

## Appendix B

### UC Merced Committee on Rules and Elections Conflict of Interest Policy<sup>1</sup> Adopted by CRE on September 25, 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) 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 vice chair and committee members, absenting oneself from parts of a discussion and/or from voting, and full recusal<sup>2</sup>.

There are additional circumstances in which abstention from voting, or absence from part of a meeting or deliberation, or even total recusal may be necessary. The need for recusal, or actions short of recusal, may arise from the nature of the committee’s areas of jurisdiction, or from the circumstances of a particular individual, case, or from a problem dealt with in the course of the committee’s work. 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. Recusals and/or the exercise of a conflict of interest will be noted in the meeting minutes, per the Chair’s approval.

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 (e.g. council, subcommittee, etc.) 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 to avoid a possible conflict of interest in the following broadly described circumstances:

1. The Committee member is aware of any prejudice, pro or contra, which would impair his or her judgment in the matter under discussion. [Note: open and honest intellectual disagreement is not cause for recusal.]
2. The Committee member believes that his or her recusal is necessary to preserve the integrity of the committee’s deliberations.
3. 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<sup>3</sup>.
4. The Committee member has opined or otherwise offered a formal recommendation on the issue under consideration in a capacity other than that as a member of the committee<sup>4</sup>.

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<sup>1</sup> 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 on October 13, 2006.

<sup>2</sup> Full recusal: to remove (oneself) from participation of any kind to avoid a conflict of interest.

<sup>3</sup> A Committee member recognizes that his or her 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.

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

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Specific examples of situations that merit such consideration can include:

1. The Committee member has, or had, a family relationship (e.g. current or former significant other, partner, spouse, child, sibling, or parent) with an individual concerned in the topic under deliberation or that is up for a vote<sup>5</sup>.
2. The Committee member is serving, or has recently served, as advisor to a student concerned in the topic under deliberation or that is up for a vote<sup>6</sup>.
3. The Committee member has, or had, a sexual or intimate relationship with the individual(s) concerned.
4. The Committee member has a personal interest<sup>7</sup>, financial or otherwise, in the matter under deliberation.

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<sup>5</sup> E.g. a Committee member might seek recusal from a vote to approve a ruling that impacts a program in which their partner is a faculty member.

<sup>6</sup> E.g. a Committee member might seek recusal from a vote to approve a ruling that impacts a petition submitted by that student.

<sup>7</sup> The term “personal interest” is not intended to be synonymous with “personal engagement” in regard to the matter under deliberation. Indeed, it is understood that committee members will be motivated to serve because they are interested in the committee's business. If personal interest is tied to personal advancement, then the person should opt for recusal. As a guide, when contemplating whether “personal interest” translates into a reason for requesting recusal, a committee member might consider whether their involvement would pass the so-called Newspaper Test.