

## **Proposed Changes to Sections 3-G and 6-I of Faculty Handbook**

Version 12; April 11, 2020 (revised to address suggestions from the first reading during March 2020 Senate meeting)

**Summary:** *The primary change is to prohibit romantic or sexual relationships between faculty and students in supervised roles, to implement Academic Senate Resolution 18/19-05.*

- 1) Changes relative to the 2019 version of Faculty Handbook are shown in boldface, underline, strikethrough.*
- 2) To emphasize the new prohibition, the section on supervisees is moved earlier [new Section 6-I(a); previously, Section 6-I(b)]; as a consequence, the section on non-supervisees is moved later [new Section 6-I(b); previously, Section 6-I(a)].*
- 3) Changes are made in Section 3-G to conform to revised Section 6-I. Recognizing the range of faculty views on this subject, and to avoid driving relationships underground, Section 3-G(c) requires disclosure and provides the possibility of special arrangements in unusual situations, such as prior family or other relationships.*
- 4) The suggestions from the first reading in the March 2020 Senate meeting taken into account by moving a paragraph from Section 6-I (c) to the beginning of Section 6-I (a), and replacing it by a short summary of relevant part in Section 6-I (c). [Search for "Note:" to find all these changes.]*

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### 3-G PERSONAL CONFLICTS OF INTEREST

#### *3-G (a) Equal Opportunity*

Having a family, sexual, **romantic** or other intimate relationship with a current member of the faculty or staff shall not be a bar to equal opportunity in employment or education for anyone.

#### *3-G (b) Restrictions on Decision-making Authority and Supervisory Roles*

At the same time, any faculty member in such a relationship shall take all reasonable steps to avoid a conflict of interest or the appearance of a conflict of interest in his or her USC work that could arise from the relationship.

In particular, a faculty member shall not participate in any decision (such as decisions **or recommendations** concerning initial appointment, retention, promotion, salary, or leave of absence of a member of the faculty or staff, or decisions **or recommendations** concerning the admission, granting of awards, grading or academic advancement of a student) that involves either

a direct benefit or detriment to a person with whom he or she has an family, sexual, **romantic** or other intimate relationship.

Faculty members shall not supervise or evaluate the work of a USC or affiliated-institution employee or student, or resident or fellow, with whom they have such a relationship. Supervision and evaluation include **teaching in-person, online or any other format; teaching or training in a lab, clinic, hospital or the field; grading or evaluating student work; serving as an advisor, examiner, or member of a guidance, thesis or dissertation committee; supervising clinical activity; deciding on or recommending admissions, employment or granting of awards; supervising teaching, research, clinical or other duties in all types of positions; mentoring; having the other person paid from the funds of a grant or contract supervised by the faculty member as principal investigator; and any other relationship covered in Section 6-I (a) on Supervisees and Other Personal Conflicts of Interest.**

### *3-G (c) Request for a Special **Management Plan Arrangements***

In an unusual situation, **including but not limited to** ~~such as~~ a prior existing family or other relationship, that would otherwise call for a faculty member to supervise or evaluate the work of someone with whom he or she has such a relationship, the faculty member is required to disclose the relationship to the dean **or dean's designee**, and may continue to supervise or evaluate only if, **at the request of both parties**, special arrangements are approved by the dean **(or the dean's designee)** to avoid the possibility of favoritism, such as having an unrelated third party supervise or evaluate the work. The Provost's written permission is also required. **The faculty member may appeal the dean's decision to the Provost.** (See also Sections 6-I, Consensual Relationships, and 6-D, Procedures for Complaints **in non-consensual situations**.) To protect privacy, faculty members who recuse themselves from such decisions or supervisory responsibilities are not required to state reasons **except to the dean (or the dean's designee) and the Provost.**

### *3-G (d) Duty to Disclose*

**Section 3-G (c) requires disclosure when that section applies.** If a faculty member is in doubt concerning the possibility of a conflict of interest, it is required that the faculty member consult the department chair or dean.

A department chair or dean who has similar doubts should initiate discussion with the faculty member; and any other faculty member with such concerns should raise them with the chair or dean, who should take appropriate steps.

The faculty member must seek a decision on what is appropriate in these situations from the Provost, who will make a written record of the decision. Advice may also be sought from the President of the Faculty. Confidentiality shall be protected to the fullest extent possible.

