

JOURNAL OF THE FACULTY SENATE
The University of Oklahoma (Norman campus)
Regular session – September 9, 2019 – 3:30 p.m. – Jacobson Faculty Hall, Room 102

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Note: The remarks of the Senators and others are summarized and not verbatim. A recording of this meeting is available in the Faculty Senate office.

The Faculty Senate was called to order by Professor Joshua Nelson, Chair.

PRESENT: Ashby, Biggerstaff, Bradshaw, Burge, Burns, Butler, Carpenter, Cuccia, Dunn, Edwards Williams, Ellis, Golomb, Heyck, Hoagland, Jiran, Kornelson, Lai, Lamothe, Lifset, Lyst, Miller, Moore-Russo, Mortimer, Muller, Natale, Nelson, Nollert, Randall, Remling, Riggs, Schmeltzer, Schwartz, Shehata, Shotton, Sikavitsas, Stetson, Stevenson, Teodoriu, Ward, Weaver, Wert, Worley

Provost's Representative: Provost Harper
ISA representative(s): Chris Cook
SGA Representative(s): Alex Baron, Taylor Chiariello
Other Guests: Anil Gollahalli, Sarah Ellis, Mark Morvant

ABSENT: Allen, Anderson, Cerato, Fuenzalida, Hambright, Rubenstein, Smith, Stock, Tabb

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APPROVAL OF JOURNAL

The Faculty Senate Journal for the regular session of May 6, 2019 was approved.

ANNOUNCEMENTS

A list of the Faculty Senate members is attached. The new members were introduced at the meeting.

The regular meetings of the Faculty Senate for 2019-20 will be held at 3:30 p.m. in Jacobson Faculty Hall Room 102 on the following Mondays: September 9, October 14, November 11, December 9, January 13 (reception), February 10, March 9, April 13, and May 4.

The Senate Executive Committee elected W. Murray Tabb (Law) as Parliamentarian of the Faculty Senate and Regular Faculty.

The 2019-20 list of faculty appointments to committees is available on the Faculty Senate website at <http://facultysenate.ou.edu/commem19.html>.

The Faculty Senate is sad to report the death of retired faculty members Karl Bergey (Aerospace & Mechanical Engineering) on May 27, 2019, Arn Henderson (Architecture) on June 27, 2019, and Judith Maute (Law) on July 13, 2019.

The Athletics Department is offering the Faculty & Staff All Sports Package, which gives OU faculty/staff the opportunity to attend many athletic events (not including Football or Men's Basketball) during the 2019-20 athletic year for \$100.00. For further information, contact the Athletics Ticket Office at 325-2424.

SENATE CHAIR'S REPORT, by Prof. Joshua Nelson

The Senate Chair's Report was distributed to all regular faculty members prior to this meeting along with the meeting agenda; it is attached. Prof. Nelson asked if there were questions or comments about any of the items in the report. There were no questions.

REMARKS REGARDING THE PRESIDENT'S ACADEMIC PROGRAM AND BUDGET ADVISORY COMMITTEE (PAPBAC) FROM COMMITTEE CO-CHAIRS PROVOST KYLE HARPER AND PROF. SARAH ELLIS

Prof. Nelson introduced PAPBAC Co-chairs Provost Kyle Harper and Prof. Sarah Ellis. Provost Harper discussed the history and purpose of this committee. He noted that five of the faculty committee members are appointed by the President and five are appointed by the Faculty Senate. The original purpose of PAPBAC was to evaluate and make recommendations on proposed budgetary modifications and their effect on the OU academic mission. Last year, much of their work focused on the budgetary evaluations. This year, PAPBAC will support the development of a strategic framework for OU.

Prof. Ellis then spoke about the committee's desire to get a broad range of input from the key stakeholders at OU. She passed out a survey to senators to get their feedback. The committee would like input from the university community regarding what should be prioritized. Provost Harper said that the development of our academic goals will be a priority. Prof. Natale stated that he would prioritize diversity concerns. Prof. Nollert asked about what the goal of the committee is in terms of a deliverable. Provost Harper said that their goal is to present a high-level draft strategic framework for the Norman

Campus of OU at the January Regents meeting. In reply to a question from Prof. Schmeltzer, Provost Harper said that senators could take the time to look over and answer the survey and send it directly to the Provost's office.

Prof. Burns asked about the current state of OU's budget. Provost Harper said that last year things were dire in that our unrestricted cash was very low. Unrestricted cash is what is used for payroll and debt payments. In the last year, we have cut \$50 million of recurring costs out of the budget. Provost Harper added that most of those changes did not directly affect the academic mission, such as closing the IT Store and reducing the landscaping budget. We are stable now, but not as healthy as we would like to be. Over the same year, we have implemented two faculty raise programs and a staff raise program and are hiring additional faculty members to support the academic mission.

Prof. Backus asked about how OU Global will be ranked among other priorities. Provost Harper suggested that the Faculty Senate invite Dean Gregg Garn, who is leading the OU Global effort, to come speak. The Provost added that PAPBAC would also weigh in on the OU Global program. Provost Harper said that we need to face the amount of deferred maintenance that is needed on our current facilities. Prof. Nelson thanked Provost Harper and Prof. Ellis for coming to speak to the Senate. He suggested that senators meet with their constituents and forward their feedback to the Provost.

REVISED CONFLICT OF INTEREST (COI) POLICY PRESENTED BY OU LEGAL COUNSEL ANIL GOLLAHALLI

Prof. Nelson introduced OU Legal Counsel Anil Gollahalli. Prof. Nelson said that the version of the Conflict of Interest policy that was passed out prior to today's meeting and is attached is a draft. He added that he and Senate Secretary Amy Cerato met with Mr. Gollahalli last week and provided suggestions. Senators will be provided with a final version of the policy prior to the October 14, 2019 Faculty Senate meeting. We will vote on the policy at that meeting.

