

Guidelines for Conflict of Interest Concerning Faculty Members in Departmental, Faculty and University Committees (final committee revision June 2020)

- This document addresses committees that have some element of decision making power over hiring, career progression, and merit evaluations of faculty members. While specific instances are explicitly defined here, the document is intended to serve as a guideline for all committees which make decisions on faculty members' careers.
- This document recognizes that, in many cases, appropriately constituted committees of scholars can and should proceed with the collegial evaluation of fellow scholars. In all cases, full disclosure of existing and potential conflicts of interest (COI) is required, but many situations can proceed when the COI is deemed not to compromise the integrity of the committee. The decision to proceed in these situation is determined by majority vote of the committee, as outlined below.
- In no situation should a committee contain two members who are or have been in a marital, familial, sexual or financial/business relationship.
- In no situation should an individual who is or has been in a marital, familial, sexual or financial/business relationship with an individual under consideration/evaluation participate in the evaluation of this individual. In competitive processes (e.g. hiring, chair search), the committee member in conflict is recused from all stages of deliberations while the candidate in question is under consideration. In non-competitive processes (e.g. DTPC, FTPC, APR), the committee member in conflict is recused from the discussion of the file for the candidate in question, but continues to serve on the committee for other files.

General guidelines for committee membership

A. Faculty hires (including external Chair searches)

A committee member is considered to be in conflict of interest with the candidate if any of the following apply:

- Either the committee member or the candidate is the PI of a currently funded research initiative that includes the other, or of a research initiative funded within the past six years.
- The candidate and committee member have a joint funding application under review.
- The candidate and committee member are close collaborators on a current research initiative, regardless of funding.
- The candidate and committee member have co-published in the last 6 years, or currently have a co-authored publication under review.
- The candidate or committee member was the Masters, PhD, other terminal degree, or post-doctoral supervisor of the other.

A committee member may challenge a determination of conflict of interest on the basis of co-authorship or collaboration during the last six years on the basis that the co-authorship/ collaboration did not involve significant active collaboration. In this situation, it will be up to the committee to determine if the committee should proceed with the member (see Appendix A, Operational Guidelines). Committees are encouraged to consult with UARC in these situations.

A committee member is not considered to be in conflict of interest with the candidate on the basis of the following:

- The candidate and committee member had an unsuccessful joint funding application in the past.
- The candidate and committee member have co-published or been part of the same funded application more than 6 years ago.

A committee member is potentially in conflict of interest with the candidate if:

- The committee member and candidate are participants in the same research initiative, regardless of funding, but neither is the PI.
- The committee member and candidate are part of a joint funding proposal under review; neither is the PI.
- The committee member has collaborated with (co-published, joint grants) the candidate's PhD or other terminal degree supervisor in the last 6 years.
- The committee member or candidate was on the graduate advisory committee of the other.
- The candidate and committee member were members of the same graduate advisory committee. [text moved from "not considered to be in conflict of interest" to "potentially in conflict of interest"]

In any of the above potentially in conflict situations, the committee should decide by secret ballot whether to proceed with the member in question (as per Appendix A).

B. Departmental Tenure and Promotion Committees / Faculty Tenure and Promotion Committees

A committee member is considered to be in conflict of interest with the candidate if:

- Either the committee member or the candidate is the PI of a currently funded research initiative that includes the other.
- The candidate and committee member currently have a joint funding application under review.
- The candidate and committee member are close collaborators on research initiative, regardless of funding.
- The candidate and committee member have co-published in the last six years, or currently have a co-authored publication under review.
- The candidate or committee member was the Masters, PhD, other terminal degree or postdoctoral supervisor of the other.

A committee member may challenge a determination of conflict of interest on the basis of co-authorship or collaboration during the last six years on the basis that the co-authorship/ collaboration did not involve significant active collaboration. In this situation, it will be up to the committee to determine if the committee should proceed with the member (see Appendix A, Operational Guidelines). Significant active collaboration is to be interpreted in the context of disciplinary norms. A certain level of collaboration among department members is expected, and does not necessarily preclude a committee member's ability to make a fair decision.

A committee member is **not** considered to be in conflict of interest with the candidate on the basis of the following:

- The candidate and committee member had an unsuccessful joint funding application in the past.
- The candidate and committee member are or have been part of the same research program or project but neither is/was the PI.
- The candidate and committee member have co-published or been part of the same funded grant application more than six years ago.
- The candidate or committee member was on the graduate advisory committee of the other.

Annual Performance Review

It is expected that members of an academic unit collaborate with one another, and that existing or past collaborations do not preclude the objective assessment of a collaborator's performance.

A committee member is **not** considered to be in conflict of interest with the candidate if:

- They are part of the same funded research (including if one of them is the PI)
- They are close collaborators on a research initiative, regardless of funding.
- They have published together, or have a paper under review (regardless of lead authorship)
- They are members of the same graduate supervisory committee

A committee member is potentially in conflict of interest with the candidate if:

- The committee member or candidate was the graduate supervisor of the other.

