

University of California, Berkeley
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Conflicts of Interest Arising Out of Consensual Relationships

Responsible Executive: Associate Chancellor
Responsible Office: Office for Prevention of Harassment & Discrimination (OPHD)
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Policy Statement

Because of the potential for actual or apparent conflicts of interest, members of the campus community who enter into a consensual relationship with someone over whom they have supervisory, decision-making, oversight, evaluative, or advisory responsibility (hereafter “individuals in authority”) must take effective steps to remove themselves from professional decisions concerning that individual.

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

A consensual relationship that might be appropriate in other circumstances is inappropriate and poses a potential conflict of interest when one individual has responsibility for supervising, directing, overseeing, evaluating, advising, or influencing the employment or educational status of the other. It is always the responsibility of the individual in authority to maintain appropriate professional boundaries. Individuals in authority are expected to be aware of their professional responsibilities and to avoid apparent or actual conflict of interest, favoritism, or bias.

In addition, individuals in authority may create a sexually hostile environment and thus should avoid situations that adversely affect the working or learning environment of others.

Individuals in authority are responsible for eliminating, or arranging with their supervisor to eliminate, any potential conflict of interest. Ways to eliminate conflicts of interest include, but are not limited to, transfer of either individual to another position; transfer of supervisory,

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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.

In circumstances where a consensual relationship exists prior to the time an individual is assigned to an individual in authority, the individual in authority will not accept supervisory, decision-making, oversight, evaluative, or advisory responsibilities until effective steps can be taken to eliminate any potential conflict of interest in accordance with this policy.

Scope of Policy

This policy affects everyone at UC Berkeley.

Why We Have This Policy

This policy is intended to address potential conflicts of interest related to consensual romantic, physically intimate, or sexual relationships. Such relationships can lead to actual or perceived favoritism, and though they may begin as consensual, they have the potential to lead to charges of sexual harassment by participants or co-workers. Relationships covered by this policy include, but are not limited to, relationships between supervisor and supervisee; faculty and staff; faculty and student (in situations not covered by [Academic Personnel Manual Section 15](#)); coach and student; student and student; and staff or postdoctoral scholar and other staff, other postdoctoral scholar, or other employee.

Faculty are also covered by additional requirements in [Academic Personnel Manual Section 15](#) (the Faculty Code of Conduct, or APM-015). Other members of the campus community, such as health care providers, may be covered by additional legal and/or licensure requirements with regard to their relationships with clients or patients.

Responsibilities

Individuals in Authority:

- Eliminate potential conflicts of interest related to consensual relationships.

Office for Prevention of Harassment & Discrimination:

- Interpret this policy for the campus and revise it as necessary.
- Advise individuals in authority or their supervisors on strategies for eliminating potential conflicts of interest related to consensual relationships.
- Investigate alleged violations of this policy.

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Individuals Adversely Affected by Individuals in Authority:

- Seek assistance from the confidential care advocate or other campus resource. A list of resources can be found at <http://survivorsupport.berkeley.edu/>.

Web Site Address for This Policy

<http://campuspol.berkeley.edu/policies/relationshipconflict.pdf>

Glossary

Consensual relationship: a relationship in which two individuals are involved by mutual consent in romantic, physically intimate, and/or sexual relations. This definition includes domestic partners and spouses.

Related Documents

University of California Policy on Sexual Violence and Sexual Harassment:
<http://policy.ucop.edu/doc/4000385/SVSH>

Revision History

April 1, 2016:

The content of this policy was extracted from the May 2008 campus policy on Sexual Harassment, other provisions of which were superseded by the systemwide policy on Sexual Violence and Sexual Harassment, and put under its own title in this document.