Mr. Gollahalli said that the OU COI policy has not been revised for several years. One main area of concern is joint appointments with foreign universities and organizations. OU not being aware of faculty activities outside of OU puts us at a risk, which is a concern of our Regents. Mr. Gollahalli said that he is also working with the leadership of the Staff Senate to update this COI policy. He added that this document represents the best practices that are used by our peer institutions. He would like to present a final policy at the October Regents meeting and get it implemented by January 2020.

Mr. Gollahalli noted that a COI policy is just a framework on how to address conflicts and that there is no way that we can predict and address in the policy all the possible conflicts of interest. Mr. Gollahalli said the plan is to have a committee on both the Norman and HSC campus that will address the conflicts as they come up. OU will work to educate university community members about the policy, increase compliance of the policy in terms of disclosure, work for more sophisticated and consistent decision-making, and manage any conflicts.

Mr. Gollahalli said that OU announced a new Vice President for Research last week, who has experience in this area and will have the opportunity to provide feedback on the policy. Mr. Gollahalli said that he would like to get a final version of the policy to the Senators by October 7, which is one week prior to the October 14 Faculty Senate meeting, so that it can be voted on. He would then take it to the Regents at their meeting on October 22.

Prof. Nollert asked that the policy recognize the different conflict of interest issues addressed by faculty in different disciplines. Prof. Patrick McCann from Electrical and Computer Engineering was recognized by Prof. Nelson and allowed to address the Senate. Prof. McCann expressed concern about intellectual property issues that could arise in terms of faculty summer contracts. The concern was based on the

language contained in Section 3, Paragraph C2, of the Conflict of Interest document, regarding "Summer outside professional employment." The current COI draft states that the outside employment "may not involve use of University Resources." However, included in the definition of "University Resources," is "Intellectual Property," which is managed by OU's Office of Technology and Development (OTD). The concern was raised based on past experiences with OTD that had adversely affected how faculty members engaged with industry. The suggestion was to remove IP from the definition of University Resources, to keep OTD out of the proposed University COI statement. Prof. McCann pointed out that a member of the faculty may not know if a company had a license agreement to use OU-owned intellectual property and that such an agreement would complicate their engagement with that company under the proposed new policy. Mr. Gollahalli suggested that faculty members could work with OU's Open Records Office to find out which companies are using OU-owned intellectual property.

Prof. Nelson thanked Mr. Gollahalli for discussing this issue with the Senate. He asks any faculty members with concerns or questions to direct them to both the Senate leadership and Mr. Gollahalli prior to the October Senate meeting.

FACULTY SENATE PRIORITIES FOR 2019-20

Prof. Nelson said that the Faculty Senate Executive Committee (FSEC) would like input from the members of the Faculty Senate on a list of priorities for the Faculty Senate for 2019-20. He then opened the floor to discussion.

Prof. Natale said that one issue is the lack of leadership pathways for faculty and how leaders are chosen. Prof. Kornelson agreed with Prof. Natale's concern and said that the lack of transparency in decisions about leadership positions has diversity concerns.

Prof. Lifset said that there has been a lot of concern about health insurance at OU. He would like to know where that stands. Prof. Nelson said that the current recommendations are included in the upcoming Regents agenda and representatives from Human Resources will speak at the October Senate meeting.

Prof. Heyck would like more information about the role of the new Center for Faculty Excellence. Prof. Ward would like continued emphasis on including faculty in shared governance. Prof. Nollert suggested that OU should continue to address issues of faculty salary compression and inversion. Prof. Schwartz expressed the need for closer scrutiny of the Title IX office and would also like additional training for chairs and directors in this area.

In the area of faculty compensation, Prof. Weaver sees the need for more direction about policies on faculty raises that address more than one year's performance. Prof. Hoagland asked that the issue of faculty with split appointments be addressed, as they could be compressed or inverted in terms of salary in one department, but not the other. Prof. Golomb also asked about compression and inversion, stating that all the faculty members in her department received the same raise this year, so that it did not address compression and inversion issues.

Prof. Riggs is concerned about how fast the process to create OU Global is planned to proceed. He does not think it allows the university community time to think about online education. Because of the fast timeline, he asks that the Executive Committee stay involved in those discussions and represent faculty concerns. Prof. Heyck agreed with Prof. Riggs and thinks that part of our strategic framework needs to address what it means to be a research university in a global and digital world.

Prof. Miller is concerned about how we both compensate and charge graduate students. He said that If OU cannot provide more compensation, then maybe there are ways we could lower their costs. Prof. Moore-Russo would like to know how the increased size of the incoming freshmen class taxes existing resources. Prof. Kornelson talked about the working group currently looking at teaching evaluation. She would like to see departments receive more guidance on what excellence in teaching means.

Prof. Edwards Williams stated that it is her understanding that the distribution of compression/inversion funding was left up to the deans, perhaps with department chair input. She would like to know if there is anyone looking at how that funding was distributed. Prof. Nelson said that it is his understanding that Provost Harper and Senior Vice Provost Jill Irvine were going to personally review all cases of significant compression and inversion. Provost Harper said that they reviewed the last set of spreadsheets last week and they are with HR. Part of the process in the current raise cycle was to partially decentralize those decisions. Prof. Hoagland expressed that there was a lack of involvement of Committee A in decisions about discretionary raise funding.

Prof. Natale would like us to continue to address the diversity plan. He would like to look at how well we are achieving the goals of the plan, not just what activities are underway. Prof. Burns is concerned about over-centralization of the new OU Global initiative. He added that there are already many online programs on-campus that are already working very well. Prof. Carpenter would like the Senate to look at the efficiency of the Office of Research Services and added that delays in that office limit the ability of tenure-track faculty to get research underway.

Prof. Nelson thanked the senators for their input on this list of priorities. He hopes that as new issues arise, senators would bring them up in the new business part of the Senate meetings this year.

