



Consensual Sexual or Romantic Relations Policy

The College of Arts and Sciences is committed to promoting and maintaining a climate of equity and the fair use of power. In hierarchical institutions such as a university, there is unequal power in professional relationships. The exercise of power must be thoughtful, fair, and based on standard procedures. Abuse of power will not be tolerated.

One area in which unequal power is especially problematic is in the area of sexual relations, including consensual sexual relations. The College of Arts and Sciences recognizes the risks involved in any romantic or sexual relationship that entails power differentials between individuals, particularly when one person holds educational or professional responsibility over another.

- The potential for conflict of interest, exploitation, and bias stemming from a romantic or sexual relationship undermines the professionalism required in a supervisory, evaluative, or advisory situation.
- Romantic or sexual relationships can have an adverse impact on the broader learning or work environment, both during the time of the relationship and after any break-up.
- When a power differential exists in a relationship, the nature of consent is problematic. The heightened vulnerability of the less powerful partner, the potential for coercion, and other possible factors may make the relationship non-consensual even though the person in power may believe it is consensual.
- Romantic or sexual relationships may lead to situations that expose the person in power and the University to liability for violation of laws concerning sexual misconduct or sex discrimination. A partner or former partner in the relationship or third parties affected by the relationship (such as students or employees) may file a formal or informal complaint if they believe sexual misconduct has occurred.

In an effort to create a hospitable and equitable learning and working environment for students and employees and to reduce the conflicts of interest that inherently arise in these situations, the College forbids romantic or sexual relationships when one of the partners has, or can reasonably be expected in the near future to have, work or academic responsibility over the other partner. Guidance for applying this policy to faculty, staff, and student relationships is provided after the following definitions.

- Work/academic responsibility includes, but is not limited to, teaching, managing, hiring, supervising, advising, grading, or evaluating the partner. It can also include deciding on the distribution of resources that affects the partner or recommending the partner for employment, admissions, fellowships, or awards.

- The reasonable expectation of future work or academic responsibility involves the assessment (by any reasonable person) that it is very likely that one partner will have work/academic responsibility over the other partner in the near future while at UNL.

Relationships Involving Students:

Because students, both graduate and undergraduate, are especially vulnerable to power differentials and conflicts of interest and because work/academic responsibility issues are likely to arise, the College of Arts and Sciences prohibits its faculty from having romantic or sexual relations with current undergraduate or graduate students who have a major or minor in their department or who work in their lab, department, program, center, or other related unit. The College also prohibits staff and instructional staff (including lecturers and post-docs) and graduate and undergraduate student employees (including teaching assistants) from having sexual or romantic relations with any student over whom they currently have work/academic responsibility.

Relationships Involving Employees:

If an employee (faculty or staff) is or becomes involved in a romantic or sexual relationship with another employee (faculty or staff) and there is a work/academic responsibility issue, the employee in the position of greater power must recuse themselves from work/academic responsibility over the employee with less power. The employee in the position of greater power must also notify the appropriate University authority (supervisor, chair, dean) and a nepotism plan must be put in place. If the relationship ends, both employees must recuse themselves from supervising, managing, advising or evaluating the other employee until the chair and/or dean determine the recusal is no longer necessary and both employees agree. In cases where an individual is both a student and an employee, the individual's status as student takes precedent and the policy regarding Relationships Involving Students shall be enforced.

Preexisting Relationships:

If a romantic or sexual relationship already exists between two people and the situation changes to one in which one party has work/academic responsibility over the other party, it is incumbent on the person in power to remove themselves from having that responsibility. The person in power can in no way have any say in the other person's employment, evaluation, resource distribution, and supervision or management. The person in power must ensure that the handling of the situation is transparent and that the environment of the unit remains hospitable, equitable, and free from conflicts of interest.

Summary:

The College's policy forbids the following romantic or sexual relationships:

- Between an employee (faculty or staff) and an undergraduate or graduate student when the employee has work/academic responsibility over the student.
- Between an employee (faculty or staff) and an undergraduate or graduate student who is pursuing a major, a minor, or a degree or who works in the unit of the employee.

- Between a student employee (including graduate and undergraduate teaching assistants) and any student over whom the student employee currently has work/academic responsibility.

In addition,

- The College policy emphasizes the importance of following the University's current nepotism policy. Employees with work/academic responsibility over another person must recuse themselves from all such responsibility, notify the appropriate authority, and have a nepotism plan put in place.
- If the romantic or sexual relationship ends, the employees with greater power must continue to recuse themselves from work/academic responsibility over the former partner until the appropriate authority deems the recusal unnecessary and both employees agree to the lifting of the recusal.
- If students (graduate or undergraduate) find themselves in a situation in which they have work/academic responsibility over a student with whom they are having or have had a romantic or sexual relationship, they must recuse themselves from all work/academic responsibility and notify the proper authority, who will then have to make sure the students with less power are in no way treated inequitably or unfairly.

The College requires departments and programs to publicize this policy to students, faculty and staff at the beginning of each academic year. A document with this policy must be disseminated to new undergraduate and graduate students, new instructors (including lecturers and undergraduate and graduate TAs), and new faculty and staff.

Recommended Procedures:

Should employees enter into a consensual romantic or sexual relationship with a person over whom they have work/academic responsibility in violation of College policy, they must immediately recuse themselves from all academic and professional decisions and activities affecting the person with less power. The employees must also promptly alert their supervisor, chair/director, or dean of the relationship and cooperate in making alternative instructional and/or supervisory arrangements necessary to protect the person with less power from any academic or professional hardship. Normally this would involve creating a management plan that removes the person with work/academic responsibility from having any teaching, evaluating, supervising, advising, or hiring responsibility over the person with less power. The management plan must preserve the short-term and long-term academic and/or professional opportunities of the person with less power. A copy of the management plan must be submitted to the Dean in the College of Arts and Sciences.

Anyone, including a third party, can bring a complaint if they believe this policy has been violated. Complaints should be made to their (neutral) supervisor, the supervisor of the person with academic/work responsibility over the partner, the chair/director, or the Dean of the College. The person receiving the complaint should contact the immediate supervisor of the person in the position of greater power and the immediate supervisor should conduct an inquiry

to determine whether the policy applies. If the determination is made that the policy does apply, the immediate supervisor must take the necessary steps to manage the conflict of interest caused by the relationship, including, if appropriate, creating a management plan.

To encourage self-disclosure or the bringing of complaints concerning the violation of this policy, the College will make every reasonable effort to conduct all proceedings in a way that protects the confidentiality of all parties. The parties involved must also maintain strict standards of confidentiality. The failure to maintain confidentiality may be regarded as retaliation. However, while the College guarantees that reasonable efforts will be made to keep the confidentiality of the parties involved, it cannot guarantee confidentiality in all cases. Resolving the complaint might necessitate the disclosure of the parties' identities if doing so is necessary to appropriately manage the situation.

Significant or repeated violations of this policy may result in disciplinary actions. The Academic Officer (the department chair or director if the situation involves faculty, staff, or students, or the appropriate dean if the situation involves a chair or director) will make a brief investigation to determine that the violation of the policy has occurred and its severity. This investigation must include obtaining a response from the person with academic/work responsibility if the allegation of the relationship was raised in the complaint. The severity of the disciplinary action must be commensurate with the severity and/or repetition of the violation of the policy. Disciplinary actions can include, from least to greatest severity, written warnings, loss of privileges, mandatory training or counseling, probation, suspension, demotion, expulsion, and a recommendation of termination of employment and, if applicable, revocation of tenure.