C. Internal Chair Search Committee

It is expected that members of an academic unit collaborate with one another, and that existing or past collaborations do not preclude the objective assessment of collaborators' suitability for Chair.

If a departmental Chair search is run as a simultaneous internal/external search, the external search COI guidelines (Section A) shall apply for all portions of the search.

A committee member is **not** considered to be in conflict of interest with the candidate if:

- They are part of the same funded research (including if one of them is the PI)
- The candidate and committee are close collaborators on a research initiative, regardless of funding.
- They have published together, or have a paper under review (regardless of lead authorship)
- They are members of the same graduate supervisory committee

A committee member is **potentially** in conflict of interest with the candidate if:

- The committee member or candidate was the graduate supervisor of the other.

Appendix A: Operational guidelines for managing conflict of interest

In situations where an actual or potential conflict of interest exists, faculty members are to disclose the nature of the conflict to the Chair of the committee. If the Chair is in agreement that a clear conflict exists, the committee member will be replaced. The Chair will communicate this decision to the committee. Depending on the nature of the conflict of interest, the Chair may keep the reasons for excusing the committee member confidential.

In situations where a potential conflict of interest exists, the committee is to be informed of the nature of the conflict. The member who is potentially in conflict may answer questions as to the nature and extent of the conflict if required, but will not be present when the committee votes (via secret ballot) if the member shall serve. A majority vote of the committee is required to retain the committee member. Committee decisions on conflict of interest should be documented in writing by the committee chair.

In situations where the committee chair is in actual or potential conflict, the Chair will appoint an alternate to serve in his/her stead. If a committee decides a potential conflict does not warrant removal of the Chair as member, the Chair will return to his/her original role.

A. External faculty hires

According to Policy 76:

For each regular faculty appointment of duration two years or more, a search committee (DACA or equivalent for inter-departmental and joint appointments) shall be established. The DACA is normally chaired by the Department Chair or equivalent, and normally consists of from three to five tenured faculty members chosen in a manner acceptable to the department(s) or equivalent.

Once the DACA is established and the candidate files made available to DACA members, committee members must disclose conflict of interest or potential conflict of interest situations to the committee chair. Potential conflict of interest situations are to be discussed by the committee without the member who is potentially in conflict present, and the committee will decide by secret ballot if the potential conflict of interest warrants treatment as an actual conflict of interest. If the committee decides that the potential conflict is not significant, no further consideration is necessary.

1. Committees may choose to undertake a preliminary scoring of files (e.g. members independently classify all files as clearly competitive, likely competitive and not competitive) to eliminate files which committee members unanimously and independently consider not competitive. If this is the case, members in conflict with individual candidates participate in the preliminary scoring of files but do not score those with which they have a conflict. A unanimous decision of 'not competitive' from committee members not in conflict with that particular file automatically eliminates the file from further consideration.
2. If a member is in conflict with a candidate file which is still under consideration after the preliminary scoring, the committee member withdraws from the committee for all stages of its work in which the applicant remains under consideration. The member will re-join the DACA if the applicant with whom the member is in conflict is eliminated.
3. If at any stage of the process there are fewer than three DACA members who are not in conflict for a particular file, the Chair, in consultation with the DACA, should recruit an additional

temporary DACA member with subject matter expertise who is not in conflict of interest with any of the candidate files to reach the minimum threshold of three DACA members. DACAs may choose to recruit an additional temporary member even if the minimum threshold of three members is met on the basis of factors relevant to the search such as disciplinary expertise and gender balance. If an additional member is needed at the time of short-listing of candidates, the temporary member becomes a replacement member of the DACA.

4. The UARC brief is to include all DACA member signatures, including temporary members.
5. In situations where the Chair of the DACA is not the same as the Chair of the Department, these guidelines are to apply to both. If the Chair of the department is not the DACA Chair but is in a conflict of interest situation with any of the short-listed candidates, he/she shall recuse themselves from all decisionmaking on the hire in question and refer the decision to the Dean.

In situations where there is a high likelihood of multiple conflicts of interests on the basis of disciplinary expertise, the DACA Chair may choose to consult with the UARC Chair, and, **with UARC's prior approval**, may choose to follow an alternate process outlined below. However, it should be recognized that this is to be considered an unusual situation.

- In the early stages of deliberations, members do not participate in scoring and are not present for the discussion of file(s) with which they are in conflict but continue to participate in deliberations of other candidates. If fewer than three members are able to score one or more files, the committee can invite other department members with disciplinary expertise who are not in conflict or interest with the candidate(s) in question to temporarily join the DACA for file scoring purposes.
- At the time of long-listing of candidates, DACA members who are in conflict of interest must recuse themselves from skype interviews with, and discussions of file(s) of candidates with which they are in conflict but continue to participate in deliberations of other candidates. If there are fewer than three DACA members who are not in conflict for a particular file, the Chair should recruit the same additional temporary DACA member with subject matter expertise who is not in conflict of interest with any of the candidates to reach the minimum threshold of three DACA members. If the recusal of a committee member leaves the committee with three or more members but results in insufficient subject matter expertise to discuss a particular file, the DACA may choose to recruit an additional temporary DACA member with the appropriate subject matter expertise.
- If a committee member is in conflict of interest with a short-listed candidate, that member is to be recused from all further deliberations of the DACA. If this results in fewer than three members of the DACA, the Chair will replace the DACA member with a replacement member with appropriate subject matter expertise who is not in conflict of interest with the candidate. If the recusal of a committee member leaves the committee with three or four members, the DACA may choose to recruit an additional DACA member.

