Background statement: CAM 311.5 deals with the employment of close relatives. While it does address the matter of favoritism, it also includes provisions which are not compatible with the concept of equal opportunity in employment. The key idea in this section is that conflict of interest must be avoided in personnel decisions. This idea is obvious, but the committee feels that it should be made explicit.

AS-265-87/PPC

RESOLUTION ON CONFLICT OF INTEREST IN PERSONNEL DECISIONS: CAM 311.5

WHEREAS, CAM 311.5 is in conflict with the concept of equal opportunity in employment; and

WHEREAS, The mere appearance of conflict of interest in personnel decisions should be avoided; therefore, be it

RESOLVED: That the current section 311.5 of the Campus Administrative Manual (CAM) be replaced by the following:

311.5 CONFLICT OF INTEREST

No university employee shall vote, make recommendations, or in any way participate in personnel decisions if such participation constitutes a conflict of interest. This prohibition includes but is not limited to personnel decisions that directly affect the employment status, work assignment, or financial interest of any relative.

Proposed By:
Academic Senate Personnel Policies Committee
November 3, 1987
Employment of Close Relatives

The term "close relative" as used in this section (CAM 311.5) is defined as the son, daughter, brother, sister, mother, father, husband, or wife of an employee of the university or one of the official auxiliary organizations thereof.

While "close relative" relationship of an applicant is not of itself a bar to employment by the university or its official auxiliary organizations, it is recognized that concurrent employment of close relatives can create problems which would not otherwise exist. For example, the equity of an action in which a close relative participates becomes controversial when the action involves a direct benefit to a member of his or her immediate family.

To protect the university and its employees from accusations of favoritism based on family relationship while simultaneously preserving the rights of applicants against discrimination on any basis, including discrimination on the basis of sex, the following guidelines governing employment of close relatives are established.

A. Regular full-time or part-time employees

1. Prior approval of the President’s designee, in the appointee’s service area, is required for initial appointment or reappointment of a close relative.
   a. Academic Affairs area - Vice President for Academic Affairs
   b. Administrative Affairs area - Executive Vice President
   c. Student Affairs area - Dean of Students

   An annual summary report of such appointments should be made available to the president’s office by the Director of Personnel Relations.

2. When a close relative is being considered for employment, the individual’s application must be reviewed in accordance with all appropriate procedures customary for the type of position involved. Normal recruitment procedures must be followed in order to generate multiple applications for the vacant position. A close relative may be employed only if determined to be the best available applicant.

3. It is inappropriate for employees to initiate or participate in institutional decisions involving a direct benefit to their close relatives. "Direct benefits" include, but are not limited to, initial appointment, reappointment, promotion, tenure, leaves, working conditions, and other personnel actions.

4. Close relatives will not be placed or retained in positions in which one is:
   a. under the direct supervision of another,
   b. in a position of direct fiscal responsibility or accountability with regard to the employment of another, or
   c. on a committee or in any other position in which one would be expected to initiate recommendations that could change the personnel status of the other.

5. Employees who become close relatives subsequent to their initial appointments are subject to the limitations and conditions of CAM 311.5.A.

B. Student Employees

CAM Section 311.5.A. notwithstanding, any full-time enrolled student of this university (12 or more units undergraduate or 8 or more units graduate) who is closely related to an employee of the university or its official auxiliary organizations may be employed as a student assistant or as hourly help subject to the conditions of CAM 311.5.A.4.

When special circumstances exist which warrant consideration of employment of part-time students enrolled for 6 or more units, prior approval by the appropriate vice president of the university or the Dean of Students is required. In reaching a decision, the Vice President or Dean of Students will consider the special circumstances in the light of the University’s obligation to encourage diligence on the part of all students in the pursuit of their course of study and the need to conserve quota space for students who will make best use of the State’s facilities and services; (See also CAH 662.)
Memorandum

To          A. Charles Crabb, Chair
            Academic Senate

From        Warren J. Baker
            President

Subject:    ACADEMIC SENATE RESOLUTION ON CONFLICT
            OF INTEREST IN PERSONNEL DECISIONS (AS-265-87/8WC)

On December 3, 1987, you forwarded the subject resolution adopted by the
Academic Senate at its meeting on December 1. I have now had an opportunity
to review that resolution within the context of personnel related issues
as well as other related issues.

I am hereby approving the recommendation. The entire CAM 300 section dealing
with personnel issues is currently being revised to reflect the existence
of collective bargaining and I will ask staff to reflect this change in CAM
in that revision.
Memorandum

To: Warren J. Baker
   President

From: Jan Pieper
   Director, Personnel and Employee Relations

Subject: Academic Senate Resolution on Conflict of Interest in Personnel Decisions: CAM 311.5 (AS-265-87/SWC)

Date: February 5, 1988

File No.: 265-87
Copies: Malcolm W. Wilson,
        James Landreth
        Robert Lucas

You have asked for comments on the Academic Senate resolution dealing with conflict of interest.

As you know, the proposed language would replace the current CAM language dealing with employment of close relatives. That language had long been outdated. Several years ago the Deans' Council approved my recommendation that the CAM section be changed to reflect our actual practice, which is similar to what the Academic Senate has proposed.

It would be discriminatory to single out spouses and other family members for non-employment, when other close social and business relationships might provide as much or more conflict of interest. The new wording is broader in the sense that it would include couples living together, whether or not they are married. Since marital status may not be used to discriminate in hiring decisions, it follows that one's marital status should not affect other personnel decisions. (Records on marital status are kept only after a person is hired, and then only for insurance and retirement purposes.)

The new language implies that anyone who has a conflict of interest should declare himself/herself out of the personnel decision process. However, I believe it also allows for outside parties to bring up conflict of interest issues and request a particular course of action on specific issues. That is, I believe that you, as President, or your designee could instruct an individual to refrain from taking part in a personnel decision if you believe that a potential conflict of interest exists.

I believe that you should approve the Academic Senate resolution exactly as worded.