



UNIVERSITY OF NORTH ALABAMA

Employee Policy Manual and Handbook

CONSENSUAL RELATIONSHIPS POLICY

The University of North Alabama (the “University”) is committed to providing an environment for work and learning as free as possible from conflicts of interest, favoritism and exploitation. Where an individual exercises direct supervision to coerce another person to enter into a non-consensual relationship, the harm to that person and to the institution is evident. Even where the relationship is consensual, there is significant potential for harm when there is a power difference between the parties involved - - for example, between a supervisor and an employee or between a faculty or staff member and a student. Any evaluation or supervision provided may be suspect in view of such relationship.

A consensual relationship with a subordinate is likely to interfere with the ability of a superior to act and make decisions fairly and without bias. Even if the superior is able to avoid showing favoritism, the other individuals in the learning or workplace environment are likely to see themselves as being less favored and disadvantaged by the personal relationship. Additionally, the damage can continue long beyond the consensual relationship and can make people suspicious of any future professional interactions between the individuals.

The following policy is directed to faculty-student relationships, to staff-student relationships, to employee-employee relationships, and to student paraprofessional staff-student relationships. While the University normally has no interest in private romantic or sexual relationships between individuals, the University has adopted a consensual relationship policy for the following reasons: to avoid the types of problems outlined above, to protect individuals from the type of injury that either a subordinate or superior individual to such relationship can incur, to protect the integrity of the learning and work environment and evaluation process, and to provide information and guidance to members of the University community. This Policy addresses consensual relations only. Non-consensual or coerced relationships are addressed in the University Policy on Sexual Harassment.

Definitions

For purposes of this policy, the following terms are defined as follows:

Consensual Relationship - Any dating, romantic, sexual, or marriage relationship willingly undertaken by the parties.

Direct Supervision - Includes but is not limited to the following activities: academic instruction, course teaching, formal mentoring, overseeing, directing, examining, grading, advising, supervising, evaluating, recommending, promoting, paraprofessional student staff member duty coverage areas, employing and other employment actions including directly setting of salary or wages, any disciplinary action, including suspension, expulsion and termination, and exercising responsibility for grades, honors or degrees.

Student Paraprofessional - “A paraprofessional is defined as a student who is selected, trained, and supervised in assuming responsibilities and performing tasks that are intended to (1) directly promote the individual personal development of his or her peers, (2) foster the creation and maintenance of environments that stimulate and support residents’ personal and educational development, and/or (3) perform tasks that ensure the maintenance of secure, clean, healthy, psychologically safe, and esthetically pleasing living accommodations.” (*Winston & Fitch, p. 317, 1993*). Students with educational responsibilities; i.e. undergraduate teaching assistants, graduate teaching assistants, and graduate assistants also fall into this category.

Educational Responsibility – The power or authority to evaluate, influence, provide, or control aspects related to a student’s education or professional development. Covered activities include, but are not limited to, teaching, grading, mentoring, advising, evaluating research or other academic activity, serving on a student’s dissertation committee, participating in decisions or recommendations regarding funding or other resources, clinical supervision, and recommending for admissions, employment fellowships, or awards.

Policy Regarding Faculty-Student, Staff-Student, and Paraprofessional Student Staff-Student Consensual Relationships

Interactions between the faculty members, staff members, or paraprofessional student staff members and students at the University are guided by mutual trust, confidence and/or professional ethics. Professional faculty-student, staff-student, or paraprofessional student staff-student relationships have a power differential between faculty members, staff members, or paraprofessional student staff and students; personal faculty-student, staff-student, or paraprofessional student staff-student relationships carry risks of conflict of interest, breach of trust, abuse of power, and/or breach of professional ethics.

Prohibited Relationships - Faculty members and staff members shall not engage in, and are prohibited from, consensual relationships with students whenever a faculty member or staff member has direct supervision with respect to the student. Should a consensual relationship exist prior to the beginning of the professional relationship, or develop, or appear likely to develop, while the faculty member or staff member is, or would be, in a position of direct supervision over the student, the faculty member or staff member shall immediately report such relationship with his or her immediate supervisor and initiate steps to avoid and/or terminate the position of direct supervision. Avoidance or termination includes but is not limited to the student not enrolling in a course; a qualified alternative faculty member or teaching assistant taking the position of direct supervision; transfer of the student to another course, section, seminar, etc. taught by a different faculty member or teaching assistant; assigning or transferring the student to, or the student selecting, another academic advisor; or the student dropping or withdrawing from a course.

Paraprofessional student staff members shall not have a romantic and/or sexual relationship with anyone currently in their duty coverage area. A consensual friendship based relationship may exist even if one or both partners consider it casual, temporary, or episodic. The policy applies to even a single intimate, sexual, or romantic encounter. If the potential for such a relationship should develop, the paraprofessional student staff member must immediately notify his/her supervisor in writing. A paraprofessional student staff member must understand if he/she wishes to pursue such a relationship, appropriate action will be taken. This would include, but not be limited to, offering the resident the option to voluntarily move to another complex, or having the paraprofessional student staff member moved to an appropriate location if the ability to do so is present. A paraprofessional student staff member should not be assigned to rounds within an area where a resident with whom he/she is in a relationship currently lives, and should not become involved in a disciplinary incident involving said party absent an emergency situation.

