

Conflicts of Interest in Faculty Searches: Guidelines and Requirements

The guidelines below set forth processes to minimize potential risks and preserve fair processes when search committees consider candidates who have worked closely with faculty at Berkeley. Such candidates might include our own recent PhDs or postdoctoral fellows, or individuals who have close personal or professional relationships with Berkeley faculty.

When considering such candidates, we need to be mindful of several possible risks, including the ones listed below.

- We may appear to compromise the fairness and equity of the search process. For example, upon hearing that Berkeley made an offer to one of its own PhD students, or a candidate who collaborates with a committee member, other candidates may conclude that the selected candidate had an unfair advantage.
- There is a special burden on a faculty member assessing a candidate who is/was an advisee or close collaborator. For example, after working hard to provide strong mentoring and support to a PhD student, it may pose a challenge to make comparative assessments with other applicants. Since collaborators, by definition, have worked with the candidate, they are put in a position of having to evaluate their own work.
- The interplay of differing points of view within a department may be especially complex when the candidate is a recent PhD or postdoctoral fellow. For example, other faculty may not want to challenge a colleague who is advocating for her/his own advisee out of respect for that colleague.

The goal is to minimize these risks, while simultaneously treating all applicants as fairly as possible. We should not discourage or prevent any candidate from applying for faculty positions at Berkeley. Nor, of course, should we set the bar higher for one group of candidates than for others.

A first step in reaching these goals is for faculty members involved in candidate selection to disclose conflicts of interest they have with any of the applicants (including committees that involve department colleagues in evaluation or discussion of candidates). Conflicts of interest typically include:

- An emotional relationship with a candidate (such as a personal friend, near relative or current/former romantic partner).
- A business or commercial relationship with a candidate.
- A mentoring relationship with a candidate, such as the doctoral or postdoctoral advisor.
- A mentee relationship with a candidate, such as a doctoral student or postdoctoral scholar mentored by the candidate.
- A professional relationship, including current or former co-producers of academic work (e.g., papers, essays, conference proceedings, books, creative work, grant applications, software, technology, and intellectual property).

As a general guide, faculty members with a conflict of interest with an applicant should not serve on the search committee or participate in faculty deliberations to select a finalist. This is especially important if a candidate under consideration is a recent PhD student or postdoctoral scholar, or recent collaborator (within the past five years). The risks are greatest when the PhD or fellowship has been awarded within the last five years, especially when the candidate has not held an intervening faculty position elsewhere,

or when collaborations are recent or current.

Fewer special risks are at issue when hiring holders of Berkeley PhDs or postdoctoral fellowships if their careers as teachers and independent researchers have already been well established in a faculty position at a peer institution, or in cases where collaboration occurred many years ago, or was limited (e.g., collaborated on a single project a decade ago, or co-authorship was the result of completely independent work). Depending on the extent and timing of the relationship, it may be possible for a faculty member with the conflict of interest to participate in the search, as long as a process for minimizing risks is discussed with OFEW. There are no exceptions for romantic and business relationships.

The guidelines below are intended to assist departments in minimizing potential risks while preserving fair processes, and should be followed in most cases. Sometimes there may be appropriate reasons for a different process. OFEW is available to consult on appropriate modifications consistent with the goals of conducting a process that is fair to all applicants. Common situations requiring discussion include searches in very small departments or very narrow fields, or a situation that arises during the process.

Please note that current postdoctoral advisors of President's Postdoctoral Fellows (PPFPs) who apply for our faculty positions may participate fully in the review process, without recusal.

Guidelines for managing risks associated with conflicts of interest

- 1. Search committee membership:** Information on likely candidates should be taken into account when establishing the membership of the search committee. In situations where a conflict of interest is known ahead of time, the faculty member in question should not serve on the search committee for the period during which the candidate is under consideration. In smaller departments, where search committee constitution is always more challenging, departments can exercise the option of inviting appropriate faculty from outside of the department to serve on the search committee.
- 2. Search Plan:** All search plans should include a description of the process by which conflicts of interest will be handled in the search process.
- 3. Candidate review:** As soon as the full applicant pool is available, and before candidate materials are assigned for review, committee members should indicate with which candidates they have a conflict of interest, if any. Committee members who may ultimately need to recuse themselves from the committee can participate in the initial review process if they are not assigned any candidates with whom they have a conflict of interest. Once a candidate with whom a committee member has a conflict of interest makes it to the "long list," the committee member should be recused from the search committee for the remainder of time in which the candidate remains under consideration. *It is typically not sufficient to simply "step out of the room" when the candidate is under discussion.*
- 4. Letters of recommendation:** If a committee member provides a letter of recommendation for a candidate, it is likely that the conflict of interest threshold has been met. In these cases, recusal from the search committee is generally necessary to assure fairness in the process. Committee members who write a letter of recommendation for a candidate and also remain on the committee would have, in effect, twice the influence in the evaluation process.
- 5. Proposed short list:** A memo must accompany all proposed short lists for faculty candidates, stating all conflicts of interest that were identified and how they were handled (uploaded into AP Recruit).
- 6. Departmental discussions:** The candidate's formal advisor, or other faculty members who have collaborated with the candidate, should not attend departmental discussions or participate in votes

concerning the search for the period of time during which the candidate is under consideration. They should also make an effort to minimize inequities by refraining from informal conversations that promote their advisee or collaborator, or make favorable comparisons at the expense of other candidates. In cases where the expertise of the faculty member is needed, the faculty member may be asked to provide written comments on all the candidates on the shortlist.

7. Appointment letters: Campus policies require at least three external letters for appointment at the Assistant Professor level. External letters are those that are written by referees who are not Berkeley faculty or members of its affiliated laboratories and institutes. This requirement applies to all candidates recommended for appointment, including those who are recent Berkeley PhDs or postdoctoral fellows. After deciding upon the candidate or candidates being recommended for appointment, the unit should solicit additional letters as needed. Any letters from Berkeley affiliates provided in the original application dossier should, of course, also be included with the appointment case.