

**UNIVERSITY OF CALIFORNIA
POLICY ON CONFLICTS OF INTEREST
CREATED BY CONSENSUAL RELATIONSHIPS**

I. Introduction

A consensual relationship, for purposes of this policy, is defined as one in which two individuals are involved by mutual consent in a romantic, physically intimate, and/or sexual relationship. This definition includes domestic partners and spouses.¹ These relationships pose a potential conflict of interest in the employment or educational context when one individual has responsibility for supervising, directing, overseeing, evaluating, advising, or influencing the employment or educational status of the other.

The University is concerned about the potential for a conflict of interest in any consensual relationship where one individual has power or authority over the other. A consensual relationship may lead to a conflict of interest in the employment or educational context, which may affect employee or student morale and lead to a deteriorating work or educational environment. A consensual relationship may lead to an abuse of power, coercion, exploitation, favoritism, or unfair treatment of others. Even a romantic relationship that begins as consensual may evolve into a situation that leads to a charge of sexual harassment that violates University policy.

This policy addresses potential conflict of interest situations applicable to all members of the University community: faculty and other academic personnel; students; senior managers, including Officers, Chancellors, Laboratory Directors, Vice Chancellors, and Deans; staff employees; and contract employees. Members of the faculty also are subject to additional requirements under the Faculty Code of Conduct (Academic Personnel Policy 015). Other members of the University community, such as health care providers, may be covered by additional legal and/or licensure requirements with regard to their relationships with clients.

II. Policy

Because of the potential for a conflict of interest, an individual covered by this policy who is in or enters into a consensual relationship with someone over whom he or she has supervisory, oversight, evaluative, or advisory responsibilities shall take effective steps to eliminate, or arrange with his or her supervisor to eliminate, any potential conflict of interest arising out of professional decisions concerning that individual as soon as practicable. Means to eliminate conflicts of interest may include, but are not limited to: transfer of either individual to another position; transfer of supervisory, oversight, evaluative, or advisory responsibilities to another employee or team of employees; or providing an additional layer of oversight to the supervisory role.

¹ Refer to the University's policies on near relatives in Academic Personnel Policy 520 (APM - 520) Employment of Near Relatives, and Personnel Policies for Staff Members (PPSM) Policy 21.G. Appointment of Near Relatives.

The University recognizes that a consensual relationship may exist prior to the time an individual is assigned to a supervisor. An individual shall not accept supervisory, oversight, evaluative, or advisory responsibilities over someone with whom he or she has a consensual relationship unless effective steps can be taken to eliminate any potential conflict of interest in accordance with this policy.

This policy applies to all conflicts of interests created by consensual relationships within the University community in which one member has power or authority over the other.

Relationships covered by this policy include, but are not limited to: supervisor and supervisee; faculty and staff; faculty and student (in situations not covered by the Faculty Code of Conduct); staff and student, coach and student; student and student; and housestaff or postdoctoral scholar and other housestaff, other postdoctoral scholar, or other employee.

III. Relationships with Students

The academic success of students is central to the University's educational mission. The unequal institutional power inherent between students and particular members of the University community must be insulated from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Accordingly, consensual relationships of the following nature are prohibited:

- A. Between a senior manager and any student, when the relationship arises in the context of that manager's responsibilities;
- B. Between a coach, professional counselor, teaching assistant, lecturer, or other individual not covered by APM - 015, the Faculty Code of Conduct, who is in a position of instructional, evaluative, or advisory authority over students, and any student for whom the coach, professional counselor, teaching assistant, lecturer, or other individual has direct instructional, evaluative, or advisory authority;
- C. Between a direct supervisor and a student employee.

Any exceptions to the above prohibitions must be approved by the local chief administrative officer (Chancellor, Senior Vice President—Business and Finance, Vice President—Agriculture and Natural Resources, or Laboratory Director), and only in extraordinary circumstances.

Consensual relationships between faculty and students not covered by this policy are governed by the Faculty Code of Conduct, which states that it is unacceptable faculty conduct, subject to disciplinary action, for a faculty member to enter into a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future, academic responsibility (instructional, evaluative, or supervisory) or to exercise academic responsibility (instructional, evaluative, or supervisory) for any student with whom a faculty member has a romantic or sexual relationship.

IV. Failure to Comply with This Policy

Failure to comply with the above requirements shall be considered a violation of University policy. Locations should identify procedures and resources for responding to concerns about conflicts of interest created by consensual relationships. Locations may designate the Title IX Compliance Coordinator as a resource for resolution of potential violations of this policy. Violations of this policy also may be addressed through existing applicable academic, student, or staff complaint resolution, grievance, and/or disciplinary procedures.

V. Coordination with the Policy on Sexual Harassment

Incidents involving unwelcome conduct of a sexual nature that potentially are a violation of the University's *Policy on Sexual Harassment* may be addressed through the University's *Procedures for Responding to Reports of Sexual Harassment* or any other applicable complaint resolution or grievance procedure.

VI. Education of the Campus Community

All campuses, Laboratories, Medical Centers, the Office of the President, and Agriculture and Natural Resources shall provide educational opportunities for faculty and other academic personnel, students, and staff employees to promote an understanding of and compliance with this policy. The educational program on conflicts of interest created by consensual relationships may be offered as a component of the sexual harassment prevention program.