

# **IOWA**

# **Consensual Relationships Involving Students Policy**

Working Group Report

---

**Ana M. Rodríguez-Rodríguez, PhD**

**Tiffini Stevenson Earl, JD**

**(co-Chairs)**

## TABLE OF CONTENTS

|   |           |
|---|-----------|
| <b>1. Preamble</b> .....                    | <b>3</b>  |
| <b>2. Process</b> .....                     | <b>4</b>  |
| <b>3. Recommended Changes</b> .....         | <b>5</b>  |
| <b>4. Appendix</b> .....                    | <b>7</b>  |
| <b>A) Controversy</b> .....                 | <b>7</b>  |
| <b>B) Policy in Peer Institutions</b> ..... | <b>8</b>  |
| <b>C) Faculty Senate Survey</b> .....       | <b>13</b> |
| <b>D) New Policy Draft</b> .....            | <b>27</b> |

## 1. PREAMBLE

The University of Iowa holds itself to the highest standard of professional and scholarly ethics, and all members of the campus community are accountable for their decisions and actions, while exercising responsible stewardship of the resources with which they are entrusted and treating one another with honesty and fairness. The University achieves excellence by attracting and retaining a diverse, talented population of students, faculty, and staff, and building a welcoming and inclusive environment in which individuals feel valued and respected and can thrive. Consensual relationships between the University's faculty members or other instructors and its students, if not thoughtfully regulated, can negatively impact student, faculty, and staff well-being and interfere with the University's achievement of its institutional mission. In the past few years, there has been an evolving understanding of how these relationships can impact students' learning environments. Colleges and universities across the country have responded by accelerating the pace at which they adopt new policies or revise existing ones, taking into account that the teacher-student relationship lies at the foundation of the educational process and faculty members have a responsibility to avoid any apparent or actual conflict between professional responsibilities and personal relationships with students.

In light of these developments, and to ensure that the University's policies meet its needs, in fall 2022, a Working Group sponsored by Faculty Senate and the Office of Institutional Equity (OIE) was formed with the following charge:

- Reviewing research and best practice around consensual relationships policies at institutions of higher education.
- Reviewing similar policies from peer institutions.
- Meeting with various stakeholders, including the confidential offices, to outline the strengths and weaknesses of the current policy.
- Outlining recommended changes to the policy.

The **Working Group** was composed of the following members:

- Ana M. Rodriguez-Rodriguez, Associate Professor, Department of Spanish and Portuguese; Faculty Senate President 2022-2023 (co-chair)
  - Tiffini Stevenson Earl, Director of Equity Investigations and ADA Coordinator, Office of Institutional Equity (co-chair)
  - Doris Witt, Associate Professor, Department of English; Chair of the Faculty Senate Policy and Compensation Committee
  - Naomi Greyser, Associate Professor, Departments of English and Gender, Women's and Sexuality Studies
-

- June Tai, Clinical Professor of Law, College of Law
- Jenna Yang, Undergraduate Student Government
- Eric Field, Graduate and Professional Student Government
- Lois Geist, Associate Provost for Faculty, Office of the Provost
- Todd Rent, University Human Resources
- Teri Schnelle, Office of the Vice President for Student Life (project manager)

Deliverables: The Working Group was responsible for delivering the following:

- Provide regular updates on progress to the Anti-Violence Coalition.
- Report outlining themes from research, best practice, and stakeholder meetings and recommended policy changes.
- OIE directors will share the recommended policy changes with Shared Governance Leaders, the President, the Provost, Associate Vice President of Diversity, Equity and Inclusion, and Associate Vice President for Human Resources.

## 2. PROCESS

The Working Group analyzed the consensual relationship issue in detail. It reviewed and evaluated the current Policy on Consensual Relationships Involving Students, as well as the policies adopted by a number of the University's public and private peers. To understand the campus community's views on the consensual relationship issue, the Working Group engaged with stakeholders from across the campus community. It held Zoom meetings with students, both undergraduate and graduate/professional, faculty members, administrators, and other academic leaders. Students who participated in these meetings were suggested by leaders of the Undergraduate Student Government Group (USG) and the Graduate and Professional Student Government Group (GPSG). To ensure it considered the views of faculty, the Working Group also surveyed the members of Faculty Senate, the shared governance body of the faculty at the University of Iowa (See Appendix). The topic was also discussed amongst Faculty Senate officers and in Faculty Policies and Compensation Committee, whose Chair is also a member of the Working Group. Additionally, the group met regularly for discussion, debate, and reflection. Throughout its deliberations, the Working Group recognized that an effective consensual relationships policy should balance individuals' decisional autonomy and the University's legitimate interest in fulfilling its institutional mission.

Based on its study of the consensual faculty-student relationship issue, the Working Group concluded that the University's current Policy on Consensual Relationships Involving Students no longer serves the campus' needs. This current policy is essentially a conflict-of-interest-management policy; it does not prohibit instructors from engaging in consensual romantic and/or sexual relationships with any

students as long as they have no direct institutional decision-making responsibilities for the students with whom they are involved. The current policy focuses on issues of nepotism and bias but does not account for increased awareness around misuse of power and sexual abuse in academic settings. This approach does not adequately account for the institutional power differences between faculty and students. Nor does it address the negative impact that these relationships can have on the campus' professional and educational climate. This shortcoming is particularly concerning when the faculty member and student share an academic unit. Finally, the policy lacks adequate procedures for its implementation and sanction for policy violations.

Accordingly, the Working Group believed that a revised policy that addresses the above issues should be implemented. The co-chairs wrote a draft of a revised policy (see Appendix (D)) that was shared in fall 2023 with all members of the Working Group, Faculty Senate officers, and several administrators for comments and suggestions.

## 3. RECOMMENDED CHANGES

Proposed recommendations are different for undergraduate and graduate/professional students, due to the generally peripatetic quality of the undergraduate experience and the more limited campus-wide experience of graduate/professional students, normally working in a single unit (department, academic program, discipline, or division, as appropriate). The same can be said regarding relationships between TAs and undergraduate students, since the power differential mitigates itself once individuals are no longer in a supervisory or teaching professional relationship.

To summarize, the Working Group suggests the revised policy:

1. Include a clear, updated definition of “consensual relationships” as any sexual, physically intimate, amorous, romantic, or dating relationships of any kind;
2. Prohibit all consensual relationships between instructors (defined as tenure-system, specialized, visiting, and adjunct professors and academic staff with teaching and related responsibilities) and undergraduates;
3. Prohibit all consensual relationships between instructors (defined as tenure-system, specialized, visiting, and adjunct professors and academic staff with teaching and related responsibilities) and any graduate or professional student, Postdoctoral Associate or Fellow, or Clinical Resident or Fellow which creates a conflict of interest because one of the following three conditions exists: (i) both parties are in the same academic program, discipline, or department; (ii)

the instructor teaches, manages, supervises, advises, or evaluates the other party to the relationship in any way; or (iii) the instructor is in a position in which they are able to materially influence the educational opportunities or career of the other party. This includes, for example, any instructor who teaches in a graduate or professional student's department, academic program, discipline, or division. An individual employed in an administrative capacity (e.g., a Dean, Director, or Department Chair) is considered to have the ability to influence the educational opportunities or career of all students, Postdoctoral Associates and Fellows, and Clinical Residents and Fellows within the unit of their jurisdiction;

4. Prohibit graduate and undergraduate teaching assistants from holding any institutional responsibilities for any students with whom they currently have, or with whom they have had, consensual relationships;
5. Establish a process for granting narrow, case-by-case exceptions to these prohibitions based on stringent evaluative criteria, such as situations where the instructor and student were in a consensual relationship prior to the student gaining their status as such. In these cases, the situation should be managed as follows:
  - a. The instructor immediately reports the relationship to their supervisor/DEO, and to the administrator who supervises the DEO; and
  - b. The instructor cooperates in actions taken to eliminate any actual or potential conflicts of interest and to mitigate adverse effects on the other party to the relationship.
6. Specify that faculty members and other instructors who violate the policy are subject to discipline up to and including dismissal from the University.

