

MEMO

To: Faculty Senate Executive Committee

From: Faculty Senate Committee on Faculty Rights Privileges and Responsibilities (FRPR)

Date: February 21, 2016

Re: **Charge 3: Construct a general statement for inclusion in the Faculty Senate Rules and Regulations which will mitigate conflicts of interest in all hearings related to faculty members discipline and/or dismissal.**

The FRPR studied various definitions of Conflict of Interest. In addition, FRPR examined the Faculty Senate Rules and Regulations (FSRR) with regard to defining Conflict of Interest in hearings related to disciplinary hearings for faculty members.

Definitions

Multiple types of Conflict of Interest exist, thus, various policy documents offer different definitions. Perhaps the most all-encompassing definition is:

A conflict of interest occurs when there is a divergence between an individual's private, personal relationships or interests and his/her professional obligations to the university such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal benefit, gain or advantage. (Office of Provost and Executive Vice Chancellor Policy: Commitment of Time, Conflict of Interest, Consulting, and Other Employment, Preamble, I. General, B. Conflict of Interest) (See <https://policy.ku.edu/provost/commitment-of-time-conflict-of-interest#conflictofinterst>)

FSRR Referencing Conflict of Interest

Promotion and Tenure:

FSRR 6.1.4 addresses Conflict of Interest among participants in the promotion and tenure process. Section 6.1.4 speaks to Conflict of Interest but does not define it. Perhaps the definition should be included in FSRR 6.1.4.

FRPR notes that FSRR 6.1.4 does provide guidance on participation in promotion and tenure by prohibiting a faculty member from serving on more than one committee, prohibiting administrators from serving on review committees, and prohibiting spouses of candidates from serving. FSRR 6.1.4.4 also provides a mechanism for candidates to petition to resolve Conflict of Interest with the committee voting on the petition. Section 6.3.3 makes similar provisions for the University Committee on Promotion and Tenure.

Disciplinary Hearings:

FRPR finds that the appropriate location of including Conflict of Interest provisions into the process of conducting or appealing disciplinary hearings is within Article VII: Faculty Rights and Responsibilities.

The Faculty Senate approved a new Code of Faculty Rights, Responsibilities and Conduct (CFRRC) in April, 2015. The Code has yet to be approved by the Provost, thus its inclusion in FSRR is pending.

Because approval of the CFRRC is pending, FRPR recommends that no steps be taken on modifying the Code or the related portions of FSRR Article VII until the CFRRC is approved.

AAUP Documents:

The Charges to FRPR included review of three documents from the American Association of University Professors. FRPR finds that these documents, while important, should remain tabled for consideration later. These documents deal with protection of faculty rights in disciplinary hearings which are all relevant to the CFRRC. Given the pending status of the CFRRC, FRPR recommends that efforts to reference AAUP documents should wait for resolution of the CFRRC.