

Endorsement of UW-Madison Policy on Consensual Relationships

WHEREAS, the Faculty Senate has passed [Faculty Legislation II-307](#), “Statement on Consensual Relationships” which outlines the professional risks associated with voluntary romantic and/or sexual relationships between members of the university community where a conflict of interest and/or a power differential between the parties exists;

WHEREAS, the [University of Wisconsin System Task Force on Sexual Violence and Harassment](#) recommended the adoption of revisions to the Regent Policy Document on Consensual Relationships;

WHEREAS, UW System has provided a [policy template](#) on consensual relationships that each campus must use as a guide for their campus policy on consensual relationships;

WHEREAS, the Provost’s Advisory Committee on Sexual Misconduct (PAGSAM) reviewed the template and provided the policy below to the Provost, who in turn approved it;

WHEREAS, the Office of Compliance and the Office of Workforce Relations previewed the policy with shared governance groups and others and incorporated their comments into the final document;

WHEREAS, UW-Madison has incorporated policy elements into the “Preventing Sexual Harassment and Sexual Violence” custom training module regarding consensual relationships;

WHEREAS, this single overarching campus policy serves as an expression of the commitment of the UW-Madison campus community to a safe and inclusive workplace;

THEREFORE BE IT RESOLVED, the UW-Madison Faculty Senate endorses the UW-Madison Policy on Consensual Relationships.

UW Madison Policy on Consensual Relationships

Functional Owner	Office of Human Resources
Executive Sponsors	Provost, VCFA, VCLA
Policy Contact	Office of Human Resources; Office of Compliance, Title IX Coordinator

I. Purpose of Policy

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.

II. Scope of Policy

This policy describes UW-Madison's expectations with respect to consensual romantic or sexual relationships where a power differential exists and is consistent with the [Regent Policy Document 14-8](#). This policy covers all UW-Madison employees, students, and affiliated individuals.

III. Definitions

1. **Consensual Relationship:** A consensual relationship refers to any voluntary relationship, either past or present, which is romantic, physically intimate, or sexual in nature, and to which the parties consent or consented¹. 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 is an employee (as defined Section III.5 below) who serves 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 athletic coaching.
4. **Power Differential:** A power differential exists when individuals possess different degrees of power or influence due to their professional or student standing or role or status in a particular activity.
5. **Employees:** Employees include, but are not limited to, administrators, faculty, academic staff, university staff, post-doctoral trainees, student staff, graduate assistants (including, but not limited to, research and teaching assistants), and interns or externs working on campus for credit or practical experience. This definition includes anyone holding a University appointment, either paid or unpaid. An employee who is also a student must abide by the employee obligations set forth in this policy.
6. **Students:** Students are individuals enrolled in or auditing courses at the university, including online. This includes students who are also employees of the University, including but not limited to, graduate assistants.
7. **Affiliated Individuals:** Affiliated individuals include, but are not limited to, volunteers, vendors, and contractors of UW-Madison. In this policy, all references to employees should be considered to include affiliated individuals.

¹ Involuntary relationships and other unwelcome conduct might constitute a violation of the [UW-Madison Policy on Sexual Harassment and Sexual Violence](#).

IV. Policy Statement

It is the policy of the University of Wisconsin- Madison that consensual relationships that might be appropriate in other circumstances are not appropriate when they occur between:

- (1) an employee of the university and a student over whom the employee has or potentially will have supervisory, advisory, evaluative, or other authority or influence, or
- (2) an employee of the university and another employee over whom the employee has or potentially will have supervisory, advisory, evaluative, or other authority or influence.

Even where negative consequences to the participants do not result, such relationships create an environment charged with potential or perceived conflicts of interest and possible use of academic or supervisory leverage to maintain or promote the relationship.

Romantic or sexual relationships that the parties view as consensual may still raise questions of favoritism, as well as of a potential abuse of trust and power.

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

A. Employee with a student:

1. It is a violation of this policy for an instructor to commence a consensual relationship with a student currently under their instruction or whom the instructor reasonably believes in the future may be under the instructor's instruction. If an instructor and a student are already in a consensual relationship when the student comes under the instructor's instruction, then the provisions of A.2. apply.
2. A consensual relationship between (1) an employee, who is not an instructor as defined by this policy, and a student over whom the employee has supervisory, advisory, evaluative, or other authority or influence, or (2) an instructor and a student where the instructor has supervisory, advisory, evaluative, or other authority or influence over the student, and where the instructor and student were already in a consensual relationship prior to the student coming under the instructor's instruction, is a violation of this policy unless:
 - a. The employee immediately reports the relationship to their supervisor or department chair; 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 department chair who receives the report shall treat the information sensitively and with discretion, and shall promptly:
 - a. Consult with the human resources office within the College, School, or Division;
 - b. In cooperation with the human resources office within the College, School or Division, eliminate conflicts of interest and mitigate adverse effects on the other party to the relationship, by means appropriate to the situation and, where feasible, including but not limited to:
 - i. Move one of the individuals to another position of comparable title and without any involuntary decrease in pay; and/or
 - ii. Transfer the student into a different class or section; and/or
 - iii. Transfer supervisory, evaluative, academic, or advisory responsibilities; and/or
 - iv. Work with the College or Graduate School to secure a source of funding for the student that is not dependent upon the employee with whom the student is in a consensual relationship, if applicable; and
 - v. Document the steps taken, provide a copy to each party in the relationship, and provide a copy to the human resources office within the College, School, or Division.
 - c. Efforts made to eliminate conflicts of interest and to mitigate the potential adverse effects a consensual relationship are not considered discipline and should be made in

