COMMITTEE ON ACADEMIC PERSONNEL

Report to the UCSF Committee on Academic Personnel (CAP) from the CAP Conflict of Interest Working Group

June 9, 2003

A working group of current and former CAP members met on April 15, 2003 to consider issues of overlap of faculty review functions and conflicts of interest. The working group consisted of Fred Waldman (School of Medicine), Gary Armitage (School of Dentistry), Patricia Benner (School of Nursing), and Norm Oppenheimer (School of Pharmacy).

We were asked to address two issues:

1. To what extent may a CAP Member participate in Departmental review of faculty?

2. When if ever should CAP Members recuse themselves from CAP discussion of faculty, be present but not participate in CAP discussions, or abstain from voting on faculty review?

Current UCSF CAP policy pertaining to these issues (as included in the CAP manual):

A CAP member can never be a primary reviewer for candidates in his or her own department or with whom they are closely associated (e.g. a research collaborator). As a member of CAP, you can attend departmental meetings at which time consideration of candidates are discussed, but you must refrain from voting or expressing your opinions about candidates outside of UCSF-CAP. Do not write letters of recommendation for candidates. If you are the only possible source of important information for a candidate, you can write a letter, but you must recuse yourself from all CAP deliberations concerning the candidate. Chairpersons must recuse themselves from all discussions regarding members of their departments.

See addendum for similar policies on other UC campuses.

The working group focused these issues as follows.

1. Departmental Review:

A. Should CAP Members sit on their own Departmental Appointments and Promotions Committees?

The working group felt that sitting in Departmental Sub-Committee deliberations could bias the faculty review, and thus must be avoided by deferring membership on these committees while a CAP member.

B. Should CAP Members recuse themselves during any and all discussion of all personnel actions within their own departments, or may they listen without participating?

The working group felt that it was not necessary to recuse oneself from all departmental discussions, but that participation should be avoided. CAP members do play an important role in educating their departments about how CAP functions, but the group felt that discussion by a CAP member during
departmental deliberations could have the effect of biasing the department’s decisions. Further, CAP members should withhold their own decisions about faculty review until they have an opportunity to review the entire file, including the Chair’s and Dean’s letters.

C. Must CAP Members abstain from any voting concerning personnel actions within their own department?

The working group confirmed previous policy that voting on personnel actions by CAP Members at the departmental level is not allowable. As described above, CAP Members should reserve their vote on faculty actions for CAP deliberations in order to keep an open mind until discussions among CAP Members is complete.

2. Conflicts of Interest during CAP Deliberations

The working group confirmed CAP policy that our goal is to provide fair unbiased faculty personnel reviews. CAP Members should recuse themselves from discussion if they are in substantive conflict of interest. Substantive conflict might be represented by significant research collaborations, mentoring relationships, or close personal friendships. We felt that this is best dealt with on a case by case basis as a personal decision by each CAP Member. The individual Member should exercise good judgment whether they are in any conflict or appearance thereof. A CAP Member should disclose to CAP any circumstances that could bear on the member’s disinterestedness in judging a case, even if, in the Member’s judgment, the circumstances are not sufficient to warrant recusal.

**Recommendation for Proposed New CAP Guidelines – Departmental Review and Conflicts of Interest**

**Departmental Review:** A CAP member may not participate in Departmental review of personnel actions, and may not be a member of Departmental review committees. As a member of CAP, you are asked to recuse yourself from departmental discussion and voting on candidates. This is required in order to maintain an unbiased review during CAP deliberations. Do not write letters of recommendation for candidates. If you are the only possible source of important information for a candidate, you can write a letter, but you must then recuse yourself from all CAP deliberations concerning the candidate. A CAP member can never be a primary reviewer for candidates in his or her own department. Chairpersons must recuse themselves from all discussions regarding members of their departments.

**Conflicts of Interest:** It is our responsibility to provide fair unbiased faculty personnel reviews. CAP Members should recuse themselves from discussion if they are in substantive conflict of interest. Substantive conflict might be represented by significant research collaborations, mentoring relationships, a situation in which the candidate has requested recusal of the CAP member, or close personal friendships. The individual Member should exercise good judgment whether they are in any conflict or appearance thereof. A CAP Member should disclose to CAP any circumstances that could bear on the member’s disinterestedness in judging a case, even if, in the Member’s judgment, the circumstances are not sufficient to warrant recusal.

CAP Conflict of Interest Working Group
Fred Waldman, Chair (SOM)
Gary Armitage (SOD)
Patricia Benner (SON)
Norm Oppenheimer (SOP)
Addendum

Policies on CAP Conflict of Interest on other UC Campuses:

**UC Irvine**: No written policy about when a CAP member should not review a file, but it is left to the discretion of the individual.

**UC Davis**: Faculty serving on personnel committees shall recuse themselves from voting on an action whenever any of the following apply: 1) having voted on the action at a previous (departmental) level; 2) having consulted with a Dean or Dean’s designee on an action subsequently appearing before the committee; or otherwise actively involved in influencing an action or appointment at an earlier level of review; 3) having a conflict of interest (close personal or professional relationship with the candidate or any other conflict of interest).

**UCSD**: “CAP members should consider themselves as representatives of the faculty as a whole rather than advocates of their own departments or divisions.” “Some CAP members choose to attend but not participate in departmental deliberations on academic personnel files, while others prefer to avoid such department meetings entirely. In no case, however, would a CAP member vote in the department on a file that is likely to come before the committee for review. If you have already voted at the departmental level on a case that comes before CAP, you might participate in the CAP discussion but consider abstaining should a CAP vote be taken. (In most cases CAP decisions are reached by consensus.) Services on search committees or providing letters for files are also discouraged.

**UCLA (April 2002)**: There are occasional cases in which CAP members will recuse themselves, even if they did not vote in the department. The guiding principle in a recusal is whether the CAP member is unable to consider the case fairly or, given the circumstances, it is likely that a reasonable person in the same circumstances would be unable to consider the case fairly. Cases in which a recusal is appropriate could include circumstances where a CAP member has close ties to the candidate or where the candidate has specifically requested the recusal of a CAP member. Because of the importance of the expertise and experience that each member of CAP brings to our deliberations, members should not recuse themselves unless it is warranted by the criteria indicated in this paragraph.

Members who recuse themselves from voting may or may not restrict their participation in discussion depending on the circumstances. Typically, however, the members will not be precluded from contributing factual information about the case.

A CAP member should disclose to CAP any circumstances that could bear on the member's disinterestedness in judging a case, even if, in the member's judgment, the circumstances are not sufficient to warrant recusal.