With respect to implementation, steps must be taken to raise campus awareness of the University's consensual relationships policy. Based on conversations the Working Group had with various campus community members, we believe many members of the campus community are unaware of the current policy's existence, let alone its contents. The Working Group therefore recommends that these concerns be directly addressed in any training or education the University provides relating to its consensual relationships policy. Additionally, the Working Group recommends that reporting of, and decisions made with respect to, consensual faculty-student relationships involve multiple University officials at both the campus and unit levels. These officials should implement the policy in a way that protects student well-being and minimizes disruptions in their studies to the fullest extent practicable.

## 4. APPENDIX

### A) CONTROVERSY

Most of the Working Group discussions focused on the tension between institutional mission and individual autonomy. Consensual relationship policies impose institutional constraints on intimate interactions between consenting adults that would be permissible in many other (particularly private) contexts. They accordingly create some tension between the institution's interest in advancing its educational mission and the individual's interest in preserving their decisional autonomy. Adopting institutions must therefore answer two practical questions: How should a consensual relationship policy balance those interests, and which policies best reflect that balance?

This individual-institutional tension arose most frequently and most clearly during the Working Group's discussions in the context of students' capacity to consent to relationships with faculty members. Are the institutional power dynamics between faculty members and students so asymmetrical that the University can never be confident that students freely enter intimate relationships with faculty? If the University assumes that students can give meaningful (i.e., uncoerced) consent, how should their decisional autonomy be balanced against the University's legitimate interest in fulfilling its educational mission? Does the answer differ depending on the category of student (undergraduate vs. graduate or professional student)?

In recent years, a wave of institutions has moved to restrict consensual relationships between students and their professors. The rationale behind these restrictions is the acknowledgment that "consensual" relationships may be less consensual than the individual whose position confers power believes. The apparent consensual nature of the relationship is inherently suspect due to the fundamental asymmetry of power in the relationship and it thus may be difficult to establish consent as a defense to a charge. Even when both parties consented at the outset to a romantic or sexual involvement, this past consent does not remove grounds for or preclude a charge or subsequent finding of sexual harassment based upon subsequent unwelcome conduct.

While all Working Group members agreed that our campus needs some restrictions regarding consensual relationships involving students, some of them expressed concerns about a policy that would introduce new restrictions that might violate the individual rights of both students and faculty to have a personal relation with another consenting adult, even in a student-instructor situation. Several other members of the Group defended that, given the inherent power differentials involved,

# IOWA

students –especially undergraduates– do not have a meaningful ability to consent to any relationships with faculty members. These faculty added that international students (undergraduate or graduate), and doctoral students are particularly vulnerable in these situations. Some felt that undergraduates should never be placed in the position of having to confront a faculty member who would express a romantic/sexual interest. They felt that instructors’ professional responsibilities are simply incompatible with viewing or pursuing students romantically or sexually. In addition, these faculty believe that faculty-student relationships would contribute to a sexualized campus atmosphere detrimental to the professional standards the University aims to foster.

International students are a particularly vulnerable group, since they are usually separated from their social support networks and/or families and may also be unfamiliar with American norms concerning campus interactions due to isolation, loneliness or misunderstanding of expected professional relationships in a university setting. Fear of reprisal is compounded by immigration status concerns, which add to the special vulnerability of international students.

Even if students could consent to relationships with faculty members, some Working Group members felt that allowing them to do so would inevitably harm the necessary climate necessary to fulfill the university’s academic mission. These relationships bring negative consequences also for individuals not involved in the relationship, as other students will most probably feel that the student in the relationship has an unearned advantage that necessarily causes harm to everyone else. The faculty member’s colleagues could also be negatively impacted. Students might question their impartiality and integrity for allowing such a relationship, and the perceived favoritism it produces, to continue. Finally, the institution’s reputation could suffer if it is perceived as a place that tolerates faculty exploitation of students.

## **B) POLICIES IN PEER INSTITUTIONS (Iowa Regents Universities, BTAA and Others)**

Tara Richards, an associate professor of criminal justice at the University of Baltimore, co-wrote a 2014 study of 55 institutions’ student-faculty dating policies saying that consensual relationships were viewed in previous generations as “private matters” and ignored by administrators, except where harassment was alleged. Fear of legal liability and increasing acknowledgement of academic power structures changed that, leading institutions to adopt a mix of policies regarding these



relationships. That mix led to subsequent “confusion” about community norms, however, according to the study.<sup>1</sup>

At the time of Richard’s study, only Yale University had banned undergraduate-faculty dating. But as institutions increasingly came under scrutiny for their enforcement (or lack thereof) of Title IX of the Education Amendments of 1972, which prohibits gender-based discrimination in education, other campuses followed suit. Consistent with a countrywide trend toward more restrictive consensual relationship policies, some of the University of Iowa’s peers recently adopted quite restrictive consensual relationship policies. It is relevant here to explain some of the justifications for these institutions’ new policies.

In one example, **Northwestern University** -- which saw a case of alleged assault involving a professor and an undergraduate<sup>2</sup> (and, later, a graduate student) -- banned dating all undergraduates in 2014. Its rationale for doing so, stated in the policy itself, sums up much of the thinking behind blanket bans on undergraduate-faculty dating.

“When undergraduate students are involved,” the policy says, “the difference in institutional power and the inherent risk of coercion are so great that no faculty member or coaching staff member shall enter into a romantic, dating, or sexual relationship with a Northwestern undergraduate student, regardless of whether there is a supervisory or evaluative relationship between them.” Northwestern’s policy on graduate student-faculty dating restricting relationships where an evaluative authority exists reflects a Title IX-era trend, as well. Northwestern previously banned relationships between graduate students and faculty supervisors. But the new policy said that relationships between a faculty member and a graduate or professional student in the same department or program must be disclosed to the department chair, to manage the potential conflict of interest.

Cornell University banned romantic relationships between professors and graduate or professional students “whenever the faculty member exercises direct academic authority over the student or is likely to in the foreseeable future,” also are prohibited. The latter policy was a compromise, following debate over an earlier version that would have banned dating between graduate students and professors in the same program. Additionally, “Any member of the Cornell community who has, or

---

<sup>1</sup> Richards T. N., Crittenden C., Garland T. S., McGuffee K. (2014). An exploration of policies governing faculty-to-student consensual sexual relationships on university campuses: Current strategies and future directions. *Journal of College Student Development*, 55(4), 337–352.

<sup>2</sup> In 2008, a faculty member at the University of Iowa was found in violation of the Sexual Harassment Policy for requesting sexual favors in exchange for grades from several undergraduate students, and sexually assaulting one of those students, enrolled in his course. Criminal charges were also filed against the faculty member and a few days after being released on bail, he fatally shot himself in a remote area of an Iowa City park. Even though this matter was investigated under the Policy on Sexual Harassment, there was overlap with the CRIS policy and it highlights the importance of the power differential/influence a faculty/instructor has over students and the importance of protecting vulnerable populations.

has had, a sexual or romantic relationship with a current student or current postgraduate is prohibited from exercising academic or professional authority over that student or postgraduate.”

With narrow exceptions, since 2019 faculty members at the **University of Michigan** are prohibited from having romantic or sexual relationships with undergraduate students on any of the three U-M campuses following significant revisions to the university’s policy on faculty-student relationships. Additionally, faculty are prohibited from having sexual, romantic, amorous and/or dating relationships with any graduate or professional student in the same discipline or academic program as the faculty member, or over whom the faculty member had, has or might reasonably be expected to have academic or supervisory authority. It also adopted a more limited prohibition on faculty-graduate student relationships where the faculty member has academic or supervisory authority over the graduate student, or where the faculty member and the graduate student are in the same academic discipline. Michigan’s justifies these policies in relation to the unique role its faculty members play in educating its students. It explained that it “strives to create and maintain a community that enables each person to reach their full potential,” that “[t]he teacher-student relationship lies at the foundation of the educational process,” and that “an overarching goal for the context of the faculty-student relationship is to create a professional, productive, and equitable environment for independent learning and academic growth.” It further explained that improperly regulated faculty-student relationships undermine achievement of these goals: “At its worst, the inherent imbalance in the power dynamics between faculty and students can lead to real or perceived exploitation of the power differential.” Michigan understands the less decisional autonomy for undergraduates than for graduate students in this policy originating from the fact that undergraduates are less tied to a single academic unit than are graduate students; they tend to interact with a broader variety of instructors throughout campus. The broader policy approach seems to respond to an understanding that their consensual relationships may not be limited to specific academic units or disciplines. Identifying undergraduates’ home units at any given time would prove quite difficult, considering the fluidity of their educational experiences (ability to change majors and minors, general education requirements outside of declared majors, etc.).

