



Approved by: Chancellor's Cabinet

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Signature: Gary Miller, Chancellor

Date: January 3, 2017

## CONSENSUAL AND FAMILIAL RELATIONSHIPS POLICY

HR-14-16-5

*Replaces HR-14-92-1*

### Policy Statement

It is the policy of the University of Wisconsin Green Bay that consensual and familial 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.

It is required that the employment and academic environment is free from real or perceived conflicts of interest when University employees, students and affiliated individuals, in positions of unequal power, are involved in familial, consensual romantic or sexual relationships. It is in the interest of the University of Wisconsin Green Bay to provide clear direction and educational opportunities to the university community about the professional risks associated with consensual romantic and/or sexual relationships where a definite power differential between the parties exists.

### 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. Familial Relationship: a relationship between two parties who are related; including, but not limited to the following: spouses, relatives by marriage, domestic partners, children (including step-children and foster children), parents, step-parents, grandparents, grandchildren, in-laws, siblings (including step-brothers and step-sisters), cousins, nieces, nephews, aunts and uncles.
6. Employees: Employees include, but are not limited to, faculty, academic staff, limited appointees, university staff, student staff, graduate assistants, and interns.
7. Students: Students are individuals enrolled in courses at the university, including online.
8. 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:**

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



# UNIVERSITY of WISCONSIN-GREEN BAY

- 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 Human Resources; and
  - b. In cooperation with the Director of 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 Human Resources, and
    - b. In cooperation with the Director of Human Resources, eliminate conflicts of interest and mitigate adverse effects on the other party to the relationship,
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# UNIVERSITY of WISCONSIN-GREEN BAY

by:

- i. Transferring supervisory, evaluative, academic or advisory responsibilities; and
- ii. Documenting the steps taken, providing all parties a copy.

## C. Familial Relationship

1. University policy and ethical principles preclude employees from supervising, evaluating the work performance, from making hiring, salary or other employment decisions for those with whom they have a familial relationship.
2. Where familial relationships do exist, it is the expectation of the university that this relationship be reported to the appropriate administrator and actions be taken to make appropriate arrangements for objective decision making with regard to the parties involved.

## D. Violations

1. A relationship violates this policy if the relationship creates one of two scenarios;
  - a. **Conflict of Interest:** Conflicts of interest may arise in connection with consensual romantic and/or sexual relationships between faculty or other instructional staff and students, or between supervisors and subordinates. University policy and more general ethical principles 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 with regard to the student, subordinate or prospective employee.
  - b. **Abuse of Power Differential:** Although conflict of interest issues can be resolved, in a consensual romantic and/or sexual relationship involving a power differential the potential for serious consequences remains. Individuals entering into such relationships must recognize that: the reasons for entering such a relationship may be a function of the power differential:
    - i. Where power differentials exist, even in a seemingly consensual relationship, there are limited after-the-fact defenses against charges of sexual harassment; and



# UNIVERSITY *of* WISCONSIN-GREEN BAY

- ii. the individual with the power in the relationship will bear the burden of accountability.
2. A consensual or familial relationship between an instructor and their student or supervisor and subordinate is a direct violation of this policy in all cases; 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.

## **Reporting:**

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.

The Human Resources Department shall publish this policy in a location accessible to faculty, staff, students, and the public.

Annual notification to and education faculty, staff, and students on the requirements of the policy shall be made available.

**Citation: University of Wisconsin System Board of Regents Policy 14-8**

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