

INTERIM - Conflict of Interest Related to Consensual Relationships

(Policy EEP-0001)

I. Purpose of the Policy

This policy is intended to clarify expectations and to support staff and faculty in avoiding professional conflicts of interest related to consensual relationships. This policy is applicable to all members of the University community.

A consensual relationship, for purposes of this policy, is defined as one in which two or more individuals are involved by mutual consent in any one or combination of the following: amorous, romantic, physically intimate, and/or sexual relationship. This definition includes domestic partners and spouses.

A consensual relationship poses a potential conflict of interest when one individual(s) has responsibility for supervising, directing, overseeing, evaluating and/or advising the other(s) or when one individual has responsibility for implementing one or more aspects of the work or learning environment of the other. Individuals in authority are expected to be aware of their professional responsibilities and avoid apparent or actual conflict of interest, favoritism, or bias.

This policy addresses potential conflict of interest situations applicable to all members of the University community such as: faculty, emeriti, and other academic employees; students; senior managers, including Officers, Chancellors, Vice Chancellors, and Deans; staff employees; and contract employees. Faculty are also covered by additional requirements in the [Academic Personnel Policy APM-015](#), [Faculty Code of Conduct](#). 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. Definitions

Individual in Authority: the individual who has the direct responsibility to supervise, direct, oversee, evaluate, advise, and/or the ability to influence the employment or educational status or opportunities of the other(s) in the consensual relationship.

Consensual Relationship: Two or more individuals are involved by mutual consent in any one or combination of the following: amorous, romantic, physically intimate, and/or sexual relationship. This definition includes domestic partners and spouses.

III. Detailed Policy Statement

Because of the potential for a conflict of interest, any member of the University community who enters into a consensual relationship with someone over whom they have supervisory, decision-making, oversight, evaluative, or advisory responsibilities shall take effective steps to remove themselves from any professional decisions concerning that individual. The individual in authority shall eliminate, or arrange with their supervisor to eliminate, any potential conflict of interest. Ways to eliminate conflicts of interest may include, but are not limited to: transfer of either individual to another position; transfer of supervisory, decision-making, oversight, evaluative, or

advisory responsibilities to another employee or team of employees; or providing an additional layer of oversight to the supervisory role.

The University recognizes that a consensual relationship may exist prior to the time an individual is assigned as a supervisor. Supervisory, decision-making, oversight, evaluative, or advisory responsibilities for someone with whom there is a pre-existing consensual relationship shall not be accepted unless effective steps can be taken to eliminate potential for actual or apparent conflict of interest in accordance with this policy.

Should a supervisor become aware of a conflict, it is the responsibility of the supervisor to address that conflict consistent with this policy. The Associate Vice Chancellor for Equity and Equal Protection is available for consultation on appropriate actions to comply with this policy.

This policy is intended to apply to all types of conflicts of interest created by consensual relationships within the University community where an individual(s) has responsibility for supervising, directing, overseeing, evaluating and/or advising the other(s). Relationships covered by this policy include, but are not limited to, relationships between:

- Faculty and emeriti (in situations not covered by APM-015, Faculty Code of Conduct)
- academic employee (including postdoctoral scholar)
- staff
- graduate student
- undergraduate student
- student supervisor
- student employee
- coach
- volunteer

Compliance

Any individual found to be in violation of this policy may be subject to disciplinary action in accordance with applicable faculty, staff personnel, or Student Code of Conduct policies, including collective bargaining agreements. Volunteers who are found to be in violation of this policy may be subject to termination of volunteer service.

Failure to comply with the above requirements shall be considered a violation of University policy. The UC Santa Cruz Associate Vice Chancellor for Equity and Equal Protection is the designated resource for resolution of complaints under this policy and will refer to appropriate bodies for action. In addition, staff of the Office for Equity and Equal Protection will coordinate educational opportunities for faculty and other academic personnel, students, and staff employees to promote an understanding of and compliance with this policy.

IV. Getting Help

The Office for Equity and Equal Protection is available for consultation with regard to this policy.

If you need help with ...	Contact ...
questions regarding this policy	Isabel A. Dees, Assistant Vice Chancellor for Equity and Equal Protection, idees@ucsc.edu , 831-459-2462, equity.ucsc.edu
resolving potential conflicts that you may have	Your direct Supervisor and/or Isabel A. Dees, Assistant Vice Chancellor for Equity and Equal Protection, idees@ucsc.edu , 831-459-2462, equity.ucsc.edu
to report violations	Isabel A. Dees, Assistant Vice Chancellor for Equity and Equal Protection, idees@ucsc.edu , 831-459-2462, equity.ucsc.edu

V. Applicability and Authority

This policy applies to all members of the campus community.

The Campus Provost and Executive Vice Chancellor is the authority for the INTERIM - *Conflict of Interest Related to Consensual Relationships* policy, with implementation authority delegated to Associate Vice Chancellor for Equity and Equal Protection. This policy was reviewed and approved by Campus Provost/Executive Vice Chancellor, Lori Kletzer on 9/29/2020. This policy will be reviewed March 2021.