The **University of Illinois** adopted in 2020 a policy with many similarities to the University of Michigan’s. Since then, the University of Illinois prohibits all consensual relationships between faculty members and undergraduate students; also, consensual relationships between faculty members and any graduate or professional students for whom that faculty member currently has, has had, or might reasonably be expected to have any institutional responsibilities are forbidden. In addition, the policy prohibits consensual relationships between faculty members and any graduate

---

or professional students in the same academic unit(s) to which the faculty member is appointed, regardless of institutional responsibilities.

The University of Illinois understands that “fully consensual faculty-student relationships can substantially interfere with the campus’ core educational mission” particularly in the case of undergraduates, whose experience tend to be fluid, since “undergraduates apply for admission to particular colleges or majors, the admissions process is centralized. Students are encouraged, and in some instances required, to take courses in a variety of academic disciplines across the campus. Accordingly, they may take several courses in a unit or discipline without officially declaring it a major or a minor. They are not required to declare their majors or minors until late in their studies, and some do not declare minors, dual degrees, and/or double majors until their senior years. Depending on when they declare their majors or minors, they may retain the option of switching to different ones prior to graduation.” The restrictions do not extend to relationships between undergraduates and other instructors (graduate and undergraduate teaching assistants, academic professionals with teaching and related responsibilities). Accordingly, graduate student TAs are prohibited from having any institutional responsibilities (teaching, grading, advising, etc.) for any undergraduates with whom they have or have had consensual relationships. This less restrictive approach is warranted because, as compared to tenure-system and specialized faculty, these other instructors generally have shorter and more clearly defined employment periods, their services are often limited to a single semester or academic year, the tasks they perform are more limited in scope (providing content for a single course, overseeing a single academic program, etc.), they are not invested with the same responsibility for institutional governance, do not wield the same amount of formal or informal institutional power, and are more easily subject to the campus’ various remedial measures (up to and including termination). Moreover, graduate students frequently perform their educational duties at the direction and under the supervision of a faculty member. That the numerous contributions of graduate student TAs and similarly situated instructors are vital to maintaining the University’s excellence in teaching, research, and service is a proposition so obvious as to fall squarely beyond peradventure. Nevertheless, these instructors have less institutional power than their tenure-system and specialized faculty colleagues, and thus their consensual relationships with undergraduates are less likely to interfere with the University’s educational mission.

Adopted in April 2019, **Princeton’s** new policy is more restrictive than Michigan’s and Illinois’. Princeton previously prohibited faculty-undergraduate consensual relationships. It has now extended that prohibition to all faculty-student relationships. In a short prefatory statement, the Princeton policy asserts that faculty-student relationships “raise [...] concerns such as conflict of interest, abuse of authority, and unfair treatment,” regardless of whether “the relationship is

considered consensual by both participants.” Even when a relationship is genuinely consensual—when it is freely entered and/or maintained by both the faculty member and by the student—Princeton’s position is that “relationships involving individuals of different University status have the potential to have an adverse impact on others in the University community.” Therefore, Princeton believes that the mere existence of consensual faculty-student relationships on its campus—even between faculty members and students who will never have any institutional contact—creates negative externalities that undermine achievement of its educational mission. Princeton treats consensual relationships as irretrievably problematic per se regardless of whether they involve undergraduates or graduate students.

A number of universities have CRIS policies that generally fall into three categories regarding undergraduate students: discouragement, limited ban, and total ban.

### **1. Schools that strongly discourage, but have few official policies against consensual relationships.**

**BTAA:** Ohio State University

### **2. Schools that have policies forbidding relationships when faculty have any official authority over the student.**

**BTAA:** Indiana University, Iowa State University, Penn State University, Purdue University, University of Maryland, University of Minnesota, University of Wisconsin.

**Others:** University of Carolina-Chapel Hill, University of Northern Iowa, Columbia University, Georgetown University, University of Oregon.

### **3. Schools that prohibit all consensual relationships between faculty and undergraduate students, regardless of the faculty’s position (including the year when the policy became official).**

**BTAA:** Michigan State University (2019), Northwestern University (2014), Rutgers University (2020), University of Illinois (2020), University of Michigan (2022), University of Nebraska-Lincoln (2023).

A number of **private schools** have categorically banned all relationships between undergraduates and faculty members even if there are no academic ties between the two parties, including: Brown University, College of William and Mary, Columbia University, Duke University, Harvard University, MIT, Princeton University, Stanford University, University of Chicago, University of Pennsylvania, Yale University.

## C) FACULTY SENATE SURVEY

In the spring of 2023, Faculty Senate surveyed its members to have a sample of faculty's opinions about this issue on campus. The survey included the following questions, which were answered by 35 senators (out of 80 Faculty Senate members), with the following answers:

**Do you think that the currently policy should be changed to further limit consensual relations between undergraduate students and faculty?**

Yes: 42.86%

No: 57.14%

**Do you think that the currently policy should be changed to further limit consensual relations between undergraduate students and TA's?**

Yes: 31.43%

No: 68.57%

**Do you think that the currently policy should be changed to further limit consensual relations between graduate students/post-doctoral fellows/medical residents and faculty in the same program?**

Yes: 42.86%

No: 57.14%

**Do you think that the currently policy should be changed to further limit consensual relations between graduate students/post-doctoral fellows/medical residents and faculty in different programs?**

Yes: 22.86%

No: 77.14%

# DEFAULT REPORT

*Consensual Relationships Involving Students Policy Survey*

May 17th 2023, 9:02 am MDT

Q4 - What is your college?

# IOWA

What is your college?

Nursing (1)

Medicine (9)

CLAS (13)

Law (1)

Pharmacy (1)

Business (1)

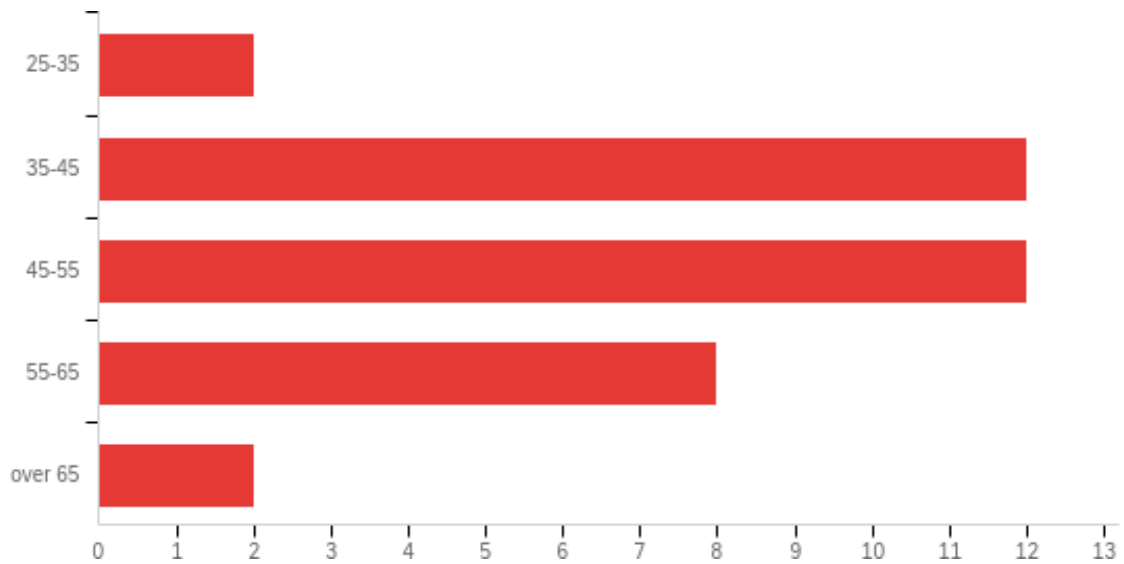
Engineering (3)

Public Health (1)

Education (1)

Dentistry (3)

Q5 - What is your age?

