

# Executive Board

## (Systemwide Senate Review) Proposed Amendment to Senate Bylaw 128, Conflicts of Interest

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---Fax: (510) 763-0309 University of California	2
---Email: shane.white@ucop.edu 1111 Franklin Street, 12th Floor	2
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November 20, 2017

Shane White  
Chair, Academic Council

**RE: Systemwide Senate Review: Proposed Amendment to Senate Bylaw 128, Conflicts of Interest**

Dear Shane,

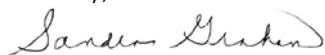
The Executive Board of the UCLA Academic Senate discussed the proposed amendment to Senate Bylaw 128, Conflicts of Interest, at its meeting on March 8, 2018. The Executive Board solicited comments from standing committees of the Senate, as well as the Faculty Executive Committees, to maximize faculty feedback; the individual responses from our various committees follow.

Committee members reported that Senate Bylaw 128 and the amendment are straightforward and agreed with the proposed amendment. However, during Executive Board discussion, there were a few members who indicated otherwise, stating that there are different kinds of conflict of interest and that the bylaw may be too vague as currently written. Some members were unclear as to what constitutes a conflict of interest. Because there are so many different types of conflict (e.g., financial, personal, work related), members suggested adding language “including but not limited to...” and providing examples when one might need to recuse oneself.

Though not addressed in the bylaw, one board member did raise the question of what, if any, recourse there is for instances when a conflict of interest is made known only after votes have been reported and a decision has been made.

The Executive Board appreciates the opportunity to opine. Please feel free to contact me should have any questions.

Sincerely,



Sandra Graham  
Chair, UCLA Academic Senate

cc: Hilary Baxter, Executive Director, Systemwide Academic Senate  
Susan Cochran, Immediate Past Chair, UCLA Academic Senate  
Joe Bristow, Vice Chair/Chair-Elect, UCLA Academic Senate  
Michael LaBriola, Principal Policy Analyst, Systemwide Academic Senate  
Linda Mohr, Chief Administrative Officer, UCLA Academic Senate



Shane N. White  
Telephone: (510) 987-9303  
Fax: (510) 763-0309  
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Chair of the Assembly of the Academic Senate  
Faculty Representative to the Regents  
University of California  
1111 Franklin Street, 12th Floor  
Oakland, California 94607-5200

December 21, 2017

**CHAIRS OF ACADEMIC SENATE DIVISIONS  
CHAIRS OF SYSTEMWIDE SENATE SCOMMITTEES**

**Re: Senate Review of Proposed Amendment to Senate Bylaw 128**

Dear Colleagues:

At its December 13 meeting, the Academic Council approved distribution of the proposed amendment to [Senate Bylaw 128](#) for systemwide Senate review (attached). A new section, J, governs conflicts of interest (COI) on Senate committees, subcommittees, and task forces.

Due to the multifaceted roles of faculty members in the University's complex research, teaching and service missions, it is inevitable that conflicts of interest will sometimes exist with respect to the conduct of Senate governance. Therefore, Academic Council has proposed a bylaws amendment following advice from the Committee on Rules and Jurisdiction (UCR&J). This amendment would replace Senate reliance on vague language in Sturgis' Standard Code of Parliamentary Procedure with standard procedure.

The proposed bylaw addition outlines a multi-layer process for addressing a COI. The first layer is at the level of a committee member who may recognize a potential COI of their own or of another; the second is at the level of arbitration by a committee chair; and the third is at the level of the chair of the Academic Council as the final arbiter in cases of disagreement about self-recusal between the member and the committee chair. The bylaw also specifies that any committee member may raise a concern about a potential COI.

The Senate review is intended to engage the Academic Senate in discussion of any issues that may need to be resolved before this proposal is submitted to the Assembly. I ask that you distribute these materials for review and that you submit responses to [SenateReview@ucop.edu](mailto:SenateReview@ucop.edu) by **Wednesday, March 14, 2018**. The Academic Council will discuss the responses at its meeting on March 21. As always, committee chairs who determine that the subject is not in the purview of their committee need not reply.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shane N. White", is written over a horizontal line.

Shane N. White, Chair  
Academic Council

Encl

Cc: Senate Executive Directors

**Proposed Amendment to Senate Bylaw 128**  
**December 13, 2017**

<http://senate.universityofcalifornia.edu/bylaws-regulations/bylaws/blpart2.html#bl128>

128.J. Conflict of Interest: Members of Assembly committees, sub-committees and task forces must be aware that professional judgments made in committee work may be compromised or appear to be compromised by a conflict of interest. Any member of a committee who thinks they have a conflict of interest must inform the Chair (or the Vice-Chair if there is a potential conflict of interest on the part of the Chair) thereof. Any member of a committee who thinks another member has a conflict of interest should inform the Chair (or the Vice-Chair if there is a potential conflict of interest on the part of the Chair) thereof. The member with the potential conflict may choose to limit their participation up to and including full recusal. Any party may consult the Chair of the Academic Council for advice (or the Vice-Chair if there is a potential conflict of interest on the part of the Chair). In the absence of agreement between the member and the Chair (or Vice-Chair) of the committee on the appropriate actions, the Chair (or Vice-Chair) of the committee shall inform the Chair (or Vice-Chair) of the Academic Council, who shall make the final determination as to what actions are appropriate.

