

September 23, 2015

To: Lisa Shen, Chair, Faculty Senate

From: Faculty Affairs Committee

David McTier, Debbi Hatton, Dana Nabors, James Landa, John Domino, Nancy Baker, and Irfan Ahmed, Chair

Re: Human Resources Policy E-8

The full Faculty Affairs Committee met on Thursday, September 10 to discuss the correspondence between Mr. Hammonds and Tony Watkins, and arrived at the following conclusions/recommendations:

- As the committee understands it, the intent of the policy appears to be to eliminate a conflict of interest due to a relationship between supervisors and subordinates; instructors and students; and advisors and students, wherein one person may be unable to act impartially towards another due to the existence of a consensual relationship between the two. It is not about potential sexual harassment, which is covered by other HR policies and prevailing law.
- A relationship does not necessarily have to be “romantic” for a conflict of interest and conditions for potential impartiality to occur.
- There is considerable lack of clarity as to what constitutes a “romantic relationship,” and the requirements to report it:
 - What exactly is a romantic relationship? Is it synonymous with an emotional or sexual relationship?
 - At what point does a relationship between two individuals become a romantic relationship?
 - Are both parties required to report the relationship? If not, is it solely the responsibility of the party who is in an evaluative/supervisory/superior position to report a potential conflict of interest?
 - The policy does not make mention of any reporting requirements when a consensual relationship that could engender a conflict of interest ends. Would the potential conflict of interest be deemed to have ended with the relationship?
- The committee believes the requirement that employees (supervisors/instructors/advisors) report a relationship to HR and/or their supervisor is an unwarranted intrusion into their privacy.

- Insofar as there is no conflict of interest due to the relationship, there is no justifiable need for the University to be apprised of the private lives of its employees.
- In case of an evaluative situation where there is a possible conflict of interest due to the relationship, an expectation of recusal from the individual performing the evaluation is reasonable. However, the committee believes that the individual should not be required to disclose whether the reason for recusal is a romantic relationship or something else.
- There may be other types of relationships (familial, social, etc.) that would also require recusal of the evaluating employee so as to avoid conflict of interest.
- There are non-supervisory evaluations (e.g., peer review) in which a possible conflict of interest could arise due to a relationship between an evaluator and candidate. Such relationships have not been addressed in the policy.

In conclusion, the Faculty Affairs Committee believes that while there is a real need for preventing conflicts of interest due to a relationship between employees, an expectation of recusal from such a situation is reasonable and warranted; the reporting of the nature of the relationship is not.

Thank you.