

University Policy 101.3, Relationships between Students and Faculty Members or Other University Employees

Executive Summary:

A faculty member, instructional assistant, or other University employee may not (absent exceptional circumstances and the implementation of an appropriate management plan) participate in the instruction, evaluation, or supervision of a student with whom there is an Amorous Relationship or Familial Relationship. Failure to disclose any such relationship prior to participating in the instruction, evaluation, or supervision of any such student is strictly prohibited and subject to disciplinary action.

I. Scope

This Policy describes the responsibilities of members of the faculty and other employees of UNC Charlotte with respect to disclosing amorous or familial relationships with students. It applies to all full- and part-time faculty and staff, including but not limited to graduate and undergraduate assistants (“University employees”).

II. Definitions

1. **Amorous Relationship:** An amorous relationship includes any intimate, romantic, dating or sexual relationship, or sexual conduct, to which the parties have given consent. Amorous Relationships include current and former relationships but exclude conduct within marriage.
2. **Evaluate or Supervise:** To assess, determine, or influence (a) a student’s academic performance, progress, or potential or (b) a student’s entitlement to or eligibility for any institutionally conferred right, benefit, or opportunity, or (c) to oversee, manage, or direct a student’s academic or other institutional activities.
3. **Familial Relationship:** A relationship between two related persons, whether the relationship is former or current. For the purposes of this Policy, “related persons” includes:
 - a. Parent and child;
 - b. Siblings;
 - c. Grandparent and grandchild;
 - d. Aunt and/or uncle and niece and/or nephew;
 - e. First cousins;
 - f. Step-parent and step-child;
 - g. Step-brother and step-sister;
 - h. Married persons;
 - i. Parents-in-law and children-in-law;
 - j. Brothers-in-law and sisters-in-law;
 - k. Guardian and ward;

- I. Anyone living in the same household or whose relationship is so closely identified with another as to suggest a conflict.

III. Policy

Central to the educational mission of the University is the establishment of collegial and professional relationships between those who teach and those who learn. University employees may not, absent exceptional circumstances, participate in the instruction, evaluation, or supervision of a student with whom there is a current or previous Amorous Relationship or Familial Relationship. Failure to disclose any such relationship prior to participating in the instruction, evaluation, or supervision of the student is strictly prohibited and subject to disciplinary action.

University employees who engage in Amorous Relationships with students with whom they also have an instructional, evaluative, or supervisory relationship risk the potential for exploitation of the student. Accordingly, reports of any such relationships must be provided to the [Title IX Office](#) to determine whether the manner in which the relationship was established or progressed violated [University Policy 502, Sexual Harassment and Interpersonal Violence](#) or [University Policy 504, Title IX Grievance Policy](#), which prohibit sexual harassment, including but not limited to quid pro quo harassment.

Even if Amorous Relationships do not violate [University Policy 502, Sexual Harassment and Interpersonal Violence](#) or [University Policy 504, Title IX Grievance Policy](#), having such a relationship or a Familial Relationship with a student over whom employees also have an instructional, evaluative, or supervisory relationship may give rise to a potential or actual conflict of interest.

IV. Implementation Procedures

Essential to the implementation of this Policy is avoidance of situations that may result in potential or actual conflicts of interest. Accordingly, it is important for members of the University community to be made aware of their responsibilities under this Policy. Such awareness will be promoted by publication of this Policy in the [Faculty Handbook](#) and distribution in faculty, staff, and teaching assistant orientation sessions.

A. Duty to Disclose

1. Duty to Self-Disclose

The inherent fact or semblance of a conflict of interest created by a current or previous Amorous or Familial Relationship must be self-disclosed by the University employee in order to avoid a potential violation of this Policy.

A change in an individual's status (e.g., employment, academic, relationship) that would establish a potential violation of this Policy (where one did not exist previously) creates a duty to disclose the conflict of interest as provided in Section IV.B below. For example, an employment action (e.g., new hire, promotion, position reclassification, reassignment of job responsibilities) may result in a potential violation.

Failure to disclose a conflict of interest or failure to disclose a change in status creating a

conflict of interest in a timely manner shall constitute a violation of this Policy and may result in disciplinary action, up to and including termination of employment.

2. Duty to Report

Any University employee who is aware of a possible violation of this Policy involving an Amorous Relationship is required to report the matter to the [Title IX Office](#). Any other person who is aware of a possible violation of this Policy involving an Amorous Relationship may report the matter to the [Title IX Office](#).

B. Self-Reporting Procedure

Whenever a situation creates or appears to create a conflict of interest under this Policy, the University employee must report it promptly to their supervisor, including the employee's Department Chair or Dean, as applicable. Supervisors must refer reports of Amorous Relationships to the [Title IX Office](#) to determine whether the manner in which the relationship was established or progressed violated the [University Policy 502, Sexual Harassment and Interpersonal Violence](#) or [University Policy 504, Title IX Grievance Policy](#), which prohibit sexual harassment, including but not limited to quid pro quo harassment.

The supervisor shall take immediate and effective action (in collaboration with the [Title IX Office](#), for reports involving Amorous Relationships) to ensure that:

1. the University employee member will no longer participate in the evaluation or supervision of the student concerned;
2. there will be un-conflicted evaluation or supervision of the student without compromising the student's progress toward the completion of his or her academic program; or
3. an appropriate conflict management plan is implemented.

Evaluative/supervisory situations that may be subject to action include, but are not limited to: faculty involvement in the evaluation of academic performance; service on committees for academic awards and prizes for which the student may be considered; thesis supervision; and supervision of research and teaching assistants. Deans should be kept fully informed by Department Chairs with respect to actions taken in response to self-reported conflicts of interest under this Policy.