NEW BUSINESS

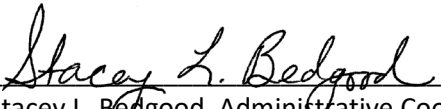
Prof. Nelson said we need to replace one of the at-large members of the Faculty Senate Executive Committee, as Prof. Debra Bemben has responsibilities that conflict with her ability to serve on the FSEC, so she has resigned from that committee. Prof. Nelson believes that the bylaws recommend that we have an election at our next meeting to replace her. He would like senators to send him suggestions for candidate and we will also accept nominations from the floor at the October meeting.

Mr. Gollahalli said that the process of finding a Vice President for Diversity and Inclusivity is underway and some candidates will be coming in over the next month.


Prof. Shehata has received a suggestion from his colleagues to update the syllabus template to include information about counseling and mental health resources available on the OU campus. Prof. Riggs asked the source of the syllabus template. Prof. Shehata said that he has found it via the Provost's website. Vice Provost Mark Morvant said that the template is under the purview of the Center for Faculty Excellence and that he could work with the CFE to update the template. He asked Prof. Shehata to send him some suggested language. Both Prof. Bradshaw and Prof. Heyck said that there may be multiple versions of that template available in different places on campus. Prof. Butler says that faculty receive an email each year with a list of information to include on all syllabi and suggested that this language be added to that email.

ADJOURNMENT

The meeting adjourned at 5:01 p.m. The next regular session of the Faculty Senate will be held at 3:30 p.m. on Monday, October 14, 2019, in Jacobson Faculty Hall, Room 102.



Stacey L. Bedgood, Administrative Coordinator



Amy Bradshaw, Faculty Senate Chair-elect

2019-20 OU FACULTY SENATE

Senators	Dept	E-Mail(@ou.edu)	Representing	Term
Ellis, Natalie	Interior Design	nellis	Architecture	2017-20
Randall, Asa	Anthropology	ar	Arts & Sciences	2019-22 *
Hambright, Dave	Biology / Physics & Astronomy	dhambright	Arts & Sciences	2017-20
Ashby, Michael	Chemistry & Biochemistry	mashby	Arts & Sciences	2017-20
Miller, Claude	Communication	chmiller	Arts & Sciences	2017-20
Nelson, Joshua	English / Film & Media Studies	joshuabnelson	Chair/non-voting	2019-20
Riggs, Wayne	Philosophy	bkeppel	Arts & Sciences	2019-22 *
Heyck, Hunter	History of Science	hheyck	Arts & Sciences	2017-20
Allen, Katie	Human Relations / Health & Exercise Sci.	kallen	Arts & Sciences	2018-21
Worley, Jody	Human Relations - Tulsa	jworley	Arts & Sciences	2018-21
Rubenstein, Ellen	Library & Information Studies	erubenstein	Arts & Sciences	2019-22 *
Kornelson, Keri	Mathematics	kkornelson	Arts & Sciences	2019-22 *
Moore-Russo, Deborah	Mathematics	dmr	Arts & Sciences	2019-22 *
Muller, Greg	Mathematics	gmuller	Arts & Sciences	2019-22 *
Remling, Christian	Mathematics	christian.remling	Arts & Sciences	2019-22 *
Dunn, Anne	Microbiology & Plant Biology	akdunn	Arts & Sciences	2018-21
Stevenson, Bradley	Microbiology & Plant Biology	bradley.stevenson	Arts & Sciences	2018-20
Ward, Julie	Modern Lang, Lit, & Ling. / WGS	wardjulie	Arts & Sciences	2018-21
Shotton, Heather	Native American Studies /AFAM / FMS	hshotton	Arts & Sciences	2018-21
Lamothe, Scott	Political Science / Religious Studies	slamothe	Arts & Sciences	2018-21
Wert, Justin	Political Science	jwert	Arts & Sciences	2019-22 *
Fuenzalida, Luz-Eugenia	Psychology	fuenzalida	Arts & Sciences	2018-21
Natale, Anthony	Social Work	anatale	Arts & Sciences	2017-20
Burge, Stephanie	Sociology	sburge	Arts & Sciences	2017-20
Burns, Tom	Sociology	tburns	Arts & Sciences	2019-22 *
Hoagland, Bruce	Geography & Env. Sustainability	bhoagland	Atmos. & Geog. Sciences	2018-21
Biggerstaff, Michael	Meteorology	drdoppler	Atmos. & Geog. Sciences	2019-22 **
Cuccia, Andrew	Accounting	cuccia	Business	2018-21
Stetson, Beth	Accounting	bstetson	Business	2019-22 *
Stock, Duane	Finance	dstock	Business	2017-20
Carpenter, Brett	Geology & Geophysics	brett.carpenter	Earth & Energy	2018-21
Teodoriu, Catalin	Petroleum & Geological Engr.	cteodoriu	Earth & Energy	2019-22 *
Edwards Williams, Kirsten	Educational Lead. & Pol. Studies	kirsten.t.edwards	Education	2018-21
Bradshaw, Amy	Educational Psychology	bradshaw	Education/Chair-elect	2017-20
Cerato, Amy	Civil Engr. & Environ. Science	acerato	Secretary/nonvoting	2019-20
Lai, Feng	Aerospace & Mechanical Engr.	flai	Engineering	2017-20
Butler, Liz	Civil Engr. & Environ. Science	ecbutler	Engineering	2018-21
Weaver, Chris	Computer Science	cweaver	Engineering	2017-20
Nollert, Ulli	Chemical, Biological, & Materials Engr.	nollert	Engineering	2019-22 *
Sikavitsas, Vassilios	Chemical, Biological, & Materials Engr.	vis	Engineering	2019-22 *
<i>TBD</i>			Engineering	2019-22 *
Lyst, Roxanne	Dance	rlyst	Fine Arts	2018-21
Mortimer, Alissa	Drama	alissamortimer	Fine Arts	2019-22 *
Schwartz, Dan	Music	dan.schwartz	Fine Arts	2019-22 *
Anderson, Eric	Visual Arts	eric	Fine Arts	2018-21
Jiran, Amanda	Musical Theatre	mjiran	Fine Arts	2019-22 *
Biggerstaff, Michael	Meteorology	drdoppler	Graduate College/non-voting	2019-22 *
Shehata, Samer	International & Area Studies	shehata	International Studies	2019-22 *
Schmeltzer, John	Journalism	j.schmeltzer	Journalism & Mass Comm.	2019-22 **
Tabb, W. Murray	Law	mtabb	Law	2018-21
Smith, Dave	Aerospace Science	david.smith.24	Non-degree-recommending	2018-21
Golomb, Liorah	University Libraries	lgolomb	Non-degree-recommending	2017-20
Lifset, Robert	Honors College	robertlifset	Pooled--Liberal Studies	2017-20

