

## Policy on Consensual Relationships

Policy Title	Policy on Consensual Relationships
Policy #	01.003.1
Policy Owner	University of Rhode Island Board of Trustees
Contact Information	Questions about this policy should be directed to the Office of Human Resources, (401) 874-2416
Approved By	University of Rhode Island Board of Trustees
Effective Date	June 25, 2021
Next Review Date	No later than June 30, 2026
Who Needs to Know About this Policy	All faculty, staff, and students as well as University Affiliates and any vendors/contractors with Academic or Supervisory Authority.
Definitions	<p><b>Academic or Supervisory Authority.</b> Includes, but is not limited to, teaching, research, academic advising, coaching, service on evaluation or thesis committees, grading, housing assignment, work assignment, performance evaluation, and/or recommending an individual in an institutional capacity. In some instances, University vendors may have Academic or Supervisory Authority.</p> <p><b>Academic Program.</b> A program of academic study at the University of Rhode Island as recognized by the University of Rhode Island Board of Trustees and established through the processes noted in the current University Manual.</p> <p><b>Covered Relationship.</b> Any relationship that may reasonably be defined as sexual, romantic, amorous, and/or dating (dating is defined as one-on-one social activities that lack associated University business or other professional intent). Physical contact is not a required element of such relationships.</p> <p><b>Educator.</b> Any Faculty Member, Graduate Student Instructor, or Student with Teaching or Supervising Responsibility. Contracted vendors with Academic or Supervisory Authority are Educators for the purposes of this policy.</p> <p><b>Employee.</b> Any person employed by the University, including Educators and Learners as applicable as well as athletic coaches. Student workers, including Resident Assistants, Resident Academic Mentors, and Graduate Hall Directors, are considered employees for the purposes of this policy. Some University Affiliates may be considered employees.</p> <p><b>Learner.</b> All undergraduate, graduate, professional, non-degree, and/or visiting students as well as Post-Doctoral Research Fellows.</p>

	<ul style="list-style-type: none"><li>• <b>Undergraduate Learner.</b> A Learner who is enrolled in a baccalaureate program or is registered for baccalaureate instruction for academic credit, non-credit, or as a visiting or exchange student. Students in accelerated programs will be considered Undergraduate Learners until the conferral of a baccalaureate degree; students in accelerated programs that confer a final graduate degree without the intermediate conferral of a baccalaureate degree will be considered Undergraduate Learners until the student has completed 120 academic credits.</li><li>• <b>Other Learner.</b> Any Learner who is not an Undergraduate Learner.</li></ul> <p><b>Management Plan.</b> A written plan developed with the appropriate supervisor(s) of the Employee/Educator with greater authority in the Covered Relationship and the Office of Human Resources (where appropriate) to mitigate or otherwise remove the conflict of interests inherent in relationships that involve an uneven power dynamic due the presence of Academic or Supervisory Authority.</p> <p><b>Students with Teaching or Supervisory Responsibility (STSRs).</b> Those students who are University employees with supervisory duties over other students, those students who teach classes, grade papers, or supervise laboratory/fieldwork sessions, or students who otherwise act in any supervisory role with reference to other students where the supervising student has the authority to make decisions or take actions that affect the academic or employment related interests (e.g. grades, work schedules or performance evaluations) of other students. For example: an undergraduate Teaching Assistant is an STSR; an undergraduate Helpdesk or Dining supervisor who directs the work of other students is also an STSR.</p> <p><b>University Affiliate.</b> Any individual who is not a faculty member, staff, or student who otherwise has a formal relationship with the University, including but not limited to visiting scholars, visiting students, research fellows, professional program participants, club sports coaches, and volunteers as well as employees and associates of the URI Foundation and Alumni Engagement, URI Research Foundation, and members of the University of Rhode Island Board of Trustees. Vendors and contractors are not considered University Affiliates, except for those with an ongoing presence on the University campus as regular operations support staff.</p>
<b>Statutes, Regulations, and Policies Governing or Necessitating This Policy</b>	RIGL §36-14 (Code of Ethics) <i>[University of Rhode Island Policy on Conflict of Interest and Conflict of Commitment [pending approval] – this policy will supersede URI Policy on Nepotism and Conflict of Interest (7/1977)]</i>

