

measures, as well the amount of notice that should be provided to the affected employees before the measures are implemented. The President or his or her designee shall confer with the Chancellor of any campus that may be affected by the measures prior to making that decision. Any measures directed by the President or his or her designee must be implemented pursuant to defined policies and procedures that adhere to all applicable laws and University policies, including all non-discrimination laws.

Reference: BRUN, Minutes, 76, p. 22 (June 26, 2020).

### **RP-3.3.15 Consensual Relationships Policy**

#### **I. Introduction**

While the University of Nebraska (“University”) encourages its faculty and staff to develop professional and supportive relationships with students by serving as teachers, advisors, mentors, and role models both within and outside the classroom, the University recognizes that romantic relationships with students may impact the academic environment even if those relationships are considered to be consensual. The inherent power differential in faculty or staff relationships with students can give rise to actual or perceived conflicts of interest as well as claims of abuse of authority, exploitation, bias or favoritism. While conflicts of interest are most evident when the faculty or staff member directly supervises or evaluates the student, unanticipated conflicts of interest also can occur because a faculty or staff member’s power or influence may extend beyond the classroom or a particular department or program. A romantic relationship that is considered by the faculty or staff member to be consensual may be perceived instead by the student to be coerced because of the power or influence held by the faculty or staff member, or a relationship that is truly consensual at the outset may become contentious as the parties later grow apart, leading to potential claims of sexual harassment or sexual assault. An intimate or dating relationship between a faculty or staff member and a student can negatively impact the well-being of the student if the student feels pressured or coerced into the relationship or feels an inability to leave the relationship. The relationship, in turn, can harm the professional or academic reputation of the faculty or staff member if that relationship generates claims or perceptions of favoritism, exploitation, sexual harassment or assault.

Similar concerns can arise when University employees become involved in a romantic relationship if one party to the relationship has supervisory or evaluative authority over the other. The individual in the supervisory or evaluative role can affect the academic or employment career of the subordinate and may be perceived as showing favoritism, misusing authority, or even engaging in sexual harassment.

This policy is intended to address and reduce the risks of conflicts, misperceptions and claims that may arise out of consensual romantic relationships between faculty or staff members and students, as well as those that may arise out of consensual romantic relationships between a supervisor or evaluator and a subordinate.

The University recognizes that conflicts, misperceptions, and claims can arise between faculty or staff and students even in the absence of a romantic relationship, such as when a faculty or staff member takes advantage of the power differential to economically exploit a student. This can occur, for example, when a faculty or staff member convinces a student to perform services for free or at a reduced rate that personally benefits the faculty or staff member. This also can occur when a faculty or staff member convinces a student to use the goods or services of a private enterprise owned by the faculty or staff member, such as when a student is convinced to rent an apartment owned by the faculty or staff member. While the University does not condone the economic exploitation of students, that conduct is addressed apart from this policy through the University’s conflicts of interest and commitment policies and practices.

#### **II. Scope**

This policy applies to all faculty, staff and other academic staff members employed anywhere within the University System. This policy does not alter nor amend the University’s prohibition against the use of nepotism in employment decisions. This policy also does not limit anyone’s ability to report alleged

violations of the University's sexual misconduct policy to appropriate University officials or law enforcement. Alleged violations of the University's sexual misconduct policy will be investigated and addressed in accordance with that policy.

### III. Definitions

*Faculty* – Any individual whose duties include any one or more of the following responsibilities: teaching, conducting research or overseeing a laboratory, advising, mentoring, course management, or supervisory duties that are performed as part of a University academic program or course of study. Such individuals may hold appointments as tenured faculty, tenure-track faculty, non-tenure track faculty, post-doctoral faculty, or visiting faculty, and therefore, includes faculty members holding continuous appointments, appointments for a specific term, health profession faculty appointments, faculty practice or faculty research appointments, or special appointments. For the purposes of this policy, other academic staff as defined below are excluded from this definition of faculty.

*Staff* – Any individual employed by the University in a non-faculty position, including academic-administrative, managerial-professional, and office and service staff members, but excluding other academic staff members and student employees.

*Other Academic Staff* – Any individual, including both undergraduate and graduate students, employed by the University holding the rank or position of a research associate, research assistant, graduate assistant, teaching assistant, teaching fellow or house officer/medical resident.

*Students* – Any individual admitted by the University and enrolled in at least one credit-bearing class at the University. Students include both undergraduate and graduate/professional students.

*Supervisory or Evaluative Authority* – The power to control or influence another individual's academic advancement or employment through such means as making or affecting decisions related to admission, grades, assignments, participation in programs or projects, dissertations or research, recommendations, financial aid, hiring, working conditions, compensation, promotion, discipline, or termination/expulsion.

*Romantic Relationship* – Any relationship of a sexual, intimate, romantic, dating, or amorous nature, regardless of its length.

*Academic Unit* – Any department, center, institute, program (including joint degree programs), or other comparable unit in which the student is currently enrolled or employed.

