

UNIVERSITY OF MISSISSIPPI
CONSENSUAL RELATIONSHIPS POLICY
ACA.EO.100.011

Policy Statement

This Policy highlights the risks of sexual or romantic consensual relationships in the workplace or academic settings. Romantic or sexual consensual 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 consensual relationships are prohibited, while others 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 consensual relationships.

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.

- Consensual relationships between employees and students over whom the employee has, or in the future might reasonably be expected to have, academic responsibility or authority over the student are prohibited.
 - A student who is employed and placed into a position of trust or authority by the University shall not exercise any evaluative or teaching function or supervision over the student with whom they are engaged in a consensual relationship. The student in the position of authority must recuse himself or herself and notify his or her supervisor so that alternative evaluative, oversight, or teaching arrangements can be put in place.
 - Consensual romantic relationships between employees are not generally prohibited by this Policy. However, if a consensual relationship develops between employees in which one has authority over the other, the person in the position of greater authority or power must recuse himself or herself to ensure that he or she does not exercise any supervisory or evaluative function over the other person in the relationship.
4. Employees who engage in sexual or romantic consensual relationships with a student or other employee contrary to the prohibitions and requirements as 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.
 5. Individual departments may adopt more stringent policies concerning consensual relationships between faculty/staff and students, including a policy that prohibits such relationships. However, any such department policy must be approved by the Office of General Counsel prior to implementation.

Types of Relationships

RELATIONSHIP BETWEEN AN EMPLOYEE (FACULTY/STAFF) AND A STUDENT

Whenever an employee has had, or in the future might reasonably be expected to have, academic responsibility or authority over a student, consensual 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 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 generally 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 employee is serving in this capacity, he or she 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 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 himself or herself to ensure that he or 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 or 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 report the relationship to the Assistant Director of Equal Opportunity & Regulatory Compliance (EORC)/Title IX Coordinator. Failure to disclose a relationship that must be disclosed because of required recusal will be considered a violation of this Policy.

Within fifteen (15) working days of receiving a report of a consensual relationship, the supervisor shall also 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.

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 ensure compliance with the spirit of this Policy, including transferring either or both employees to minimize disruption of the work unit.

As provided by the Assistant Director of EORC/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 the University, whichever is longer.

If there is any doubt whether a consensual 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 Assistant Director of EORC/Title IX Coordinator located in the Office of Equal Opportunity & Regulatory Compliance. In those rare situations where it is programmatically infeasible to provide alternative supervision or evaluation, the cognizant dean, director, or supervisor must approve all evaluation and compensation actions.

Any employee who reasonably believes there may be a violation of this Policy shall report the violation to the Office of Equal Opportunity & Regulatory Compliance by calling (662) 915-7735 or via email to titleix@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.

Retaliation

The University of Mississippi adheres to a strict policy regarding 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 the 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 “**University of Mississippi**” or “**University**” or “**UM**” includes all of the University of Mississippi campuses and related entities
- 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 the University, 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 “**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.