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*Assembly of the Academic Senate*  
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June 4, 2003

**C. JUDSON KING, PROVOST AND SENIOR VICE PRESIDENT  
ACADEMIC AFFAIRS**

**RE: Formal Review of Propose Revised Academic Personnel Policy (APM) 015,  
The Faculty Code of Conduct--Faculty-Student Sexual Liaisons**

Dear Jud:

This letter is in response to your May 2, 2003 request that the Academic Senate provide comments on the proposed revision of APM 015, concerning Faculty-Student Sexual Liaisons.

After extensive systemwide and campus Academic Senate discussions of the matter over the past four months, including a preliminary review at the March 12 meeting of the Academic Assembly, the Assembly endorsed the addition to APM 015 at its meeting on May 28, 2003. Although this discussion elicited some significant concerns about the advisability, reach and implementation of the proposed new policy, the vote of the Assembly was 33 in favor, 12 opposed and 3 abstentions.

The Academic Assembly does, therefore, recommend to you, the President, and to the Board of Regents that the proposed policy as written in your May 2 memo be incorporated into the Faculty Code of Conduct.

Cordially,

A handwritten signature in black ink, appearing to read "Gayle".

Gayle Binion, Chair  
Academic Senate

Encl 1

Copy: President Richard C. Atkinson  
Academic Council  
Executive Director Sheila O'Rourke

## Proposed Amendments to APM 015—The Faculty Code of Conduct

### Part II – Professional Responsibilities, Ethical Principles, and Unacceptable Faculty Conduct

#### (Proposed new language underlined)

#### A. Teaching and Students

Ethical Principles. “As teachers, the professors encourage the free pursuit of learning of their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflects each student’s true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.” (AAUP Statement, 1966; Revised, 1987) ~~In this section, the term student refers to all individuals under the academic supervision of faculty.~~

**The integrity of the faculty-student relationship is the foundation of the University’s educational mission. This relationship vests considerable trust in the faculty member, who, in turn, bears authority and accountability as mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between faculty member and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Whenever a faculty member is responsible for academic supervision of a student, a personal relationship between them of a romantic or sexual nature, even if consensual, is inappropriate. Any such relationship jeopardizes the integrity of the educational process.<sup>1</sup>**

**In this section, the term student refers to all individuals under the academic supervision of faculty.**

Types of unacceptable conduct:

- 1 Failure to meet the responsibilities of instruction, including:
  - (a) arbitrary denial of access to instruction;
  - (b) significant intrusion of material unrelated to the course;
  - (c) significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled;
  - (d) evaluation of student work by criteria not directly reflective of course performance;

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<sup>1</sup> This section is modeled on the Yale University Faculty Handbook, XI.B. “Teacher-Student Consensual Relations.” ([http://www.yale.edu/provost/handbook/handbook\\_xi\\_other\\_university\\_policies\\_a.html#T3](http://www.yale.edu/provost/handbook/handbook_xi_other_university_policies_a.html#T3))

- (e) undue and unexcused delay in evaluating student work.
2. Discrimination, including harassment, against a student on political grounds, or for reasons of race, religion, sex, sexual orientation, ethnic origin, national origin, ancestry, marital status, medical condition, status as a covered veteran or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
  3. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against students on the basis of disability.
  4. Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons.
  5. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.
  6. **Entering into a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future, academic responsibility (instructional, evaluative, or supervisory).**
  7. **Exercising academic responsibility (instructional, evaluative, or supervisory) for any student with whom a faculty member has a romantic or sexual relationship.**