### IV. Policy

To ensure that the academic and work environments are free of any actual or perceived conflicts or inappropriate conduct, the following types of romantic relationships are prohibited:

#### A. Prohibited Relationships

- 1. Relationships between Faculty and Undergraduate Students** Faculty members are prohibited from engaging in any romantic relationship with an undergraduate student, regardless of whether the faculty member has any supervisory or evaluative authority over that student.
- 2. Relationships between Faculty or Staff and Graduate/Professional Students.** Faculty and staff members are prohibited from engaging in any romantic relationship with a graduate or professional student within their same academic unit, as well as with any graduate or professional student over whom they currently have or might reasonably be expected to have any direct or indirect supervisory or evaluative authority.
- 3. Relationships between Other Academic Staff and Students.** Other academic staff

members are prohibited from having any institutional responsibilities over any students, both undergraduate and graduate/professional, with whom they currently have, or previously had, a romantic relationship.

**4. Relationships Involving Supervisory or Evaluative Authority.** Faculty, staff, and other academic staff members are prohibited from exercising direct or indirect supervisory or evaluative authority over any employee or student with whom they currently have, or previously had, a romantic relationship.

These prohibitions on certain consensual relationships are not intended to preclude the hiring or retention of dual career academic couples. The University is committed to recruiting and retaining the highest quality faculty and staff and recognizes that prospective and current faculty and staff may have spouses or partners with independent careers, often within an academic discipline. To recruit and retain the best faculty and staff, the University strives to assist both members of the dual career couple explore appropriate positions within the University. If both members of the dual career couple should become employed within the same academic unit, an appropriate conflict management plan simply will need to be developed to avoid any potential conflicts of interest from occurring.

#### **B. Reporting**

Faculty and other academic staff members are required to report in writing to the Vice Chancellor responsible for overseeing academic affairs on their respective campus whenever they engage in a romantic relationship that potentially could violate this policy. Staff members, in turn, are required to report in writing to their campus Director of Human Resources whenever they engage in a romantic relationship that potentially could violate this policy. Each responsible Vice Chancellor and Director of Human Resources will develop a process for such reporting and for addressing such reports.

#### **C. Exceptions**

Faculty and other academic staff members may submit a written request to the appropriate Vice Chancellor, and staff members may submit a written request to their campus Director of Human Resources, for an exception to this policy. Such requests will be reviewed on a case-by-case basis and will be granted only if all potential risks associated with that relationship can be avoided through the development of a conflict management plan. Requests for an exception based on romantic relationships occurring prior to the implementation of this policy or prior to the outset of employment with the University typically will be permitted, provided that an appropriate conflict management plan can be developed to avoid any potential conflicts arising out of that relationship.

#### **D. Conflict Management Plans**

The risks associated with romantic relationships in which one individual has either actual or potential supervisory or evaluative authority over the other may be controlled or alleviated in some situations through the development of a conflict management plan. Such plans, when appropriate, will include measures to eliminate any supervisory or evaluative authority between the parties to the relationship or prevent the parties from being placed in a position where one party could have any supervisory or evaluative authority over the other. The appropriate Vice Chancellor or Director of Human Resources will be responsible for the development and enforcement of any conflict management plans, as well as any other necessary procedures and processes for addressing romantic relationships and any potential conflicts, disputes or issues that arise as those relationships progress through different stages. In developing such plans, procedures and processes, the Vice Chancellor or Director of Human Resources should seek input from the affected individual's supervisor. The parties to the relationship are expected to fully cooperate with the appropriate Vice Chancellor or Director of Human Resources in the development of and in adhering to any such plan.

## **E. Violations**

Violations of this policy in any manner, including engaging in a prohibited relationship, failing to properly report a relationship, or failing to adhere to a conflict management plan, may result in disciplinary action being taken against the offender. Such discipline will be issued in accordance with the University's disciplinary policies, will take into consideration the unique and relevant facts of each case, and may assume a variety of forms, including without limitation mandatory training or counseling, written warning, suspension, demotion, loss of privileges, or even expulsion or termination.

## **F. Confidentiality**

Information or documents obtained pursuant to this policy will be regarded as being confidential and will be disclosed only to the extent required by applicable law.

## **V. Resources**

Both University and community resources (including reporting mechanisms, counseling and psychological services, medical care, law enforcement, and legal assistance) are available to those who believe that they have been or are being subjected to a non-consensual romantic relationship or some other form of sexual misconduct. Information about these resources can be obtained from the Title IX Coordinator for each campus or from the following campus websites:

University of Nebraska-Lincoln – [unl.edu/equity/getting-help](http://unl.edu/equity/getting-help)

University of Nebraska Omaha – [unomaha.edu/office-of-equity-and-diversity/title-ix-information/index.php](http://unomaha.edu/office-of-equity-and-diversity/title-ix-information/index.php)

University of Nebraska at Kearney – [unk.edu/about/compliance/title-ix-resources/resources.php](http://unk.edu/about/compliance/title-ix-resources/resources.php)

University of Nebraska Medical Center – [unmc.edu/titleix/campus-resources/index.html](http://unmc.edu/titleix/campus-resources/index.html)

Reference: BRUN, Minutes, 76, p. 103 (June 25, 2021).