B. DTPC/FTPC

Policy 77:

The DTPC shall be chaired by the department Chair and shall include four to six tenured faculty members elected by the tenured and probationary faculty of the department. The Chair and elected members shall be voting members of the DTPC. Normally, a majority of the DTPC's voting members should be full professors; it is desirable that each DTPC include both men and women. In addition, the Dean may appoint a non-voting advisor to the DTPC.

And

The FTPC shall be chaired by the Faculty Dean and shall include at least five tenured faculty members broadly representative of Faculty program areas and elected by the tenured and probationary members of the Faculty. FTPC members may not serve simultaneously on a DTPC in the same Faculty. A majority of the FTPC's elected members shall be full professors; it is desirable that each FTPC include both men and women.

And

Prior to consideration of a case, a candidate may challenge in writing any member or members of a DTPC or FTPC for bias, apprehension of bias or perceived conflict of interest. The committee, excluding the member challenged, shall decide whether the challenge is well-founded. If so, the challenged member shall not attend those portions of committee meetings dealing with the specific case. If the committee decides that a challenge is not well-founded, the challenged member shall participate, but the challenge becomes part of the record for any subsequent consideration or appeal.

Once the DTPC and FTPC are established and the candidate files are made available, committee members must disclose conflict of interest or potential conflict of interest situations to the committee chair. Potential conflict of interest situations are to be discussed by the committee without the member who is potentially in conflict present, and the committee will decide by secret ballot if the potential conflict of interest warrants treatment as an actual conflict of interest. If the committee decides that the potential conflict is not significant, no further consideration is necessary.

DTPC members do not participate in, or are present for the discussion or vote on tenure and/or promotion candidate files for which they are in conflict of interest. If the recusal of one or more members on a file leaves the committee with fewer than four members, the Chair, in consultation with the Dean, shall appoint one or more voting members of similar subject matter expertise and equal or higher rank as the recused member for the purpose of deliberations on that file. The candidate retains the right to challenge a replacement DTPC member in accordance with Policy 77.

FTPC members do not participate in, or are present for the discussion or vote on tenure and/or promotion candidate files for which they are in conflict of interest. If the recusal of one or more members on a file leaves the committee with fewer than five members or with less than a majority of full professors, the Dean, in consultation with the Provost, shall appoint one or more voting members of similar subject matter expertise and equal or higher rank as the recused member for the purpose of deliberations on that file. The candidate retains the right to challenge a replacement FTPC member in accordance with Policy 77.

C. Annual Performance Review Committees

If a member is in conflict of interest with a candidate as per [C], the member shall recuse themselves from the file(s) under consideration.

D. Internal Chair Search Guidelines

If a member is in conflict of interest with the candidate as per [D], the member shall not participate in all stages of the committee during which the candidate remains under consideration. The member may rejoin the committee once the candidate is removed from consideration.

Appendix B

2017 Provostial Memo on Conflict of Interest in Hiring Committees

From time to time, members (including Chair or Director) of a department or school advisory committee on appointments (e.g. DACA or SACA) may find themselves in a conflict of interest and/or a non-arm's length relationship related to a particular applicant. Where a search committee member is:

- providing a reference for an applicant in the competition,
- a former graduate supervisor of an applicant, or
- a collaborator of an applicant (normally as defined by Tri-Councils),

the member shall immediately disclose the nature of the conflict to the committee and must withdraw from the committee for all stages of its work in which the applicant remains under consideration.

Where a search committee member has some other relationship with an applicant that might lead to a personal bias or the appearance of one, the member shall immediately disclose the nature of the relationship to the committee. It shall be in the discretion of the committee, acting reasonably and on a simple majority secret ballot vote in which the disclosing member shall not participate, to determine if the member must withdraw from the committee at any stage of its work.

Replacing a Committee Member

If a member withdraws for one of the above reasons, the search committee will decide whether or not the member should be replaced, taking into account factors relevant to the search such as disciplinary expertise, gender balance, and the stage of the committee's deliberations.

If a search committee member is not replaced and the applicant with whom the committee member has disclosed a conflict of interest and/or a non-arm's length relationship is not shortlisted and is formally removed from consideration in the search, the member will be asked to rejoin the committee.

Chair/Director Searches

For external searches, conflict of interest in a search for a department chair or school director shall, in addition, be handled in accordance with Policy 40 – The Chair.