

The University of Mississippi

Consensual Relationships Policy

Summary/Purpose: This policy highlights the risks of sexual or romantic relationships in the workplace or academic settings. Romantic or sexual relationships between students and employees, as well as between supervisors and subordinates, who have authority or influence over aid, benefits, services, or the academic progress of that student may create an appearance of impropriety that is contrary to the values and interest of The University of Mississippi (UM). Certain relationships are prohibited, while other relationships must be disclosed and may also require that an individual recuse himself or herself from supervising or evaluating their partner. The purpose of this policy is to clarify appropriate student/employee and employee/employee relationships.

Policy

This policy applies to all students, employees (faculty or staff), and others (who will be included in this policy as staff) who participate in UM programs and activities.

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions, and parties in such a relationship assume those risks. In the university context, such positions include (but are not limited to) teacher and student, supervisor and employee, senior faculty and junior faculty, mentor and trainee, adviser and advisee, teaching assistant and student, principal investigator and postdoctoral scholar or research assistant, coach and athlete, attending physician and resident or fellow, and individuals who supervise the day-to-day student living environment and their students.

Because of the potential for conflict of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided. Further, these relationships can be less consensual than the individual whose position confers power or authority believes. In addition, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a sexual or romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct.

Such relationships may also have unintended, adverse effects on the climate of an academic program or work unit, thereby impairing the learning or working environment for others – both during such a relationship and after any break-up. Relationships in which one party is in a position to evaluate the work or influence the career of the other may provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities, or simply creates a perception of these problems.

For all of these reasons, sexual or romantic relationships-- even when consensual--between individuals in inherently unequal positions should in general be avoided and in many circumstances are strictly prohibited by this policy. Since these relationships can occur in multiple contexts on campus, this policy addresses certain contexts specifically. However, the policy covers all sexual and romantic relationships involving individuals in unequal positions,

even if not addressed explicitly in this policy. Individual departments may adopt more stringent policies concerning relationships between faculty/staff and students, including a policy that prohibits such relationships. Any department policy must be approved by the Office of General Counsel prior to implementation.

Relationship between an Employee (Faculty/Staff) and a Student

At a university, the roles of employees are multifaceted, including serving as intellectual guides, mentors, role models and advisors. This role is at the heart of the university's mission and its integrity must be maintained. The employee's influence and authority can extend far beyond the classroom and into the future, affecting the academic progress and careers of our students.

Accordingly, the university expects employees to maintain interactions with students free from influences that may interfere with the learning and personal development to which students are entitled. In this context, employees include those who are entrusted to teach, supervise, mentor and coach students, including faculty and consulting faculty of all ranks, lecturers, academic advisors, and principal investigators.

As a general proposition, the University of Mississippi believes that a sexual or romantic relationship between a student and an employee— even where consensual and whether or not the student is subject to supervision or evaluation— is inconsistent with university values. Not only can these relationships harm the educational environment for the individual student involved, they also undermine the educational environment for other students. Furthermore, such relationships may expose the employee to charges of misconduct and create a potential liability, not only for the employee, but also for the university if it is determined that laws against sexual harassment or discrimination have been violated.

For the reasons outlined above, whenever an employee has had, or in the future might reasonably be expected to have, academic responsibility or authority over a student, such relationships are prohibited. This includes, for example, any faculty member who teaches in a student's department, program or division. Conversely, no employee shall exercise academic responsibility over a student with whom he or she has previously had a sexual or romantic relationship. "Academic responsibility" includes (but is not limited to) teaching, grading, mentoring, advising on or evaluating research or other academic activity, participating in decisions regarding funding or other resources, clinical supervision, and recommending for admissions, employment, fellowships or awards.

In this context, students include undergraduate, graduate and professional school students, postdoctoral scholars, and clinical residents or fellows.

When a preexisting sexual or romantic relationship between an employee and a student is prohibited by this policy —or if a relationship not previously prohibited becomes prohibited due to a change in circumstances —the employee must both recuse himself or herself from any supervisory or academic responsibility over the student, and notify his or her supervisor, department chair or dean about the situation so that adequate alternative supervisory or

evaluative arrangements can be put in place. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy.

Relationship between a Student and a Student

Many existing policies govern student responsibilities towards each other. The current policy applies when undergraduate or graduate students or post-doctoral scholars are serving in a supervisory or authoritative role. The policy does not prohibit students from having consensual sexual or romantic relationships with fellow students.

However, if such a relationship exists between a student and another student in a setting for which the student teacher or housing employee is serving in this capacity, s/he shall not exercise any evaluative, teaching function or supervision for that student. Furthermore, the student must recuse himself or herself and notify his or her supervisor so that alternative evaluative, oversight or teaching arrangements can be put in place. Failure to notify and recuse in this situation will be subject to academic and/or employment discipline.

Relationship between an Employee and an Employee

Consensual sexual or romantic relationships between adult employees (including faculty) are not in general prohibited by this policy. If an employee has a consensual relationship with another employee who is not a subordinate, then he or she shall refrain from participating or influencing votes or decisions that may reward or penalize that employee (such as votes or decisions regarding tenure and/or promotion). However, relationships between employees in which one has authority over the other are always potentially problematic. This includes not only relationships between supervisors and their staff, but also between senior faculty and junior faculty, faculty and both academic and non-academic staff, and so forth.

