

4/23

CONFLICT OF INTEREST AND PROFESSIONAL ETHICS TASK FORCE

Memorandum regarding changes to policy draft, for Faculty Assembly meeting of 4/23/2007

The task force made the following changes recommended by the Personnel Policies Committee and/or Faculty Assembly Executive Board:

- Clarify the nature of recusal in the broadened anti-nepotism policy. The policy states that “no employee shall, at any time, be a party to any official decision that affects a relative.” We added this line: “‘Be a party to’ is defined to mean attempt to influence, including, but not limited to, being present at any deliberations or presenting evidence in the matter.”
- Include former spouses and partners in the anti-nepotism policy.
- Have Conflict of Interest Disclosure Forms initially be submitted not to the Vice-President but to the appropriate dean (academic employees) or Director of Human Resources (professional and classified employees. Decisions in either case can be appealed to the appropriate Vice-President).

Two changes we did not make:

- Recommending an impartial ombudsman to oversee the policy. This seemed too much like an unfunded mandate. Moreover, affected parties who do not regard the campus authorities as impartial have the option of appealing to the state ethics commission.
- Creating a faculty/staff panel to adjudicate conflict-of-interest and ethics cases. Much as we believe in the concept of a jury of one’s peers, the main law here is the New York State Code of Ethics, interpretation of which seems to be up to legal authorities, not to faculty and staff. The deans, Human Resources director, and vice-presidents have readier access to SUNY Counsel than a faculty/staff panel likely would. Moreover, full-time administrators would likely be able to move more quickly (and perhaps investigate more thoroughly) than a typical faculty/staff panel that meets weekly or biweekly.