/COC could be augmented with particular examples.

One Senator stated that COC could really be anything and that it needed more clarity. It was stated by again by another Senator that more clarity on what constitutes external activity is needed.

ISSUE #2:

Where does COC reside? Who should edit COC language? What belongs in the Faculty Manual? What belongs to the UCC? What belongs to the Faculty Senate?

The committee was pointed to a working definition on page 51 of the handout.

It was the COC resides with the board of trust the board of trust with moving the COC from the board.

A Senator asked whether from a regulatory perspective is there a regulatory duty for having the policies together? A GOC representative responded that PHS reporting COC is rolled up into COI a lot of the time. It was further stated that a COC violation is generally a subset of the COI.

There was discussion related to whether other universities have a similar structure of our UCC in terms of composition. No member could offer other peer comparative examples. It was further stated that the audit committee of the BOT oversees the work of the UCC. A reference to a report issued or written by Jim Blumstein was made and the assertion that COI & COC were first combined as interrelated therein.
It was explained the two policies have as a matter of practical management so many COI violations contains COC elements that intersect. There is a COC aspect to nearly all COI violations.

It was stated that broad definitions in the spirit of policies being defined broad policies will bleed into each other. It was asked if the concern is that the you CC will define things in the absence of the faculty Senate it was explained that it is a collaborative process with the UCC and the Faculty Senate.

The meeting facilitator put the question to a vote.

How many are in favor of keeping the COI/COC policies together?
4 affirmative; 1 opposed (All 5 faculty members voted.)

General Counsel Audrey Anderson announced that she would share broad strokes with FMC committee chair.

**ISSUE #3**

How are/should these policies be reviewed and revised?

Discussion: Who has the final reporting after consultation? The Chancellor has the final determination. The Audit Committee of the board of trust could reject it. A Senator noted that the Faculty Senate can express its voice but cannot enforce the policy, as its consultative role is strong but not necessarily binding.

The facilitator asked whether we are generally content with the Faculty Senate and UCC reviewing policy changes. He then asked if the Faculty Manual Committee believes changes should be made for the sake of greater clarification.

Vote taken: Five affirmative for greater clarification.

After some comments were made about the role of each stakeholder, a representative from the OGC explained that they are not trying to stop the Faculty Senate’s voice. The Faculty Manual Committee and UCC are free to come together and the UCC needs to weigh in. It was asserted that the faculty manual committee should not start “tinkering with the policies that were formed over many months with significant faculty and administrative input” without the UCC being a full partner in that process.

It was further clarified that for any changes that the Faculty Manual Committee is in favor of making, they should consult with the UCC prior to starting, as the UCC is the originator of those policies and is bound to compliance with legal, federal, financial and accreditation standards, all of which are primary variables in shaping the policies and procedures.

The facilitator emphasized that if the faculty manual committee feels changes needs to be made then the faculty manual committee should meet and agree among itself and suggest broad categories they feel are in need of review. All members of the Faculty
Committee should be in agreement that those changes are necessary. No changes or motions are to be brought before the Faculty Senate without this taking place with every member of the Faculty Manual Committee. All parties are committed to a fresh start in the discourse.

General Counsel will work to better define external activities that have the potential to constitute a COI/COC. That office is also committed to including language for deans to provide examples to faculty members. The FMC and UCC are committed to working together on potential changes to take to the Faculty Manual Committee and the UCC for review.