

2-2.9

CONFLICT OF INTEREST

(1) General Policy Statement (In conformity with the law mandatory on all state employees, chapter 42.52 RCW).

(A) This chapter in state law contains prohibitions against certain acts identified as representing conflicts of interest on the part of state employees.

(B) Should any employee of the university have any questions about the meaning or applicability of the law to any action(s) contemplated, the employee should refer the question to his/her supervisor in writing.

(2) Conflict of Interest in Student-Faculty Relationships (formerly 2-2.47)

(A) Statement of Philosophy - Central Washington University is committed to ensuring a learning environment in which students have the right to equitable conditions and treatment. In particular, it is important to ensure fair methods of evaluation and to eliminate any perceptions of bias arising out of personal and professional relationships between faculty and students. At the same time, there should be no unfair restriction on the educational and employment opportunities of all students, not on the reasonable freedom of association, interaction, and access to services for faculty and students which is part of a healthy learning environment and integral to a democratic society. The following guidelines are intended to balance these objectives and apply the least restrictive means to address potential conflicts.

(B) To Whom Does this Policy Apply?

1. While all members of the university community should avoid conflicts of interest, these guidelines are drafted specifically for students and faculty.

2. Students include those enrolled, or applying for admittance, in a course or program offered by the university for credit.

3. Faculty includes anyone responsible for teaching, evaluation or academic supervision, including staff, graduate, and undergraduate students.

(3) 2-2.9.3 What is a conflict of interest?

(A) A conflict of interest may arise in situations in which there is a reasonable possibility that a particular relationship between a faculty member and a student may confer upon one of them an unfair advantage or subject one of them to an unfair disadvantage.

Such relationships include, but are not limited to:

1. Close family relationships such as those between spouses or spousal equivalents, parents and children, siblings, in-laws, grandparents and grandchildren;
2. Amorous relationships;
3. Relationships between persons whose economic interests are closely interrelated;
4. Professional relationships outside the classroom, e.g., consultant-client, therapist-client.

(B) It is not possible to specify all those situations in which there may be a conflict of interest or appearance of fairness. However, members of the university community are entitled to guidance in this request.

(C) A conflict of interest may arise in any situation where one person in such a relationship is in a position to make decisions or take actions that affect the other person.

Such situations include, but are not limited to:

1. The decision to admit a student to a program;
2. The provision of instruction;
3. The requirement of self-authored textbooks or materials which generate royalties or profits;
4. The evaluation of a student;

5. The awarding of prizes, scholarships, financial assistance, and other benefits to students;
6. The award of teaching or research assistantships or other remunerative employment, either within the university or using funds administered by the university;
7. The acceptance of contracts or other remunerative employment from student clients.

(4) How are Conflicts to be Dealt With?

(A) It is the responsibility of chairs, directors, and deans to ensure compliance with this policy.

(B) It is incumbent upon faculty members to be mindful of situations in which an appearance of fairness issue could arise and to deal promptly with any conflict of interest that does arise.

(C) Where a conflict of interest, as defined above, arises, the faculty must notify the relevant chair, director, or dean.

(D) Other persons who perceive a conflict of interest may also bring the matter to the attention of the appropriate chair, director, or dean.

(E) Where a conflict of interest may arise in a faculty member's instructional role, one or more of the following methods should be used to avoid or resolve such conflict.

1. The faculty member should normally decline or terminate a supervisory, teaching, evaluative, or decision-making role in which a conflict of interest arises, unless the chair, director, or dean is of the view that this will create undue hardship to the student.

2. In situations where the conflict of interest involves teaching, supervision, or evaluation and where alternative courses of supervision exist that are reasonable and appropriate to the student's program, the student should utilize those alternatives.

3. Where no reasonable and appropriate alternative exists, the chair, director, or dean shall ensure that a fair and unbiased mechanism of evaluation is put in place. This will normally require that another suitably qualified peer review all material submitted for evaluation, review the grades assigned, and report whether those grades are reasonable.

(F) Where a conflict of interest may arise in a professional role, one or more of the following methods should be used to avoid or resolve such conflict.

1. Before adopting a self-authored text or materials, one or more qualified peers should review the text and materials for quality and appropriateness for the course.

2. When preexisting or ongoing professional relationships exist, a peer case review or oversight process should be used to help mediate the potential conflict of interest.

(G) Failure to comply with these guidelines constitutes unprofessional conduct.

(5) Family Members Employment Policy

Central Washington University seeks to employ the most qualified individuals for faculty, professional and civil service positions. The university will not discriminate against employees or applicants for employment because of: 1) Their marital status; 2) who their spouses are; or 3) what their spouses do.

The university and the state recognize, however, that there may be circumstances when business necessity takes precedence over general nondiscrimination policies. Business necessity includes those circumstances where the university's actions are based upon a compelling and essential need to avoid business-related conflicts of interest, or to avoid the reality or appearance of improper influence or favor. Examples of business necessity situations where the university may limit the employment of spouses include: 1) Where one spouse has the authority or practical power to appoint, supervise, discipline or remove the other; 2) Where one spouse would be responsible for auditing the work of the other; and 3)

Where placement of spouses might create a conflict between the university's interest and their own.

If the university claims business necessity in such instances, the least discriminatory practice will be followed (e.g., the exclusion will be limited to the job or work unit and will not bar the person from any and all employment at the university). Employment of family members shall be subject to the same standards as spouses.

In order to avoid the appearance of favoritism, members of the university's faculty, professional, and civil service staff will not engage in activities which might affect the employment status of their spouses or family members at Central Washington University. For example, employees must absent themselves from search committees, personnel committees, or other evaluative entities which will make recommendations or decisions regarding conditions of employment of the spouses or family members (e.g., appointment, promotion, tenure, merit, termination). For purposes of this policy, family members are defined as parents, siblings, children, and in laws.

[Exec Group: 4/15/91; Faculty Senate: 5/96; Pres Cab: 6/96; PAC: 9/99]