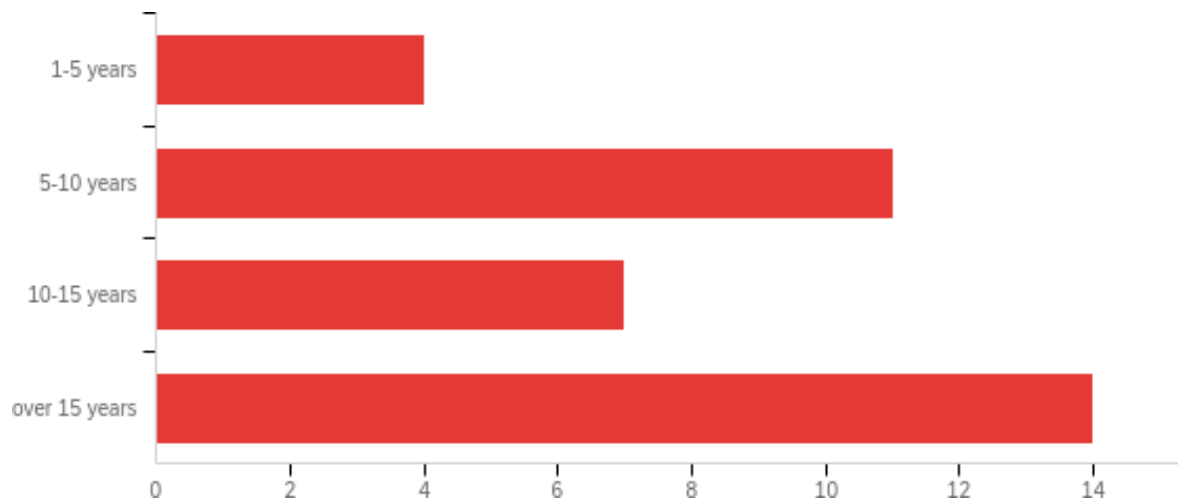


# IOWA

| # | Field             | Minimum | Maximum | Mean | Std Deviation | Variance | Count |
|---|-------------------|---------|---------|------|---------------|----------|-------|
| 1 | What is your age? | 1.00    | 5.00    | 2.89 | 0.99          | 0.99     | 36    |

| # | Answer  | %      | Count |
|---|---------|--------|-------|
| 1 | 25-35   | 5.56%  | 2     |
| 2 | 35-45   | 33.33% | 12    |
| 3 | 45-55   | 33.33% | 12    |
| 4 | 55-65   | 22.22% | 8     |
| 5 | over 65 | 5.56%  | 2     |
|   | Total   | 100%   | 36    |

Q6 - How long have you worked at the University of Iowa?



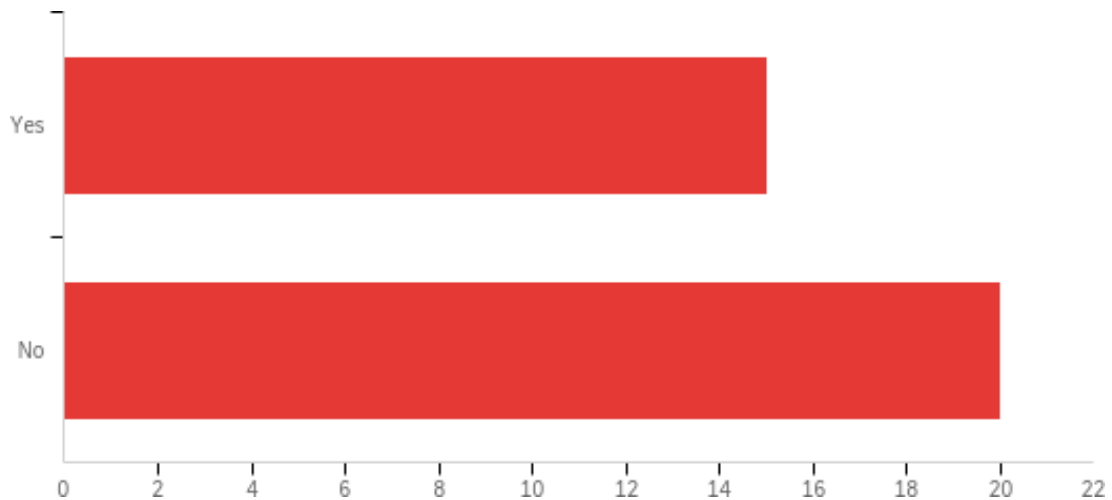
| # | Field   | Minimum | Maximum | Mean | Std Deviation | Variance | Count |
|---|---|---------|---------|------|---------------|----------|-------|
| 1 | How long have you worked at the University of Iowa? | 1.00    | 4.00    | 2.86 | 1.06          | 1.12     | 36    |

# IOWA

| # | Answer        | %      | Count |
|---|---------------|--------|-------|
| 1 | 1-5 years     | 11.11% | 4     |
| 2 | 5-10 years    | 30.56% | 11    |
| 3 | 10-15 years   | 19.44% | 7     |
| 4 | over 15 years | 38.89% | 14    |
|   | Total         | 100%   | 36    |

## Q8 -

Do you think that the currently policy should be changed to further limit consensual relations between undergraduate students and faculty?



| # | Field                                  | Minimum | Maximum | Mean | Std Deviation | Variance | Count |
|---|--|---------|---------|------|---------------|----------|-------|
| 1 | ...undergraduate students and faculty? | 1.00    | 2.00    | 1.57 | 0.49          | 0.24     | 35    |



| # | Answer | %      | Count |
|---|--------|--------|-------|
| 1 | Yes    | 42.86% | 15    |
| 2 | No     | 57.14% | 20    |
|   | Total  | 100%   | 35    |

Q9 - Please explain your answer:

Please explain your answer.

It's a small town, everyone will be in conflict with everyone else very quickly. Hard to restrict relations strictly. Just need to make sure, people in relationships are not directly supervising.

This is a clear abuse of power situation. Even though the relationship is consensual, you can't get away from the power dynamic at play. It would be good to codify the relationship parameters in an official policy.

Even consensual relationships, without a policy discouraging this sort of relationship will leave the university in a precarious position if the relationship sours.

The current policy is carefully tailored to prohibit faculty from having relationships with students over whom they have supervisory or evaluative authority. This serves both to prevent abuse of that authority and, in connection with the prohibition on evaluation of persons with whom a faculty member has a relationship, forestalls any actual or perceived bias. That seems sufficient to address any legitimate institutional concerns about faculty-student relationships. Frankly, however, it is hard to address the merits of any further limits without knowing a) what is being proposed, and b) why it is being proposed. You've asked, so I've answered. But it doesn't seem to me that an academic institution should be asking broad policy questions like this without providing any background information necessary for a person to answer the question intelligently.

I would like to see UI more clearly communicate and inform constituents about this policy, as something that cultivates a fair and inclusive workplace. The web presence needs clarifying and also amplification in various corners of uiowa.edu. I would like to see more explicit prose acknowledging the positive impact of coming forward and disclosing consensual relationships on this website. And it would be useful to see more information about the negative impact of faculty-undergraduate romantic relationships not only on those most directly involved, but also on the environment of classrooms and departments for everyone. the above are not necessarily about the policy? But the policy would benefit from naming the ambient negative impact of non-disclosure not only on those involved in relationships but on classmates, colleagues and others.

I am not sure how to answer. In my perspective, amendments and/or changes to any policy should arise because of a real (even if perceived) need, whether it is due to lack of clarity or foresight. I have no idea what aspects of this policy would be subject to change. I would not support review/discussion just for the sake of review/discussion (I am a new Senator, but I imagine there are other matters on our agenda), nor can I blindly support changes to this policy without additional explanation and rationale.

I do not it is appropriate for faculty to engage in consensual relationship with undergraduate student

---

UG students in same program/department should not date faculty as it can have the appearance of favoritism even if that is not true. Also possibility of later conflicts that need special management is too high. It may be best to say faculty/UG romantic relationships are forbidden regardless of program/department.

