

November 19, 2013

MEMORANDUM

TO: Dr. Jesse Zapata
Vice-Provost for Faculty Support

FROM: Dr. Rebekah Smith
Chair of the Faculty Senate

RE: Feedback on HOP 1.33

The following feedback was received during the expedited (Nov. 5 to Nov. 19) Stakeholder review process for HOP 1.33. Because of the expedited review process it was not possible to discuss the feedback during a meeting of the Senate and therefore the feedback is provided directly from responses we received.

Use of the word loyalty

Neither UTS 180 nor the model policy (both dated Oct 1, 2013) use the word “loyalty”. Given the potential for a broader interpretation of this word, we would recommend that that “loyalty” not be used. It currently appears in the definition of conflict of commitment in the draft of the UTSA policy. The draft policy definition currently reads:

“A Conflict of Commitment exists whenever an employee’s primary professional loyalty is not to the timely completion of his/her UTSA obligations.”

Recommend deletion of the sentence containing the word loyalty as the first sentence in the definition of Conflict of Commitment appears to provide the same information and the sentence with loyalty could be considered redundant. If the sentence must be retained, suggest the following option:

“A Conflict of Commitment exists whenever an employee’s primary professional responsibility is not to the timely completion of his/her UTSA obligations.”

Additional comments

The following issues were also raised concerning mismatches between the Model policy and the UTSA draft policy.

- IX.B.3.a.iii - the language here references "the following activities" but is followed by subsections a-f that do not discuss specific activities.
- IX.B.3.a.iii.c - this item doesn't appear to conform to Section 6.2.a.(iv) of UTS 180 because it omits the following language: "and the activity reasonably appears to create a conflict of interest or a conflict of commitment." It is a two-part test: compensation must exceed \$5,000 annual and must appear to create a conflict.
- IX.F - doesn't reference education and training website.

Please note that this version of the UTSA draft policy and the above feedback have not been discussed in a Senate meeting due the time constraints of the very short Stakeholder process. The Senate did approve an earlier draft of the UTSA policy, but has not formally approved this policy or this feedback.