Merced Division of the Academic Senate
Committee on Privilege and Tenure
Recusal Policy
Approved by P&T on (October 21, 2022)

The Committee on Privilege and Tenure (P&T) has jurisdiction over three categories of cases:

- Grievance cases, where a member of the Senate claims injury through the violation of their rights and privileges;

- Disciplinary cases, where a member of the Senate is accused of having violated the Faculty Code of Conduct; and

- Early termination cases, where a Senate or non-Senate faculty member challenges whether there is good cause for their early termination.

Given this jurisdiction, service on the Committee may present situations where there are conflicts of interest for the members of the Committee that have the potential to bias, directly or indirectly, important aspects of P&T's endeavor. Conflicts can arise because of such things as (i) the Committee member's position within the same unit (defined in this document as Department, or academic program) as one of the parties in the complaint, (ii) the member has participated, or intends to participate, in academic personnel deliberations and/or voting on the faculty's dossier at another level of review (e.g., review of academic personnel dossiers at the departmental, school or Senate levels), or (iii) the member's close personal and/or professional relationship with one or more parties in the complaint. To ensure that the work of P&T is both fair and is perceived to be so, P&T members must recuse themselves where a conflict of interest arises, or where the appearance of a conflict would undermine the perceived integrity of the P&T process.

Policy

P&T members must recuse themselves from all deliberations, investigations, hearings and decisions in the following circumstances:

1) Where there is shared department affiliation between the P&T member and a grievant or disciplinary respondent.

2) The P&T member has, or has had, a family relationship with one of the parties involved in the complaint.

3) The P&T member is a member of one of the departments or programs **directly** involved in or implicated in the complaint. Should a P&T member be part of a unit in which one or more parties in the complaint currently have voting rights, recusal is also necessary. Shared membership in the faculty of a school is not a cause of automatic recusal.

4) The P&T member has, or has had, a sexual and/or romantic relationship with one or more parties in the complaint, or has a close personal or professional relationship with one of them.

5) The P&T member has had an affiliation with a laboratory, been a collaborator in research (e.g., co-principal investigator or co-author) and/or teaching (e.g., co-teaching of courses) with one or more parties in the complaint in the five years prior to the filing of the grievance or the commencement of charges.

6) The P&T member has a personal or professional financial interest in one of the units that may be impacted by the outcome of the investigation and hearing.

7) The P&T member is aware of any prejudice that seems likely to impair their judgment in the case.

8) The P&T member has participated in any aspect of the case (e.g., is a member of the unit that is involved in the case; is a potential witness; has participated in an investigation related to the case or in other aspects of the case at another level of review).

9) The P&T member believes their recusal is necessary to preserve the real or perceived integrity of the committee's process.

Prior to any discussion by P&T on any grievance, disciplinary or early termination case, the Chair of the Committee will raise the recusal policy and ask members to consider the policy in relation to their continued participation. P&T members may discuss and provide guidance as to whether any member should recuse themselves. At any time, a member's decision to recuse themselves will be automatically accepted by the Chair of P&T. P&T members should endeavor to recuse themselves where appropriate at the outset of the case, but there may be circumstances where the existence of a conflict does not become apparent until later in the process, at which point the P&T member should recuse themself at that time.

If the implementation of this policy results in too few committee members than necessary to hold a hearing or to conduct its business, the Chair will consult with the Chair of the Committee on Committees and request the appointment of alternate(s).

MERCED DIVISION OF THE ACADEMIC SENATE
P&T RECUSAL POLICY
Document should be signed and returned to the P&T Chair and the P&T Analyst

I have read, and agree to abide by, the Merced Division of the Academic Senate, Committee on Privilege and Tenure recusal policy.

_____
Signature

_____
Name

_____
Department

_____
Date