

~~Current Policy: GEN 1.2.(7). Consensual Relationships.~~

~~It is in the interest of the University of Wisconsin Oshkosh to provide clear direction and educational opportunities to the University community about the potential ethical implications and professional risks associated with consensual romantic and/or sexual relationships where a definite power differential between the parties exists. According to the UW System Statement on Consensual Relationships, these relationships are of concern for two primary reasons:~~

~~1. Conflict of Interest.~~

~~"Conflicts of interest may arise in connection with consensual romantic and/or sexual relationships between faculty or other instructional staff and students, or between supervisors and subordinates. University policy and more general ethical principles preclude individuals from evaluating the work or academic performance of others with whom they have intimate familial relationships, or from making hiring, salary or similar financial decisions concerning such persons. The same principles apply to consensual romantic and/or sexual relationships, and require, at a minimum, that appropriate arrangements be made for objective decision-making with regard to the student, subordinate or prospective employee."~~

~~2. Abuse of Power Differential.~~

~~"Although conflict of interest issues can be resolved, in a consensual romantic and/or sexual relationship involving a power differential the potential for serious consequences remains. Individuals entering into such relationships must recognize that:~~

~~a. the reasons for entering such a relationship may be a function of the power differential [and may be exploitative in nature];~~

~~b. where power differentials exist, even in a seemingly consensual relationship, there are limited after-the-fact defenses against charges of sexual harassment;~~
~~and~~

~~c. the individual with the power in the relationship will bear the burden of accountability."~~

REVISED POLICY

The University of Wisconsin Oshkosh

Policy # *GEN 1.2. (7). Consensual Relationships*

Consensual Relationships

Original Issuance Date:

Last Revision Date:

Next Review Date:

1. Purpose

The purpose of this policy is to ensure that the employment and academic environment is free from real or perceived conflicts of interest when UW employees, students, and affiliated individuals, in positions of unequal power, are involved in consensual romantic or sexual relationships.

2. Responsible Officer

Director of Equal Opportunity & Access, Title IX Coordinator

3. Scope

This policy describes the expectations with respect to consensual romantic or sexual relationships where a power differential exists. This policy covers all UW Oshkosh employees, students, and affiliated individuals.

4. Background

Each chancellor or his or her designee shall be responsible for implementing institutional procedures consistent with *Regent Policy Document 14-8 Consensual Relationships*.

5. Definitions

1. ***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.

2. **Conflict of Interest:** A conflict of interest exists when there is incompatibility between private/personal interests and official/professional responsibilities.
3. **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, direct or indirect evaluation of a student's work, research collaboration or assistantships, and coaching.
4. **Power Differential:** A power differential exists when individuals possess different degrees of power or influence due to their professional or student standing.
5. **Employees:** Employees include, but are not limited to, administrators, faculty, academic staff, university staff, student staff, graduate assistants, and interns.
6. **Students:** Students are individuals enrolled in courses at the university, including online.
7. **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.

6. Policy Statement

It is the policy of the University of Wisconsin Oshkosh that consensual relationships that might be appropriate in other circumstances are not appropriate when they occur between (1) an employee of the university and a student over whom the employee has or potentially will have supervisory, advisory, evaluative, or other authority or influence, or (2) an employee of the university and another employee over whom the employee has or potentially will have supervisory, advisory, evaluative, or other authority or influence. Even where negative consequences to the participants do not result, such relationships create an environment charged with potential or perceived conflicts of interest and possible use of academic or supervisory leverage to maintain or promote the relationship. Romantic or sexual relationships that the parties may view as consensual may still raise questions of favoritism, as well as of an exploitative abuse of trust and power.

The following two types of consensual relationships are addressed in this policy: (1) employee with a student; and (2) employee with another employee.

A. Employee with a student:

1. It is a violation of this policy for an instructor to commence a consensual relationship with a student currently under their instruction or whom the instructor reasonably believes in the future may be under the instructor's instruction. If an instructor and a student are already in a consensual

relationship when the student comes under the instructor's instruction, then the provisions of A.2. apply.

