
Proposal to Remove Faculty Legislation II-307, Statement of Consensual Relationships

This legislation was superseded by [UW-Madison Policy on Consensual Relationships](#), which was endorsed by the Faculty Senate ([Faculty Document 2764](#)) on November 5, 2018, with no dissenting votes.

II-307

STATEMENT ON CONSENSUAL RELATIONSHIPS

Guidelines

~~It is in the interest of the University of Wisconsin-Madison to provide clear direction and educational opportunities to the university community about the professional risks associated with consensual 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. Individuals entering such relationships must recognize that:~~

~~(1) Conflicts of Interest may arise when such relationships occur between and among faculty, staff, students and prospective employees. University policies and ethical principles already preclude individuals from evaluating the work or academic performance of others with whom they have intimate familial relationships, or from making hiring, salary or similar financial decisions concerning such persons. The same principles apply to consensual romantic and/or sexual relationships and require, at a minimum, that appropriate arrangements be made for objective decision making.~~

~~(2) Power Differentials between the parties in a consensual romantic and/or sexual relationship may cause serious consequences even when conflicts of interest are resolved. Individuals entering into such relationships must recognize that:~~

~~A. the reasons for entering, maintaining, or terminating such a relationship may be a function of the power differential;~~

~~B. where power differentials exist, even in a seemingly consensual relationship, there are limited after the fact defenses against charges of sexual harassment. Furthermore, under certain situations consensual relationships may be outside the scope of employment for university employees and, if so, an individual would not be covered by the state's liability protection in subsequent litigation; and~~

~~C. it is almost always the case that the individual with the power or status advantage in the relationship will bear the burden of accountability.~~

Reporting Policy

~~Where a conflict of interest exists, or may exist, in the context of a consensual romantic and/or sexual relationship, the individual with the power or status advantage shall notify his or her immediate supervisor. The supervisor shall have the responsibility for making arrangements to eliminate or mitigate a conflict whose consequences might prove detrimental to the university or to either party in the relationship.~~

Consequences

~~Failure to report a consensual romantic and/or sexual relationship, or to comply with an arrangement to mitigate conflict of interest, may result in discipline or dismissal according to the rules appropriate to the individuals involved.~~

[UW-Madison Faculty Document 940—6 April 1992]

[UW-Madison Faculty Document 940a—7 February 2011]