

Reason for Policy

This policy addresses consensual sexual, physically intimate, or romantic relationships between any employee and student, where the employee has power or authority over the student. This policy is meant to foster a learning environment characterized by professional behavior and fair and impartial treatment.

Entities Affected by this Policy

All UO employees and students.

Web Site Address for this Policy

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

Responsible Office

For questions about this policy, please contact Human Resources at 541-346-3159.

Enactment & Revision History

Technical revisions enacted by the University Secretary on September 4, 2015.

Became a University of Oregon Policy by operation of law on July 1, 2014.

Former Oregon Administrative Rule Chapter 571 Division 4 Section 0007.

Policy

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

I. Introduction

University of Oregon Policy 571.004.0007
Conflicts of Interest and Abuses of Power: Sexual, Physically Intimate, or Romantic
Relationships with Students
Page 2 of 5

This policy applies to all conflicts of interest created by consensual sexual, physically intimate, or romantic relationships within the University community that involve an employee and a student even where the student may also be an employee.

Relationships covered by this policy include, but are not limited to, faculty and student, administrator and student, supervisory staff and student, coach and student, medical professional and student, professional advisor or counselor and student, and graduate employee and student.

A consensual relationship, for purposes of this policy, is defined as one in which two individuals are involved by mutual consent in a consensual sexual, physically intimate, or romantic relationship. This includes domestic partners and spouses. These relationships pose a potential conflict of interest in the employment or educational context when one individual has, or could reasonably expect to have, responsibility for supervising, directing, overseeing, evaluating, advising, or influencing the employment or educational status of the other.

The University is committed to fostering a learning environment characterized by professional behavior and fair and impartial treatment. The University is concerned about the potential for a conflict of interest in any consensual relationship where one individual has power or authority over the other. A consensual relationship may lead to a conflict of interest in the employment or educational context, which may affect employee or student morale and lead to a deteriorating work or educational environment. A consensual relationship may lead to an abuse of power, coercion, exploitation, favoritism, or unfair treatment of others. Further, even a romantic relationship that begins as consensual may evolve into a situation that leads to a charge of sexual harassment, which violates University policies as defined under Related Resources.

II. Policy

It is a violation of University policy for: (1) employees to solicit, initiate or enter into consensual sexual, physically intimate, or romantic relationship with students subject to their direct supervision, or evaluation; (2) employees to solicit, initiate or enter into sexual or romantic relationships with any student for whom the employee has, or should reasonably expect to have in the future, academic or other responsibility (instructional, evaluative, advising, counseling, or supervisory). Thus, consistent with the above,

(a) No faculty member may solicit, initiate or enter into a consensual sexual, physically intimate, or romantic relationship with a student when the faculty member and student are in the same academic unit or when the faculty member has or should reasonably expect to have the power

to make decisions that may reward or penalize the student with whom the faculty member is in a relationship.

(b) No coach, professional counselor, graduate employee, lecturer or other individual may solicit, initiate or enter into a consensual sexual, physically intimate, or romantic relationship with any student for whom the coach, professional counselor, graduate employee, lecturer or other individual has, or should reasonably expect to have, instructional, evaluative, advisory or supervisory authority.

(c) No graduate employee may solicit, initiate or enter into a consensual sexual, physically intimate, or romantic relationship with a student subject to the employee's instruction, evaluation, mentorship or supervision.

(d) No administrator or other staff member may solicit, initiate, or enter into a consensual sexual, physically intimate, or romantic relationship with a student for whom the staff member may assign work, evaluate performance, or otherwise make decisions that affect the terms and conditions of the student's employment or academic experience.

(3) Pre-existing consensual sexual, physically intimate, or romantic relationship: A pre-existing consensual sexual, physically intimate, or romantic relationship is one that has been entered into prior to an employee having instructional, evaluative, advisory or supervisory authority over the student, or otherwise having the opportunity to influence the employment or educational status of the student. If an employee could reasonably expect to have instructional, evaluative, advisory or supervisory authority over a student in a pre-existing sexual or romantic relationship, that constitutes a potential conflict of interest or abuse of power. The pre-existing relationship must be disclosed promptly by the employee to the head of the employee's unit and Human Resources unit so that Appropriate Arrangements as defined below can be made.

(4) Any person may report an alleged violation of this policy to the Office of Investigations and Civil Rights Compliance. Only the party with instructional, evaluative, advisory, supervisory, or other power is subject to sanction for violating this policy. Employees, students and campus community members who make good faith reports under this policy or who participate in an investigation initiated under this policy shall be protected from retaliation based on their report or participation.

Nothing in this policy shall be construed as modifying an employee's reporting obligations under other UO policies including but not limited to, the student sexual and gender-based harassment and violence complaint and response policy.

III. Definitions

As used in this policy:

(a) "Appropriate arrangement" is action 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 at the earliest opportunity, typically within two weeks, and prior to the beginning of the instructional, evaluative, advisory, or supervisory authority, or other opportunity to influence the employment or educational status of the student. Appropriate arrangements ensure that the employee does not have instructional, evaluative, advisory, or supervisory or role with regard to the student.

(b) "Conflict of interest" includes but is not limited to the examples above and also means incompatibility of the interest of the University in securing detached, objective performance of instructional, evaluative, advisory, supervisory, or other duties with the personal interest of the employee involved in a consensual sexual, physically intimate, or romantic relationship with a student the employee instructs, evaluates, advises or supervises.

(c) "Employee" refers to all University employees, including classified and unclassified, faculty, staff and supervisors, those who do not hold academic rank, those who hold academic appointments, including officers of administration and graduate employees, and anyone else who teaches classes at the University or supervises the academic work of students. The term employee does not include volunteers or independent contractors.

(d) "Power" means the real or objectively apparent authority or ability of an employee to confer or influence the academic, employment, or other benefits of a student including, but not limited to: giving grades, evaluating performance, awarding financial benefits, or provision of University services or activities.

(e) "Supervisor" or "employee with supervisory responsibility" means all employees who exercise responsibility for provision of University services, assigning work, evaluating performance, or otherwise making decisions that affect the terms and conditions of a student's employment or academic experience. _____

Related Resources

Family Relationships and Employment Policy — <https://policies.uoregon.edu/family-relationships-and-employment>

Title IX policies — <https://titleix.uoregon.edu/policies>

Side Notes for Committee (do not include in policy):

- For example, this policy prohibits a faculty member asking a graduate student to coffee, when the faculty member serves on a committee that evaluates that student, at which the faculty member initiates intimate physical contact. This conduct is prohibited regardless of whether the faculty member is in the same academic unit as the graduate student.

- For example, a staff member, who has access to a student's education record and can remove a hold on that record, may not enter into a romantic relationship with that student.