



## Consensual Relationships (INTERIM)

<b>Responsible Official:</b>	Associate Chancellor and Chief of Staff to the Chancellor
<b>Responsible Office:</b>	Office for the Prevention of Harassment and Discrimination (OPHD)
<b>Issuance Date:</b>	01/17/2025
<b>Effective Date:</b>	01/17/2025
<b>Summary:</b>	This Policy is intended to clarify expectations and to support staff and faculty in avoiding professional conflicts of interest related to Consensual Relationships.
<b>Scope:</b>	All members of the university community, including staff, faculty, students, and non-affiliates.

<b>If you need help...</b>	<b>Contact</b>
With questions regarding this Policy	Kim Overdyck, OPHD Director/Title IX Officer <a href="mailto:koverdyck@ucmerced.edu">koverdyck@ucmerced.edu</a> 209-285-9510
Resolving potential conflicts that you may have	<ul style="list-style-type: none"><li>• Your direct supervisor</li><li>• Academic Personnel Office (academic appointees)</li><li>• Employee and Labor Relations (staff)</li><li>• OPHD Director/Title IX Officer (employees and students)</li></ul>
To report violations	File an online report with OPHD: <a href="https://ophd.ucmerced.edu/report">https://ophd.ucmerced.edu/report</a> or contact the OPHD Director/Title IX Officer: <a href="mailto:ophd@ucmerced.edu">ophd@ucmerced.edu</a>

---

### I. POLICY SUMMARY

---

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 applies to all members of the university community.

A Consensual Relationship poses a potential conflict of interest and potential for Power Imbalance 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 must know their professional responsibilities and avoid apparent or actual conflicts 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 Manual APM-015: Faculty Code of Conduct. Other university community members, such as healthcare providers, may be covered by additional legal and/or licensure requirements concerning their relationships with clients.

This Policy also includes the attempt by an Individual in Authority to engage in a Consensual Relationship. The university recognizes the importance of maintaining professional boundaries and emphasizes that while Consensual Relationships are generally permitted, they can become problematic if they become unwelcome. This is to prevent potential conflicts of interest, address unequal power dynamics, and maintain a fair and inclusive environment.

---

## II. DEFINITIONS

---

**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.

**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.

**Power Imbalance:** Refers to an inherent inequality in authority, influence, or control between individuals. This inequality may arise from differences in roles such as faculty/TA and student, advisor and advisee, or supervisor and intern. A power imbalance can create conditions where one party may feel coerced, pressured, or unable to freely consent to a relationship due to the influence or authority wielded by the other party.

---

### III. POLICY TEXT

---

Because of the potential for a conflict of interest, any member of the university community who enters into a Consensual Relationship or attempts to do so 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 ultimate responsibility for maintaining these appropriate professional boundaries always lies with the Individual in Authority.

The Individual in Authority shall immediately report the relationship to their supervisor and 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 the 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 OPHD Director/Title IX Officer 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

- clinical providers
- teaching assistant and graduate assistant
- graduate student
- undergraduate student
- student supervisor
- student employee
- coach
- volunteer

---

#### **IV. PROCEDURES**

---

Any individual found to be in violation of this Policy may be subject to disciplinary action in accordance with applicable faculty, staff, 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 their volunteer service.

Failure to comply with the above requirements shall be considered a violation of university policy. The OPHD Director/Title IX Officer is the designated resource for the resolution of complaints under this Policy and will refer to appropriate bodies for action. In addition, OPHD staff will coordinate educational opportunities for faculty and other academic personnel, students, and staff employees to promote an understanding of and compliance with this Policy.

---

#### **V. REFERENCES AND RESOURCES**

---

##### California Law

- [California Government Code §12950.1](#)
- [California Public Records Act](#)

##### UC Policies

- [Academic Personnel Manual APM-015: Faculty Code of Conduct](#)

- [UC Policy on Sexual Violence and Sexual Harassment](#)
- [Compendium Of Conflict Of Interest And Integrity Policies – Guidance](#)
- [PPSM-82: Conflict of Interest](#)
- [PPSM-21: Selection and Appointment \(Section III. F. Near Relatives\)](#)
- [BFB-BUS-43: Purchase of Goods and Services; Supply Chain Management](#)
- [UC Statement of Privacy Values](#)

---

## VI. FREQUENTLY ASKED QUESTIONS

---

### **Are Consensual Relationships prohibited by this Policy?**

This Policy does not prohibit community members from engaging in 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 immediately report the relationship to their supervisor and arrange with their supervisor to eliminate any potential, perceived, or actual conflict 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. See the Definition section above.

### **Are Individuals in Authority allowed to use dating applications or social media?**

While Individuals in Authority can use dating applications or social media, it is essential to exercise caution. Attempts to initiate Consensual Relationships through these platforms must be approached carefully, ensuring that such attempts do not become unwelcome. Individuals in Authority are strongly advised to take proactive measures to avoid pursuing a Consensual Relationship with another community member that would pose a potential conflict of interest. Examples include relationships between a teaching assistant and a student in their class and between professors and their teaching assistants.

**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 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 relationship 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 OPHD Director/Title IX Officer when seeking to eliminate conflicts of interest that may arise from Consensual Relationships?**

No, consultation with the OPHD Director /Title IX Officer is not mandatory as long as this Policy is followed. However, it is strongly recommended that efforts to eliminate potential conflicts of interest be documented through an agreement or similar document. The OPHD Director/Title IX Officer is available to provide guidance and a sample *Record of Consensual Relationship Agreement* to support this process.

**Does this Policy require any reporting?**

No, this Policy does not require reporting to OPHD. While not required, we encourage reporting to OPHD to address potential conflicts of interest and mitigate risks of fairness, impartiality, and the integrity of academic or work-related decisions.

**What are the disciplinary consequences for not complying with this Policy?**

Failure to comply with this 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 and staff personnel policies or Code of Student Conduct, including collective bargaining agreements, upon referral from OPHD. Volunteers found to be violating this Policy may be subject to the termination of their volunteer service.

### **Why is the OPHD Director/Title IX Officer charged with implementing this Policy?**

The Chancellor has designated authority for this policy to the OPHD Director/Title IX Officer to ensure greater parity in implementation, application, and enforcement authority of this Policy over all members of the university community. The OPHD Director/Title IX Officer 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 OPHD Director/Title IX Officer is well-positioned to refer the matter to OPHD to implement strategies, provide resources, and take other appropriate action as necessary in accordance with the UC Sexual Violence and Sexual Harassment Policy.

### **Can a Consensual Relationship ever violate the UC Sexual Violence and Sexual Harassment Policy (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 policy, if promotions or favorable treatment (received or perceived) lead others to believe they, too, must engage in consensual relations to advance in the workplace.

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.

---

## **VII. REVISION HISTORY**

---

<b>Date</b>	<b>Action/Summary of Changes</b>
01/17/2025	Interim Policy issued