

THE UNIVERSITY OF IOWA
POLICY ON ~~POLICY ON~~ CONSENSUAL RELATIONSHIPS
INVOLVING STUDENTS

Annotation: The title of the policy has been modified to clarify that this policy refers only to relationships involving students. Relationships involving supervisor and employee are covered by the Conflict of Interest in Employment policy.

The definitions section is now Section V below.

I. RATIONALE

The integrity of the University's educational mission is promoted by professionalism that derives from mutual trust and respect in faculty-student relationships. Similarly, the University is committed to the principle of protecting the integrity and objectivity of its staff members in the performance of their University duties. It is therefore fundamental to the University's overall mission that the professional responsibilities of its faculty and staff be carried out in an atmosphere that is free of conflicts of interest that compromise these principles. [For further information about conflicts of interest, please refer to the Conflict of Interest policy in the Operations Manual at II.18 and the Conflict of Interest in Employment policy in the Operations Manual at III.8.]

Romantic and/or sexual relationships where one member of the University community has supervisory or other evaluative responsibility for the other create conflicts of interest and perceptions of undue advantage ~~because of the inherent power imbalance between the two parties~~. There are also special risks in any sexual or romantic relationship between individuals in inherently unequal positions of power (such as teacher and student, supervisor and employee). Such relationships may undermine the real or perceived integrity of the supervision and evaluation provided, and the trust inherent particularly in the student-faculty relationship. They may, moreover, be less consensual than the individual whose position confers power believes. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect.

Moreover, such relationships may harm or injure others in the academic or work environment. Relationships in which one party is in a position to review the work or influence the career of the other may provide grounds for complaint when that relationship gives, or creates the appearance of, undue access or advantage to the person involved in the relationship, or when it restricts opportunities or creates a hostile environment for others.

Such relationships also have the potential for other adverse consequences, including the filing of charges of sexual harassment and/or retaliation under the University's Policy on Sexual Harassment if, for example, one party to the relationship wishes to terminate the relationship to the other party's objection. In those circumstances when sexual harassment is alleged as the result of a romantic and/or sexual relationship, the existence of the relationship is not a per se violation of the Policy on Sexual Harassment. However, the apparent consensual nature of the relationship is inherently suspect due to the fundamental asymmetry of power in the relationship and it thus may be difficult to establish consent as a defense to such a charge. Even when both parties consented at the outset to a romantic involvement, this past consent does not remove grounds for or preclude a charge or subsequent finding of sexual harassment based upon subsequent unwelcome conduct.

This policy applies to consensual romantic and/or sexual relationships between individuals of the same sex or of the opposite sex.

Annotation: The committee separated the Policy on Consensual Relationships and the Policy on Sexual Harassment, and rewrote the Rationale in this policy, with the goal of clarifying that the principle underlying the Policy on Consensual Relationships is the avoidance of a conflict of interest which is inherent in such relationships. Although a consensual relationship may lead to a claim of sexual harassment, the prohibition on consensual relationships is not based on the prohibition of sexual harassment. The principles underlying the two policies are distinct. The committee also sought to strengthen the Rationale.

II. PROHIBITED RELATIONSHIPS – POLICY STATEMENT

For the foregoing reasons, all romantic and/or sexual relationships between faculty and students in the instructional context are prohibited at the University of Iowa.

No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is enrolled in a course being taught by the faculty member or whose academic work is being supervised, directly or indirectly, by the faculty member.

For definitions of “faculty” and “instructional context,” please refer to §IV below.

Annotation: The title of this section and the next were amended to make it clearer to the reader that relationships that are prohibited are covered in this section, whereas relationships that are discouraged are covered in the next section. The first sentence was added to provide a clear, strong statement describing what types of relationships are prohibited. In the second paragraph, and throughout the policy, the word “amorous” has been replaced with “romantic and/or sexual” to provide clarity as to what types of relationships are covered. The reference to teaching assistants was deleted in this section because it is included in the full definition in Section V. “Directly or indirectly” was added to be clear that any type of academic supervision is included.

