

1 **ACADEMIC SENATE**
2 **Resolution 19/20-06**

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4 **Amendments to Ch. 3 & 6 of the Faculty Handbook**

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6 WHEREAS, the 2019-2020 Handbook Committee of the Academic Senate
7 has considered and proposed amendments to certain sections of the
8 Faculty Handbook;

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10 WHEREAS, the Executive Board reviewed and approved the proposed
11 amendments;

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13 WHEREAS, the rationales justifying the amendments are explained in
14 Academic Senate Resolution 18/19-05: Proposal on Prohibiting Romantic
15 or Sexual Relationships between Faculty and Students in Supervised
16 Roles; and

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18 WHEREAS the specific amendments are set forth in Attachment A to this
19 Resolution;

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21 BE IT RESOLVED that the Academic Senate hereby endorses and
22 recommends that the President of the University adopt the proposed
23 changes to the Faculty Handbook set forth in the Attachment A.

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26 Resolution Number: 19/20-06
27 Date: April 15, 2020

Motion by: Executive Board

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29 These amendments were presented for a first reading during the March
30 11, 2020 meeting, and presented for the second reading during the April
31 15, 2020 meeting

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33 Action taken:
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Attachment A

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.]*

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

82 faculty or staff, or decisions **or recommendations** concerning the
83 admission, granting of awards, grading or academic advancement of a
84 student) that involves either a direct benefit or detriment to a person
85 with whom he or she has an family, sexual, **romantic** or other intimate
86 relationship.

87
88 Faculty members shall not supervise or evaluate the work of a USC or
89 affiliated-institution employee or student, or resident or fellow, with
90 whom they have such a relationship. Supervision and evaluation include
91 **teaching in-person, online or any other format; teaching or**
92 **training in a lab, clinic, hospital or the field; grading or evaluating**
93 **student work; serving as an advisor, examiner, or member of a**
94 **guidance, thesis or dissertation committee; supervising clinical**
95 **activity; deciding on or recommending admissions, employment**
96 **or granting of awards; supervising teaching, research, clinical or**
97 **other duties in all types of positions; mentoring; having the other**
98 **person paid from the funds of a grant or contract supervised by**
99 **the faculty member as principal investigator; and any other**
100 **relationship covered in Section 6-I (a) on Supervisees and Other**
101 **Personal Conflicts of Interest.**

102 103 *3-G (c) Request for a Special **Management Plan Arrangements***

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

121 122 *3-G (d) Duty to Disclose*

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

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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.

139 **6-I CONSENSUAL RELATIONSHIPS**

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141 **6-I (a) Prohibition of Romantic Relationship with Supervisees and**
142 **Other Personal Conflicts of Interest**

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

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

158
159 ~~The University does not permit the fact of a relationship between any~~
160 ~~employee and another person to create either more favored or more~~
161 ~~disadvantageous treatment of that person.~~

162
163 ~~More specifically, a faculty member may not provide more favorable~~
164 ~~treatment, or disadvantageous treatment, to a person with whom the~~
165 ~~faculty member has a family, sexual or other intimate relationship,~~
166 ~~compared to the treatment the faculty member provides to others.~~

167 **Because of the power differential, including the** Furthermore, see the
168 ~~discussion of the inherent power differential between faculty and students~~ **and**
169 **consistent with Section 3-G's prohibition of conflicts of interest,**
170 ~~Consistent with **these principles**, Section 3-G **and this section** prohibit~~
171 **all all faculty are prohibited** from any work-related conflicts of interest,
172 including the personal conflict of interest that is created by having an
173 intimate, romantic or sexual relationship, **even a consensual one**, with
174 any person that the faculty member teaches, supervises, or evaluates,
175 including any student, resident, or fellow of the university or an affiliated
176 institution **as well as any visiting student, resident, or fellow.**
177 **Supervision and evaluation include, but are not limited to,**
178 **teaching in-person, online or any other format; teaching or**
179 **training in a lab, clinic, hospital or the field; grading or evaluating**
180 **student work; serving as an advisor, examiner, or member of a**
181 **guidance, thesis or dissertation committee; supervising clinical**
182 **activity; deciding on or recommending admissions, employment**
183 **or granting of awards; supervising teaching, research, clinical or**
184 **other duties in all types of positions; mentoring; and having the**

185 **other person paid from the funds of a grant or contract**
186 **supervised by the faculty member as principal investigator.**

187
188 **Exceptions from the prohibitions outlined in this policy will be**
189 **granted only in rare circumstances, through the process**
190 **discussed in Sections 3-G (c) Requests for a Special Management**
191 **Plan, and 3-G (d) Duty to Disclose.**

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193 6-I (b) Persons Who Are Not Supervisees

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195 In addition to the prohibition of personal conflicts of interest in Sections
196 3-G and 6-I (a), the University strongly discourages sexual relationships
197 and sexual advances between faculty and any students, residents, or
198 fellows, or between faculty and any employees where there is a power
199 differential.

200
201 ~~There is an inherent power differential between faculty and students. A~~
202 ~~relationship may be voluntary in the sense that an individual is not~~
203 ~~forced to participate against his or her will, yet it may be unwelcome and~~
204 ~~therefore result in a claim of sexual harassment or sexual assault. Sexual~~
205 ~~relationships between these parties may lack meaningful consent. These~~
206 ~~relationships may put either party at risk. They can create a perceived~~
207 ~~lack of freedom to give meaningful consent about the relationships. The~~
208 ~~University does not tolerate non-consensual sexual relationships within~~
209 ~~its work and academic environment.~~

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

212
213 **There is an inherent power differential between faculty and**
214 **students, and there are also power differentials between faculty**
215 **and non-students they supervise or evaluate. This can create a**
216 **perceived lack of freedom to give meaningful consent about the**
217 **relationships.**

218
219 Faculty and supervisors should seriously consider the risks to their own
220 professional and private lives, as well as those created for the other
221 person before entering into such a relationship. The University strongly
222 recommends that such relationships generally be avoided.

223
224 Even a fully consensual relationship may create an exposure to legal risk,
225 as others may be treated less favorably, or may feel they have been
226 treated less favorably, than was the person in the sexual relationship;
227 **this may be considered a form of sexual favoritism or special**
228 **treatment. If the facts establish sexual favoritism or special**
229 **treatment, that would be a violation of University policy.**
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231 If a sexual relationship ends, and a participant finds that future such
232 contact by the former partner is unwelcome, it is highly desirable that he
233 or she give explicit notice to the former partner in clear, unambiguous
234 terms of the fact that the relationship is over and future contact or
235 comments of a sexual nature are unwelcome.

236
237 6-I (c) Consulting and ~~Required~~ Reporting

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

241
242 If a faculty member is in doubt concerning the possibility that a
243 relationship with a non-supervisee, described in Section 6-I (b), may
244 create a conflict of interest, it is recommended that the faculty member
245 consult the department chair or dean. A department chair or dean who
246 has similar doubts should initiate discussion with the faculty member;
247 and any other faculty member with such concerns should raise them with
248 the chair or dean, who should take appropriate steps. Advice in these
249 situations should be sought from the Vice Provost designated for such
250 purposes by the Provost and from the President of the Faculty.
251 Confidentiality shall be protected to the fullest extent possible.

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