* New member

** Re-elected member

***SENATE CHAIR'S REPORT, by Prof. Joshua Nelson
September 9, 2019***

After I assumed the chair of the Faculty Senate on May 6, which was followed by President Gallogly's resignation on May 12, the Faculty Senate Executive Committee (FSEC) met on May 14 to discuss our concerns surrounding the impending transition. I met with HR director Jackie Wolf on May 16 to discuss plans for filling senior administrative vacancies; nearly all were deferred to the fall semester, although initial conversations with search firms for some deans' positions were underway, and the search for the head of University Community was to continue apace. Plans for the upcoming raise package were still being sorted. I attended the regent's meeting that evening, at which Joseph Harroz was announced as the interim president of the university. The FSEC met with Interim President (IP) Harroz the following day, when we emphasized our support for appropriately resourcing the Title IX office and the Gender and Equality Center (GEC); for the continued rollout of the diversity, equity, and inclusion plan; for decisive and transparent action on administrative searches; and for continued faculty input on any contemplated major changes to academic programs, as took place with President's Academic Program and Budget Advisory Committee (PAPBAC) review. IP Harroz was enthusiastic about restoring stability to the institution and involving the FSEC, the Senate, and the faculty more broadly in shared governance, especially in setting priorities for the academic enterprise.

When the FSEC met with IP Harroz on June 18 and July 10, we reiterated our hope that the administration would avail itself of faculty input for senior position searches, suggested that Title IX and HR training be implemented for departmental chairs, directors, and Committees A, followed up on our discussion of the Title IX office and the GEC resources, and heard about the plans to approve the offices' requests for additional staffing. We also asked about his plans to provide appropriate staff support, to generate faculty-defined standards of excellence in annual evaluations, and for refining the RFRA process, through, for instance, feedback structures or more autonomous college administration. IP Harroz expressed his sense that although the university is not currently in a financial crisis, it must remain vigilant about its expenses and balance them against our academic mission, which he believes needs clearer definition. He outlined his investment in developing a strategic framework for the university to help guide potential solutions to these and other concerns. He praised the thoughtfulness and thoroughness of PAPBAC and suggested, in light of the more promising budgetary outlook, that committee might be called upon to provide faculty input on the strategic framework, which he would like to present to the regents in January. In forming a search committee for a chief of staff position for IP Harroz, he solicited recommendations for a representative from the faculty to serve on the search committee; the FSEC put forward Prof. Megan Elwood Madden, who was named to the committee.

FSEC members, in person and remotely, met with VPR candidate Anshuman Razdan on July 9. Following consultation with past and current members of the FSEC who participated in the interviews with the VPR candidates, immediate past-chair Megan Elwood Madden conveyed our collective impressions to the Provost, the Interim President, and the Board of Regents.

Several current and past members of the FSEC attended a working meeting on diversity and inclusion at Boyd House, which included presentations from IP Harroz, Interim Vice Provost for Diversity and Inclusion Jane Irungu, Vice Provost for Faculty Jill Irvine, and Dean of Student Affairs David Surratt. Several speakers expressed their gratitude for the work of faculty on the Theory of Change document and the Faculty Senate's advocacy in these areas.

FS Chair-elect Amy Bradshaw, Secretary Amy Cerato, and I met with Student Government Association (SGA) President Adran Gibbs on Aug. 12. We look forward to collaborating with the SGA on matters of mutual interest. Diversity, equity, and inclusion figured prominently in our conversation, as did the need to facilitate connections among faculty and students for research purposes, for which we welcome suggestions. I also met with Emma DeAngeli, Chair of the Undergraduate Student Congress, on Aug. 16. Assessing the utility of student evaluations, not only of teaching but of other programs in which students participate (diversity training, e.g.), is a priority for her. This perhaps figures in the broader landscape of administration/program evaluation that the FSEC has discussed. Other key initiatives that Ms. DeAngeli would like to explore include better delivery of and communication regarding mental health and disability resources, and sustainable landscaping options.

I met with Sarah Connelly, Chair of the Staff Senate, on Aug. 16 to visit about where the Faculty Senate might connect with that body's priorities for the coming year. Like faculty, staff are mindful of possible plans to discontinue email addresses for retired members of the university community, which the IT Council has assured us will stay on its radar. Addressing the additional burdens of staff in the wake of departed members, recruiting diverse pools of applicants for open positions, and thoughtful evaluation procedures for administrators and/or supervisors are other areas of mutual concern.

In consultation with Provost Kyle Harper, the FSEC and the Faculty Compensation Committee (FCC) endorsed the general structure of the recent raise plan made possible through state allocations (2.2% total raise for regular faculty, with 1.2% going across-the-board, and 1% to address compression and inversion, equity, and merit). The plan outlined by the provost included extension of raises to renewable term faculty and the expectation that chairs/directors and Committees A be consulted in allocating discretionary funds in order to address salary issues that are most pressing in their departments. Our endorsement followed the incorporation of a few suggestions we thought important: 1) a \$750 floor, up from the \$500 proposed; 2) in light of our belief that compression and inversion and income disparities related to racial and gendered inequities are themselves urgent problems, careful review of the suggested raises be conducted by the provost and IP Harroz; 3) the provost and Vice Provost Irvine will review with college deans the situations of all inverted faculty; 4) tracking and reporting, within legal and reasonable bounds, on the number of cases of compression and inversion and/or equity that discretionary money was able to address. We urged that five years of annual evaluation scores be used in merit considerations, but the provost related that three was as much as could be feasibly used.