C. Conflict Management Plan

If appropriate, following disclosure of an Amorous or Familial Relationship that creates or has the potential to create a potential or actual conflict of interest, the University employee's supervisor will oversee the development, approval and monitoring of a conflict management plan to avoid a violation of this Policy. Any such management plan must be reported to Academic Affairs, who will consult with any relevant Vice Chancellors as needed, for review and approval prior to implementation. Any such plans should prioritize the student and avoid any unnecessary disruption to the student's academic progress.

Employees who fail to adhere to an approved conflict management may be subject to

disciplinary action, up to and including termination of employment.

D. Amorous Relationship Review Procedure

To address a report of an Amorous Relationship, the [Title IX Office](#) will utilize its standard procedures, including but not limited to those established by [University Policy 502, Sexual Harassment and Interpersonal Violence](#), and [University Policy 504, Title IX Grievance Policy](#).

E. Familial Relationship Review Procedure

Any person who is aware of a possible violation of this Policy involving a Familial Relationship may report the matter to the employee's direct supervisor or Academic Affairs.

1. Upon receipt of a complaint or following self-disclosure by an employee that occurs after the employee held an instructional, evaluative, or supervisory relationship over a student with whom they have or allegedly have a Familial Relationship, the supervisor shall notify Academic Affairs. Further notice of the complaint or late self-disclosure should be limited to those who, in the interests of fair treatment and elimination of the conflict of interest, have an immediate need to know.
2. The supervisor, in collaboration with Academic Affairs will conduct a preliminary inquiry to identify whether the facts, as alleged, would constitute a Policy violation or whether there is sufficient evidence of a violation of this Policy, warranting further review.
3. The supervisor may interview the person who reported the matter, the faculty or staff member, the student concerned, and any other person believed to have relevant information. The supervisor may designate an investigator to conduct the inquiry. The supervisor (or designated investigator) may also obtain any University record deemed necessary to the inquiry and may request from relevant parties or other sources any documents or other information which will be of assistance. The inquiry should:
 - a. Afford the University employee a full opportunity to respond to the allegations;
 - b. Determine whether the reported Familial Relationship exists in fact and has created an inappropriate conflict of interest;
 - c. Determine whether the University employee has failed in their responsibility under this Policy to self-report or remove an inappropriate conflict of interest;
 - d. Explore and assist with options to end any inappropriate conflict of interest, including the transfer of responsibility for evaluating, supervising, or advising the student; and
 - e. Review the appropriateness of any academic or other applicable decisions made by the University employee that may have been made when a conflict of interest existed.
4. After having considered the evidence collected and the report (if any) of a designated investigator, the supervisor will prepare a written Preliminary Report to Academic Affairs, which will summarize the facts and recommend whether the facts, as established, applying a preponderance of the evidence standard, support a finding that this Policy has been violated. The Preliminary Report will also recommend appropriate remedial

action, including appropriate disciplinary action and/or a management plan that minimizes the disruption for the student. The University employee will be provided a reasonable opportunity to review and comment in writing upon the Preliminary Report.

5. After considering such response to the Preliminary Report as the University employee may choose to make, Academic Affairs will reach a final decision on whether this Policy has been violated. Academic Affairs may:
 - a. Determine that the facts as alleged, even if substantiated, would not constitute a Policy violation or that there is insufficient evidence to establish a Policy violation and, in either event, dismiss the complaint (see Section IV.E.7, concerning the disposition of records in such cases); or
 - b. Conclude, using the procedures specified above, that the matter can be resolved informally to Academic Affairs's satisfaction through informal means and the elimination of the conflict of interest prohibited by this Policy; or
 - c. Conclude that this Policy has been violated and recommend to the applicable Vice Chancellor that the University employee should be subject to specific disciplinary sanctions. In determining whether disciplinary sanctions are appropriate, Academic Affairs shall consider such matters as the nature and length of the conflict of interest, the number and significance of decisions made by the University employee during which the conflict existed, the University employee's cooperation with the review, and evidence concerning the University employee's willful violation and disregard of this Policy.
6. Any sanction imposed for a violation of this Policy may be imposed only in accordance with the disciplinary procedure applicable to the University employee's category of employment. Recommended sanctions may include a letter of reprimand, suspension (with or without pay), diminishment in rank, or discharge from employment, depending upon the seriousness of the offense. A University employee found to have violated this Policy may agree voluntarily to the imposition of an appropriate sanction, and the complaint will be resolved upon imposition of the sanction. If the University employee does not voluntarily agree to imposition of a sanction, the procedures governing discharge from employment or the imposition of serious sanctions applicable to his/her category of employment will be applied.
7. Except for those actions which result in the imposition of a sanction for violation of this Policy, no record of self-reported conflicts under Section IV.B of this Policy or of complaints submitted under Section IV.D or Section IV.E will be kept as part of any University employee's official personnel file. However, all such records shall be maintained in accordance with the University's records retention and disposition schedule, as set forth in [University Policy 605.3, Retention, Disposition, and Security of University Records](#).

Revision History:

- Initially approved December 9, 1994

- Revised December 8, 1995
- Revised June 7, 1996
- Revised _____

Authority: Chancellor

Responsible Office: Academic Affairs

Related Resources:

- [Faculty Handbook](#)
- [UNC Board of Governors Policy 300.4.1, Improper Relationships Between Students and Employees](#)
- [University Policy 502, Sexual Harassment and Interpersonal Violence](#) • [University Policy 504, Title IX Grievance Policy](#)
- [University Policy 605.3, Retention, Disposition, and Security of University Records](#) • [Title IX Office](#)