III. DISCOURAGED RELATIONSHIPS REQUIRING DISCLOSURE AND MANAGEMENT

In light of the potential for apparent and actual conflicts of interest, the following relationships are strongly discouraged at the University of Iowa; where ~~they~~ such relationships arise, however, they are required to be disclosed and managed as indicated below:

a. Between faculty and students:

Outside of the instructional context, a faculty member who engages in a romantic or sexual relationship with a student must promptly disclose the existence of the relationship to his or her immediate supervisor if there exists a reasonable possibility that a conflict of interest may arise. When a conflict of interest exists or is likely to arise, such relationships appear to others to be exploitative of or create apparent advantage for the student, and may later develop into conflicts of interest prohibited by §II above in situations that cannot be anticipated fully.

A potential conflict of interest exists when the student is a graduate student in the same department or academic program as the faculty member, or is an undergraduate student and is majoring or minoring in the same department as the faculty member. A conflict of interest also may arise if the student is studying in a department separate from the faculty member. When a potential conflict of interest exists or is

reasonably likely to arise, the faculty member must promptly disclose the relationship to his or her supervisor.

Once the relationship is disclosed, the immediate supervisor will evaluate the situation to determine whether an actual conflict of interest exists or is likely to arise and will develop a management plan to address the potential conflict of interest. The faculty member has the professional and ethical responsibility to remove himself or herself from any decisions that may reward or penalize the student involved and otherwise adhere to the management plan.

b. Between staff members and students:

Romantic and/or sexual relationships between staff members and students employed under their supervision are governed by the University of Iowa Policy on Conflict of Interest in Employment (University Operations Manual III.8). ~~(Relationships between faculty and staff members where one faculty or staff member supervises the other are also governed by that policy.)~~ It may sometimes be difficult to ~~distinguish~~ determine whether the staff-student relationship exists in an employment or in an instructional context. Where such an ambiguity exists, the context will be assumed to be instructional and the relationship subject to the prohibition set forth in §II above.

[Relationships between faculty members, between faculty and staff, or between staff members, where one person supervises the other, are also governed by The University of Iowa Policy on Conflict of Interest in Employment, University Operations Manual III.8.]

Annotation: This section was rewritten to provide more clarity as to what specific relationships are prohibited. In addition, this section now requires a faculty member in such a relationship to disclose the existence of the relationship to his or her immediate supervisor, so that the supervisor may devise a plan to avoid any potential conflicts of interest. The former policy only instructed the faculty member to withdraw from participation in decisions concerning the student involved without requiring disclosure of the existence of the relationship. The committee believes that outside disclosure and management of the situation better ensures the avoidance of conflicts of interest.

IV. EXAMPLES OF PROHIBITED AND DISCOURAGED RELATIONSHIPS BETWEEN FACULTY AND STUDENTS

- 1) Student B is in a class taught by Professor A. The Consensual Relationships Policy prohibits a romantic or sexual relationship between these two parties in the instructional context. When the class has concluded and Professor A has submitted the final grades, this policy may continue to prohibit Professor A from engaging in a romantic or sexual relationship with Student B, or may discourage such a relationship, depending upon the academic affiliation of Student B and the likelihood that a conflict of interest may arise.
- 2) Professor A and Student B, a graduate student in Professor A's department, are involved in a romantic relationship. This policy prohibits Professor A from teaching and supervising Student B, and mandates disclosure and management of ~~the~~ any potential conflict of interest.
- 3) The partner of Professor A enrolls in an academic program at the University offered by the same college in which Professor A's department is located. If the partner enrolls in the *same academic program or department* as Professor A, this policy requires Professor A to disclose the relationship and that any potential conflict of interest be managed to ensure that Professor A does not teach or supervise the partner, or involve himself or herself in any decision that may reward

or penalize the partner. If the partner's academic program *operates independently* of Professor A's department, Professor A would not be required to disclose the relationship unless the potential for a conflict of interest might arise.

- 4) Graduate Student C and Graduate Student D are married and enrolled in the same academic program. This policy prohibits D from enrolling in a class taught by C (as instructor, teaching assistant, or grader) and vice-versa. If C (or D) were to complete his or her graduate program and acquire the status of faculty member (such as adjunct professor, visiting professor, or assistant professor) in the same department, this policy would apply as in Example 2. C would be required to disclose the relationship to the DEO and remove himself or herself from any decisions that may reward or penalize Graduate Student D.

Annotation: The committee formulated this list of examples to provide further definition and clarity with regard to how the policy applies in particular circumstances.