On Aug. 19, the FSEC met to follow up on consolidating and prioritizing questions for IP Harroz (which were solicited by emails sent to all the regular faculty), and then met with IP Harroz to offer an overview of the format and questions that he could expect at the State of the University address, which was held on Aug. 21 in Sharp Music Hall. The event was well attended in-person and online. Once close-captioned, the Faculty Senate office will upload a recording of the event.

I met with Provost Harper on Aug. 23, when we discussed asking the members of PAPBAC to extend their service, with a closer eye on developing a strategic framework for the university, which the FSEC endorsed in earlier conversation. The provost will reach out to the current members and see if they are willing and able to continue with this new charge. Budget cuts are not, however, entirely in the past, and PAPBAC may well be called upon to evaluate programs that fall under its purview as it was initially designed.

After reviewing the recording of the April 2018 Faculty Senate meeting to clarify the revised Libraries Committee structure, the Faculty Senate office corrected the count of faculty members on its action item report and forwarded the revision to Evans Hall. The Committee on Committees and the FSEC will work with the President's office on appointments.

On Aug. 26, the FSEC met with Marcy Fleming and Colin Fonda from Human Resources. They provided an overview of several considerations regarding health insurance arrangements, which are still being settled for this year. The general plan is to go with a single provider for the Norman and HSC campuses, with the income tiers held intact for this year. Refiguring and/or collapsing those levels might open the door to future coverage options and cost savings for some. The FSEC registered concerns relayed to us that a progressive structure helps protect those with lower incomes, for whom even the lowest contribution represents a potentially outsized percentage of their income, and that improved out-of-pocket costs for dependent care coverage are a top priority for those on campus and for potential recruits. Ms. Fleming and Mr. Fonda will present details of the plan to the Faculty Senate as soon as feasible. Provost Harper and General Counsel Anil Gollahalli joined the meeting with the HR representatives to provide an update on the proposed plan to more uniformly address step-up/down pay for departmental chairs and directors. That plan, we are told, is currently on hold, following President Gallogly's having left the fold. Provost Harper and Mr. Gollahalli discussed crucial changes to the university's conflict of interest management, about which we will hear more at the regular meeting of the Faculty Senate. Mr. Gollahalli informed us that with the help of HR, the university is implementing a gateway structure, advocated last year by the FSEC, to help departmental administrators be aware of institutional history regarding actions that might have been taken to address problematic or unprofessional conduct. Records of such actions may currently be housed in several offices and might not be communicated to incoming chairs, e.g. The new structure should provide relevant information to unit heads automatically.

Members of the FSEC welcomed several new Senators at an orientation on Aug. 28—a warm welcome to them!

I offered a few comments at the Diversity and Inclusion Welcome Reception, Aug. 29, that focused on the need for transformational change to improve our diversity, equity, and inclusion profile, and pointed to several suggestions outlined in the Faculty Senate resolution passed in March 2019, particularly the need for positive evaluative criteria in hiring and research support, to address salary inequality, and for appropriately resourcing underrepresented minority student support structures. These strategies have not yet been reflected in the two phases of the Office of Diversity and Inclusion support plan, but several points in the plan offer cause for optimism.

INDIVIDUAL CONFLICTS OF INTEREST POLICY

1. GENERAL POLICY

- A. **GENERAL OBLIGATION.** Conflicts of interest can result in serious harms such as improper personal benefits, loss of University resources, misuse of confidential information, and exploitation of employees, students, and others. Even without such consequences, conflicts of interest endanger the University's mission and betray the public's trust if left unreviewed. Therefore, all persons covered by this policy must promptly disclose any conflicts of interest, including any personal interest, activity, or relationship that may affect or detract from the proper exercise of University responsibilities, and must adhere to the University's judgment on permissibility and management.
- B. **SCOPE.** This policy applies to all University Employees¹. It establishes minimum standards and procedures for addressing personal conflicts of interest and outside professional employment. Nothing in this policy prohibits any academic or administrative unit from establishing supplementary Conflicts of Interest policies and/or procedures that are more restrictive than these. This policy overlaps with but does not replace Employee responsibilities under state and federal law or other University policies, e.g., the IRB conflicts of interest policy; and, compliance with those laws/policies does not eliminate the requirement to comply with this policy, and vice versa. Institutional conflicts of interest and certain other specific personal conflicts are addressed by other University policies referenced in Appendix 3.
2. **CONFLICTS OF INTEREST.** A Conflict of Interest arises when a financial or other personal interest, activity, or relationship may reasonably be expected to compromise an Employee's judgment in carrying out his/her University responsibilities. When used in this policy, the term Conflict of Interest also includes potential conflicts (i.e., interests, activities and relationships that do not currently constitute a conflict but will foreseeably do so if not subject to limitation) and the appearance of a conflict (i.e., interests, activities, and relationships that in the University's judgment would impair public trust if not managed appropriately). Conflicts of interest include but are not limited to the following:
- A. **SELF-DEALING:** Transacting any University business with oneself or one's Family or having a Significant Financial Interest in any Company that could foreseeably benefit from the Employee's decisions in discharging University responsibilities.
 - B. **USE OF UNIVERSITY RESOURCES:** Taking, allocating, or using any University Resources for a non-University purpose except as otherwise allowed by University policy.
 - C. **USE OF EMPLOYEES OR STUDENTS.** Hiring or supervising University Employees or students whom one supervises, instructs, or mentors, in a

¹ Definitions of capitalized terms are included in Section 2 and in Appendix 1.

personal interest, activity, or relationship, or receiving a profit from sales or services to them.