2. A consensual relationship between (1) an employee, who is not an instructor as defined by this policy, and a student over whom the employee has supervisory, advisory, evaluative, or other authority or influence, or (2) an instructor and a student where the instructor has supervisory, advisory, evaluative, or other authority or influence over the student, and where the instructor and student were already in a consensual relationship prior to the student coming under the instructor's instruction, is a violation of this policy unless:
 - a. The employee immediately reports the relationship to their supervisor/department chair, to the hiring official, or to the administrator who supervises the hiring official; and
 - b. The employee cooperates in actions taken to eliminate any actual or potential conflicts of interest and to mitigate adverse effects on the other party to the relationship.
 3. The supervisor or university official who receives the report shall treat the information sensitively and shall promptly:
 - a. Consult with the director of equity/diversity and/or human resources; and
 - b. In cooperation with the director of equity/diversity and/or human resources, eliminate conflicts of interest and mitigate adverse effects on the other party to the relationship, by:
 - i. Documenting the steps taken, providing all parties a copy; and
 - ii. Transferring one of the individuals to another position; and/or
 - iii. Transferring the student into a different class or section; and/or
 - iv. Transferring supervisory, evaluative, academic, or advisory responsibilities; and/or
 - v. Securing a source of funding for the student that is not dependent upon the employee with whom the student is in a consensual relationship, if applicable.
- B. Employee with another employee:
1. A consensual relationship between an employee and another employee where one employee has supervisory, advisory, evaluative, or other

authority or influence over the other employee or where the employee reasonably believes the employee will have supervisory, advisory, evaluative, or other authority or influence over the other employee, is a violation of this policy, unless:

- a. The employee with the supervisory, advisory, evaluative, or other authority or influence over the other employee immediately reports the relationship to their supervisor/department chair, to the hiring official, or to the administrator who supervises the hiring official; and
 - b. The employee with the supervisory, advisory, evaluative, or other authority or influence over the other employee cooperates in actions taken to eliminate any actual or potential conflicts of interest and to mitigate adverse effects on the other employee.
2. The supervisor or university official who receives the report shall treat the information sensitively and shall promptly:
- a. Consult with the director of equity/diversity, and/or human resources; and
 - b. In cooperation with the director of equity/diversity and/or human resources, eliminate conflicts of interest and mitigate adverse effects on the other party to the relationship, by:
 - i. Documenting the steps taken, providing all parties a copy; and
 - ii. Transferring supervisory, evaluative, academic, or advisory responsibilities; and/or
 - iii. Securing a source of funding for the employee that is not dependent upon the employee with supervisory, advisory, or evaluative responsibility with whom the employee is in a consensual relationship, if applicable.

C. Violations

It is a violation of this policy for an instructor to commence a consensual relationship with a student currently under their instruction, and may result in disciplinary action against that employee. If an instructor or other employee fails to meet the requirements for disclosing the relationship with a student or another employee, or fails to cooperate in the actions described above, such a failure constitutes a violation of this policy and may result in disciplinary action taken against that employee. If the employee is also a student, it may also result in disciplinary actions under Chapter UWS 14 and/or 17, Wis. Admin. Code.

To report potential violations of this policy, individuals should contact the Director of Equity & Affirmative Action or the Title IX Coordinator.

Retaliation against persons who report concerns about potential violations of this policy is prohibited.

7. References

UPS Operational Policy GEN 8, "Consensual Relationships"

UPS Operational Policy GEN 28, "Sexual Misconduct"

RPD 14-2, "Sexual Violence and Sexual Harassment"

RPD 14-6, "Discrimination, Harassment, and Retaliation"

RPD 14-8, "Consensual Relationships"

8. Procedures

9. Revision History

Approved By:

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Chancellor Andrew Leavitt