---

I'm guessing here you mean ALL undergraduate student and faculty relationships, whether or not they are in the same department. Relationships within the same department should not be prohibited, even without the faculty member being a current instructor of a course since the faculty member could still significantly impact that student's success within the department.

---

I think the current policy is sufficient

---

Appears to be appropriately limited currently

---

I think the restrictions in the policy provide sufficient protection. the only caveat is that is that even if the instructor and student are not in an instructional context now, care should be taken to make sure that they will be able to continue to avoid instructional contexts in the future- and it should be the instructor's task to secure that (making Sure that the student will not be required to take a class with instructor int he future, and that the student will have alternatives)

---

Current restrictions cover what's needed.

---

It is very clear that any romantic relationship between undergraduate students and faculty are prohibited.

---

This is wrong and it feels like even leaving the door open is some weird vestige of "patriarchy" or something. I should not be dating women LESS THAN HALF MY AGE when I'm the youngest tenure track faculty member I know. That seems straightforward to me and contorting ourselves into policies that condone doing so, taking the time to craft careful policies around it, seems silly. I like a nice clean policy here, like "NO". Yes, I grasp that the age thing and ageism in general need not shape our conceptions of the policy entirely but I still feel like I'm arguing that nobody needs an AR-15 to hunt deer and there's like 2 faculty out there saying, "NOPE, sometimes you really gotta hose down a whole herd of deer at once."

---

Even at a large institution, it's likely that an undergraduate student would have friends or acquaintances who are taking courses with the faculty member even if they aren't themselves taking courses in that program. The potential for the appearance of conflict or impropriety seems large with any faculty - undergrad relationship.

---

I would have selected "maybe," if it were an option. Explanation: perhaps I did not fully understand, but the current policy may leave some gaps with respect to friends/colleagues/collaborators (could same academic department/program, but maybe not). For example: Professor A is in a consensual relationship with Student X, but does not serve as Student X's instructor. If Professor B is an instructor for Student X, and also happens to be a friend,

---

---

colleague, or collaborator with Professor A, might they indirectly favor (or disfavor) Student X?

---

It seems appropriate. It strongly prohibits such relationships where a student is in a faculty member's class, and discourages it when the student has the capacity to be in such a class (i.e., in a college or department).

---

No romantic and/or sexual relationship between faculty and students is acceptable

---

There should be no intimate relationships with faculty while a student is matriculated at any university

---

As faculty, 'we' hold power over students regardless of whether or not we have administrative responsibility for their education. Abuse of power.

---

No consensual relationships should be allowed, even after the student has left the instructor's classroom, lab, etc.

---

I don't think consensual relationships between current undergraduate students and faculty can ever be appropriate.

---

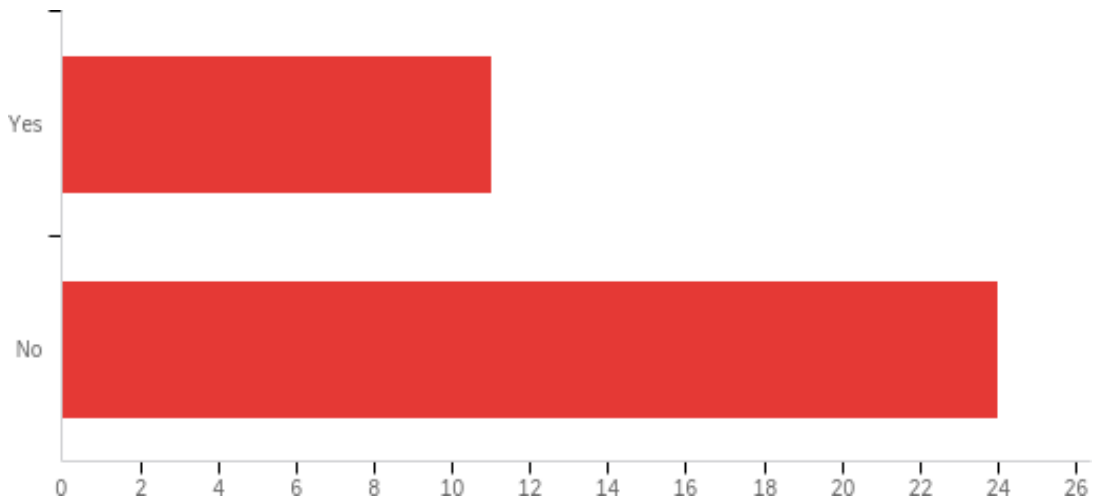
I have read the policy in detail, and I think it's perfectly fine the way that it is. It strongly discourages relationships between faculty and students, without prohibiting them completely unless there is a direct supervisory relationship. I believe that it is well-written. I don't think that we can enact a policy that completely forbids faculty/student relationships without qualifying it with regard to age, which would constitute ageism. Some people are professors when they are 25 years old, and others are students at the age of 30. I know of a 25-year-old professor who was married to a 23-year-old undergraduate, and I don't think anyone viewed this as a problem. The policy is fine as is.

---

UGs fall under the definition of "student" Faculty fall under, and are included as an example, the definition of 'Instructor' - UGs may be added to list for 5.2b

## Q10 -

Do you think that the currently policy should be changed to further limit consensual relations between undergraduate students and TA's?



| # | Field                               | Minimum | Maximum | Mean | Std Deviation | Variance | Count |
|---|-------------------------------------|---------|---------|------|---------------|----------|-------|
| 1 | ...undergraduate students and TA's? | 1.00    | 2.00    | 1.69 | 0.46          | 0.22     | 35    |

| # | Answer | %      | Count |
|---|--------|--------|-------|
| 1 | Yes    | 31.43% | 11    |
| 2 | No     | 68.57% | 24    |
|   | Total  | 100%   | 35    |

Q11 - Please explain your answer.

---

same reason as above

---

Definitely needs to be a policy. We have had numerous issues with this in our department. There is a very dangerous precedent set if current TAs are allowed to flirt, pursue, and/or date their undergraduate students. After a student has left the class, the relationship may be pursued. But if a student is again in a TAs class after a relationship has begun, it should be reported and the UG student or the TA need to switch sections.

---

Even consensual relationships, without a policy discouraging this sort of relationship will leave the university in a precarious position if the relationship sours.

---

Again. Same answer as above. TAs are forbidden from having relationships with students in their sections or from supervising students with whom they already have a relationship. Without more information, I can't think of a reason why this isn't a sufficient restriction. Are we going to now forbid all teaching grad students from ever dating an undergraduate?

---

see above

---

ditto

---

Instructional context is currently forbidden. There should be some disclosure (maybe) for UG/TA relationships in the same department, especially if later instructional issues occur.

---

This is tricky territory as a faculty member in a college that has a lot of undergraduate TAs - My answer is yes, I don't think TAs should have a relationship with someone in a class they are TAing for as the same potential conflict exists.

---

I think the current policy is sufficient

---

Appears to be appropriately limited currently

---

Current restrictions cover what's needed.

---

This is not as clear in the provided documentation.

---

These differences in maturity and power are much more subtle and I'm much more willing to believe that there can be earnest, lovely relationships formed here, so long as the boundaries I just read are adhered to. As I read it, any TA who crosses the line is going to get fairly thoroughly admonished here, seems fine.

---

Given typical ages of undergraduate students and TAs, I think that there more complexities in adding restrictions to TAs. I am aware of a TA who was dating a slightly older/non-traditional undergraduate student. They were both in their mid-20s, but at different stages in their educational careers. The undergraduate made a point of not enrolling in any courses taught by the TAs department to avoid any awkwardness. I think these types of situations are fairly common and shouldn't be a problem given the frequent overlap in ages in these groups.

---

It strongly prohibits such relationships where an undergraduate is being taught by a TA. But in other contexts, especially with the growth of 4+1 programs, and the general size and complexity of the university (where an adult undergraduate may meet and date a TA from a completely different unit) this does not seem problematic.

---

No romantic and/or sexual relationship between undergraduates and TAs is acceptable

---

There should be no intimate relationships with TAs while a student is matriculated at any university

Relationships where there is no potential for supervisory or administrative/educational responsibilities are okay.

