

CONSENTING RELATIONSHIPS POLICY

What are the consequences for a supervisor who is involved in, or initiates, a consenting relationship with a supervisee and does not remove himself or herself from personnel decisions concerning that individual?

A supervisor who fails to remove himself or herself from personnel decisions will be considered to be in a conflict of interest and will be subject to disciplinary action for violation of university policy.

The University of Kansas, Lawrence Campus, Policy on Consenting Relationships

The University of Kansas has a tradition of commitment to providing an academic community environment that, without discrimination, fosters intellectual, professional, and personal growth. Central to the preservation of this environment is the trust that should characterize all interactions among those working toward the common goal of the institution, namely, our students, faculty, unclassified staff, and university support staff. This trust is put at risk when members of the university community engage in consenting romantic or sexual relationships that involve persons of unequal power; for example, administrator and faculty, faculty and student, supervisor and employee. Because the University of Kansas strongly disapproves of consenting relationships where a professional power differential exists, this policy statement is being promulgated.

1. A faculty member will always be treated as having such a power differential if the student is in an educational experience where the faculty member has authority to assign grades. The same holds in other circumstances as well, for example, when a faculty member serves on thesis, dissertation, or scholarship awards committees.

These principles also apply to administrators and supervisors in their relationships with students, faculty, unclassified staff, and university support staff.

2. In the view of the University of Kansas, romantic or sexual relationships between persons of unequal power, even if consenting, are unwise and often contrary to professional ethics. Such a relationship tends to impair one's ability to make an objective judgment of the performance of the student or employee.

Those who choose to ignore these standards will stand responsible for their actions and risk the loss of support of the university community.

3. Decisions concerning grades, degrees, promotions, evaluations, merit increases, and awards must be made free from any trace of bias or favor. Such decisions come under a cloud when made by those who have an emotional relationship,

beyond the purely professional or academic one, with those who benefit from those decisions. Even the mere appearance of bias may seriously disrupt the academic or work environment.

4. The individual in authority bears the primary responsibility for any negative consequences resulting from an even apparently consenting romantic or sexual relationship. It is the student or the employee, not the instructor or supervisor, who is most at risk in these relationships.

In particular, the respect and trust accorded a professor by a student, as well as the legitimate power exercised by the professor in giving grades, criticism, praise, recommendations for further study, future employment, etc., greatly diminish the student's actual freedom of choice, should sexual favors be added to the professor's demands. Although it is proper for a student to decline any personal relationship of this kind, a student may feel that few options are available when a professor asks for a date. If an employee's supervisor attempts to initiate a personal relationship, the employee may feel that his or her options are similarly limited. As a result, the degree of informed consent that exists within such a relationship is difficult to establish. Should a charge of sexual harassment follow, a claim of mutual consent may be difficult to sustain.

5. Commonly accepted standards of professional behavior and ethics require that faculty members not hold evaluative power over any student with whom they have a romantic or sexual relationship. Thus, faculty members should not initiate or accept such a relationship with a student over whom they have an evaluative role. Should such a relationship exist between a faculty member and a student, the faculty member must remove himself or herself from the evaluation of the student's work. Failure to do so will be a violation of Article V, Section 5 of the Faculty Code of Conduct.

Similar proscription applies to administrators and supervisors in their relationships with students and employees over whom they have an evaluative role. A supervisor who is in a romantic or sexual relationship with another individual over whom he or she has evaluative responsibility must remove himself or herself from personnel decisions concerning that individual, such as appointment, retention, promotion, discipline, tenure, or salary. Failure to do so will be a conflict of interest.

Approved by Chancellor Gene A. Budig February 1, 1994.
Reviewed by the Office of the Provost and Executive Vice
Chancellor and the Office of the General Counsel,
April 2009.

Offices that can help address concerns about consenting relationships:

Department of Human Resources and Equal Opportunity
101 Carruth-O'Leary Hall, (785) 864-3686
www.hreo.ku.edu

Office of the Vice Provost for Student Success
133 Strong Hall, (785) 864-4060
www.vpps.ku.edu

Emily Taylor Women's Resource Center
400 Kansas Union, (785) 864-3552
www.etwrc.ku.edu

Office of the Provost and Executive Vice Chancellor
250 Strong Hall, (785) 864-4904
www.provost.ku.edu

Academic Achievement and Access Center
22 Strong Hall, (785) 864-4064
www.achievement.ku.edu

University Ombuds Office
28 Carruth-O'Leary Hall, (785) 864-7261
www2.ku.edu/~ombuds

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What is the consenting relationships policy?

The consenting relationships policy addresses situations in which two persons have an apparently voluntary romantic or sexual relationship, but where a power differential exists because of their roles within the university. The policy states that

- ▶ A faculty member should not initiate or accept such a relationship with a student over whom he or she has an evaluative role and
- ▶ A supervisor who has such a relationship with an individual over whom he or she has an evaluative responsibility must remove himself or herself from personnel decisions about that individual

The policy is reproduced in full at the end of this brochure.

What is the difference between the consenting relationships policy and the sexual harassment policy?

The sexual harassment policy addresses unwelcome behavior of a sexual nature. Information about the sexual harassment policy is available from the Department of Human Resources and Equal Opportunity and other university offices, including those listed at the end of this brochure.