V. DEFINITIONS

For the purposes of this policy, the terms set forth below are defined as follows:

- a. *Faculty or faculty member* means all those who teach at the University, and includes graduate students with teaching responsibilities and other instructional personnel. This term also includes faculty, staff members, and graduate assistants whose duties include supervision or evaluation of a student's academic work.
- b. *Instructional or instructional context* means a context that involves academic instruction or evaluation or supervision, direct or indirect, of a student's academic work. These terms also include employment situations where the primary motivation for participation by the employee is instructional. Such situations include, but are not limited to, the employment of medical residents, teaching assistants, and student research assistants.

Annotation: The first sentence of the faculty/faculty member definition was taken from the former definition. The second sentence was added to include others who are not ordinarily considered faculty but who are involved in supervising a student's academic work. Since the policy's prohibition centers on relationships in the "instructional context," it was necessary to provide a specific definition of that term.

VI. ~~FILING OF~~BRINGING COMPLAINTS

1. Who may ~~file~~bring a complaint

A complaint alleging a violation of this Policy may be ~~filed~~brought by any person. "Any person" includes, but is not limited to, any third party who believes that a conflict exists or that he or she may be or may have been disadvantaged by virtue of the existence of a romantic and/or sexual relationship prohibited by this Policy. The process may also be initiated by the Office of the Provost of the University (for relationships involving faculty), by the Office of the Vice President for Finance and University Services (for relationships involving staff), or by the Office of Affirmative Action, or by the designee of any of those offices. Consensual relationships that are terminated by one party to the objection of the other party may also lead to separate claims of sexual harassment which may be ~~filed~~brought pursuant to the procedures outlined in the Policy on Sexual Harassment.

2. Where ~~to file~~ to bring a complaint

Complaints alleging a violation of this Policy are to be ~~filed with~~ brought to and investigated by the Office of Affirmative Action consistent with the requirements and provisions for complaints ~~brought filed~~ pursuant to the University of Iowa Policy on Sexual Harassment (University Operations Manual II.4) and the procedures applicable to complaints ~~filed brought~~ under that Policy (University Operations Manual II.5).

3. Process for ~~taking~~ formal disciplinary action

The Office of Affirmative Action will investigate the complaint, giving both the complainant and respondent an opportunity to be heard, and make a finding as to whether there is a reasonable basis to believe there has been a violation of this Policy.

In those cases where the ~~charged party~~ respondent is a faculty member, the Office of the Provost will review the finding of the Office of Affirmative Action and will determine whether formal disciplinary action will be pursued.

In those cases where the ~~charged party~~ respondent is a staff member whose duties include supervision or evaluation of a student's academic work, the decision to pursue formal disciplinary action, as well as the decision regarding the formal disciplinary action to be pursued, will be made by the Provost in consultation with the vice president responsible for the unit employing the charged staff member.

In those cases where the respondent is a graduate assistant, the decision to pursue formal disciplinary action, as well as the decision regarding the formal disciplinary action to be pursued, will be made by the Dean of the Graduate College or that person's designee.

Potential formal disciplinary actions that may be taken when this Policy is violated include, but are not limited to, the following: mandatory education or training, verbal warning, written warning, suspension, termination, or a combination of the above.

4. Applicable procedures

~~Except as specifically modified by other provisions of this Policy,~~ any appeal of proposed disciplinary actions resulting from violations of this Policy by:

- (a) ~~p~~Persons holding faculty appointments will be governed by the Faculty Dispute Procedures (University Operations Manual III.29) and the portion of the Procedures dealing with faculty ethics (University Operations Manual III.15).
- (b) ~~p~~Professional and ~~S~~scientific staff members will be governed by the Policy Establishing Grievance Procedures for Professional and Scientific Personnel (University Operations Manual III.28.4).
- (c) ~~g~~Graduate assistants, when dismissal is sought, will be governed by the Graduate Assistant Dismissal Procedure (University Operations Manual III.12.4). When disciplinary action other than dismissal is taken by the Dean of the Graduate College, a graduate assistant may appeal through any existing contractual grievance procedures.
- (d) ~~s~~Staff under union contract will be governed by the relevant contract.

Annotation: Because the Policy on Consensual Relationships has been separated from the Policy on Sexual Harassment, it was necessary to develop written procedures for making complaints. The policy allows any person to make a complaint, and specifically includes third parties or specific University officials. The rationale for allowing third party complaints is to encourage concerns to be brought forward so that each situation may be handled appropriately to avoid conflicts of interest. The investigation of complaints and the process for initiating discipline mirror those processes in the Policy on Sexual Harassment.