February 28, 2018

Sandra Graham  
Chair, UCLA Academic Senate

**Re: Systemwide Senate Review: Proposed Amendment to Senate Bylaw 128**

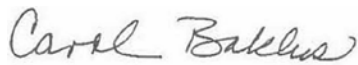
Dear Professor Graham,

At its February 26, 2018 meeting, the Council on Planning and Budget (CPB) reviewed the Proposed Amendment to Bylaw 128 about Conflicts of Interest.

No issues were identified with the proposal and therefore, the Council unanimously voted to endorse the amendment to Bylaw 128.

Thank you for the opportunity to review. If you have any questions for us, please do not hesitate to contact me at [cbakhos@humnet.ucla.edu](mailto:cbakhos@humnet.ucla.edu) or via the Council's analyst, Elizabeth Feller, at [efeller@senate.ucla.edu](mailto:efeller@senate.ucla.edu) or x62470.

Sincerely,



Carol Bakhos, Chair  
Council on Planning and Budget

Cc: Joseph Bristow, Vice Chair, Academic Senate  
Susan Cochran, Past Chair, Academic Senate  
Elizabeth Feller, Committee Analyst, Council on Planning and Budget  
Linda Mohr, CAO, Academic Senate  
Members of the Council on Planning and Budget

February 28, 2018

Sandra Graham  
Chair, UCLA Academic Senate

**Re: Systemwide Senate Review: Proposed Amendment to Senate Bylaw 128, Conflicts of Interest**

Dear Professor Graham,

Thank you for providing the Council on Research (COR) with an opportunity to comment on the Proposed Amendment to Bylaw 128 about Conflicts of Interest.

Members agree with the proposed amendments. A few members, however, expressed uncertainty over what would constitute a potential conflict of interest. Is there a process to resolve issues at the level of the individual committee chair? A process in place for addressing such issues would be useful.

Thank you for the opportunity to review the proposed amendment. If you have any questions for us, please do not hesitate to contact me at [lhavton@mednet.ucla.edu](mailto:lhavton@mednet.ucla.edu) or via the Council's analyst, Elizabeth Feller, at [efeller@senate.ucla.edu](mailto:efeller@senate.ucla.edu) or x62470.

Sincerely,



Leif Havton, Chair  
Council on Research

cc: Joseph Bristow, Vice Chair, Academic Senate  
Susan Cochran, Past Chair, Academic Senate  
Elizabeth Feller, Analyst, Council on Research  
Linda Mohr, Chief Administrative Officer, Academic Senate  
Members of the Council on Research

February 28, 2018

To: Sandra Graham, Chair  
Academic Senate

From: Jorge Torres, Chair  
Committee on Continuing and Community Education

**Re: Proposed Amendment to Senate Bylaw 128, Conflicts of Interest**

The Committee on Continuing and Community Education during its meeting on February 14, 2018, reviewed and discussed the proposed amendment to Senate Bylaw 128, Conflicts of Interest. Members agreed with the policy as stated. Thus, members unanimously endorsed the proposed amendment to the Senate Bylaw 128.

Thank you for the opportunity to review and comment.

February 20, 2018

To: Sandra Graham, Chair  
Academic Senate

From: Michael Shin, Chair  
Committee on Instruction and Technology

**Re: Proposed Amendment to Senate Bylaw 128, Conflicts of Interest**

The Committee on Instruction and Technology during its meeting on February 12, 2018, reviewed and discussed the proposed amendment to Senate Bylaw 128, Conflicts of Interest. Members agreed with the policy as stated. Thus, members unanimously endorsed the proposed amendment to the Senate Bylaw 128.

Thank you for the opportunity to review and comment.



February 20, 2018

To: Sandra Graham, Chair  
Academic Senate

From: Eric Sobel, Chair  
Committee on Library and Scholarly Communication

Re: Proposed Amendment to Senate Bylaw 128, Conflicts of Interest

The Committee on Library and Scholarly Communication during its meeting on January 29, 2018, reviewed and discussed the proposed amendment to Senate Bylaw 128, Conflicts of Interest. Members agreed with the revisions made to the policy. As a result, members unanimously endorsed the proposed amendment to the Senate Bylaw 128.

Thank you for the opportunity to review and comment.