No consensual relationships should be allowed, even after the student has left the instructor's classroom, lab, etc.

I don't think consensual relationships between current undergraduate students and graduate TAs (who have the student in class) can ever be appropriate. Graduate students and undergraduates in different programs, maybe.

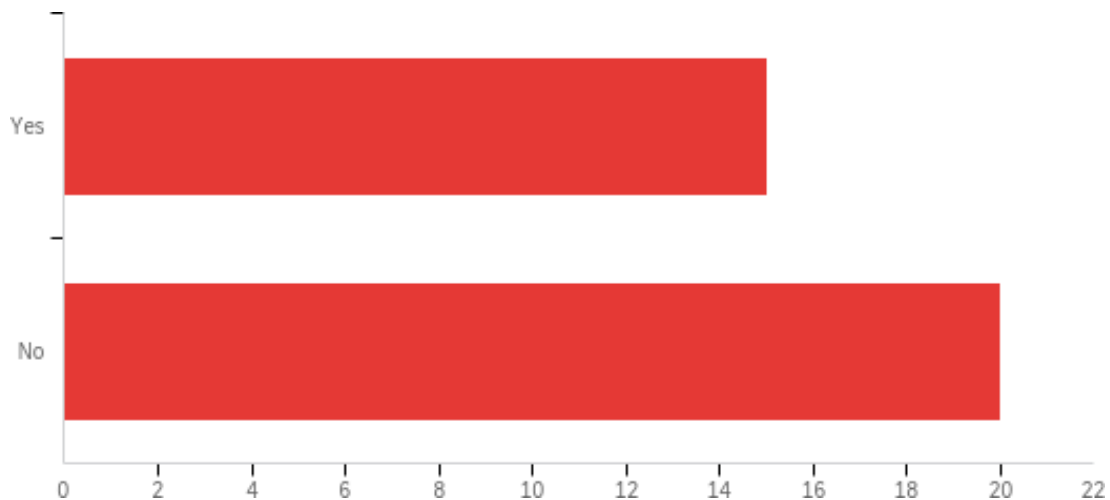
Same logic as above.

UGs fall under the definition of "student" TAs fall under, and are included as an example, the definition of 'Instructor' - UGs may be added to list for 5.2b

## Q12 -

**Do you think that the currently policy should be changed to further limit consensual relations between**

graduate students/post-doctoral fellows/medical residents and faculty in the same program?



| # | Field   | Minimum | Maximum | Mean | Std Deviation | Variance | Count |
|---|---|---------|---------|------|---------------|----------|-------|
| 1 | ...graduate students/post-doctoral fellows/medical residents and faculty in the same program? | 1.00    | 2.00    | 1.57 | 0.49          | 0.24     | 35    |

| # | Answer | %      | Count |
|---|--------|--------|-------|
| 1 | Yes    | 42.86% | 15    |
| 2 | No     | 57.14% | 20    |
|   | Total  | 100%   | 35    |

Q13 - Please explain your answer.

Maybe, again, restrict or disclose relations when in supervisory role. Otherwise, hard to put this in effect the 2 parties are in the same department or program.

Within reason, this does not present a power differential that is immediately obvious.

Even consensual relationships, without a policy discouraging this sort of relationship will leave the university in a precarious position if the relationship sours.

Policy should include clinical fellows (distinct from residents and postdoctoral fellows as the latter are usually research-focused)

This strikes me as a little more difficult because in smallish programs, such relationships could be disruptive (especially if things worked out badly) and perceptions of unfair advantage might be hard to prevent even if the more senior person in the relationship has no direct evaluative role. This seems closer to the coach/athlete situation -- no coach can have relationship with athlete in her program. So perhaps this should be more restricted. But, in general, I would need to be persuaded that a change in policy is needed, and we haven't been given any information about why these questions are even being asked.

These relationships should be forbidden within the same program for same reasons as with UG/faculty - there will be an easy appearance of faculty favoritism regardless of whether it is real or not.

Yes on the grad student side, as all faculty within a program have a potential evaluating role over grad students (graduation is at stake). Not sure how this works with medical residents. Post-docs are a different position and shouldn't be lumped together with grad students. No, the policy shouldn't apply to post-docs, except for the person in a supervisory role.

I think the current policy is sufficient

Possibly; there is a possibility of multiple programs within one department; also, might not be possible for a faculty member in a program to NOT have any kind of supervisory role for a student (in smaller programs)

for medical residents and faculty, the "program" should be more clearly defined. The program should not be "the college of medicine" but rather the department that the resident is specializing in (pediatrics, internal medicine, general surgery etc.,). beyond that, during fellowship, the program may be defined more narrowly at the level of division within a departments (endocrinology, nephrology, immunology etc..)

Current restrictions cover what's needed.

Oftentimes there are informal ways that senior students may evaluate junior students or serve in a semi-evaluative role. If this is the case, romantic relationships may be inappropriate.

---

So I haven't seen this in the last decade or so since leaving the ranks, but back when I was a grad student I did hear more whispers and know a bit more about such things. MAJOR power discrepancies, MAJOR injustice on tap, this is something we really ought to protect these trainees from to the best of our ability by restricting faculty misadventures or abuse to the extent we're able. In this case, the policy certainly isn't unclear...I think execution may be where the devil is in these details. These trainees, in particular residents and post-docs, work hard hours with faculty and can form very close bonds. HERE what we really need is to make sure the trainees fully grasp how that's going to feel and where those bonds SHOULDN'T lead, and that's a cultural thing. Mostly, the kind of culture that leads to abuse is gone, but I'm sure it's still got its pockets. Faculty should be chasing success, friendship, and mentorship, not...other things, and in this very specific spot, I'd bring the hammer down on them.

---

Yes, anything happening within a single program is going to generate apparent conflicts of interest and is best avoided.

---

Similar to my explanation/comment for "...undergraduate students and faculty." In fact, I think this issue is likely to be more prevalent and have a greater impact in the case of graduate students/post-docs/medical residents.

---

It seems appropriate. It strongly prohibits such relationships where a student is in a faculty member's class, and discourages it when the student has the capacity to be in such a class (i.e., in a college or department)

---

There should be no intimate relationships with faculty while a student is matriculated at any university

---

There should not be relationships among trainees and faculty within the same program due to power issues. Not sure how 'program' is being defined - a department or College. Different departments within large colleges shouldn't

---

be a problem (i.e. pediatrics and ophthalmology).

---

No consensual relationships should be allowed, even after the student has left the instructor's classroom, lab, etc.

---

I don't think consensual relationships between current trainees and faculty in the same department can ever be appropriate.

---

If there is a direct supervisory relationship, the relationship should be forbidden (as is currently the case). If not, it should be strongly discouraged, which is already in the language.

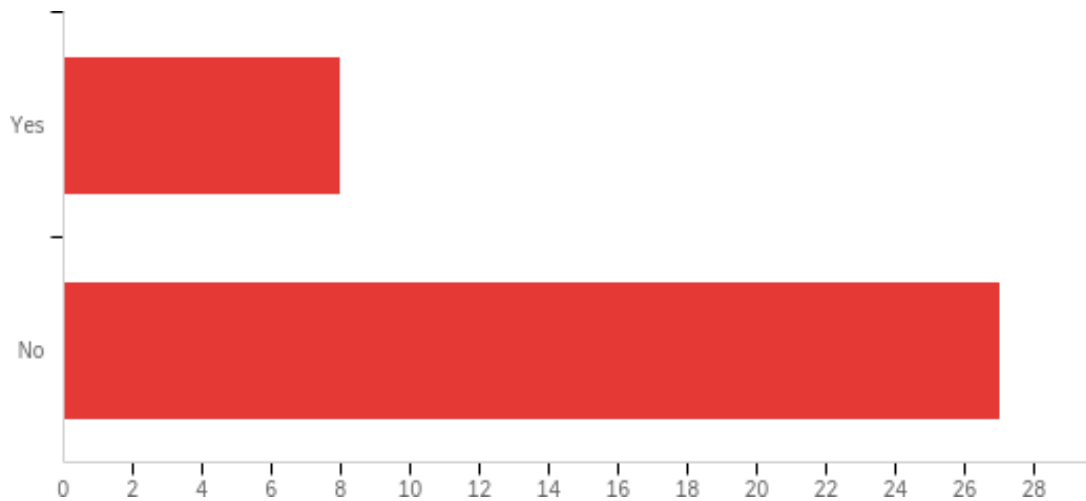
---

unless there are situations that may not fit into samples or wording provided. Or bringing awareness of the policy so that individuals in the identified roles make the declarations to HR.