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<b>Reason for Policy/Purpose</b>	To ensure a learning and working environment characterized by professional and ethical behavior with respect to consensual romantic relationships.
<b>Forms Related to this Policy</b>	None

## Policy Statement

The University of Rhode Island strives to create and maintain a community that enables each person to reach their full potential. To do so requires an environment of trust, openness, civility, and respect. The University is firmly committed to a policy of prohibiting behaviors that adversely impact a person's ability to fully participate in the scholarly, research, educational, administrative, and service missions of the University. The Educator–Student relationship lies at the foundation of the educational process. As a matter of sound judgment and professional ethics, faculty members and University staff have a duty to avoid any actual or apparent conflict between their professional responsibilities and personal relationships with students. A similar need exists in the relationships between University employees and their subordinates, in which even the perception of favoritism or bias can be detrimental to the effective functioning of the workplace.

In general, 1) Covered Relationships are prohibited between Educators and Undergraduate Learners, regardless of Academic or Supervisory Authority, and 2) between Educators and other Learners (e.g., graduate students) when both parties are in the same Academic Program. Additionally, in any situations not specified by the above prohibitions, any Employee (faculty, staff, or otherwise) shall be prohibited from having direct or indirect Academic or Supervisory Authority over any Employee and/or Learner with whom they have, have had, or may in the foreseeable future have a Covered Relationship. In situations where an uneven power dynamic exists due to the existence of Academic or Supervisory Authority on the part of one party in the Covered Relationship, the party with greater authority has a duty to report and disclose the relationship per the terms of this policy and the associated Procedures for Covered Relationships.

NOTE: Some individuals may be regarded as a combination of Faculty, Staff, and/or Learner. In such instances, the more restrictive provisions of this policy shall prevail.

### Educator/Employee–Learner Relationships

The University is committed to putting students' interests first in addressing the challenges and competing interests that arise when defining limitations on certain types of Educator/Employee–Learner relationships. To that end, except as provided for under Exceptions below:

1. Educators and other University Employees are prohibited from pursuing or having a Covered Relationship with any Undergraduate Learner regardless of Academic or Supervisory Authority, unless that Employee is also an Undergraduate Learner (i.e., undergraduate Student with Teaching or Supervisory Responsibility, work study student, etc.), in which case the Employee is prohibited from undertaking any supervisory or evaluative duties relative to the Learner.
2. Educators and other University Employees are prohibited from pursuing or having a Covered Relationship with any Learner in a class, lab, field, worksite, or other setting (e.g., thesis evaluation committee) in which the Employee has Academic or Supervisory Authority over the Learner.
3. Educators and other University Employees are prohibited from pursuing or having a Covered Relationship with a graduate or professional Learner who is in the same discipline or Academic Program in which the Employee is appointed or teaches, regardless of Academic or Supervisory Authority.

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If an Educator or other University Employee has such authority and has in the past had a Covered Relationship with any Learner who subsequently is in the Employee's class, lab, field, worksite, or other such setting, the Employee must disclose the prior relationship immediately to that individual's Dean, the Vice Provost for Academic Personnel, division Vice President, and/or the Office of Human Resources (per the table below) so that the situation may be promptly and properly managed.

### **Vendors/Contractors–Learner Relationships**

University vendors or contractors and their employees are prohibited from pursuing or having a Covered Relationship with any Learner for whom they have direct or indirect Academic or Supervisory Authority. University vendors or contractors who engage in teaching or the management of any affairs of Learners (e.g., Study Abroad programs) must explicitly agree to observe this policy as a component of their contract with the University.

### **Employee–Employee Relationships**

When an Employee (i.e. faculty, staff, or student worker) is involved in a Covered Relationship with an individual over whom they exercise Academic or Supervisory Authority, an uneven power dynamic exists between them. The University strongly discourages such relationships as they often have negative consequences for one or both Employees as well as their coworkers and the overall functioning of their department. Therefore, except as provided for under Exceptions below:

- Employees are prohibited from having direct or indirect Academic or Supervisory Authority over any Employee with whom they have, have had, or may in the foreseeable future have a Covered Relationship.

