

Motions to amend the language proposed for 4.10 of the University Handbook

While it is certainly the right of the University to set out conditions of employment that protect itself from legal and financial burdens, and to preserve its reputation as an institution of high moral and ethical standards, the proposed language for Section 10, Chapter 4, of the University Handbook is unnecessarily aggressive and presents an intrusion on the privacy of its employees. The following motions are intended to allow the University its protection without encumbering its employees with excessive regulation.

Motion 1.

4.10.2.a

Strike requirements 1 and 2.

Rationale:

1. Every employees is entitled to a private life and as long as an employee adheres to University standards for moral and ethical behavior and shows satisfactory job performance, it should be of no concern to the University what that employee does outside of the workplace, and even less concern as to whether or not the employee is compensated for that activity.

2. Faculty are generally encouraged to diversify their pursuits. These requirements suggest otherwise.

3. The requirements stated in 4.10.2.c are sufficient and appropriate for the protection of the University.

Motion 2.

4.10.2.a

Delete the closing sentence "Providing services authorized by approved university practice plans also do not require notification."

Rationale:

1. The point and meaning of this sentence are not clear. It *seems* to offer a meaningless concession toward the requirements set out in the previous sentence.

2. There is no direction to such "approved university practice plans."

Motion 3.

4.10.2.b

In requirement 1, delete reference to remuneration and replace it with language pertaining to potential conflict of interest, and delete requirement 2 altogether.

Rationale:

1. See Rationale 1 in Motion 1.
2. Remuneration or participation in a commercial enterprise is *not*, in itself, a source of conflict of interest, nor is it necessarily a cause for unsatisfactory performance of University obligations, nor is it a unique source for unethical behavior by an employee. Any of these indiscretion can come from activities that are not for compensation or in non-commercial enterprises.

Motion 4.

4.10.2.c.6

Strike the 120% total workload restriction and replace it with language which restricts activity to the point that it measurably reduces an employee's ability to fulfill contractual obligations to the University.

Rationale:

1. This is consistent with the rationale (1) given for Motion 1.
2. 120% is an arbitrary figure that is difficult to measure.

Motion 5.

4.10.2.c.7

Strike the requirement that "Before signing a consulting agreement that requires the assignment of intellectual property rights, faculty members and college employees must obtain approval of the college dean and college employees must obtain approval of the Provost."

Rationale:

The paragraph begins by appropriately claiming ownership of intellectual property that is a product of University research, but in this following sentence it implies control over what might well be non-university business where intellectual property rights are not the business of the University.

Motion 6.

4.10.3.a

Delete the first three bullets following "must be submitted annually by:"

Rationale:

If the purpose of the Conflict of Interest Form is to report (potential) conflicts of interest, then only those who with such conflicts need submit the form. To ask the entire, full-time faculty to fill out such a form every year is absurd!

Motion 7.

4.10.3.a

The Conflict of Interest Disclosure Form must be included in the University Handbook

Rationale:

If employees are to be required to submit a form, the nature and contents of that form must be regulated by those who approve its requirement.

Motion 8.

4.10.3.b

To the first paragraph, add the proviso “only in the case where a consulting arrangement causes or could be perceived to cause a conflict of interest, or where such an agreement does not meet the requirements of 4.10.2.c.”

Rationale:

If an employee wishes to engage in a consulting agreement that does not violate University ethics policy, create (or possibly create) a conflict of interest, or use University resources, or impair the employee’s performance of University obligations, such agreements are not the business of the University. Moreover, they are not the business of personnel committees which would have access to the open file where this information would reside.

Motion 9.

4.10.3.b

The External Consulting Disclosure Form must be included in the University Handbook

Rationale:

If employees are to be required to submit a form, the nature and contents of that form must be regulated by those who approve its requirement.