## Q14 -

Do you think that the currently policy should be changed to further limit consensual relations between graduate students/post-doctoral fellows/medical residents and faculty in different programs?



| # | Field   | Minimum | Maximum | Mean | Std Deviation | Variance | Count |
|---|---|---------|---------|------|---------------|----------|-------|
| 1 | ...graduate students/post-doctoral fellows/medical residents and faculty in different programs? | 1.00    | 2.00    | 1.77 | 0.42          | 0.18     | 35    |

| # | Answer | %      | Count |
|---|--------|--------|-------|
| 1 | Yes    | 22.86% | 8     |
| 2 | No     | 77.14% | 27    |
|   | Total  | 100%   | 35    |

Q15 - Please explain your answer.

---

Not sure that medical residents / fellows should be precluded from being in romantic relationships with individual faculty in other programs (or honestly even in the same program) - esp because often one member of a relationship's medical training is shorter than another's and this happens.

---

Same as above question.

---

Even consensual relationships, without a policy discouraging this sort of relationship will leave the university in a precarious position if the relationship sours.

---

Policy should include clinical fellows (distinct from residents and postdoctoral fellows as the latter are usually research-focused)

---

See above!

---

If there is no evaluation performed or power exerted by the instructor then I see no issues with a relationship. My concern is a student who would receive improper benefits/grades or feel incapable of safely extracting his or herself from a situation due to a balance of power issue.

---

at a certain point, people will form connections and institutional involvement can complicate the very things that policies like this are designed to resolve. To me, it is shared subcommunity (class, program, department) that leads to problems most of all. We will not be able to nor should we try to manage romantic relationships past a certain point. And being clear about that point further adds to the power of policies that address more immediate concerns. As long as the students are not taking classes in the faculty member's program, this seems less problematic from a power dynamic standpoint.

---

I think the current policy is sufficient

---

Appears to be appropriate

---

Current restrictions cover what's needed.

---

If the two adults are outside each other's supervising/reporting lines and have something going on, this seems like the policy at present toes the line about right. I would argue: faculty are better protected than they might have any right to be when they misbehave here, but that's probably by design and probably the right choice.

---

Given that most graduate students do almost all of their work in a single program, the potential for apparent conflicts of interest seems very limited. Though I think a faculty member in such a relationship should probably be bared from service on any collegiate or university committee related to graduate education, graduate scholarships, awards, etc.

---

It strongly prohibits such relationships where an students is being taught within a program. But in other contexts, the general size and complexity of the university (where a graduate may meet and date a TA from a completely different unit, or a faculty member from an entirely unrelated field) this does not necessarily seem problematic (i.e., it could be problematic, and the language of the current policy seems to dissuade such relationships, but without completely prohibiting them in a way that may be overly rigid)

---

There should be no intimate relationships with faculty while a student is matriculated at any university

---

This is more difficult, as faculty might not have direct supervision or even programmatic supervision, over the trainee, they can still wield indirect influence over the trainee's progress through the program.

---

---

Prohibiting relationships between faculty and graduate students in completely different programs doesn't pass the reasonable person test. If a History professor wants to date a Law School Student, I don't necessarily see a problem. We need to be sensitive to personal choice and agency.

unless there are situations that may not fit into samples or wording provided. Or bringing awareness of the policy so that individuals in the identified roles make the declarations to HR.

---

## D) NEW POLICY ROUGH DRAFT

While the charge of the Working Group did not include drafting a new policy document, the co-chairs wrote a draft that might be helpful in future discussions about revisions to the current Consensual Relationship Policy Involving Students:

### **Chapter 5 – Consensual Relationships Involving Students**

(President 7/28/87; amended 7/1/02; 9/20/10; 1/14; 7/1/17)

Note: This chapter is one of several that address conflicts of interest of various types at the University of Iowa. Others include: II-18 Conflicts of Commitment and Interest, which addresses time conflicts, role conflicts in the workplace, and financial conflicts of interest; and III-8 Conflict of Interest in Employment (Nepotism), which addresses role conflicts when there is a direct reporting line between two employees. See also II-18.7 Other University Policies Related to Conflict of Interest for a complete list of policies that address or are related to conflicts of interest.

5.1 Rationale

5.2 Definitions

5.3 Prohibited Relationships — Policy Statement

5.4 Mandated Reporting

5.5 Procedures

5.6 Process for Disciplinary Action

5.7 Appeal Procedures

5.8 Protection Against Retaliation

5.9 Protection of the Responding Party

5.10 Confidentiality

5.11 Education

## 5.1 Rationale

The integrity of the university's educational mission is promoted by professionalism that derives from mutual trust and respect in instructor-student relationships. Similarly, the university is committed to the principle of protecting the integrity and objectivity of its staff members in the performance of their university duties. It is therefore fundamental to the university's overall mission that the professional responsibilities of its instructors be carried out in an atmosphere that is free of conflicts of interest that compromise these principles. Consensual relationships between the university's instructors and its students, if not thoughtfully managed, can negatively impact student, faculty, and staff well-being and interfere with the university's achievement of its institutional mission.

Romantic and/or sexual relationships between individuals in inherently unequal positions of power (such as teacher and student, or supervisor and employee) may undermine the real or perceived integrity of the supervision and evaluation provided, and the trust inherent particularly in the instructor-student relationship. They may, moreover, be less consensual than the individual whose position confers power believes. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect. Moreover, such relationships may harm or injure others in the academic or work environment. Relationships in which one party is in a position to review the work or influence the career of the other may provide grounds for a complaint when that relationship gives, or creates the appearance of, undue access or advantage to the person involved in the relationship, or when it restricts opportunities or creates a hostile environment for others. Such relationships also have the potential for other adverse consequences, including the filing of charges of sexual harassment and/or retaliation under II-4 Sexual Harassment and Sexual Misconduct if, for example, one party to the relationship wishes to terminate the relationship to the other party's objection. In those circumstances when sexual harassment is alleged as the result of a romantic and/or sexual relationship, the existence of the relationship is not a per se violation of the Policy on Sexual Harassment and Sexual Misconduct. However, the apparent consensual nature of the relationship is inherently suspect due to the fundamental asymmetry of power in the relationship and it thus may be difficult to establish consent as a defense to such a charge. Even when both parties consented at the outset to a romantic involvement, this past consent does not remove grounds for or preclude a charge or subsequent finding of sexual harassment based upon subsequent unwelcome conduct.

## 5.2 Definitions

For the purposes of this policy only, the terms set forth below are defined as follows:

- a. “Academic or administrative officers (AAOs)” are mandated reporters who are required to report actual or prohibited relationships to the Office of Institutional Equity within 2 business days. For a list of who is an AAO, see [II.5.4](#) below.
- b. Allegations: to the extent possible, allegations of policy violations should provide factual details such as, but not limited to, time, place, actions, participants, and witnesses. Allegations do not necessarily have to be based on firsthand observation of events to be "specific and credible," but direct observation normally results in greater specificity and credibility than indirect knowledge.
- c. Graduate assistant: a graduate student employed by the university as a research assistant or teaching assistant.
- d. Impacted party: a person against whom an instructor had engaged in a prohibited relationship with.
- e. “Instructor” means all those individuals, paid or unpaid, who teach, coach, evaluate, supervise, allocate financial aid to, or guide research by students in the instructional context.
- f. Member of the university community: any university student, or employee.
- g. Protected interests: university employment, education, on-campus living, or participation in a university activity.
- h. Reporting party: the person who brings a complaint of violation of this policy, who could be an impacted party, faculty, staff, student, a third-party reporter, or an academic or administrative officer of the university.
- i. Responding party: a person who has been accused of engaging in a prohibited relationship.
- j. "Student" means all individuals who receive instruction under the auspices of the University of Iowa.
- k. Third-party reporter: a person who brings a complaint alleging that an instructor has engaged in a prohibited relationship. A third-party reporter does not need to be a member of the university community (i.e., a current university faculty, staff, or student).

