

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

This policy addresses sexual, physically intimate, or romantic relationships between employees and students, 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 faculty members, Officers of Administration, supervisory employees, and students.

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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

Temporary Policy enacted on January 2018 set to expire on January 30, 2019.

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

This policy applies to all conflicts of interest created by sexual, physically intimate, or romantic relationships within the University community that involve faculty, instructors, or supervisory employees and students.

A relationship, for purposes of this policy, is defined as one in which two individuals are involved in a 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 relationship where one individual has power or authority over the other, which may affect employee or student morale and lead to a deteriorating work or educational environment. A 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 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 a sexual, physically intimate, or romantic relationship with students subject to their supervision, or evaluation; (2) a faculty member or an instructor to solicit, initiate or enter into sexual or romantic relationships with any person, known to the faculty member to be a student, for whom the faculty member or instructor has, or should reasonably expect to have in the future, academic or other responsibility (instructional, evaluative, formal advising, counseling, or supervisory). Thus, consistent with the above,

(a) No faculty member or instructor shall solicit, initiate or enter into a sexual, physically intimate, or romantic relationship with any person, known to the faculty member to be a

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student, for whom the faculty member or instructor has or should reasonably expect to have in the future, responsibility (instructional, evaluative, formal advising, counseling, or supervisory). A faculty member or instructor should reasonably expect to have in the future responsibility (instructional, evaluative, or supervisory) for (1) students whose academic program will require them to enroll in a course taught by the faculty member, (2) students known to the faculty member to have an interest ~~in an academic area~~ within the faculty member's ~~academic research and teaching units area (e.g., subfield) of expertise or discipline~~, or (3) any student for whom a faculty member must have academic responsibility (instructional, evaluative, or supervisory) in the pursuit of a degree.

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(b) No supervisory employee may solicit, initiate or enter into a sexual, physically intimate, or romantic relationship with a student when the supervisory employee has supervisory or evaluative authority over that student. A supervisory employee is any employee having authority on behalf of the university to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline the student, in either an academic or employment context, or responsibly to direct the student, or to adjust the student's grievances, or effectively to recommend such action, if the exercise of this authority is not of a merely routine or clerical nature but requires the use of independent judgment.

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(2) Pre-existing sexual, physically intimate, or romantic relationship: A pre-existing sexual, physically intimate, or romantic relationships is one that has been entered into prior to a faculty member or instructor or Supervisory Employee having instructional, evaluative, formal advisory or supervisory authority over the student, or otherwise having the opportunity to influence the employment or educational status of the student. The pre-existing relationship must be disclosed promptly by the faculty member or instructor or Supervisory Employee to the head of the employee's unit or to Human Resources so that Appropriate Arrangements as defined below can be made.

(3) 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, formal advisory, or supervisory, power is subject to sanction as defined below 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

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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 role with regard to the student. Where applicable, for the disclosure of a pre-existing relationship, appropriate arrangements should include the option to anonymize the identity of the student involved or the nature of the relationship.

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(b) "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.

(c) "Supervisory Employee" means any employee having authority on behalf of the university to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline the student, or responsibly to direct the student, in either an academic or employment context, or to adjust the student's grievances, or effectively to recommend such action, if the exercise of this authority is not of a merely routine or clerical nature but requires the use of independent judgment.

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IV. Sanction

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~~If the university finds that an employee has violated this policy, it shall take immediate and appropriate corrective action. This means that employees who have violated this policy may face discipline up to and including termination. Individuals who make bad faith complaints may be subject to disciplinary action.~~

IV. Redress

If the university initiates an investigation against an employee, it will conduct the investigation in an impartial manner. In responding to alleged violations of the University of Oregon Conflicts of Interest and Abuses of Power: Sexual, Physically Intimate, or Romantic Relationships with Student Policy, the university will follow state and federal law, university polices, and any applicable collective bargaining agreements. Employees have the right to provide a defense against an accusation.

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V. Sanctions

~~If after appropriate procedures for investigation and analysis have transpired and the university finds that an employee has violated this policy, it shall take appropriate corrective action. This means that University of Oregon employees who have been found guilty of violating this policy may face discipline up to and including termination.~~

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Related Resources

Policies related to this policy:

- [Conflict of Interest, Potential Policy](#)
- [Discrimination Complaint and Response Policy](#)
- [Family Relationships and Employment Policy](#)
- [Student Sexual and Gender-Based Harassment and Violence Complaint and Response Policy](#)
- [Title IX Policies](#)