



**To:** Deans and Department Heads, Chairs, and School Directors

**From:** Ron Fricker, Vice Provost for Faculty Affairs 

**Cc:** Executive Vice President and Provost  
Senior Vice President for Research and Institute Directors  
Associate Deans for Research and Faculty Affairs and College HR Division Directors  
President of the Faculty Senate and Chair of Faculty Senate Committee on Ethics  
University Counsel

**Date:** September 3, 2024

**Subject:** Navigating Spouse, Partner, and Immediate Family Member Conflicts of Interest

- Purpose.** To provide guidance on conflicts of interest for faculty with a spouse, partner, or immediate family member who is also Virginia Tech faculty member, employee, or student and how to address them. This memo does *not* address financial conflicts of interest or conflicts of commitment.
- Background.** Section 2.27 of the Faculty Handbook and Policy 13010 address potential conflicts of interest where an individual's professional judgement is at risk of being biased by a secondary interest. Within Virginia Tech, a conflict of interest (COI) arises in situations when one faculty member has supervisory responsibility over another with whom they also have a familial relationship. For example, a not uncommon COI is a faculty member who assumes an administrative position in a unit containing their spouse, partner, or other immediate family member.

Section 2.27.1 of the Faculty Handbook states in part,

*As a matter of state law, employees must avoid being in a position of authority over a spouse or a member of the immediate family who is also employed by the university where the spouse or family member earns \$5,000 or more during a fiscal year. An employee and their spouse or another member of the immediate family may both be employed by the university so long as the employee does not exercise any control over the employment conditions and activities (such as initial appointment, retention, promotion, tenure, salary, travel approval, leave of absence, or grievance review) of the spouse or immediate family member and is not in a position to influence those activities.*

Related are Faculty Handbook sections 2.22, Consulting Activities, and 2.24, Outside Employment and External Activities Other than Consulting. While this memo does not address external and/or financially-based conflicts of interest, the fundamental principle underlying all of these policies is that faculty (and all employees) must be committed to conducting their work in an objective and impartial manner. Faculty may not use their position for personal gain, for

the benefit of family members, nor even give the impression they can be influenced in the performance of their job duties.

- 3. Discussion.** As a state agency, and as an institution of higher education with a special trust to be objective in our scholarly pursuits, it is incumbent upon the university to ensure that its actions, decisions, and relationships are transparent, ethical, and free from bias or undue influence. Eliminating ***both actual and perceived*** conflicts of interest is crucial for maintaining the integrity and credibility of Virginia Tech as a trusted institution of higher learning and for upholding the academic and research standards of the university. Faculty must be able to carry out their work with integrity, without any internal or external interests or obligations interfering with the pursuit of knowledge or the dissemination of unbiased information. Mitigating perceived conflicts of interest is just as important for maintaining public trust and confidence in the university. Even the appearance of bias or impropriety can erode trust in the integrity of Virginia Tech and compromise our reputation.

Furthermore, mitigating conflicts of interest aligns with Virginia Tech's mission to advance knowledge and promote the well-being of society. By fostering an environment where scholarly inquiry is conducted with integrity and impartiality, the university can better fulfill its role as a catalyst for innovation, economic development, and social progress. Whether conducting research, making policy decisions, engaging with external partners, or managing its internal affairs, Virginia Tech must prioritize the public interest above all else and ensure that its actions are guided by the principles of academic freedom, intellectual honesty, and ethical conduct.

- 4. Scenarios & Guidance.** While easy to state in the abstract, conflicts of interest related to spouses, partners, and immediate family members can arise in various ways and with individual circumstances that will require differing mitigation strategies. This memo provides guidance on some of the more common occurrences of conflicts of interest that must be addressed via management and/or mitigation strategies.

**Scenario 1.** A faculty member is appointed to a position that has direct supervision over their spouse or immediate family member and thus a conflict of interest. For example, a married couple are both faculty members in the same department and one is promoted to department head.

**Guidance.** This type of situation is not uncommon at Virginia Tech and Faculty Handbook section 2.27.1 allows for “alterative reporting relationships” to eliminate the conflict of interest. These alternative reporting relationships require approval by the Provost (via Faculty Affairs) and the Board of Visitors (BOV), including a BOV resolution for an exception to the [Virginia Conflict of Interests Act](#).<sup>1</sup>

Should such a situation arise, contact Faculty Affairs and we will work with the college and department/school to define the alternative reporting structure and draft a BOV resolution should one be necessary. For example, in this situation, the spouse’s personnel actions (such as initial appointment, retention, promotion, tenure, salary, travel approval, leave of absence, or

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<sup>1</sup> Note the Virginia Conflict of Interests Act defines “immediate family” as “(i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.”

grievance review) would be supervised by someone outside of the department, which could be another department head or the dean of the college.

**Scenario 2.** A faculty member is selected to serve on a promotion and tenure (P&T) committee in a year when their spouse or partner is up for promotion and/or tenure and their spouse or partner's case will come before the P&T committee.

*Guidance.* Per the Provost's Office [Promotion and Tenure Guidelines](#), faculty members may not serve on any promotion committee evaluating a spouse or partner and it is not sufficient to leave the room while the spouse or partner is discussed. This is true at the department or school, college, and university levels. The department, college or university will have to replace the faculty member on the committee.

**Scenario 3.** A faculty member is selected to serve on a promotion and tenure (P&T) committee in the same year that they themselves are up for promotion and/or tenure.