What are some examples of consenting relationships covered by this policy?

An apparently voluntary romantic or sexual relationship between

- ▶ A faculty member and a student enrolled in his or her class
- ▶ Two students when one is the other's graduate teaching assistant or instructor
- ▶ A faculty member and a graduate student when the faculty member serves on the student's dissertation or thesis committee
- ▶ A faculty or staff member and a student when the faculty or staff member serves on a scholarship or assistantship awards committee, and the student is a candidate for a scholarship or assistantship
- ▶ A staff member and a student under his or her supervision
- ▶ A supervisor and a staff member under his or her supervision
- ▶ A university administrator and an employee over whom the administrator has an evaluative role

Why is a consenting relationships policy necessary?

Academic and professional trust and ethics are put at risk when members of the university community engage in, or attempt to initiate, romantic or sexual relationships that involve persons of unequal power. Such relationships represent a special form of conflict of interest.

Decisions concerning grades, degrees, promotions, evaluations, merit increases, and awards must be fairly decided. The integrity of these decisions may be questioned if a consenting relationship exists or an attempt is made to initiate one.

What should I do as a student if a faculty or staff member attempts to initiate a romantic or sexual relationship with me?

It is proper for a student to decline any personal relationship of this kind.

If the initiation is unwelcome, you may choose to discuss your concerns with the person's immediate supervisor and request transfer to another section or an alternate evaluation.

If you choose to enter into the relationship, you should be aware that it is the responsibility of the faculty or staff member to remove himself or herself from any evaluative role over you.

What can I do if I believe I am being disadvantaged by a consenting relationship between my instructor and another student?

If you are comfortable doing so, discuss your concern with the instructor. Otherwise, discuss it with the department chair or dean, with the University Ombuds Office, or with a staff member in the Office of the Vice Provost for Student Success. It is the responsibility of the chair or dean to take any further action.

What should I do as a staff member if a supervisor attempts to initiate a romantic or sexual relationship with me?

It is proper for a staff member to decline any personal relationship of this kind.

If the initiation is unwelcome or if attempts to initiate such a relationship persist, you may choose to discuss your concerns and options with the next-level supervisor.

If you choose to enter into the relationship, you should be aware that it is the responsibility of the supervisor to remove himself or herself from any evaluative role over you.

What is my responsibility if I am a supervisor who is involved in a consenting relationship with someone who works for me?

You must remove yourself from personnel decisions concerning that individual. These evaluative decisions include appointments, retention, promotion, discipline, tenure, or salary.

What is my responsibility if I am a faculty member who is involved with a student in my class?

You must remove yourself immediately from evaluation of the student's academic performance or recommendations for further study, employment, or academic honors or awards.

What does a supervisor or a faculty member do to remove himself or herself from these responsibilities?

A faculty member involved in a consenting relationship with someone over whom he or she has evaluative power is to report this relationship to his or her department chair, or in schools where there are no departments, to the dean. Some schools expressly prohibit consenting relationships between faculty members and students in that school.

A supervisor is to report a consenting relationship to his or her immediate supervisor.

What will the chair or dean do to ensure that the student is evaluated by someone else?

If the student is enrolled in a course taught by the faculty member, the chair or dean, if feasible, will facilitate the transfer of the student to another section or class and will inform the faculty member and the student of the transfer.

If a transfer is not feasible, the chair or dean will arrange for the student's work to be graded by another faculty member and will inform the student and faculty member of the arrangement.

If the faculty member is serving on the student's thesis or dissertation committee, the chair or dean will arrange for another faculty member to serve in that position and will inform both individuals involved in the relationship.

If the faculty member serves on a committee that recommends grants, scholarships, awards, or assistantships, the faculty member must not participate in any decision that affects the student.

The chair or dean will maintain a confidential record of the arrangements that have been made.

What will a supervisor do when a subordinate reports that he or she is in a consenting relationship with someone under his or her direct supervision?

The supervisor to whom the relationship is reported will arrange for all evaluation responsibilities and other personnel decisions to be transferred to another person, or will assume those responsibilities personally, and will inform both individuals of the arrangements.

The supervisor will maintain a confidential record of the arrangements that have been made.

When feasible, the supervisor to whom the relationship is reported will help facilitate a transfer to another area.

What if the consenting relationship comes to an end? Should I resume my evaluative responsibilities?

Even though you are no longer romantically involved with the employee or student, the potential for a real or perceived conflict of interest remains. Evaluations should continue to be the responsibility of a third party.

What can I do if I believe I am being disadvantaged by a consenting relationship between my supervisor and one of my colleagues?

If you are comfortable doing so, discuss your concern with your supervisor. Otherwise, discuss it with the next-level supervisor, with the University Ombuds Office, or with a staff member in the Department of Human Resources and Equal Opportunity. It is the responsibility of the next-level supervisor to take any action.

What are the consequences for a faculty member who is involved in, or initiates, a consenting relationship with one of his or her students and does not remove himself or herself from evaluative responsibilities?

A faculty member who fails to remove himself or herself from evaluation of the student's work will be in violation of the Faculty Code of Conduct and subject to disciplinary proceedings.