February 22, 2018

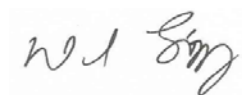
Professor Sandra Graham  
Chair, UCLA Academic Senate

**Re: Proposed Amendment to Senate Bylaw 128, Conflicts of Interest**

Dear Professor Graham,

The committee reviewed and briefly discussed Senate Bylaw 128 at its February 6<sup>th</sup> meeting. Members found the proposed revisions to be straightforward and had no additional comments. Thank you for the opportunity to review and comment.

Sincerely,



David Lopez  
Chair, Committee on Faculty Welfare

cc: Members of the Committee on Faculty Welfare  
Linda Mohr, CAO, Academic Senate  
Valeria Dimas, Executive Assistant  
Annie Speights, Committee Analyst, Committee on Faculty Welfare

Academic Senate Executive Office  
Los Angeles Division  
3125 Murphy Hall  
140801

February 13, 2018

To: Sandra Graham, Senate Chair, Academic Senate

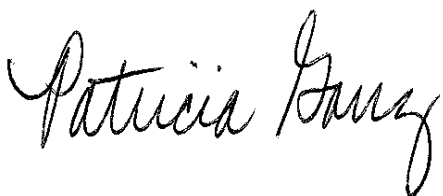
From: Patricia Ganz, Chair, Council on Academic Personnel

Re: **CAP Response to Amendment of Senate Bylaw 128 – Conflicts of Interest**

CAP reviewed and discussed the proposed amendment to Senate Bylaw 128, Conflicts of Interest. The consensus of CAP's members were in favor of the proposal and support the language as written in the amendment.

Thank you for the opportunity to review and provide comment.

Sincerely,

A handwritten signature in black ink that reads "Patricia Ganz". The signature is written in a cursive, flowing style.

Patricia Ganz, Chair 2017-18  
Council on Academic Personnel

Cc: Joe Bristow, Senate Vice-Chair/Chair-Elect, Academic Senate  
Susan Cochran, Senate Immediate Past Senate Chair, Academic Senate  
Linda Mohr, Chief Administrative Officer, Academic Senate  
Eric Malmquist, CAP Committee Analyst, Academic Senate

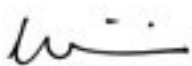
February 13, 2018

Professor Sandra Graham  
Chair, UCLA Academic Senate

**Re: Proposed Amendment to Senate Bylaw 128, Conflicts of Interest**

The committee reviewed and briefly discussed Senate Bylaw 128 at its February 12<sup>th</sup> meeting. Members found the proposed revisions to be straightforward and had no additional comments. Thank you for the opportunity to review and comment.

Sincerely,



Catia Sternini,  
Chair, Committee on Diversity, Equity and Inclusion

cc: Members of the Committee on Diversity, Equity, and Inclusion  
Linda Mohr, CAO, Academic Senate  
Valeria Dimas, Executive Assistant  
Annie Speights, Committee Analyst, Committee on Diversity, Equity and Inclusion

February 6, 2018

To: Sandra Graham, Chair  
Academic Senate

From: Julio Vergara, Chair  
Graduate Council

**Re: Proposed Amendment to Senate Bylaw 128, Conflicts of Interest**

At its meeting on February 2, 2018, the Graduate Council reviewed and briefly discussed the proposed amendment to Senate Bylaw 128, Conflicts of Interest. Members found the proposed revisions to be straightforward and raised no objections. Accordingly, members unanimously endorsed the proposed amendment to Senate Bylaw 128.

Thank you for the opportunity to review and comment.

# UCLA MEMORANDUM

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FACULTY EXECUTIVE COMMITTEE  
*College of Letters and Science*

A265 Murphy Hall  
Box 951571  
Los Angeles, California 90095

**To:** Sandra Graham, Chair, Academic Senate  
**Fr:** Aaron Tornell, Chair, College Faculty Executive Committee  
**Date:** February 20, 2018  
**Re:** **College FEC response to Systemwide Review of Senate Bylaw 128**

The College FEC appreciates the opportunity to comment on the proposed amendments to Senate Bylaw 128. We reviewed the new section, J, at our meeting on February 16, 2018. The committee found no issues with the proposed text and endorse the Academic Council's amendments.

As always, our membership appreciates the consultative process and welcomes the opportunity to participate in the discussion of important matters like this. You are welcome to contact me at [tornell@econ.ucla.edu](mailto:tornell@econ.ucla.edu) with questions. Mitsue Yokota, Academic Administrator, is also available to assist you and she can be reached at (310) 794-5665 or [myokota@college.ucla.edu](mailto:myokota@college.ucla.edu).

cc: Lucy Blackmar, Assistant Vice Provost, Undergraduate Education Initiatives  
Valeria Dimas, Executive Assistant, Academic Senate  
Linda Mohr, Chief Administrative Officer, Academic Senate