*Guidance.* Per the Provost's Office [Promotion and Tenure Guidelines](#), a faculty member who is being evaluated may not serve on any promotion committee. The department or college will thus have to replace the faculty member on the committee. As in the previous scenario, it is not sufficient for the faculty member to leave the room while their case is discussed.

**Scenario 4.** A faculty member is elected to a committee that makes recommendations on faculty personnel matters and their spouse, partner, or immediate family member is a member of the department. For example, a couple are in the same department and one member of the couple is elected to serve on the department's personnel committee that evaluates annual Faculty Activity Reports and provides performance assessments to the department head, chair, or school director. As another example, a faculty member is selected to serve on the department's honorifics committee that will nominate members of the department, including their spouse/partner, for awards.

*Guidance.* For any discussion that includes or is about a committee member's spouse, partner or family member, as well as their own, the faculty member must recuse themselves from the committee's deliberations and voting that includes the family member. They must also refrain from any discussions about themselves or their spouse, partner, or immediate family member with the committee or its members, both to avoid both actual and perceived conflicts of interest.

**Scenario 5.** A faculty member is appointed to a position that has direct responsibility over someone with whom they have a close relationship (e.g., romantic or intimate relationship, close companionship, roommate or housemate, current or former mentor, etc.), but who is not a spouse or immediate family member.

*Guidance.* While there is no law or rule against having such supervisory responsibility, the faculty member should discuss the situation with their department head, chair, or school director (or in the case of a department head, chair, or school director, with their dean). If the close relationship is such that it could compromise the faculty member's objectivity and/or lead to the perception of favoritism or bias, then the faculty member and their supervisor should define and implement appropriate mitigation measures and, in the interest of transparency, disclose those measures to the affected and interested parties as appropriate. In these discussions, it is important to remember that sometimes perception is reality, and thus it is

important for the mitigation measures to address not only the tangible issue(s) but also the intangible factors that shape perception.

**Scenario 6.** A faculty member is appointed to serve in a departmental leadership role such as associate chair or undergraduate or graduate program director, in which they are responsible for assigning classes to faculty, including their spouse/partner, and evaluating their teaching.

*Guidance.* As in the previous scenario, there is no explicit rule against a faculty member assuming such a role if their spouse/partner is also a faculty member in the department. However, these responsibilities at minimum may have an indirect impact on the spouse/partner's salary in terms of their performance in the classroom and their teaching evaluations, and they may have an explicit impact on promotion and tenure if the teaching evaluations are used in that process. Thus, the faculty member should recuse themselves from assigning classes to their spouse/partner and for evaluating their teaching. The faculty member and their department head, chair, or school director should define and implement appropriate mitigation measures, such as the department head assigning the spouse's classes, and in the interest of transparency disclose those measures to the affected and interested parties as appropriate. In this scenario involving classes and students, it would also be appropriate for the students in the spouse's classes to be given an alternative reporting structure, such as directly to the department head, should an issue arise in the class.

**Scenario 7.** A faculty member is elected to a P&T committee before which their former spouse will be considered for promotion and/or tenure.

*Guidance.* While there is no rule against serving on the P&T committee in this situation, the faculty member should confer with their department head, P&T committee chair, and/or dean. Given the former relationship, some may perceive a lack of objectivity and/or bias. In keeping with the principle that the university seeks to ensure that its actions, decisions, and relationships are transparent, ethical, and free from bias, both perceived and actual, the faculty member should, at a minimum, disclose their former relationship and, in consultation with academic unit leadership, consider stepping down from the committee for the year their former spouse is under consideration for promotion and/or tenure.

**Scenario 8.** A faculty member's spouse/partner is a student at the university.

*Guidance.* While a faculty member's spouse/partner can be a student, the faculty member may not supervise the student. Typically, this would preclude serving as an instructor in the spouse/partner's classes, grading the spouse/partner's work, serving as an advisor, committee member or chair, as well as serving in an academic director's role for the program in which the spouse/partner is enrolled. Furthermore, the faculty member should not use their position to influence others in the teaching, supervision, or evaluation of their spouse/partner.

While outside the focus of this memo on COIs with family members, it is important to note that it is a violation of the Faculty Handbook and Virginia Tech policy for faculty to have a consensual relationship with any student they supervise regardless of immediate familial relationship. See section 2.19.3 (Non-Discrimination, Sexual Assault, and Harassment Prevention) and 2.19.8 (Statement of Principles of Ethical Behavior, Students) of the Faculty Handbook. In particular, please note section 2.19.3 which says in part,

*Faculty and supervisors should be aware that engaging in consensual relationships with students or employees they supervise could make them liable for formal action. Even when both parties have consented to the development of such a relationship, it is the faculty member or supervisor who, by virtue of one's special responsibility, may be held accountable for unprofessional behavior.*

5. **Summary.** Although these examples are not exhaustive, they describe some of the more typical situations along with guidance on how to resolve them. More generally, the fundamental principle is a conflict of interest likely exists when there is an intersection of familial ties and supervisory responsibilities or membership on committees with responsibilities related to personnel evaluation, honorifics nominations, and resource recommendations.

Elimination of a COI begins with transparency via disclosure followed by implementation of appropriate mitigation measures. When in doubt, have a conversation with your department head, chair, school director, or other supervisor. In so doing, returning to the discussion of the importance of maintaining the integrity and credibility of Virginia Tech as a trusted institution of higher learning, it is crucial that the mitigation measures address both the ***actual and perceived*** conflicts of interest.

Because each situation is unique, please contact your immediate supervisor, the Faculty Senate Committee on Ethics, University Counsel, or Faculty Affairs with any questions.