- D. CONFLICTS OF COMMITMENT. Engaging in any full or part-time activity that demands a level of time or energy that can reasonably be expected to impair the performance of one's University responsibilities. Outside activities ordinarily understood as full-time are presumed to be inconsistent with full-time University employment.
- E. ENDORSEMENT. Presenting one's University affiliation, position, or credentials in a way that gives the appearance of University endorsement of any business, charity, or other outside entity or activity, or creating confusion as to University involvement in the activity.
- F. GIFTS. Accepting a Gift that may reasonably appear to influence the exercise of one's University responsibilities, or that may appear to be compensation for such exercise, or that otherwise may be prohibited by law.²
- G. IMPARTIALITY. Participating in a University matter involving specific parties that is likely to have a direct and predictable effect on the Employee's financial interests (or those of a member of his/her Family); or, where the Employee or Family member has a personal or business relationship with a directly affected party; or where the circumstances would cause a reasonable observer with knowledge of the relevant facts to question the Employee's impartiality. Examples of such parties include members of one's Family, persons with whom one lives or shares a bank account, and persons with whom one has or has recently had significant financial transactions such as employment, contracting, or indebtedness.³
- H. CONFIDENTIALITY. Disclosing confidential information, including proprietary information, acquired through one's University employment to anyone not entitled to receive it.
- I. INTERESTS AND ACTIVITIES PRESUMPTIVELY PERMITTED. The following interests and activities are presumptively permitted and need not be disclosed so long as they do not constitute a Conflict of Commitment and so long as they are not required to be disclosed by a unit's supplementary policy:
 - 1. interests below the threshold of Significant Financial Interests in a Company that may do business with the University;

² Employees receiving Gifts, gratuities, or other third-party benefits are advised to review Appendix 4 for additional legal restrictions. See Rules 4.8, 4.9, and 4.17.

³ Employees engaged in a matter likely to have a direct effect on their financial interests are advised to review Appendix 4 for additional legal restrictions that may affect participation in the matter. See Rule 4.7.

2. financial interests in a Company that does no business with the University, or does business with the University outside the course and scope of one's University responsibilities;
 3. unpaid service on nonprofit or scholarly boards;
 4. service as an editor of a professional publication;
 5. services of a scholarly or professional nature for which tokens of appreciation (honoraria) are traditionally conferred and are not undertaken for personal financial gain, for example a scholarly presentation or program evaluation;
 6. modest personal Gifts of a customary nature, ordinarily with a value less than \$20, where knowledge of the relevant facts would likely not cause a reasonable observer to question the Employee's impartiality;
 7. inclusion of University affiliation in publications or communications where not reasonably likely to be taken as endorsement;
 8. modest personal use, excluding personal business use, of University Resources such as telephone and email as permitted by other University policies.
3. OUTSIDE PROFESSIONAL EMPLOYMENT, EXCLUDING PARTICIPANTS IN A UNIVERSITY PROFESSIONAL PRACTICE PLAN⁴
- A. GENERAL PROVISIONS. All Employees shall discharge their responsibilities to the University unhindered by outside employment or other commitments. Full-time Employees owe their primary professional duty to the University; any other employment or activity must be secondary. However, in light of their potential to create Conflicts of Interest, outside employment in the area of one's University duties ("outside professional employment") must be disclosed and approved and may be limited as provided in this section.
 - B. STAFF. Staff Employees are expected to conduct University business during the University's regular business hours, or as otherwise assigned. Staff Employees may not conduct outside professional employment during their assigned University business hours except when leave is authorized. Salaried staff with appointments from 0.8 to 1.0 full-time equivalent (FTE) shall disclose and receive prior approval for all outside professional employment to assess possible conflicts of commitment. All staff employees must disclose and receive prior approval for outside professional employment that reasonably appears to create an actual, potential, or apparent Conflict of Interest. All staff

⁴ While excluded from this Section 3, Employees who are in Professional Practice Plans are expected to comply with the terms of their respective Plans and all other applicable University policies and procedures.

members currently involved in the application for, design of, or conduct of sponsored research, must disclose all outside professional employment.

C. FACULTY. During the terms of their academic appointment, faculty members must attend to all duties and responsibilities including classes, office hours, and service commitments.

1. Faculty during academic year. Faculty members are individually and primarily responsible for arranging their University time. Full-time faculty may, with chair or director approval, commit up to 10 hours in any week for outside professional employment during University business hours so long as the activity does not reasonably appear to create a Conflict of Interest, does not interfere with the faculty member's University duties and responsibilities, and provides important elements of faculty professional development related to University duties and responsibilities. For faculty who accrue leave, the University shall determine the extent to which leave should be taken for outside professional activities.
2. Summer outside professional employment for 9-month faculty. During any portion of the summer in which 9-month faculty are not on contract with the University, they may engage in outside professional employment without regard to the 10-hour-per-week limitation. Such outside professional employment is presumptively permitted; however, such employment must be disclosed for prior review for actual, potential, or apparent Conflicts of Interest and may not involve use of University Resources, including staff, except as otherwise provided by University policy.
3. Part-time faculty. Faculty with less than full-time appointments may engage in outside professional employment during any time not required by their University responsibilities.
4. Disclosure and approval requirements. Regular and renewable-term faculty with appointments from 0.8 to 1.0 FTE , and all Employees currently involved in the application for, design of, or conduct of sponsored research, must disclose all outside professional employment. All Employees who are permitted to engage in outside professional employment that reasonably appears to create an actual, potential, or apparent Conflict of Interest shall provide their services in strict accordance with an approved management plan.

