



Davis Division Academic Senate

Request for Consultation Responses

PPM 380-13: Near Relatives and Consensual Relationships

November 2, 2016

Proposed rewrite of policy to incorporate the inclusion of “consensual relationship” in title, policy, and procedures section of 380-13.

Academic Freedom & Responsibility

November 3, 2016 9:39 AM

Response continued on next page.

UC DAVIS: ACADEMIC SENATE
COMMITTEE ON ACADEMIC FREEDOM AND RESPONSIBILITY

November 2, 2016

RFC: PPM 380-13: Near Relatives and Consensual Relationships

The committee on Academic Freedom and Responsibility feels as though the changes to PM 380-13 are clear and reasonable. The committee does not have concerns regarding the draft.

Faculty Welfare

November 1, 2016 8:41 AM

Response continued on next page.

November 1, 2016

**FWC Comments on
Proposed Revisions to UCD PPM-380-13**

The Faculty Welfare Committee (FWC) has reviewed the suggested revisions of the above referenced policy that were provided on September 23, 2016.

FWC believes that the proposed revision may have positive elements but overall lacks the concision and clarity that should be expected in a useful policy.

FWC advises against adopting the proposed revised policy, and recommends a new review of an updated draft policy.

FWC had several general concerns:

1. The draft policy seems to be founded on the assumption that a consensual relationship, as defined in the draft, brings issues into the workplace that a platonic relationship does not. The FWC believes that this assumption is inappropriate and unfounded.
2. Regulating or controlling relationships among employees by policy appears to be over reaching. Perhaps there needs to be a definition of what is to be regulated, such as “a committed consensual relationship” or a “long-standing consensual relationship”. In any event, this seems very hard to see how policy can regulate relationships, unless it’s very clear and specific.
3. The draft policy has a number of inconsistencies and gaps that need to be cleared up.
4. The policy attempts to draw parallels between a “near relative” and a “consensual relationship”, but these two concepts are not aligned, the former being a person and the latter not. The document may be improved if “consensual relationship” were changed to “party/parties to a consensual relationship” at the outset, and then revised accordingly.
5. The draft policy, in section IV.E, states than existence of a consensual relationship in a given unit is grounds for “transfer of either individual to another position.” This seems unduly extreme, and the policy should be re-focused toward the elimination of conflict of interest related to the exercise of supervisory/evaluative responsibilities.

FWC had several points of specific feedback regarding the current draft:

- Change the word “must” back to “shall” in all locations where it was changed. In the context of law the word “shall” states a requirement.
- III.A - it seems a party to a consensual relationship should be added to this section
- III.C - Change “Notify their immediate supervisor of the consensual relationship” to “Notify the immediate supervisor of a conflict of interest”; it seems overbearing to require an employee to declare being a party to a consensual relationship.
- III.E - This item states “Consensual relationships between a student and an employee who has oversight, evaluative, or advisory responsibilities over the student is prohibited.” This item wrongly attempts to prohibit a relationship, and it should be reworked to properly prohibit oversight, evaluative, or advisory responsibility when a relationship exists.
- IV.B - Add participant in Consensual Relationship.
- IV.D - The participant in a consensual relationship should be required to inform their supervisor of a conflict of interest, not their engagement in a consensual relationship.
- IV.E - Move the human resources statement to the end of the sentence.
- IV.F - This section seems to contradict the rest of the document, especially section IV.E. Redraft to clarify.

FEC: College of Letters and Science

October 4, 2016 3:39 PM

The L & S FEC discussed the proposed changes to PPM 380-13 on 10/3/2016.

We noticed that the language discussing near relatives was not parallel to that of consensual relationships in two sections:

In 3B, when discussing, near relatives, it says that "the employees" must inform.

In contrast, in 4D, it says that only the "individual in authority" must inform.

We believe the language in 4D should say that "both parties" must inform. This is because there may be cases where one individual believes a relationship to exist whereas the other does not. It should not just be up to the person with more authority to deem the presence or absence of a consensual relationship. By modifying the language in 4D, you also keep it more parallel to cases of near relatives.

Best,

Kristin Lagattuta