Where such a relationship develops, the person in the position of greater authority or power must recuse him/herself to ensure that he/she does not exercise any supervisory or evaluative function over the other person in the relationship. Where such recusal is required, the recusing party must also notify his/her supervisor so that person can fulfill the responsibilities outlined below. The University of Mississippi has the option to take any action necessary to insure compliance with the spirit of this policy, including transferring either or both employees to minimize disruption of the work unit.

Supervisor's Responsibilities

Within fifteen (15) working days of receiving a report of a Consensual Relationship, the supervisor shall consult with his or her supervisor to develop a plan to manage or eliminate all conflicts of interest and mitigate adverse effects on the involved parties and other third parties. This plan shall document, in writing, the actions that shall be taken, including one or more of the following actions:

1. Transfer supervisory, decision-making, evaluative, academic, and/or advisory responsibilities;
2. Provide an additional layer of oversight to the supervisory role;

3. Transfer one of the individuals to another position; and/or
4. Take any other action reasonably necessary to manage or eliminate the actual or potential conflict of interest and/or mitigate adverse effects; and
5. Report the relationship to the Title IX Coordinator. Such notification is always required where recusal is required. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy.

Additional Efforts and Matters

Every effort should be made to preserve confidentiality, sharing names and pertinent information only with individuals directly involved in these actions and only as necessary.

The University of Mississippi has the option to take any action necessary to insure compliance with the spirit of this policy, including transferring either or both employees to minimize disruption of the work unit.

As provided by the Title IX Coordinator, all records of proceedings and actions under this policy shall be placed in an archive maintained by the Department of Human Resources and shall be kept for seven (7) years or the duration of employment with UM, whichever is longer.

If there is any doubt whether a relationship falls within this policy, individuals should disclose the facts and seek guidance rather than fail to disclose. Questions may be addressed to the supervisor or dean or to the Title IX Coordinator located in the Equal Opportunity & Regulatory Compliance Office. In those rare situations where it is programmatically infeasible to provide alternative supervision or evaluation, the cognizant dean, director or supervisor must approve all evaluative and compensation actions.

Employees who engage in sexual or romantic relationships with a student or other employee contrary to the prohibitions and requirements provided in this policy are subject to disciplinary action up to and including termination, depending on the nature and context of the violation. They will also be held accountable for any adverse consequences that result from those relationships. Any employee who reasonably believes there may be a violation of this policy shall report the violation to the Title IX office by phone at 662-915-7045 or via email to Title IX@olemiss.edu.

A potential violation of this policy will lead to an investigation. If, after an investigation, a violation is determined to have occurred, disciplinary action will be taken as permitted by university policy and law, up to and including termination of employment.

A person with questions or concerns regarding the adequacy of the measures that are implemented to address an actual, potential, or perceived conflict of interest arising from a disclosed consensual relationship should bring those concerns to the attention of the relevant supervisor(s), the Department of Human Resources, or Office of the Provost or utilize the Office of University Ombudsperson.

This policy does not apply to situations of nepotism involving related or married individuals, which is governed under our Employment of Relatives Policy. Additionally, this policy does not cover non-consensual situations, which is governed under our Sexual Harassment Policy.

Non-Retaliation Policy

UM adheres to a strict policy of non-retaliation and prohibits retaliation and threats or attempts to retaliate against anyone who makes a good-faith report under this policy or who participates in, cooperates with, or contributes to efforts to investigate and resolve such reports. Any student, faculty, or staff member who believes he or she is being penalized as a consequence of making a report under this policy, or for participating in, cooperating with, or contributing to efforts to investigate or resolve a report, should immediately contact the Office of Equal Opportunity & Regulatory Compliance at (662) 915-7735.

Definitions

- The term "consensual relationship" may include amorous or romantic relationships created by mutual consent and is intended to indicate conduct that goes beyond what a reasonably prudent person would believe to be a collegial or professional relationship.
- The term "employee" includes any person currently employed by UM, either full-time or part-time, in any location and in any capacity. "Employee" includes, but is not limited to, administrators, faculty, staff, and graduate assistants/graduate instructors.
- The term "student" includes any person applying to the university or currently enrolled, either full-time or part-time, in any course or academic program which includes undergraduates and those enrolled in graduate, doctoral or professional programs.
- The term "supervisor" shall mean the person who performs the employee's annual performance evaluation or anyone who oversees, directs or evaluates the work of others, including, but not limited to, managers, administrators, coaches, directors, physicians, deans, chairs, advisors, and teaching assistants, as well as faculty members in their roles as instructors, as supervisors of their staff, and as participants in decisions affecting the careers of other faculty members.
- The term "teacher" includes any individual who teaches or supervises students regardless of whether he or she is tenure-track, non-tenure track, adjunct, full-time, part-time, or a graduate instructor.
- The term "retaliation" includes any adverse treatment (beyond a petty slight or trivial annoyance) that is taken because a person has opposed an act or practice, made a complaint, testified, assisted or participated in any manner in an investigation proceeding or hearing concerning protected rights. "Retaliation" also means coercing, intimidating, threatening, interfering, or discriminating, against any person for the purpose of interfering with any protected right or because the other person has exercised a protected right or aided or encouraged another person to exercise a protected right.
- The term "University of Mississippi" or "university" includes all of the University of Mississippi campuses and related entities.