manner that minimizes negative impact on the parties to the relationship to the extent feasible.

4. A consensual relationship between an instructor or other employee and a student, where the student is outside of any current or reasonably foreseeable authority or influence of the instructor/employee is not prohibited by this policy; however, such relationships must be fully consensual, without the instructor/employee using their position or authority to pressure the student into a relationship.

In general, limited appointees, faculty, academic and university staff, and post-doctoral trainees who serve in an instructional role are strongly discouraged from engaging in such relationships with undergraduate students.

Students alleging that a relationship with an employee/instructor is non-consensual or coerced, or a former relationship has resulted in a hostile or intimidating environment for the student, will be investigated under the appropriate policy (i.e., [UW Madison Policy on Sexual Harassment or Sexual Violence](#) or [UW Madison Policies on Hostile and Intimidating Behavior](#)).

Instructors/employees who are found in violation of one or both policies will be subject to disciplinary sanctions up to and including dismissal.

B. Employee with another employee:

1. A consensual relationship between an employee and another employee where one employee has supervisory, advisory, evaluative, or other authority or influence over the other employee or where the employee reasonably believes the employee will have supervisory, advisory, evaluative, or other authority or influence over the other employee, is a violation of this policy, unless:
 - a. The employee with the supervisory, advisory, evaluative, or other authority or influence immediately reports the relationship to their supervisor or department chair; and
 - b. The employee with the supervisory, advisory, evaluative, or other authority or influence 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 department chair who receives the report shall treat the information sensitively and with discretion, and shall promptly:
 - a. Consult with the human resources office within the College, School, or Division; and
 - b. In cooperation with the human resources office within the College, School, or Division, eliminate conflicts of interest and mitigate adverse effects on the other party to the relationship, by means appropriate to the situation and, where feasible, including but not limited to:
 - i. Transfer supervisory, evaluative, academic, or advisory responsibilities; and/or
 - ii. Move one of the individuals to another position of comparable title and without any involuntary decrease in pay; and/or
 - iii. Work with the College or Graduate School to secure a source of funding for the employee that is not dependent upon the employee with supervisory, advisory, or evaluative responsibility with whom the employee is in a consensual relationship, if applicable; and
 - iv. Document the steps taken, provide a copy to each party in the relationship, and provide a copy to the human resources office within the College, School, or Division.
 - c. Efforts made to eliminate conflicts of interest and to mitigate the potential adverse effects a consensual relationship are not considered discipline and should be made in manner that minimizes negative impact on the parties to the relationship to the

extent feasible.

V. Consequences for Violations

Pursuant to Section A.1 above, it is a violation of this policy for an instructor to commence a consensual relationship with a student currently under their instruction or whom the instructor reasonably believes in the future may be under the instructor's instruction, and such conduct may result in disciplinary action against that employee. If an instructor or other employee fails to meet the requirements for disclosing the relationship with a student or another employee pursuant to Sections A.2 or B.1, or fails to cooperate in the mitigation actions described above, such a failure constitutes a violation of this policy and may result in disciplinary action taken against that employee per the appropriate employee disciplinary or dismissal policy. If the employee is also a student, it may also result in disciplinary actions under Chapter UWS 14 and/or 17, Wis. Admin. Code.

To report potential violations of this policy, individuals should contact the Office of Human Resources.

VI. Retaliation Prohibited

Although the obligation to report and seek mitigation falls to the instructor or employee with supervisory, advisory, evaluative, or other authority or influence, the other party to the relationship may choose to report a consensual relationship and seek mitigation actions. Retaliation against an individual for making such a report is prohibited.

Retaliation against persons for reporting concerns about potential violations of this policy is prohibited.

Related Regent Policies and Applicable Laws

[UPS Operational Policy GEN 8](#), "Consensual Relationships"

[UPS Operational Policy GEN 28](#), "Sexual Misconduct"

[RPD 14-2](#), "Sexual Violence and Sexual Harassment"

[RPD 14-6](#), "Discrimination, Harassment, and Retaliation"

[RPD 14-8](#), "Consensual Relationships"