## 6-I CONSENSUAL RELATIONSHIPS

### **6-I (a) Prohibition of Romantic Relationship with Supervisees and Other Personal Conflicts of Interest**

[Note: This paragraph moved from 6-I (b), adding the mention of non-students]

**There is an inherent power differential between faculty and students, and there are also power differentials between faculty and non-students they supervise or evaluate. A relationship may be voluntary in the sense that an individual is not forced to participate against his or her will, yet it may be unwelcome and therefore result in a claim of sexual harassment or sexual assault. Sexual relationships between these parties may lack meaningful consent. These relationships may put either party at risk. They can create a perceived lack of freedom to give meaningful consent about the relationships. The University does not tolerate non-consensual sexual relationships within its work and academic environment.**

~~The University does not permit the fact of a relationship between any employee and another person to create either more favored or more disadvantageous treatment of that person.~~

~~More specifically, a faculty member may not provide more favorable treatment, or disadvantageous treatment, to a person with whom the faculty member has a family, sexual or other intimate relationship, compared to the treatment the faculty member provides to others. **Because of the power differential, including the**~~ Furthermore, see the discussion of the inherent power differential between faculty and students **and consistent with Section 3-G's prohibition of conflicts of interest,**

~~Consistent with **these principles**, Section 3-G **and this section** prohibit all~~ **all faculty are prohibited** from any work-related conflicts of interest, including the personal conflict of interest that is created by having an intimate, romantic or sexual relationship, **even a consensual one**, with any person that the faculty member teaches, supervises, or evaluates, including any student, resident, or fellow of the university or an affiliated institution **as well as any visiting student, resident, or fellow. Supervision and evaluation include, but are not limited to, teaching in-person, online or any other format; teaching or training in a lab, clinic, hospital or the field; grading or evaluating student work; serving as an advisor, examiner, or member of a guidance, thesis or dissertation committee; supervising clinical activity; deciding on or recommending admissions, employment or granting of awards; supervising teaching, research, clinical or other duties in all types of**

**positions; mentoring; and having the other person paid from the funds of a grant or contract supervised by the faculty member as principal investigator.**

**Exceptions from the prohibitions outlined in this policy will be granted only in rare circumstances, through the process discussed in Sections 3-G (c) Requests for a Special Management Plan, and 3-G (d) Duty to Disclose.**

#### 6-I (b) Persons Who Are Not Supervisees

In addition to the prohibition of personal conflicts of interest in Sections 3-G and 6-I (a), the University strongly discourages sexual relationships and sexual advances between faculty and any students, residents, or fellows, or between faculty and any employees where there is a power differential.

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[The above paragraph moved as-is to Section 6-I (a). Here, its relevant aspect is summarized in the following short paragraph.]

**There is an inherent power differential between faculty and students, and there are also power differentials between faculty and non-students they supervise or evaluate. This can create a perceived lack of freedom to give meaningful consent about the relationships.**

Faculty and supervisors should seriously consider the risks to their own professional and private lives, as well as those created for the other person before entering into such a relationship. The University strongly recommends that such relationships generally be avoided.

Even a fully consensual relationship may create an exposure to legal risk, as others may be treated less favorably, or may feel they have been treated less favorably, than was the person in the sexual relationship; **this may be considered a form of sexual favoritism or special treatment. If the facts establish sexual favoritism or special treatment, that would be a violation of University policy.**

If a sexual relationship ends, and a participant finds that future such contact by the former partner is unwelcome, it is highly desirable that he or she give explicit notice to the former partner in clear, unambiguous terms of the fact that the relationship is over and future contact or comments of a sexual nature are unwelcome.

#### 6-I (c) Consulting and ~~Required~~ Reporting

Sections 3-G (c) and (d) provide for mandatory reporting concerning supervisees, ~~as also discussed in Section 6-I (a).~~

If a faculty member is in doubt concerning the possibility that a relationship with a non-supervisee, described in Section 6-I (b), may create a conflict of interest, it is recommended that the faculty member consult the department chair or dean. A department chair or dean who has similar doubts should initiate discussion with the faculty member; and any other faculty member with such concerns should raise them with the chair or dean, who should take appropriate steps. Advice in these situations should be sought from the Vice Provost designated for such purposes by the Provost and from the President of the Faculty. Confidentiality shall be protected to the fullest extent possible.