4. DISCLOSURE AND REVIEW

A. CONFLICT OF INTEREST OFFICE. The University President shall designate a Conflict of Interest office or offices on the Norman and Health Sciences Center campuses which shall be responsible for the following:

1. EDUCATION. Providing to Employees on all campuses adequate information at least annually regarding this policy and their obligations hereunder and ensuring that Employees responsible for implementation and administration of this policy receive appropriate training to effectuate the aims of this policy.
 2. PROCEDURES AND IMPLEMENTATION. Managing the activities of the Conflict of Interest Committee, providing oversight, and promoting uniform standards for conflict of interest disclosure, review, approval, and management across all campuses.
 3. RECORDKEEPING. Maintaining an inventory of all conflict of interest disclosures, management plans, and related pertinent materials across all campuses. The office shall also devise standards for internal disclosure and for public disclosure of conflicts under management sufficient to assure ethical transparency while maintaining an appropriate level of privacy for personal financial interests and personnel records.
- B. CONFLICT OF INTEREST COMMITTEE. The University President shall appoint two Conflict of Interest Committees: one on the Norman Campus and one on the Health Sciences Center Campus. Conflicts arising on the Tulsa Campus shall be decided by the Committee for the campus where the Employee's unit is based.
1. Composition. Committees shall be composed of four faculty recommended by Faculty Senate; three staff members recommended by Staff Senate from the salaried professional academic and administrative staff; the Vice President for Research or designee; and the Senior Vice President and Provost or designee. The Committee shall have a nonvoting member designated by the Office of Legal Counsel to provide advice and legal support.
 2. Powers and Responsibilities. Committees shall determine the appropriate disposition of covered conflicts arising on their respective campuses.
 3. Delegation and Support. Consistent with the aims of this policy, the Conflict of Interest Offices shall be responsible for the day-to-day operation of their respective Committees and shall establish procedures to obtain recommendations from appropriate individuals and units, to decide cases, to delegate routine matters to the Conflict of Interest Office, and to delegate decision-making for conflicts of a specialized nature where the decision-making expertise is localized.
- C. OBLIGATION TO DISCLOSE. Employees shall disclose and seek prior approval for an interest, activity or relationship covered under this policy, or

within 30 days of hire, if the activity or relationship predates the Employee's University employment. Disclosures shall be to the appropriate Conflict of Interest Office, in writing, and shall include a clear, detailed explanation of the Conflict. The Conflict of Interest Office may forward the disclosure to other offices for preliminary information, review, or advice as the Office deems necessary.

- D. REVIEW. Disclosures shall be reviewed in accordance with procedures established by the Conflict of Interest Office. In light of the unique institutional responsibilities of executive officers, conflicts arising for Executive Officers shall be disclosed according to the Institutional Conflicts of Interest policy.
 - E. POSSIBLE ACTIONS. The Conflict of Interest Committee or its designee may determine that the activity, interest, or relationship constitutes (a) no conflict, (b) a potential conflict that will be permissible as long as certain limits are not exceeded, (c) a manageable conflict requiring a management plan; or (d) an unmanageable conflict requiring action to terminate either the interest or the University duty involved.
 - F. MANAGEMENT PLANS. When a Conflict of Interest, whether actual, potential, or apparent, requires management, the Conflict of Interest Committee or its designee shall, with information and input from the Employee and others as it deems appropriate, develop a management plan. Management plans must include a description of the conflict, a summary of the steps required for management, specific individual(s) responsible for the required steps, the records to be maintained under the plan, and a schedule for review, which must occur at least annually.
5. REMEDIATION, RESCISSION, AND ENFORCEMENT. Reports or evidence of policy violations received by the Conflict of Interest Office shall be reviewed, investigated, and referred to the appropriate office for action. Employees who fail to disclose a conflict of interest or to comply with a decision or approved management plan may be subject to discipline up to and including severe sanctions and termination. Employees are reminded that they also are subject to civil and criminal penalties for violations of state or federal laws relating to conflicts of interest. An approving authority may rescind an approved outside professional employment activity upon receipt of information indicating the activity is not consistent with this policy, applicable law, or other University policy. If approval is rescinded, the Employee shall be given written notice and an opportunity to respond to his or her campus Conflict of Interest Committee.

APPENDIX 1: DEFINITIONS

- A. COMPANY. Any entity, other than the Board of Regents of the University of Oklahoma, through which business is conducted (profit or non-profit), including such organizations as a sole proprietorship, partnership, company, corporation, civic or social organization.
- B. EMPLOYEE. All individuals employed by the University, whether full or part-time. For purposes of this policy, the term “Employee” shall also include postdoctoral fellows, visiting scholars, residents, graduate research and teaching assistants, volunteers, and all individuals working on grants and contracts whether paid or unpaid.
- C. FAMILY. Includes any individual who is a spouse/domestic partner, parent, child, stepchild, or sibling of an Employee or a member of the Employee's household.⁵
- D. GIFT. Anything of value to the extent that consideration of equal or greater value is not received in exchange.
- E. INTELLECTUAL PROPERTY. Any ideas, discoveries, inventions, technology, creative expressions and embodiments thereof in which a proprietary interest may be claimed such as patents, copyrights, trademarks, know-how, biological materials, and other forms of intellectual property legally recognized as set forth in the University's Intellectual Property Policy.
- F. SIGNIFICANT FINANCIAL INTEREST.⁶
 - 1. For a non-publicly traded company.
 - A. Any ownership interest, by the Employee or his or her Family, in a private business, including but not limited to, a closely held corporation; limited liability company; Subchapter S corporation or partnership for which the Employee or his or her Family member is a director, officer, owner, manager, employee, or agent; or any private business, closely held corporation or limited liability company in which the Employee or his or her Family member owns or has owned stock, another form of equity interest, stock options, or debt instruments.
 - B. Any Intellectual Property right or interest for which the Employee or his or her Family has received income.

⁵ For the definition of “family” in the State Ethics Rules see Rule 4.2. Due to a university's unique ethical responsibilities in teaching and research, OU's definition is somewhat broader in scope.

⁶ For the definition of “material financial interest” in the State Ethics Rules see Rule 4.7. Under federal law, the University's disclosure requirements are more restrictive, e.g., NSF sponsored research contracts, and rather than confuse the issue by applying different standards, the university elected to abide by the more restrictive rules.