Discouraged Relationships - The following faculty-student, staff-student, and paraprofessional student staff-student relationships are strongly discouraged at the University in light of the potential for apparent and actual conflicts of interest. Should such relationships arise, however, they are required to be disclosed and managed as indicated below:

Even when no position of direct supervision exists, a faculty member or staff member who engages in a romantic or sexual relationship with a student must promptly disclose the existence

of the relationship to his or her immediate supervisor if there exists a reasonable possibility that a conflict of interest may arise. Relationships, in which a conflict of interest exists or is likely to arise, appear to third parties to create an unfair advantage for the student or to be exploitative of the student and may later develop into conflicts of interest that are prohibited in A above.

When the student is a graduate student in the same department or academic program as the faculty member, or is an undergraduate student and is majoring or minoring in the same department as the faculty member or department of a staff and/or paraprofessional student staff member, a potential conflict of interest exists. A conflict of interest also may arise if the student is studying in a department separate from the faculty member. The faculty, staff, or paraprofessional student staff member must promptly disclose the relationship to his or her immediate supervisor when a potential conflict of interest exists or is reasonably likely to arise.

Once the relationship is disclosed, the immediate supervisor will evaluate the situation to determine whether an actual conflict of interest exists or is likely to arise and will develop a management plan to address the potential conflict of interest. The faculty, staff, or paraprofessional student staff member has the professional and ethical responsibility to remove himself or herself from any decisions that may reward or penalize the student involved and otherwise comply with the management plan.

A paraprofessional student staff member shall report immediately to his/her supervisor the potential for, or existence of, any romantic and/or sexual relationship with anyone living within any on-campus housing unit. This will permit the UNA administration to take any appropriate measures. Each matter will be analyzed on a case-by-case basis depending upon the specific facts and context of the relationship. If paraprofessional staff are required to address an incident with said party, they should recuse themselves and contact a back-up paraprofessional student staff member. If another paraprofessional student staff member is not available, the supervisor on duty should be contacted.

Policy Regarding Employee/Employee Consensual Relationships

An employee should be aware that entering into a consensual relationship with another employee that exercises direct supervision over the employee creates the potential for risk to both parties. In particular, such a relationship will limit that supervisor/employee's ability to direct work or promote that employee's career and creates conflicts of interest and perceptions of undue advantage.

Prohibited Relationships - A University employee shall not engage in, and is prohibited from, consensual relationships with another employee whenever one employee has direct supervision with respect to the other employee. Should a consensual relationship exist prior to the beginning of the period of direct supervision, or develop, or appear likely to develop, while an employee is, or would be, in a position of direct supervision over another employee, the employee exercising direct supervision shall immediately report such relationship to his or her immediate supervisor and steps to avoid and/or terminate the position of direct supervision shall be taken. Avoidance or termination includes but is not limited to the subordinate employee not accepting such position; another appropriate employee assuming the position of direct supervision; or transfer of the subordinate employee to another position not directly supervised by the other employee.

Discouraged Relationships - The following relationships between employees are strongly discouraged at the University in light of the potential for apparent and actual conflicts of interest.

Should such relationships arise, however, they are required to be disclosed and managed as indicated below:

Even when no position of direct supervision exists, an employee who engages in a romantic or sexual relationship with another employee must promptly disclose the existence of the relationship to his or her immediate supervisor if there exists a reasonable possibility that a conflict of interest may arise. Relationships, in which a conflict of interest exists or is likely to arise, may later develop into conflicts of interest that are prohibited above.

Once the relationship is disclosed, the immediate supervisor will evaluate the situation to determine whether an actual conflict of interest exists or is likely to arise and will develop a management plan to address the potential conflict of interest. An employee has the professional and ethical responsibility to remove himself or herself from any decisions that may reward or penalize the other employee involved and otherwise comply with the management plan.

Sanctions/Intent

University responses to violations of this Policy will vary as appropriate to the facts and circumstances of each case and persons in violation of this Policy shall be subject to sanctions ranging from verbal warnings to dismissal or termination. The University reserves the right to take disciplinary action against members of the University community who make false allegations of unreported consensual relationships. This Policy is not intended to intrude on the privacy of members of the University community but is intended primarily to be instructive and corrective.

A paraprofessional staff member who engages in a prohibited relationship and/or fails to report will be subject to discipline up to and including termination from job duties and referral for possible violation of the Student Code of Conduct or Title IX. Other, lesser sanctions may be imposed depending upon the circumstances.

Winston, R.B., & Fitch, R. (1993). Paraprofessional staffing. In R.B. Winston, S. Anchors, and Associates (Eds.), Student housing and residential life (pp. 315-344). San Francisco: Jossey-Bass.

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