

Consensual Relationships – UW Colleges and UW-Extension

Approved on 03/13/2018. Policy revised per Board of Regents RPD 14-8, Consensual Relationship Policy, which was adopted on December 8, 2016.

I. Purpose:

The purpose of this policy is to ensure that the teaching, learning, and working environment is free from real or perceived conflicts of interest when UW Colleges and UW-Extension faculty, staff, students, participants, and affiliated individuals, in positions of unequal power, are involved in consensual romantic or sexual relationships.

II. Definitions:

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.

Conflict of Interest: A conflict of interest exists when there is incompatibility between private/personal interests and official/professional responsibilities.

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.

Employee: Any individual who holds a faculty, academic staff, university staff, limited, student employment, employee-in-training, temporary, or project appointment at UWCX. (See, e.g., UPS Operational Policy, GEN 0, General Terms and Definitions (<https://www.wisconsin.edu/ohrwd/download/policies/ops/gen0.pdf>))

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, field placement/supervision, direct or indirect evaluation of a student's work, research collaboration or assistantship, or coaching.

Power Differential: A power differential exists when individuals possess different degrees of power or influence due to their professional, student, or participatory standing.

Retaliation: Retaliation includes adverse action taken against an individual in response to, motivated by, or in connection with said individual's complaint under this policy, participation in an investigation of such complaint and/or opposition of conduct that would be considered a violation of this policy in the education, workplace, and/or living setting. This also includes individuals who provide relevant information to officials regarding consensual relationships that may be considered a violation of this policy.

Student: For purposes of this policy only, a student is defined as any person who is registered for study in a University of Wisconsin Colleges or University of Wisconsin-Extension institution for the academic period in which the alleged act of sexual violence or sexual harassment occurred, or between academic periods for continuing students.

Volunteer: "Volunteer" means any person who performs hours of service for UWCX without promise, expectation, or receipt of compensation for services rendered.

III. Scope and Purpose of Policy:

A. Conflicts of interest often arise in a consensual romantic and/or sexual relationship where a power differential exists. A consensual relationship that might be appropriate in other circumstances is not appropriate when it occurs between an employee or instructor of the university and a student, volunteer, or employee for whom the individual has or potentially will have supervisory, advisory, or evaluative responsibility. Even where negative consequences to the parties 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, personal bias, as well as an exploitative abuse of authority, trust, or power.

B. This policy applies to all university-related educational or academic programs, events, functions and activities, and all professional employment practices and operations, including any consensual relationship that arises out of employment, educational, programmatic, or academic activities, both on and off-campus, including work-related meetings, trainings or professional conferences, travel study, field trips, internships, service learning experiences, research and field work, athletic or intramural activities or events, or other similar employment or academic event or activity in which the employee, student, volunteer, or participant is engaged in University activities, programs, events, or functions.

C. Nothing in this policy shall be construed to limit the legitimate exercise of free speech, including but not limited to written, graphic, or verbal expression that serves a legitimate educational, instructional, or artistic purpose.

IV. Policy Statement:

The following three types of consensual relationships are addressed in this policy: (1) an employee with a student; (2) an employee with another employee; (3) an employee with a volunteer.

A. Instructor/Student Relationship - Strictly Prohibited: A consensual relationship between an instructor, as defined in this policy, and a student who is currently, or in the reasonably foreseeable future, under their instruction, is prohibited.

B. Employee/Student Relationship - Prohibited Unless Reported: 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 prohibited unless the employee immediately reports the relationship to the Director of the Office of Equity, Diversity, and Inclusion (OEDI), and fully cooperates in taking necessary steps to eliminate any actual or potential conflicts of interest and mitigate adverse effects on the other party to the relationship.

Upon notice of a consensual relationship under this subsection B, the Director of OEDI shall treat the information as highly sensitive in nature. The Director of OEDI shall share said information with other university officials only as necessary to ensure that all necessary and reasonable actions are taken to eliminate any conflicts of interest and mitigate any adverse effects that may arise from the relationship.

Examples of reasonable and necessary actions may include, but are not limited to:

1. Transferring one of the individuals to another position;
2. Transferring the student to a different class or section as long as such transfer will not negatively impact the student's education; or
- 3 Transferring supervisory, evaluative, academic, or advisory responsibilities.

Any action taken in response to the consensual relationship shall be documented in an official memo and included in the employee's official personnel file.

C. Employee/Employee or Volunteer- Prohibited Unless Reported: A consensual relationship between an employee and another employee (or volunteer) where one employee has supervisory, evaluative, or advisory authority or influence over the other employee (or volunteer) or where one employee (or volunteer) reasonably believes the employee will have supervisory, evaluative, or advisory authority or influence over them, is a violation of this policy unless the employee with the supervisory, evaluative, or advisory authority or influence over the other employee (or volunteer) immediately

reports the relationship to their supervisor/department chair, to the hiring official, or to the administrator who supervises the hiring official and fully cooperates in taking necessary steps to eliminate any actual or potential conflicts of interest and mitigate adverse effects on the other employee (or volunteer).

D. Receipt of Information: If a department chair, dean, director, supervisor, or administrator ("university official") receives information of an alleged violation of this policy, the university official shall treat the information sensitively and promptly notify the Director of OEDI of such information. Upon receipt of such information, the Director of OEDI will determine whether the alleged conduct violates this policy and if so, the Director will offer to meet with the individuals involved in the relationship prior to taking any further action.

The Director of OEDI (in collaboration with Human Resources) shall take whatever action is necessary to address the conduct and any potential conflicts or adverse effects caused by the relationship, which shall include, but not be limited to:

1. Disciplinary action;
2. Transferring one of the individuals to another position;
3. Transferring the student to a different class or section as long as such transfer will not negatively impact the student's education; and/or
4. Transferring supervisory, evaluative, academic or advisory responsibilities.

Any action taken in response to the consensual relationship shall be documented in an official memo and included in the employee's official personnel file.

E. Violation: Any person who violates this policy may be subject to disciplinary action in accordance with applicable university policies and procedures. If the employee is also a student, the student may be subject to disciplinary action under UWS Chapter 17 for the student's failure or refusal to cooperate in addressing the conflict or mitigating any adverse effects. Any form of retaliation, as defined under this policy, shall also be considered a violation of this policy.

F. Reporting an Actual or Potential Violation: Any individual who believes a violation of this policy has occurred, may file a complaint with the Director of OEDI, or in the alternative, notify their immediate supervisor, who shall notify the Director of OEDI.

G. Training: The Office of Equity, Diversity, and Inclusion will be responsible for publishing this policy on the university webpage and notifying all faculty, staff, and students of the requirements of this policy.