

Regent Policy Document 14-8

Consensual Relationships

Scope

This policy describes the Board of Regents' expectations with respect to consensual romantic or sexual relationships where a power differential exists. This policy covers all UW System employees, students, and affiliated individuals.

Purpose

The purpose of this policy is to ensure that the employment and academic environment is free from real or perceived conflicts of interest when UW employees, students, and affiliated individuals, in positions of unequal power, are involved in consensual romantic or sexual relationships.

Definitions

1. Consensual Relationships: A consensual relationship refers to any relationship, either past or present, which is romantic, physically intimate, or sexual in nature, and to which the parties consent or consented. This includes marriage.
2. Conflict of Interest: A conflict of interest exists when there is incompatibility between private/personal interests and official/professional responsibilities.
3. Instructor: An instructor includes faculty and academic staff members who serve in instructional roles in relation to students. The instructional context includes: academic instruction, advising, direct or indirect evaluation of a student's work, research collaboration or assistantships, and coaching.
4. Power Differential: A power differential exists when individuals possess different degrees of power or influence due to their professional or student standing.
5. Employees: Employees include, but are not limited to, faculty, academic staff, university staff, student staff, graduate assistants, and interns.
6. Students: Students are individuals enrolled in courses at the university, including online.
7. Affiliated Individuals: Affiliated individuals include, but are not limited to, volunteers, vendors, and contractors. In this policy, all references to employees should also be considered references to affiliated individuals.

Policy Statement

It is the policy of the University of Wisconsin System Board of Regents that consensual relationships that might be appropriate in other circumstances are not appropriate when they occur between an employee of the university and a student or other employee for whom the individual has or potentially will have supervisory, advisory, or evaluative responsibility. Even where negative consequences to the participants do not result, such a relationship creates an environment charged with potential conflicts of interest and possible use of academic or supervisory leverage to maintain or promote the relationship. A romantic or sexual relationship that the parties may view as mutual may still raise questions of favoritism, as well as of an exploitative abuse of trust and power.

The following two types of consensual relationships are addressed in this policy: (1) an employee with a student; and (2) an employee with another employee.

A. Employee with a student:

1. A consensual relationship between an instructor, as defined in this policy, and a student currently under their instruction or whom the instructor reasonably believes in the future may be under the instructor's instruction, is a violation of this policy.
2. A consensual relationship between an employee, who is not an instructor as defined by this policy, and a student where the employee has supervisory, evaluative, or advisory authority or influence over the student is a violation of this policy unless:
 - a. The employee immediately reports the relationship to their supervisor/department chair, to the hiring official, or to the administrator who supervises the hiring official; and
 - b. The employee cooperates in actions taken to eliminate any actual or potential conflicts of interest and to mitigate adverse effects on the other party to the relationship.
3. The supervisor or university official who receives the report shall treat the information sensitively and shall promptly:
 - a. Consult with the director of equity/diversity and/or human resources; and
 - b. In cooperation with the director of equity/diversity and/or human resources, eliminate conflicts of interest and mitigate adverse effects on the other party to the relationship, by:
 - i. Transferring one of the individuals to another position; or

- ii. Transferring the student into a different class or section; or
- iii. Transferring supervisory, evaluative, academic or advisor responsibilities; and
- iv. Documenting the steps taken, providing all parties a copy.

B. Employee with another employee:

1. A consensual relationship between an employee and another employee where one employee has supervisory, evaluative, or advisory authority or influence over the other employee or where the employee reasonably believes the employee will have supervisory, evaluative, or advisory authority or influence over the other employee, is a violation of this policy unless:
 - a. The employee with the supervisory, evaluative, or advisory authority or influence over the other employee immediately reports the relationship to their supervisor/department chair, to the hiring official, or to the administrator who supervises the hiring official; and
 - b. The employee cooperates in actions taken to eliminate any actual or potential conflicts of interest and to mitigate adverse effects on the other employee.
2. The supervisor or university official who receives the report shall treat the information sensitively and shall promptly:
 - a. Consult with the director of equity/diversity, and/or human resources, and
 - b. In cooperation with the director of equity/diversity and/or human resources, eliminate conflicts of interest and mitigate adverse effects on the other party to the relationship, by:
 - i. Transferring supervisory, evaluative, academic or advisory responsibilities; and
 - ii. Documenting the steps taken, providing all parties a copy.

C. Violations

A consensual relationship between an instructor and their student is a direct violation of this policy. If an instructor or other employee fails to meet the requirements for disclosing the relationship with a student or another employee, or fails to cooperate in the actions described above, such a failure constitutes a violation of this policy and may result in disciplinary action taken against that

employee. If the employee is also a student, such a failure may also result in Chapter UWS 17 student disciplinary actions.

To report potential violations of this policy, individuals should contact either the Director of Human Resources or the Title IX Coordinator.

Retaliation against persons who report concerns about potential violations of this policy is prohibited.

Each UW institution shall publish this policy in a location accessible to faculty, staff, students, and the public.

Each institution shall educate faculty, staff, and students on the requirements of the policy.

Oversight, Roles and Responsibilities

Each chancellor or his or her designee shall be responsible for implementing institutional procedures consistent with this policy.

Related Regent Policy Documents and Applicable Laws

History: Res. ??? adopted ??/??/???