

Divisional Council
Conflict of Interest Policy¹
Adopted April 24, 2018
Endorsed September 4, 2019

In a university, the term “conflict of interest” refers to financial or other personal considerations that may compromise, or appear to compromise, a faculty member’s professional judgment in administration, management, instruction, research, or other professional activities. Committee members should always keep this potential in mind and take appropriate action when a conflict of interest arises. Conflicts may arise because the committee member is in the same unit (Department, Institute, School, or academic group at a comparable level) or may have had personal and/or professional relationships with one or more parties or units concerned in the committee’s deliberations. Bearing in mind that the most informed committee discussions are the most useful, possible actions include simply informing the chair or the chair and committee members, absenting oneself from parts of a discussion and/or from voting, and full recusal.

There may be circumstances in which abstention from voting, or absence from part of a meeting or deliberation, or even total recusal may be necessary. A committee member should consult with the committee Chair about the proper course of action if in doubt. The decision to recuse oneself, however, need not be accompanied by any explanation.

It should be kept in mind that an individual with a conflict or apparent conflict may have knowledge about the issue under consideration, and that it is important not to deprive the committee or other body of that expertise. Accordingly, the minimum level of recusal consistent with avoiding conflicts or apparent conflicts is preferred. Even in cases of the most severe conflicts, it may still be appropriate for an individual to present to the committee his or her knowledge and opinions about the subject under consideration before withdrawing from further participation. It should also be noted that representing and/or belonging to a body (e.g., a Department) is not usually a conflict per se.

Committee members should consider recusal or other action in the following circumstances:

- 1) The Committee member has, or has had, a family relationship (e.g. current or former significant other, partner, or spouse, or child, sibling, or parent) with an individual concerned in the topic under deliberation or that is up for a vote.²
- 2) The Committee member has, or has had, a sexual/romantic relationship with the individual(s) concerned.
- 3) The Committee member has a personal interest, financial or otherwise, in the matter under deliberation.
- 4) The Committee member is aware of any prejudice, pro or contra, which would impair his or her judgment in the matter under discussion. [NB: open and honest intellectual disagreement is not cause for recusal.]
- 5) The Committee member believes that his or her recusal is necessary to preserve the integrity of the committee’s deliberations.
- 6) The Committee member, serving as representative of the Senate on a non-Senate committee, judges that his or her presence or actions may be at odds with his or her responsibilities as a Senate member.³

¹ Adapted from UC Berkeley’s Conflict of Interest Template for Committees of the Berkeley Division of the Academic Senate, Committee on Rules and Elections, Approved: October 13, 2006

² E.g. A Committee member might recuse herself from a vote to approve a program in which her partner is a faculty member.

³ E.g. A Committee member recognizes that his interests, as a member of an academic program that will be affected by the decision, conflict with the position the Senate would take on the decision.

- 7) The Committee member has opined, or otherwise offered a formal recommendation, on the issue under consideration in a capacity other than as a member of a Senate committee.⁴

⁴ E.g. A Committee member voted to approve a program as a member of the faculty proposing the program.

Process to be used only in situations where there is disagreement among Divisional Council (DivCo) members regarding actual or perceived conflict of interest (COI).

1. Upon request made to the Secretary/Parliamentarian¹ by at least one member, who may remain anonymous, this alternative COI process is invoked. The alternative process can also be invoked directly by the Chair.
2. In this alternative process, each member submits a conflict of interest statement to the Secretary/Parliamentarian, addressing real or plausibly perceived potential conflicts. This can be one sentence, "I have no real or plausibly perceived conflicts of interest." Or, it can be longer.
3. These statements are assembled into one document that is then shared with all members.
4. Each member anonymously suggests to the Secretary/Parliamentarian three members (excluding themselves) to serve on a COI subcommittee.
5. The members receiving the three highest "vote" tallies will serve as the COI subcommittee. In cases of a tie, the selection will be made by the Secretary/Parliamentarian in consultation with the Chair and Vice-Chair, if appropriate.
6. Each member then has the opportunity to provide written comments and suggestions on the document.
7. The COI subcommittee produces an updated document summarizing the self-statements and incorporating submitted comments as they judge appropriate. This summary can be a simple reproduction of self-statements and (appropriate) comments. It may also provide context as to the type and severity of conflicts.
8. This summary document will be attached as an appendix to the memo recording the vote tally within DivCo.
9. The existence of the above process does not replace the primary responsibility of DivCo members to reflect and self-recuse if they have a COI.

¹ The Secretary/Parliamentarian is a non-voting member of Divisional Council