

APPENDIX Z: POLICY ON CONSENSUAL RELATIONSHIPS

Adopted March 2002

Statement of Values and Expectations

Duke University is committed to maintaining learning and work environments as free as possible from conflicts of interest, exploitation, and favoritism.

Where a party uses a position of authority to induce another person to enter into a non-consensual relationship, the harm both to that person and to the institution is clear. Even where the relationship is consensual, there is significant potential for harm when there is an institutional power difference between the parties involved, as is the case, for example, between supervisor and employee, faculty and student, or academic advisor and advisee. Such relationships may cast doubt on the objectivity of any supervision and evaluation provided.

Having consensual relationships with subordinates is likely to interfere with the ability of a superior to act and make decisions fairly and without favoritism. Even if the superior is able to avoid being biased, the other people in the workplace or learning environment are likely to see themselves as being less favored and as disadvantaged by the personal relationship. In addition, the damage can continue long beyond the actual time span of the relationship and can make people suspicious of any future professional interactions between the parties.

The following policy is articulated in two parts, the first directed to employee relationships, the second to faculty–student relationships. Although these categories have many elements in common, the student–teacher relationship represents a special case, because the integrity of this relationship is of such fundamental importance to the central mission of the university. Students look to their professors for guidance and depend upon them for assessment, advancement, and advice. Faculty–student consensual relationships create obvious dangers for abuse of authority and conflict of interest actual, potential, and apparent. Especially problematic is such a relationship between a faculty member and a graduate student who is particularly dependent upon him or her for access to research opportunities, supervision of thesis or dissertation work, and assistance in pursuing job opportunities.

Duke University has adopted a consensual relationship policy for the following reasons: to avoid the types of problems outlined above, to protect people from the kind of injury that either a subordinate or superior party to such a relationship can suffer, and to provide information and guidance to members of the Duke community. Most of all, this policy seeks to help ensure that each member of the Duke community is treated with dignity and without regard to any factors that are not relevant to that person’s work.

Note: Non-consensual situations are covered under the University’s policy on Sexual Harassment, marital relationships under the Nepotism policy.

Definitions

For purposes of this policy, the terms “Duke University,” “employee,” “supervisor,” “faculty,” “student,” and “consensual relationships” are defined as follows:

Duke University: Duke University and related entities, including Duke University Medical Center and Health Systems.

Employee: anyone employed by Duke University as faculty or staff, full-time or part-time.

Supervisor: anyone who oversees, directs or evaluates the work of others, including, but not limited to, managers, administrators, coaches, directors, physicians, deans, chairs, advisors, housestaff, 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.

Faculty: all those charged with academic instruction, including all ranks recognized as faculty under the bylaws of Duke University and its Medical Center and Health Systems, teaching assistants, academic advisors, coaches, and others who have a role in educating, supervising, or advising students as part of the programs of Duke University and its various schools.

Students: all those enrolled full-time or part-time in any program of Duke University and its various schools.

Consensual relationships: dating and sexual relationships willingly undertaken by the parties.

Policy Regarding Employee/Employee Relationships and Employee/Faculty Relationships

Except in unusual circumstances, where explicit authorization has been obtained from the appropriate superior, no one who is employed at Duke should participate in supervision, employment actions, evaluation, decisions pertaining to promotion, the direct setting of salary or wages for someone employed at Duke with whom that person has or has had a consensual relationship.

Except in special circumstances, where explicit authorization has been obtained from the appropriate superior, a supervisor should not employ anyone with whom he or she has or has had a consensual relationship.

Employees should be aware that entering into such a relationship with a supervisor creates the potential for risk to both parties. In particular, such a relationship will limit that supervisor's ability to direct work or promote that employee's career.

In the event that a personal relationship of this kind does exist in a supervisory context, the supervisor must disclose the relationship to the appropriate superior and initiate arrangements to address any issues of conflict of interest.

Policy Regarding Faculty–Student Consensual Relationships

No faculty member should enter into a consensual relationship with a student actually under that faculty member's authority. Situations of authority include, but are not limited to, teaching, formal mentoring, supervision of research, and employment of a student as a research or teaching assistant; and exercising substantial responsibility for grades, honors, or degrees; and considering disciplinary action involving the student.

No faculty member should accept authority over a student with whom he or she has or has had a consensual relationship without agreement with the appropriate dean. Specifically, the faculty member should not, absent such agreement, allow the student to enroll for credit in a course which the faculty member is teaching or supervising; direct the student's independent study, thesis, or dissertation; employ the student as a teaching or research assistant; participate in decisions pertaining to a student's grades, honors, degrees; or consider disciplinary action involving the student.

Students and faculty alike should be aware that entering into a consensual relationship will limit the faculty member's ability to teach and mentor, direct work, employ, and promote the career of a student

involved with him or her in a consensual relationship, and that the relationship should be disclosed in any letter of recommendation the faculty member may write on the student's behalf. Furthermore, should the faculty member be the only supervisor available in a particular area of study or research, the student may be compelled to avoid or change the special area of his or her study or research.

If nevertheless a consensual relationship exists or develops between a faculty member and a student involving any situation of authority, that situation of authority must be terminated. Termination includes, but is not limited to, the student withdrawing from a course taught by the faculty member; transfer of the student to another course or section, or assumption of the position of authority by a qualified alternative faculty member or teaching assistant; the student selecting or being assigned to another academic advisor and/or thesis or dissertation advisor; and changing the supervision of the student's teaching or research assistantship. In order for these changes to be made and ratified appropriately, the faculty must disclose the consensual relationship to his or her superior, normally the chair, division head, or dean, and reach an agreement for remediation. In case of failure to reach agreement, the supervisor shall terminate the situation of authority.

Resources

Questions regarding this policy or what options may be available for resolving thesis or dissertation advisor; and changing the supervision of the student's teaching or research assistantship. In order for these changes to be made and ratified appropriately, the faculty must disclose the consensual issues arising under it may be referred to human resources staff, departmental chairs, the Office of the Provost, the Office of Student Development, or the Office for Institutional Equity.

Additional information may be found in the Duke University Harassment Policy and Procedures at and the Duke University Personnel Policy A-15 Employment of Relatives (Nepotism) at <http://www.hr.duke.edu/policy/ppm/a-15.htm>, and the Faculty Handbook <http://www.provost.duke.edu/fhb.pdf>.

Guidelines

The intent of the policy is primarily to be instructive and corrective. In addition, there is no intent either to intrude on the privacy of member of the Duke Community or to interfere with appropriate mentoring relationships.

Some examples of ways to help remove a conflict of interest include the following approaches:

- If a teaching assistant is interested in a student in his or her section, waiting until the end of the term before dating the student;
- Where a department chair has a personal relationship with any member of his or her department, seeing to it that the relationship is disclosed to the dean and arranging for the dean or other appropriate administrator to be responsible for evaluation or promotional decisions;
- When a manager has responsibility for supervising a romantic partner, arranging for an administrator *senior* to the manager to provide supervision of the subordinate. (Inserting a manager between the romantic parties in order to supervise the subordinate will not remove the conflict of interest, since the manager in the middle is still subject to pressure from above).