

# DRAFT

## FINAL REPORT EXECUTIVE CONFLICT OF INTEREST DTF

The Conflict of Interest DTF was charged by the Interim Provost, Russ Lidman, in October 1991 to review the Executive Branch Conflict of Interest Act of the State of Washington as well as the conflict of interest policies of other institutions of higher education in Washington. Based on that review, the DTF's task was to propose language which translated the statute into a policy for the College. We understood that the policy would be a guide to faculty and staff in how to operate within the Conflict of Interest law.

The DTF reviewed, in addition to the Act, the conflict of interest policies of the University of Washington and Central Washington University and summaries of relevant memoranda written by the Education Division of the Office of the Attorney General of Washington. The DTF also consulted widely inside and outside the College. In addition to consulting with faculty and staff, we met with Jan Frickelton, Assistant Attorney General, and Mas Jones, the College's Internal Auditor. We sought comments regarding a preliminary draft at meetings of faculty and staff.

After the DTF had produced the preliminary draft, Governor Booth Gardner issued Executive Order 92-04, implementing the Executive Conflict of Interest Act. Six months later, newly-elected Governor Mike Lowry rescinded that order and issued his own, Executive Order 93-02. Because this order succinctly interprets the Act and provides useful guidelines, we have incorporated a substantial part of it verbatim into the proposed policy.

This DTF has taken more than a year longer than we originally had envisioned for the completion of our task. This was primarily due to the complexity of the issues involved, particularly as they relate to an academic setting. We tried to be particularly mindful of the need to protect the right to academic freedom, which is so vital to intellectual inquiry.

From time to time, complex questions will arise about how the conflict of interest laws affect specific academic situations. In most such situations, the College will need to research the question before a conclusion is reached. A decision may then be made to amend this policy to give guidance to College employees regarding that issue.

One such question which the DTF believes needs further research and investigation before any attempt is made to include it in this policy is the relationship of faculty to external private entities, particularly professional academic organizations. As President Jane Jervis states in her memorandum of November 30, 1992, the issue is complex. Much more research and investigation is needed before clarity can be brought to this issue vis-a-vis the conflict of interest laws. However, because the Evergreen

community is expressing great need to have a Conflict of Interest Policy in place as soon as possible, the DTF has decided not to hold up this report because of this one issue, however important. We believe, however, that research on this issue must continue and that ultimately the policy should be amended to reflect the findings. Of course, answers to conflict of interest questions regarding this or any other academic issue not specifically addressed in Part II (Standards and Guidelines Specific to Evergreen) of the policy must be found in the Act itself or in the Governor's executive order.