If an Employee is or has been involved in a Covered Relationship with another employee over whom they exercise direct or indirect Academic or Supervisory Authority, the Employee in the more powerful position must immediately report the relationship to the head of that individual's department, or to the vice president to whom the Employee's division reports, who shall implement measures to mitigate the uneven power dynamic. Approved exceptions will be noted as a component of the Management Plan.

### **Exceptions**

This policy does not prohibit consensual relationships between Students at the University, provided the relationship does not also involve Academic or Supervisory Authority involving either party.

Exceptions from the prohibitions outlined in this policy will be granted only in rare circumstances. Exceptions shall be determined by the parties noted in the below Reporting and Enforcement section, with a written determination recorded with the Office of Human Resources.

### **Educator/Employee–Learner Relationships**

An Educator/Employee may request an exception, and each request will be considered on a case-by-case basis. As a starting premise, and as the broadest prohibition of this policy applies to Undergraduate Learners, an exception permitting a Covered Relationship with an Undergraduate Learner would require an extraordinary set of circumstances.

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Situations in which an exception might be appropriate include:

- The Educator/Employee's Covered Relationship with a Learner precedes the individual's status as a Learner subject to these prohibitions (e.g., an Educator and Learner have been in an established relationship and the Learner subsequently enrolls as an Undergraduate Learner at the University).
- An Educator/Employee and a Learner had a Covered Relationship prior to implementation of this policy that either did not require disclosure or was appropriately disclosed and managed, but upon the effective date of this policy the Covered Relationships would otherwise be prohibited.

In cases where an exception is approved, a written Management Plan will be implemented in accordance with the Procedures on Consensual Relationships.

### **Employee–Employee Relationships**

Because this policy does not explicitly prohibit Covered Relationships between Employees but rather disallows Consensual Relationships in situations where an uneven power dynamic exists due to the presence of Academic or Supervisory Authority, no specific situations will be considered for exemption from this policy. In all instances where an Employee is or has been involved in a Covered Relationship with another Employee over whom that person exercises direct or indirect Academic or Supervisory Authority, the situation must be disclosed and managed in accordance with this policy and the Procedures for Consensual Relationships.

### **Reporting and Enforcement**

The responsibility for reporting the Covered Relationship rests with the party with greater authority within the University reporting structure. Disclosure of the Covered Relationship must be made to the appropriate individuals/offices per the table below.

	<b>Educator</b>	<b>Employee</b>	<b>UG Learner</b>	<b>Other Learner</b>
<b>Educator</b>	Area Dean V Pr, Academic Personnel	Area Dean V Pr, Academic Personnel Division VP Human Resources	Prohibited	Prohibited in same program, otherwise: Area Dean V Pr, Academic Personnel
<b>Employee</b>	Area Dean V Pr, Academic Personnel Division VP Human Resources	Division VP Human Resources	Division VP VP Student Affairs Human Resources	Division VP VP Student Affairs Human Resources
<b>UG Learner</b>	Prohibited	Division VP VP Student Affairs Human Resources	No disclosure required, except STSRs	No disclosure required, except STSRs
<b>Other Learner</b>	Prohibited in same program, otherwise: Area Dean V Pr, Academic Personnel	Division VP VP Student Affairs Human Resources	No disclosure required, except STSRs	No disclosure required, except STSRs

A written Management Plan shall be developed by the appropriate offices as noted above and recorded with the Office of Human Resources with a copy to the Provost and the Academic Dean(s) or appropriate VP as applicable. The Management Plan may include, but is not limited to, staff reorganization and/or procedural changes in work assignments, performance review, and payroll approval (see Procedures for Consensual Relationships).

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Management Plans must be reviewed annually by the appropriate parties noted in the table above.

Enforcement of this policy shall rest with the Office of Human Resources. Non-disclosure or other non-compliant actions may result in disciplinary action to the individual with the responsibility to report the Covered Relationship.

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