



## UNIVERSITY POLICY

### HUMAN RESOURCES POLICIES

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**Number: 311**  
**Subject: Consensual Relationships Policy**  
**Covered Individuals: UIU Employees and Students**  
**Covered Campus Locations: All Locations**  
**Effective Date: May 15, 2019**  
**Last Revision:**

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#### PURPOSE

Upper Iowa University (UIU or University) is committed to maintaining an environment in which learning, discovery and engagement take place in a professional atmosphere of mutual respect and trust. Consensual relationships that occur in the context of educational or employment supervision and evaluation undermine professionalism and are disruptive to the educational and work environment. Ultimately, these relationships hinder the fulfillment of the University's educational mission.

#### DEFINITIONS

**Consensual Relationship** -- Romantic or sexual relationship between two individuals who are not married to each other and who mutually and consensually understand the relationship to be romantic and/or sexual in nature.

**Educational, Athletic, Advisory, or Employment Supervision and Evaluation** – Assessments or determinations of or influences over another person's:

- Academic, research, or athletic performance, progress or potential.
- Employment performance, progress or potential.
- Entitlement to or eligibility for any institutionally conferred right, benefit or opportunity; or to oversee, manage or direct another person's academic, research, employment, co-curricular, athletic or other University prescribed activities.

#### POLICY

Consensual relationships that develop within the University community between faculty, students, coaches, and staff can create a conflict of interest when there's an actual or perceived power disparity between the consenting parties. UIU prohibits consensual relationships when

there is an actual or perceived power disparity between the parties in such a relationship as outlined below.

The disparity of power exists when a consensual relationship is between (including but not limited to):

1. a student and a faculty member, graduate assistant, or any other University employee who has educational or other responsibility over the student,
2. a faculty member reviewing or evaluating a non-tenured faculty member for tenure and/or promotion,
3. a supervisor and subordinate, or
4. a coach and a student athlete.

Consensual relationships that occur in the context of educational, athletic, or employment supervision and evaluation like those named above undermine professionalism and hinder the fulfillment of the University's educational mission. Consensual relationships may have an effect on others in the course, department, unit, or athletic team. Others may perceive that the student or subordinate in the consensual relationship is favored and afforded undue access and advantage above others in the same course, department, unit, or team. These individuals may perceive the environment created as a result of the consensual relationship to be hostile and/or perceive forward progress and benefits are obtained through engaging in a romantic or sexual relationship with the person in power.

Those who abuse their power in the context of a consensual relationship where there is educational, athletic, advisory, or employment supervision and evaluation violate their duty to the University community. Voluntary consent by the student or subordinate in a romantic or sexual relationship is difficult to determine given the asymmetric nature of the power structure in the relationship. Because of the complex and subtle effects of the power differential in the relationship, the individual with power may perceive the existence of consent that may not exist or not exist at the level perceived by the individual with power. The possibility exists that, if the relationship ends, these individuals may be subject to a claim of discrimination, sexual harassment, or retaliation.

Individuals who are or were engaged in a consensual relationship prior to the existence of a supervisory or evaluative relationship within the educational, athletic coaching, advisor, and/or employment context, or who find themselves entering into such a relationship, have a duty to report the existence of the consensual relationship to Human Resources who must ensure that arrangements are made to sever the supervisory or evaluative relationship between the parties. Arrangements, which may include reassignment or relocation, will be made to address any issue of conflict of interest.

## **RULES, PROCEDURES, GUIDELINES, FORMS, AND OTHER RELATED RESOURCES**

UIU policies:

- 304 -- [Title IX Sexual Misconduct Policy](#)
- 305 -- [Discrimination, Harassment, and Retaliation Policy](#)

- 306 -- [Sexual Abuse and Molestation Policy](#)

## **CONTACTS**

Acting as the Policy Owner, the Human Resources Department is responsible for answering questions regarding the application of this policy.

## **SANCTIONS**

Individuals engaged in a consensual relationship in violation of this policy are subject to disciplinary action ranging from a written reprimand up to and including termination.

## **HISTORY**

- April, 2019 – policy assembled by the Human Resources Department
- April 29, 2019 – policy recommended for approval by the University Policy Committee
- May 15, 2019 – policy approved by the President’s Council