

June 14, 2015

To: Dr. Jeanne Colleran, Provost and Academic Vice President

From: Dr. Pam Mason, Convenor, *Ad hoc* Conflict of Interest Committee

Subject: Final Report of the *Ad hoc* Conflict of Interest Committee

Charge of the Committee: The Provost's April 7th charge to the committee was not to rewrite the conflict of interest policy but instead to raise issues that the Provost should consider in relation to this issue.

Summary of the meeting

The *Ad hoc* Conflict of Interest Committee met Friday, April 24th, 2015, in the CAS conference room.

Participants were:

- Dr. Dan Kilbride, Professor of History and Chair, Department of History
- Dr. Paul Lauritzen, Professor of Theology and Religious Studies
- Dr. Pam Mason (Convenor), Associate Dean for Social Sciences, Education, and Global Studies and Associate Professor of Political Science
- Dr. Debby Rosenthal, Associate Professor of English
- Mr. Alex Teodosio, Assistant Vice President of Human Resources
- Ms. Collen Treml, Esq., General Counsel
- Dr. Tom Zlatoper, Professor of Economics and Finance

Committee members were unanimous in their support for a fair and effective conflict of interest policy. Over the course of an hour-long conversation, three main issues were identified for referral to the Provost, regarding the present (revised) policy:

1. Regarding the policy itself:

- Under "Terms," third bullet point: *"An actual conflict or the appearance of a conflict of interest exists whenever any of the following occurs: [...] a JCU employee has a role in an employment or business decision that impacts someone with whom they have a Personal Relationship as defined by this policy [spouses, parents, siblings, and children; or romantic partners; or persons with whom an employee shares a residence]."*
 - Members of the committee expressed interest in clarifying this section of the policy, and in particular the scope of employment and business decisions included in the policy, especially as it is a change from the 2009 policy.
- Under "Unless," third bullet point: *"...the conflict or perceived conflict is avoided through appropriate predetermined alternate procedures."*
 - Committee members sought more clarity in the above phrase, including clarification about how the predetermined alternative procedures are determined, and by whom.

2. Regarding process:

- Under "Resolution of Conflicts," introductory paragraph: *"Whenever an actual conflict or the appearance of a conflict has been disclosed, the Executive Vice President, HR and Regulatory/Risk Management will consult, as appropriate, with the employee and other administrators and decide one of the following:"*
 - It was unclear to committee members what due process protections are included in the present policy, and clarification was sought on that matter.
 - Committee members recommend to the Provost that consultation ought to include faculty, when the case involves faculty; and staff, when the case involves staff.

Follow-up

A draft of the summary was circulated to committee members on Wednesday, April 29th and they approved it. Tom Zlatoper added, and Paul Lauritzen concurred, that "the third bullet point under 'Terms' in the COI Policy deals with personnel issues, which could pertain to tenure, promotion, travel money, salary, work assignments, etc. Enforcement of the COI policy on these matters could impinge on language in the Faculty Handbook."

During the week of May 4th, Alex Teodosio sent committee members copies of various Jesuit universities' conflict of interest policies and procedures, as comparators to our own. Note: Committee members were not able to give the comparator materials from other Jesuit institutions the level of attention they deserved by the end of term.

Conclusion

The Committee's charge was to raise issues that the Provost should consider in relation to the new, revised Conflict of Interest policy. The consensus of the Committee is that clarifications to the policy itself and changes to processes are warranted, and that the process of making these clarifications and changes can provide a model of the kind of shared governance to which we all aspire. In particular,

- We ask for more time (the summer) to read through the comparator materials from other Jesuit institutions and seek more information, if needed.
- We ask that the Committee, including Alex Teodosio, Colleen Trembl, and any additional administrator(s) appointed by the Provost, be reconvened in September for a working session to clarify the COI policy and amend the process provisions. The model for this type of meeting would be the current USPG model, in which the draft prose is worked through by the assembled group.

Our common goal is a COI policy and policy process that conform to best practices as they protect the compelling interest of the University in managing conflict of interest.

Respectfully submitted,

Pamela A. Mason, Ph.D.

Convenor, *Ad hoc* Conflict of Interest Committee