

Guiding Principles, Policies, and Standards Regarding: Conflict of Interest on Faculty Recruitment Committees

Guiding Principles and Policies

The quality of the faculty of the University of California is maintained primarily through “objective and thorough appraisal, by competent faculty members, of each candidate for appointment or promotion.” (APM 210-1.a.). Although the instructions for review committees given in APM 210 do not explicitly address bias or conflicts of interest of committee members, policy does clearly indicate that it is the right of every faculty member “to be judged by one’s colleagues, in accordance with fair procedures and due process ... solely on the basis of the faculty members’ professional qualifications and professional conduct.” (APM 015 Part I.6.).

This guidance is focused on addressing potential bias or conflict of interest, real or perceived, of committee members to assure a fair review process for all applicants. Having a personal bias or conflict of interest with respect to an applicant is not wrong. However, it may create the appearance of impropriety that can undermine confidence in the fairness of the evaluation process for applicants. Potential bias and conflict of interest cannot always be avoided, and it is in only limited circumstances that these concerns would require that a committee member be recused from participation in the evaluation of an applicant. However, any conflicts of interest, including potential ones, should routinely be disclosed and a process put in place to manage, reduce or eliminate them whenever possible. This guidance provides such a disclosure and review process.

Concerns with avoiding the appearance of impropriety must be balanced with the importance of faculty participation in relevant personnel actions, including faculty recruitment, a critical function of faculty service to the University. *Faculty members are strongly encouraged to fully participate in the process absent concrete evidence that unbiased evaluation of an applicant based strictly upon their academic qualifications is not possible.* Experience demonstrates that reviewing faculty members often have some connection with, or knowledge of, an applicant, be it positive, negative, or equivocal. Such a relationship, alone, should not result in recusal of the faculty member and failure to meet an important university service obligation.

Standards

In searching for qualified applicants for new or vacant positions in a department, faculty serving on a recruitment committee (or otherwise engaged in the recruitment, selection and review of applicants) shall make every effort to ensure that any significant personal, academic or professional relationships they have with an applicant do not interfere with the objective evaluation of all potential applicants, or create the perception that evaluation was not objective.

Guidance on Conflict of Interest on Faculty Recruitment Committees

Relevant standards are derived from case law addressing bias and conflict of interest in the context of constitutional due process protections. In this regard, recruitment committee members are presumed to perform their function with honesty and integrity. This presumption of impartiality can only be overcome by a concrete demonstration of the actual existence of bias, or by showing a situation in which the probability of actual bias on the part of the faculty member is too high to be constitutionally tolerable. This case law makes clear that a faculty member may have background information on an applicant (positive, negative, or equivocal) without creating unacceptable bias; the key question is whether the faculty member can provide an unbiased evaluation based solely upon the relevant criteria for appointment.

Examples of situations that might create either real or perceived bias or conflict of interest for a member of a recruitment committee include, but are not limited to, the review of applicants who are current or former students, postdocs, mentees, co-authors, close collaborators, or partners in a business or professional practice. Other situations may involve review of an applicant who has or had a significant personal relationship with the faculty member, either positive or negative, that might impact the ability of the faculty member to participate objectively in the comparison of the qualifications of that applicant with those of other applicants.

In such situations, it is the obligation of the faculty member to disclose the nature and extent of the personal or professional relationship, and engage in a discussion as appropriate with the recruitment committee, the chair of the recruitment committee, or the chair of the department regarding the nature of the potential conflict of interest and their continued participation in the recruitment. Failure to disclose such conflicts of interest may result in a failed search. Prior knowledge of an applicant, alone, should not result in recusal of the faculty member and failure to meet an important university service obligation. It is anticipated that the great majority of circumstances will simply require disclosure, evaluation, and possible mitigation of any such relationship. Depending on the nature of the relationship, and based on discussion with the recruitment committee chair, the faculty member may take any one of the following actions, but disclosure and evaluation of the relationship by third parties (option 1) is the preferred default:

1. **(PREFERRED)** Continue to serve on the committee and in the review/selection process, but with full disclosure of the relationship to the committee and, if the applicant is on the interview list, to the department. The concurrence of the committee and chair for continuing service is mandatory.
2. Voluntarily recuse themselves from discussion and/or voting on the particular applicant with whom there is a potential real or perceived conflict of interest;
3. Voluntarily recuse themselves from participation on the recruitment committee or in the review and selection process;

When the recommended Shortlist Report includes an applicant with a significant personal, academic, or professional relationship with one or more members of the recruitment committee or other faculty members actively engaged in the review and selection process, this fact shall be communicated by the committee chair to the Dean and to the Vice Provost for Academic Affairs, using the attached required form, at the same time that the Shortlist Report is being forwarded for approval.

UC Davis Faculty Recruitment Committee— Potential Conflict of Interest (PCOI) Disclosure.
To be completed by the recruitment committee chair and provided to the department for inclusion in UC Davis RECRUIT.

UC Davis Recruitment JPF#: _____ Position rank (mark all that apply):

Department: _____ Assistant / Associate / Full

Position Title:

Please answer the following questions:

A. To your knowledge, were there any potential conflicts of interest (PCOIs) between the members of the recruitment committee (RC) and any applicants who were evaluated by the committee members?

_____ No, I know of no such conflicts. If this is the case, please proceed to Part **D.** of this document.

_____ Yes, some conflicts were disclosed during recruitment deliberations and were addressed in the following ways: (please check all that apply below, and provide any additional comments you wish to make in the text box at the end of Part **C** of this document).

_____ (1) The RC member disclosed the PCOI to me before review of applications began or early in the application review process.

_____ (2) The RC members continued to serve on the committee and in the review/selection process, but with full disclosure of the relationship to the committee.

----- (3) The RC members recused themselves from participation on the search committee or in the review and selection process.

_____ (4) The RC members recused themselves from discussion and/or voting on the particular candidate with whom there is a potential conflict of interest.

B. To your knowledge, were there any potential conflicts of interest (PCOI) between the members of the recruitment committee (RC) and any applicants *who were selected to be interviewed* for the position?

_____ No, I know of no such conflicts (if this is the case, please proceed to Part **D.** of this document).

_____ Yes, there were some PCOIs between recruitment committee members and applicants advanced to the interview process. The potential impacts of these relationships were addressed in the following ways. Please check all that apply and complete the table provided in Part **C** of this document.

_____ (1) The PCOIs were fully disclosed to the department before the proposed interview list was finalized.

_____ (2) The RC members recused themselves from discussion and/or voting on the interview list.

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_____ (3) The RC members recused themselves from discussion and/or voting on the particular candidate with whom there is a potential real or perceived conflict of interest.

C. If you answered yes to any of the questions in Part B. above, please provide the information about the faculty member(s) and candidate(s) below:

Recruitment committee member	Candidate to be interviewed	PCOI relationship – brief description (see Standards above)	How was PCOI addressed? Select: A.(1) – A.(4) above B.(1) – B.(3) above

If you have any concerns about PCOIs during this process, or wish to provide more explanation for how PCOIs were managed in this recruitment, please feel free to elaborate here:

D. Respectfully submitted,

Signature: _____

Date:

Printed name:

Chair of the Recruitment Committee

*Signature: _____

Date:

Printed name:

Vice or Co-Chair of the Recruitment Committee

* required if the Chair has a conflict of interest

*Signature: _____

Date:

Printed name:

Chair of the Department

* required if the Chair and Vice or Co-Chair have conflicts of interest