

## UW-Whitewater University Handbook

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### CONSENSUAL RELATIONSHIPS POLICY

SOURCE: Office of the Chancellor

#### 1. CONFLICT OF INTEREST

An ethical and legal responsibility of trust is borne by every relationship between members of the instructional staff and students. No such relationship can be entirely private. For this reason, conflicts of interest are intrinsic to consensual romantic and/or sexual relationships between faculty or other instructional staff and students. General ethical principles preclude individuals from evaluating the work or academic performance of others with whom they have intimate relationships, or from making personnel decisions concerning such persons.

The participation of a member of the instructional staff in a consensual relationship with a student is behavior that is actionable under provisions of UWS 6, Wisconsin Administrative Code, and under the provisions of the UW-Whitewater Personnel Rules for faculty and academic staff.

#### 2. ABUSE OF POWER DIFFERENTIAL

Conflicts of interest often arise in a consensual romantic and/or sexual relationship involving a power differential among the participants. Individuals entering such relationships must recognize that:

- a. Those who abuse or appear to abuse their power in such a context violate their duty to the University community. The University will regard it as unethical if employees of UW-Whitewater engage in amorous relations with persons enrolled in their classes or subject to their supervision.
- b. Since power differentials exist between UW-Whitewater employees and the persons they evaluate or supervise, a risk of conflict of interest is assumed to exist in a consensual relationship. The person holding the preponderance of power in the relationship is vulnerable to complaints under the provisions of UWS 6, Wisconsin Administrative Code, and under the provisions of UW-Whitewater Personnel Rules for faculty and academic staff.
- c. The presence in the classroom of spouses of instructional staff members may not involve a power differential, but it should be understood by the instructor that the conflict of interest implicit in this situation may be a cause for complaint.

#### 3. CONSENSUAL RELATIONSHIPS AND INSTRUCTION

UW-Whitewater employees engaged in the instruction of students exercise power over students, when they give praise or criticism, when they evaluate, when they give recommendations for further studies or future employment, or when they confer any other benefits. Amorous

relationships between instructor and student are vulnerable to complaint. In such situations there exists the chance that the faculty member will abuse his or her power and sexually exploit the student. Voluntary consent by the student is suspect, given the fundamentally asymmetric nature of the relationship. Moreover, other students and instructors may be affected by such behavior because it places the instructor in a position to favor or advance one student's interest at the expense of others. Consensual relationships make obtaining benefits contingent on amorous or sexual favors.

#### 4. CONSENSUAL RELATIONSHIPS IN OTHER SETTINGS

Many activities do not fall into the formal categories of instruction or employment. Some of these activities also carry the potential for conflict of interest, exploitation, and injury. They include the advising of student organizations and activities, and the administration of student services. It is the intent of this policy that the same standards defined above shall also be applied to these activities.

#### 5. IMPLEMENTATION

The UW-Whitewater Policy on Consensual Relationships shall be implemented by notifying all members of the UW-Whitewater community of its existence and meaning, and by informing all members of the UW-Whitewater community of the avenues of complaint and redress for those who feel that they have been injured by its violation.

- a. The UW-Whitewater Policy on Consensual Relationships is published in both the University and Student Handbooks.
- b. Inquiries concerning this policy, or expectations to it, should be addressed to the Assistant to the Chancellor for Equal Opportunity.
- c. Those who feel they have been injured or who wish to file a complaint as the consequence of violations of the UW-Whitewater Policy on Consensual Relationships should contact the University Sexual Harassment Awareness Program Office, the Title IX Coordinator, the Assistant to the Chancellor for Equal Opportunity, or the Provost for advice and information.
- d. As it is with all other complaints brought under the provisions of the UW-Whitewater Personnel Rules, the burden of proof in any complaint arising from a violation of the UW-Whitewater Policy on Consensual Relationships is borne by the complainant.

(Passed by the Faculty Senate on May 15, 1992.)



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