

**BERKELEY DIVISION OF THE ACADEMIC SENATE
PRIVILEGE AND TENURE COMMITTEE**

RECUSAL POLICY

The Committee on Privilege and Tenure has jurisdiction over three categories of cases:

- grievance cases, where a member of the Senate claims injury through the violation of his/her rights and privileges;
- disciplinary cases, where a member of the Senate is accused of having violated the Faculty Code of Conduct; and
- early termination cases, where a Senate or non-Senate faculty member challenges whether there is good cause for his/her early termination.

In cases of personnel review involving tenure, promotion, or reappointment, such grievances may be based only on allegations: (a) that the procedures were not in consonance with the applicable rules and requirements of the University or any of its Divisions, and/or (b) that the challenged decision was reached on the basis of impermissible criteria, including (but not limited to) race, sex, or political conviction. The committee is empowered to determine the validity of the grievances under (a) or (b) but is not empowered to reevaluate the academic qualifications or professional competence of the grievant.

Given the purpose, service on the committee (“committee” refers to the “members” as well as the “alternate” member) can present situations where there are “conflicts of interest” for the committee member. Conflicts can arise because the committee member might be in the same unit (defined in this document as Department, Institute, School, or academic group at a comparable level) as one of the parties in the complaint, or given the close academic community that exists at the University, may have had contact, personal and/or professional relationships, with one or more parties in the complaint. These conflicts have the potential to bias, directly or indirectly, P&T’s investigations, hearings, and decisions. P&T members must always keep this potential in mind and recuse themselves where a conflict of interest arises.

Policy

P&T members must recuse themselves from investigations, hearings, deliberations, and decisions in the following circumstances:

- 1) The P&T member has, or has had, a family relationship with one of the parties involved in the complaint.
- 2) The P&T member is a member of one of the units with which one or more parties in the complaint have had or currently have an association.
- 3) The P&T member has, or has had, a sexual and/or romantic relationship with one or more parties in the complaint.
- 4) The P&T member has been a collaborator in research (e.g., co-principal investigator or co-author) and/or teaching (e.g., co-teaching of courses) with one or more parties in the complaint.
- 5) The P&T member has a personal or professional financial interest in one of the units that may be impacted by the outcome of the investigation and hearing.
- 6) The P&T member is aware of any prejudice, pro or con, that seems likely to impair his or her judgment in the case.

- 7) The P&T member has participated in any aspect of the complaint (e.g., been a member of the unit that is involved in the case; is a potential witness; has deliberated or participated in aspects of the case at another level of review).
- 8) The P&T member believes his or her recusal is necessary to preserve the real or perceived integrity of the committee's process.

Prior to formal acceptance and investigation by P&T of any complaint, the committee will raise the recusal policy and members can discuss the policy in relation to their continued participation. The P&T committee will discuss, provide guidance, and determine as a whole whether any member should be asked to recuse him or herself. A member's ultimate decision to recuse himself or herself will be automatically accepted by the P&T Committee.

If the implementation of this policy results in a committee number that is less than desired to hold a hearing or to conduct its business, the Academic Senate's Committee on Committees will be consulted and requested to appoint additional alternates.