

Policy:

Conflicts of Interest and Abuses of Power: Sexual or Romantic Relationships with Students

Committee on Sex and Gender Based Violence

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Old (1997/2014) Policy:

(2) (a) No faculty member should initiate or acquiesce in a Relationship with a student who is enrolled in a course being taught by the faculty member or whose academic work (including work as a teaching assistant) is supervised or evaluated by the faculty member. **Should such a sexual or romantic relationship occur**, notwithstanding this policy, a faculty who fails to make **appropriate arrangements** creates an apparent or actual conflict of interest.

Current (temporary) Policy:

(1) The University is committed to fostering a learning environment characterized by professional behavior and fair and impartial treatment.

(a) A sexual or romantic relationship between a faculty member and a student or a staff member and a student can involve a conflict of interest, an abuse of power, compromised judgment and impaired objectivity when the faculty member or staff member has supervisory, evaluative or other power over the student. The power differential in the relationship may even make a student's consent to a sexual or romantic relationship suspect.

(b) Moreover, the relationship may create an apparent or actual conflict of interest that can adversely affect other members of the University community. It places the faculty member or staff member in a position to favor the interest of the student in the sexual or romantic relationship at the expense of third parties. Even if consensual, the relationship may be disruptive of the collegiality and mutual trust that are essential for the effective functioning of an academic unit.

(c) THEREFORE, it is a Conflict of Interest and abuse of power for: (1) faculty members and staff to engage in sexual or romantic relationships (Relationships) with students enrolled in their classes or otherwise subject to their supervision or evaluation; (2) staff members to engage in sexual or romantic relationships with students subject to their supervision or authority; and (3) work supervisors to engage in sexual or romantic relationship with students subject to their supervision or evaluation. Conflicts of Interest can occur even when both parties have consented to the relationship. As defined and explained below, the University of Oregon prohibits Conflicts of Interest.

<https://policies.uoregon.edu/conflicts-interest-and-abuses-power-sexual-or-romantic-relationships-students>

Current (temporary) Policy:

(2) Examples of Conflicts of Interest: Faculty/Student Relationships.

(a) **Within the instructional context:** No faculty member should initiate or acquiesce in a Relationship with a student who is enrolled in a course being taught by the faculty member or whose academic work (including work as a teaching assistant) is supervised or evaluated by the faculty member. Faculty members in Relationships that pre-date the course start date or the supervisory or evaluative relationship must make prompt Appropriate Arrangements,” as defined below.

(b) **Outside the instructional context:** A Relationship between a faculty member and a student outside the instructional context is a Conflict when the faculty member and student are in the same academic unit or in units that are academically allied and the faculty member has the power to make decisions that may reward or penalize the student with whom he or she is in a Relationship. Faculty members in Relationships that pre-date the supervisory or evaluative relationship must make prompt Appropriate Arrangements, as defined below. Failure to make prompt Appropriate Arrangements may result in discipline.

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Current (temporary) Policy:

(3) Examples of Conflict of Interest: SEIU/Student Relationships: A Relationship between an SEIU employee and a student is a Conflict when the staff member has supervisory, evaluative or other power over the student. SEIU members in Relationships that pre-date the supervisory or evaluative relationship must make prompt Appropriate Arrangements, as defined below. Failure to make prompt appropriate arrangements (defined in (9)(a)) constitutes unwillingness to perform satisfactorily the responsibilities of the position and demonstrates unfitness for the position.

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Current (temporary) Policy:

(4) Complaint process: Complaints by students with standing to allege a violation of this policy shall be handled in accordance with procedures set forth in UO Policy 571.003(L). Complaints may be initiated by the student in the Relationship **OR by third parties** who are also in an evaluative relationship with the faculty or staff member and who allege they have been specifically adversely affected by the relationship. Complaints initiated by the students in the Relationship must be filed within 365 days of the end of the supervisory or evaluative relationship. Any person may report an alleged violation of this policy to the Office of Affirmative Action and Equal Opportunity and when appropriate, it may also initiate an investigation.

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Current (temporary) Policy:

(9) Definitions: As used in this policy:(a) "Appropriate arrangement" is defined as prompt **notification of the Provost** or the Provost's designee and action, approved by the Provost or the Provost's designee, **reasonably calculated to remove or substantially mitigate a conflict or a potential conflict of interest or abuse of power**, taking into account the interests of the University, the parties to the relationship, and others actually or potentially affected. For purposes of this section, **prompt means within two weeks** of the supervisory or evaluative Relationship beginning. Appropriate arrangements may include, but are not limited to: moving a student to another section of the same class; appointing a different faculty member to serve on a thesis, dissertation, or other evaluative committee; establishing alternative means of evaluation of academic or work performance; moving a student employee to another position of the same or comparable status and duties.

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Permanent Policy:

- flat ban versus absolute transparency requirement?
- how to treat relationships that exist prior to a student's enrollment versus relationships that form after enrollment?
- are there any reasonable exceptions to consider?
- should the policy cover all students or focus initially on undergraduates?
- should the same standards apply to staff as well as faculty?

The CSGBV will sponsor a series of public events and town halls to secure input on the proposed permanent policy before entering this policy approval chain. We will use the temporary policy to generate conversations with many interested groups, such as ASUO, LTGBQ Alliance.