VI. Related Policies/More Information

[California Government Code §12950.1](#)

[California Public Records Act](#)

University of California

- [Academic Personnel Manual APM-015, Faculty Code of Conduct](#)
- [Compendium Of Conflict Of Interest And Integrity Policies – Guidance](#)
- [PPSM-21, Selection and Appointment, Section III. F. Near Relatives](#)
- [UC Policy on Sexual Violence and Sexual Harassment](#)
- [UC Statement of Privacy Values](#)

University of California Santa Cruz, [UC Santa Cruz Title IX Procedures](#)

VII. Revision History

This is a new policy.

VIII. Frequently Asked Questions

Are consensual relationships prohibited by this policy?

This policy does not prohibit community members from engaging in an amorous, romantic, physically intimate, and/or sexual relationships by mutual consent. This policy requires any member of the University community who enters into a consensual relationship with someone over whom they have supervisory, decision-making, oversight, evaluative, or advisory responsibilities, to take effective steps to eliminate conflicts of interest related to that consensual relationship.

Who is an “individual in authority”?

When one individual has responsibility for implementing one or more aspects of the work or learning and co-curricular environment of the other(s), with whom they are engaged in a consensual relationship, they are an individual in authority.

Aren't professional conflicts of interest related to consensual relationships already addressed by university employment policies about near relatives?

No, with the exception of domestic partners and spouses, university policies on near relatives do not address conflicts of interest related to consensual relationships. This policy recognizes that conflicts of interest can arise with any consensual romantic or sexual relationship, not just with those that exist within marriages and domestic partnerships.

For faculty who are covered by the Faculty Code of Conduct (APM 015), how is this policy different than APM 015 Part II Sections A.7 & 8??

APM 015 Part II Sections A.7 & 8 make it unacceptable for faculty to enter into a romantic or sexual relation with any student over whom a faculty member has, or should in the future reasonably expect to have, academic responsibility. These sections do not address faculty responsibility to eliminate conflicts of interest that may result from consensual relationships with community members over whom they do not exercise academic responsibility but over whom they may nonetheless have supervisory, decision making, or evaluative, authority; e.g. non-student employees.

Are individuals in authority and/or supervisors required to consult with the Title IX Officer or the Associate Vice Chancellor for Equity and Equal Protection when seeking to eliminate conflicts of interest that may arise from consensual relationships?

No. Although these resources may be able to provide helpful guidance, there is no requirement that they be consulted as long as the policy is complied with.

Does this policy require any reporting?

No, this policy contains no requirement of reporting. While not required, we do encourage reporting.

What are the disciplinary consequences for not complying with this policy?

Failure to comply with the policy will be considered a violation of University policy. Any individual found to be in violation of this policy may be subject to disciplinary action in accordance with applicable faculty, staff personnel, or Student Code of Conduct policies, including collective bargaining agreements, upon referral from the Title IX Office. Volunteers who are found to be in violation of this policy may be subject to termination of volunteer service.

Why is the Associate Vice Chancellor for Equity and Equal Protection charged with implementation of this policy?

The CP/EVC delegated authority to the Associate Vice Chancellor for Equity and Equal Protection to ensure greater parity in implementation, application, and enforcement authority of this policy over all members of the University community. The Associate Vice Chancellor for Equity and Equal Protection has authority to notice all parties of potential UC policy violations and make findings of fact related to those policies, and to refer the matter to the relevant sanctioning body for appropriate action. Should there be concerns expressed that a consensual relationship may be creating a hostile environment for others in the unit, office, classroom, lab, etc., the Associate Vice Chancellor for Equity and Equal Protection is well-positioned to refer the matter to the Title IX Office to implement strategies, provide resources, and take other appropriate action as necessary in accordance with the UC Policy on Sexual Violence and Sexual Harassment.

What is the CCRT?

The CCRT serves in an advisory capacity to campus leadership and community members about best practices in policies, education, prevention, and response to preventing and addressing sexual violence within our community and consists of a well-informed group of high-interest stakeholders. The CCRT includes members representing: graduate and undergraduate students, the SUA, the GSA, Resource Centers, the Disability Resource Center, Student Conduct, Staff Human Resources, Respondent Support Services, Academic Advisors, Colleges Housing and Educational Services, Faculty, the UCSC Police Department, Counseling and Psychological Services, Campus Advocacy Resources & Education (CARE), and the Student Health Center.

Can a consensual relationship ever violate the UC Policy on Sexual Violence and Sexual Harassment (“SVSH”)?

The SVSH policy does not prohibit consensual relationships. However, a consensual relationship can create a hostile environment in the workplace in violation of the SVSH policy if promotions or favorable treatment (received or perceived) leads others to believe they too must engage in consensual relations to advance in the workplace. Further, consensual conduct in the workplace by the parties engaged in a consensual relationship can also create a hostile environment if the behavior is sexual in nature, sufficiently severe, persistent or pervasive that it unreasonably denies, adversely limits, or interferes with a person’s participation in or benefit from the education, employment or other programs, activities or services of the University, and creates an environment that a reasonable person would find to be intimidating or offensive.