

III. E. CONFLICTS OF INTEREST

Comment: Conflict of Interest now becomes its own heading (formerly III.F.2.b.)

1. Contracts

Pursuant to the Virginia State and Local Government Conflict of Interest Act, Code section 2.2-3106 et seq., no employee of the university may have a "personal interest" in a contract with the College other than his or her own contract of employment. A "personal interest," for example, might entail an employee's financial interest in a company that does business with the College. The Code contains exceptions to this prohibition, including one determined by the size of the employee's financial interest. Any faculty member who may have such a personal interest in a contract with the College other than his or her own contract of employment should report the potential conflict of interest to the Provost (see Appendix F, "Financial Conflict of Interest").

a. Employment of family members. If a faculty member or administrator is in a position to hire, supervise, evaluate, or make personnel decisions about a family member, that family member's contract could be one in which the faculty member or administrator has a "personal interest." The employment of family members is permitted, provided that an employee does not exercise any control over the employment or employment activities of the member of his or her immediate family and is not in a position to influence those activities. In the event the employee is in a position to influence the employment or employment activities, the Board of Visitors may nonetheless approve the employment of the family member, provided certain safeguards are established.

Comment: This whole section has been changed because the code changed—it's accurate now according to Dick Williamson.

Comment: A substantive change to the Handbook, but the Code of VA (per Dick Williamson) says only the BOV can approve such employment

2. Consensual Amorous Relationships

The relationships described below are mutually consenting ones. Unsolicited and unwelcome advances of a sexual nature may violate the College's discriminatory harassment policy. (See section III.F.2. below)

Comment: FAFAC: wording here seems potentially ambiguous: Suggest instead: "In the event....activities, the family member may be hired only if approval is given by the Board of Visitors, and provided appropriate safeguards are established."

a. Consensual Amorous Relationships with Colleagues.

~~The appearance of a compromising conflict of interest, or of coercion, favoritism, or bias in employment relations is prejudicial to the interests of the College, its members, and the public interest that it serves.~~ Because amorous relations between administrators or faculty members and other faculty members or support staff whom they supervise create such an appearance of a conflict of interest, administrators and faculty members are advised against participating in amorous relationships with those whom they supervise. Similarly faculty members should avoid situations requiring them to supervise those with whom they currently have an amorous relationship. Whenever such a situation arises or is foreseen, the faculty member shall report the situation promptly and seek advice from an appropriate administrative officer, who should take steps to insure unbiased supervision or evaluation of the person supervised.

Comment: This whole section was about consensual amorous relationships, so I've moved that policy from III.C.2. "Sexual Harassment" in the present Handbook

Comment: FAFAC: Suggest removing the first sentence, as it is serves to justify the policy, not explain the procedure. Arguments/rationale for policies don't belong in the Handbook.

Comment: FAFAC: removed "such" and added "of a conflict of interest" because of the deleted first sentence.

b. Consensual Amorous Relationships with Students

The College prohibits consensual romantic and/or sexual relationships between faculty members and undergraduate students, as well as between faculty members and those graduate students for whom the faculty member has direct professional responsibility. The term "direct professional responsibility" refers to many faculty roles, both within and outside of the classroom, including but not limited to teaching, academic advising, coaching (athletics, drama, etc.), and service on evaluation committees (awards, prizes, etc.) and graduate or undergraduate thesis committees. In effect, "direct professional responsibility for students" includes the supervision of all college-sponsored academic, co-curricular, and extra-curricular activities.

Comment: I know this move is pretty substantive and may be controversial—but it seemed strange to discuss consensual amorous relations in two different parts of the Handbook, particularly because the old language in the previous section might well apply to students and would therefore be at odds with the newer policy. Also, moving it here clearly differentiates it from sexual harassment.

~~Faculty-student romantic and/or sexual relationships, even mutually consenting ones, are a basic violation of professional ethics when the faculty member has any professional responsibility for the student's academic performance or professional future. An amorous relationship between a faculty member and a student, even if consensual, creates the potential for favoritism (or the appearance thereof), thereby undermining the actual or perceived fairness of the evaluative process. Even when the faculty member has no current direct professional responsibility for a student, consensual amorous relationships may limit the educational opportunities or options for the student's future academic, co-curricular, and extra-curricular activities, and such relationships may still be asymmetrical and/or disruptive to the community.~~

Comment: FAFAC: Suggest deleting this paragraph; it is rationale for the policy rather than the implementation of the policy, so while useful background of the "legislative history", probably does not belong in the Handbook.

The Deans of the Schools and of Arts and Sciences may grant exemptions from this policy in exceptional circumstances.

Members of the university community who believe that violations of this policy have occurred may initiate a complaint with the appropriate department chair or academic Dean (see III.F.4. below). A complaint alleging that a dean or other academic administrator has violated this policy may be filed with the Provost or President. Complaints must be filed no more than two years after an alleged violation.

Violations of this policy will be considered misconduct on the part of a faculty member and will be subject to institutional sanctions, including possible termination of the faculty member's appointment. Treatment of allegations and imposition of sanctions will be governed by procedures specified in sections III.F.1. and III.F.4. of the *Faculty Handbook*.

3. External Paid Employment.

Comment: From current III.F.6.—the bulk of the policy has been moved to the Appendix

The participation of faculty, administrative, and professional staff members in external professional activities (whether paid or not) can enhance the skills of these individuals, and also make important contributions to the strength and vitality of this institution. However, the College also recognizes the need to guard against excessive or inappropriate involvement in outside activities.. In order to ensure that external paid employment does not interfere with the College's activities or create any conflicts of interest, all requests for external paid employment must be approved in writing by the President or by the Provost as delegated by the President. (See Appendix D, "Policy on External Paid Employment," hyperlink).

Comment: Most of this section was taken from current III.F. Re the rest of III.F.: 3 had been moved to new III.B.; 4 (on Teaching Assignments) has been deleted altogether; 5 has been moved to III.B.; and 7. (on Leaves of Absence) will be its own section.