

**APPROVED**

**2006-07 Annual Report**  
**Committee on Rules and Elections**

In fulfilling its charge as established in the bylaws of the Berkeley Division of the Academic Senate, the Committee on Rules and Elections (R&E) carried out the following activities. The chair of R&E during 2006-07 was Professor Daniel Melia, Secretary of the Division.

*Note: items are listed chronologically in each section. Dates in parentheses, unless otherwise noted, indicate the date of committee correspondence about the item of business.*

**I. Division Elections**

- The results of the spring 2007 Berkeley Division elections were as follows.
  - ▶ 370 valid ballots received.
  - ▶ Senate members elected to Divisional Council:  
  
Steven Beissinger (Environmental Science, Policy, and Management),  
  
Ralph Catalano (Public Health), and  
  
Lisa Pruitt (Mechanical Engineering).
  - ▶ Senate members elected to the Committee on Committees:  
  
Raymond Jeanloz (Earth & Planetary Science),  
  
Aihwa Ong (Anthropology), and  
  
Loren Partridge (History of Art).
  - ▶ Senate members elected to the Committee on Committees in the College of Letters and Science:  
  
No nominations were received for the 2007-08 Committee on Committees in the College of Letters and Science.

**II. Finished Business**

**A. Completed with Written Comment**

- Proposed Addition of Senate Bylaw 16, Executive Director  
*Comments forwarded to Division Chair William Drummond (10/17/06).*
- Conflict of Interest Template for Senate Committees  
*Comments forwarded to Division Chair Drummond (10/20/06).*
- Proposed Amendment to Senate Bylaw 205-Part I.A.  
*Comments forwarded to Division Chair Drummond (11/9/06).*
- Interpretation of Senate Bylaw 337 (Privilege and Tenure: Divisional Committees – Early Termination Cases)  
*Comments forwarded to Universitywide Committee on Rules and Jurisdiction Chair Eric Smith (11/15/06).*
- Interpretation of Senate Bylaw 337 (Privilege and Tenure: Divisional Committees – Early Termination Cases)  
*Comments forwarded to Division Chair Drummond (11/20/06).*
- Proposed Amendments to Berkeley Division Bylaws 23 (Committee on Privilege and Tenure) and 35 (Committee on Educational Policy)  
*Comments forwarded to Division Chair Drummond (2/15/07).*
- Proposed Amendments to Senate Regulation 294 and Proposed New Senate Regulation 695  
*Comments forwarded to Division Chair Drummond (2/20/07).*
- Proposed Amendments to Senate Bylaw 337 (Privilege and Tenure: Divisional Committees – Early Termination Cases)  
*Comments forwarded to Division Chair Drummond (2/27/07).*
- Proposed Amendment to Senate Bylaw 181 – Information Technology and Telecommunications Policy (Committee)  
*Comments forwarded to Division Chair Drummond (5/4/07).*
- Response to Request for Consultation from Committee on Memorial Resolutions (CMR)  
*Comments forwarded to CMR Chair John Polt (5/4/07).*

## **B. Completed without Written Comment**

- Electronic Voting in Division Elections  
*Throughout the year, R&E discussed how the Division might implement electronic voting in Division elections. The reasons for pursuing this option are three-fold: participation in elections has been declining steadily in the past few years and electronic elections would make voting easier for*

*most Senate members, current technology now makes this option affordable, and the Senate plans to hire a part-time instructional technology coordinator who can assist with technical research and implementation.*

*After careful consideration, including an online demonstration, R&E voted to sign a contract with eBallot and implement electronic elections for the 2008 Division elections, contingent upon eBallot answering remaining questions satisfactorily (they did) and the passage of Division legislation allowing electronic elections in the fall 2008 semester (5/1/07 meeting).*

- **Request to Add a Notation for Designated Emphases on Diplomas**  
*After considering the Standing Order of the Regents, Senate Bylaws and Regulations, and Division Bylaws, R&E affirmed that the Divisional Council has the authority to approve a request to add a notation for Designated Emphases on diplomas on behalf of the Division (10/13/06 meeting).*
- **Adoption of Conflict of Interest Guidelines for R&E**  
*Members adopted guidelines for the committee (2/8/07 meeting).  
(Note: A copy is attached as Appendix A.)*

### **III. Unfinished Business**

- **Proposed Division Bylaw Amendments to Allow for Electronic Voting**  
*R&E will propose Division bylaw amendments in the fall 2007 semester that provide for electronic elections.*

**Conflict of Interest Guidelines  
Committee on Rules and Elections  
Berkeley Division of the Academic Senate  
Approved: February 8, 2007**

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 at a comparable level) 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 chair and committee members, absenting oneself from parts of a discussion and/or from voting, and full recusal.

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.

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 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 in the following circumstances:

- 1) The Committee member has, or has had, a family relationship with an individual concerned in its deliberations, such as that of a current or former significant other, partner, or spouse, or child, sibling, or parent.
- 2) The Committee member has, or has had, a sexual/romantic relationship with the individual(s) concerned.
- 3) The Committee member has a personal interest, financial or otherwise, in the matter under deliberation.
- 4) The Committee member is aware of any prejudice, pro or contra, which would impair his or her judgment in the matter under discussion. [NB: open and honest intellectual disagreement is not cause for recusal.]
- 5) The Committee member believes that his or her recusal is necessary to preserve the integrity of the committee’s deliberations.
- 6) 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.