- C. Receipt of income of Five Thousand Dollars (\$5,000) or more by the Employee or his or her Family during the twelve months prior to the date of disclosure; or
- 2. For a publicly-traded company. Any interest for which remuneration during the twelve months prior to disclosure, plus the value of equity interest in the entity at date of disclosure, exceeds \$5,000, when aggregated for the Employee and his or her Family.
- 3. Significant Financial Interests do not include:
 - A. salary, royalties, or other remuneration paid by the University to employees (including Intellectual Property rights assigned to the University and agreements to share in royalties related to such rights); or
 - B. investment vehicles, such as mutual funds and retirement accounts, where the Member does not directly control the investment decisions made by such vehicles.
- G. UNIVERSITY RESOURCES. All University services, real and personal property including facilities, equipment, Intellectual Property, and workforce.

APPENDIX 2: CONFLICTS OF INTEREST IN BUSINESS AND RESEARCH RELATIONSHIPS

- A. **Company Board Membership/Officership.** Service as a director or officer (President, VP, CEO, COO, CFO, Scientific Officer) of a Company is normally acceptable; however, when the Company proposes to do or is doing business with the University, has licensed University technology, or there is, an actual, potential or apparent Conflict of Interest with one's University responsibilities (such as financial conflicts, conflicts of commitment, use of University Resources, potential or actual overlap between University research and Company research, and use or ownership of Intellectual Property), one shall disclose the relationship and seek written approval from the Conflict of Interest Committee pursuant to a management plan.
- B. **Support of Students and Trainees by Companies.** The progress and academic standing of students and trainees must never be compromised. Accordingly, a Company may not be permitted to (i) support a student's academic program if the supervising Employee has Equity or serves as a director or officer (President, VP, CEO, COO, CFO, Scientific Officer) or (ii) employ a student or trainee to conduct research that overlaps with his or her University training or academic program, absent written approval by the Conflict of Interest Committee pursuant to a management plan. The Conflict of Interest Committee shall establish University policies and rules to regulate the circumstances under which the referenced employment relationships may be permitted.
- C. **Funding for Sponsored Research and Service Activities.** There is a presumption against accepting funding from a Company in which the University or the Employee has a financial interest, or the Employee serves as a director or officer (President, VP, CEO, COO, CFO, Scientific Officer). Presumptively, Employees may not act as a principal investigator on sponsored projects outside the University. The Conflict of Interest Committee shall establish University policies and rules to regulate the circumstances under which these relationships may be permitted. The University may not conduct testing to validate to the public an invention created at or by the University.
- D. **SBIR / STTR Programs.** Under Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs, small businesses are encouraged to partner with a research university to perform innovative research and/or to assist in technology transfer from the university. A University Employee may participate in the SBIR/STTR project only through a written contract between the University and the Company approved in accordance with University policy that outlines the Employee's responsibilities and/or University benefits. The Conflict of Interest Committee shall establish University policies and rules to regulate the circumstances under which the referenced employment relationships may be permitted.

APPENDIX 3: OTHER UNIVERSITY POLICIES RELATED TO CONFLICTS OF INTEREST

Conflicts of Interest may take various forms but exist when there is contradiction between the private interests and professional obligations of a University employee. In addition to being addressed directly in this policy, such Conflicts are addressed in other University policies which govern conduct of employees' professional activities. A non-exhaustive listing of such policies follows. A University employee should consult specific University policies presented in the faculty and staff handbooks of their respective campuses for guidance and information regarding specific situations which may relate to Conflicts of Interest.

Academic Freedom and Responsibility
Acceptable Use of Information Resources
Candidacy for Public Office
Compliance Policies
Conducting Private Business from University Facilities
Consensual Sexual Relationship Policy
Ethics in Research Policy
Fraud Prevention, Reporting, and Whistleblower Protection Policy
Fundraising or Solicitation
General Purchasing Policies
Intellectual Property Policy
IRB Conflict of Interest Policy (researchers)
Nepotism Policy
Off-campus Use of University Property
Participating in Political Campaigns
Professional Practice Plans – HSC
Sabbatical Leave
Sale of Required Instructional Material
Service as Promotional Speaker for Private Industry – HSC
Use of State Vehicles for Private Purposes

APPENDIX 4: OKLAHOMA STATE ETHICS RULES, RULE 4: CONFLICTS OF INTEREST (EXCERPTS)

Rules regarding conflicts of interests have been promulgated by the Oklahoma Ethics Commission, not the legislature, but they have the force and effect of law and there are civil penalties available for violating them. In that the Commission may modify the rules, a non-exhaustive COI list, as of 8/14/2019, is set forth below by subject. As applicable to an employee's circumstances, go to the Commission's web site <<https://www.ok.gov/ethics/>> click on "Ethics Laws, Guides & Forms" and review the latest version (annotated) of the applicable rule.

Rule 4.1. Purpose of Rule 4.

Rule 4.2. Definitions.

Rule 4.4. Misuse of Office.

Rule 4.5. Misuse of Authority.

Rule 4.7. State Officer Impartiality.

Rule 4.8. Gifts from Vendors to Persons Engaged in Purchasing Decisions.

Rule 4.9. Gifts from Successful Vendors.

Rule 4.11. Gratuities Offered at Seminars, Conferences or Similar Events.

Rule 4.12. Modest Items of Food and Refreshments

Rule 4.13. Acceptance of Meals, Lodging, Transportation and Other Benefits as a Result of Spouse's Business Activities.

Rule 4.14. Acceptance of Meals, Lodging, Transportation and Other Benefits as a Result of Private Business Activities.

Rule 4.15. Acceptance of Meals and Other Benefits for Conference Presentations.

Rule 4.16. Acceptance of Meals for Professional, Civic or Community Events; Acceptance of Meals at Political Events.

Rule 4.17. Gifts to Superiors by State Officers or Employees.

Rule 4.18. State Officer or Employee Representation of Others in Transactions Involving the State.

Rule 4.19. State Officer or Employee Representation of Others Before Employing Agency.

Rule 4.23. State Officer or Employee Violation of Rules through Indirect Action.