## 5.3 Prohibited Relationships — Policy Statement

The following relationships are prohibited:

1. All consensual relationships between instructors (defined as tenure-system, specialized, visiting, and adjunct professors and academic staff with teaching and related responsibilities) and undergraduates;
2. All consensual relationships between instructors (defined as tenure-system, specialized, visiting, and adjunct professors and academic staff with teaching and related responsibilities) and any graduate or professional student, Postdoctoral Associate or Fellow, or Clinical Resident or Fellow which creates a conflict

of interest because one of the following three conditions exists: (i) both parties are in the same academic program, discipline, or department; (ii) the instructor teaches, manages, supervises, advises, or evaluates the other party to the relationship in any way; or (iii) the instructor is in a position in which they are able to materially influence the educational opportunities or career of the other party. This includes, for example, any instructor who teaches in a graduate or professional student's department, academic program, discipline, or division. An individual employed in an administrative capacity (e.g., a Dean, Director, or Department Chair) is considered to have the ability to influence the educational opportunities or career of all students, Postdoctoral Associates and Fellows, and Clinical Residents and Fellows within the unit of their jurisdiction.

3. All consensual relations between graduate and undergraduate teaching assistants who hold any institutional responsibilities with any students with whom they currently have, or with whom they have had, consensual relationships;

Narrow, case-by-case exceptions to these prohibitions will be based on stringent evaluative criteria, such as situations where the instructor and student were already in a consensual relationship prior to the student gaining their status as such. In these cases, the situation should be managed as follows:

- c. The instructor immediately reports the relationship to their supervisor/DEO, and to the administrator who supervises the DEO; and
- d. The instructor cooperates in actions taken to eliminate any actual or potential conflicts of interest and to mitigate adverse effects on the other party to the relationship.

This policy applies only to relationships involving students. However, romantic and/or sexual relationships in other contexts — between faculty members, between faculty and staff, or between staff members, where one person supervises the other — also may be problematic, and are governed by III-8 Conflict of Interest in Employment (Nepotism). Complaints alleging sexual harassment directed at a student, faculty, or staff member are resolved under II-4 Sexual Harassment. Because the Policy on Sexual Harassment prohibits unwanted behavior of a sexual nature, the scope of the Policy on Sexual Harassment and the scope of this Policy on Consensual Relationships are mutually exclusive. In those cases where an impacted party or reporting party alleges both unwanted behavior of a sexual nature and consensual sexual relations within a prohibited context, the two complaints are considered separate allegations and ordinarily are resolved consecutively rather than concurrently, starting with the sexual harassment complaint, which must be investigated under the procedures set forth in the Policy on Sexual Harassment before the consensual relationships complaint is considered.

This policy applies to consensual romantic and/or sexual relationships between individuals of the same sex or of the opposite sex. Regardless of who initiates the relationship, the instructor is responsible for complying with this policy.

---

## 5.4 Mandated Reporting

All academic or administrative officers (AAOs) are mandated reporters who are required to report actual or suspected prohibited relationships to the Office of Institutional Equity within 2 business days.

"Academic or administrative officer" includes the following:

1. Collegiate deans (including associate deans and assistant deans);
2. Faculty members with administrative responsibilities at the level of departmental executive officer (DEO) or above;
3. Any staff member whose primary job responsibility is to provide advice regarding a student's academic pursuits or other university-related activities;
4. Any faculty or staff member serving as departmental (or collegiate) director or coordinator of undergraduate or graduate studies, or as a director or coordinator of any departmental, collegiate, or university off-campus academic program (including any study-abroad program);
5. The President, the Directors of the Office of Institutional Equity, the Title IX Coordinator, the vice presidents (including assistant and associate vice presidents), and the Provost (including assistant and associate provosts), and those persons' designees;
6. Directors and supervisors in an employment context, including faculty and staff who supervise student employees, in relation to matters involving the employees they supervise (other than Campus Safety personnel when receiving criminal complaints or reports); and
7. Human resources representatives (including all central University Human Resources staff).

Any academic or administrative officer of the university who observes a prohibited romantic and/or sexual relationship, or who becomes aware of allegations of such behavior through a report from an impacted party or reporting party shall take the actions described in this section, even if the impacted party or reporting party does not wish any action to be taken, and must notify the Office of Institutional Equity of the allegations within 2 business days.

## 5.5 Procedures

### A) Bringing a complaint

- (1) A complaint that this policy has been violated may be brought to the [Office of Institutional Equity](#) (OIE), 202 Jessup Hall, through informal or formal channels by any member of the university community, a third-party reporter, or the university itself. A complaint must clearly state allegations to warrant an investigation. There is no time limit for bringing a complaint; however, it may be difficult to substantiate the allegations if they are made after significant time has passed. Therefore, prompt reporting of complaints is strongly encouraged.

Persons who wish to consult with someone about a specific situation on a confidential basis or learn more about enforcement of this Consensual Relationships Involving Students Policy may contact any of the following offices or organizations:

- a. [Office of the Ombudsperson](#), 308 Jefferson Building (for faculty, staff, or students);
- b. [Employee Assistance Program](#), 121-50 University Services Building (for faculty or staff);
- c. [University Counseling Service](#), 3223 Westlawn (for students);
- d. [Women's Resource and Action Center](#) (for faculty, other instructors, staff, students, or visitors);
- e. [Rape Victim Advocacy Program](#), 108 River Street (certified advocates) (for faculty, other instructors, staff, or students);
- f. [Domestic Violence Intervention Program](#), 1105 South Gilbert Court, Iowa City (certified advocates) (for faculty, other instructors, staff, students, or visitors).

Representatives of these offices or other support persons may accompany an impacted party during the investigation process if the impacted party so desires.

- (2) Informal complaints. An informal complaint is a request that the OIE seek to reach an informal resolution of the reporting party's concerns. The procedures for such complaints are designed to be flexible so as to enable the OIE to address an individual's situation in the most effective and expeditious manner possible. Resolutions of informal complaints are accomplished with the assistance of other offices or administrators on campus in the area relevant to the complaint, and may include interim actions to protect the health or safety of the impacted party, reporting party, and/or potential witness(es) in an investigation.

In the case of an informal complaint, the responding party normally will not be informed of the reporting party's action or identity without the consent of the reporting party unless circumstances require. When allegations are addressed through an informal resolution process, no disciplinary action may be taken against the responding party, and there will be no record of the allegations in the responding party's personnel file or student disciplinary file, unless the person is notified of the allegations and given an opportunity to respond.

- (3) Formal complaints. A formal complaint involves an impartial investigation of the reporting party's allegations by OIE. Interim actions may be taken as necessary to address the alleged behavior and protect the health or safety of the impacted party, reporting party, and/or witness(es) during the investigation. The investigation begins when OIE provides written notice to the responding party of the filing of the complaint, the identity of the reporting party, and the general allegations of the complaint. The responding party is then interviewed regarding the specifics of the allegations and given an opportunity to respond fully to the allegations. The OIE may also interview other persons believed to have factual knowledge relevant to the allegations. The purpose of the investigation is to establish whether OIE finds a reasonable basis to conclude, by the preponderance of the evidence, that the responding party violated the Consensual Relationships Involving Students Policy.



The OIE will issue written findings outlining the basis for its conclusions. The written finding normally will be issued within 60 university business days of when the complaint was filed. When it is not reasonably possible to issue the finding within that time, the OIE will notify the impacted party and the responding party that the finding will be delayed and indicate the reasons for the delay. This report is provided to the administrative officials responsible for the area in which the responding party is involved, the impacted party, the responding party, and the chief administrative officer in the unit (e.g., the Provost in a complaint filed against a faculty member; the vice president or dean for the unit in the case of a staff member; or the Vice President for Student Life/Dean of the Graduate College in the case of a student) or their designee. Third-party reporters will be notified only that the proceedings are concluded.

(Amended 7/1/17)

B) Self-disclosure by an instructor.

- (1) The instructor is expected to make timely notification when an instructional context includes both the instructor and a student with whom the instructor has a romantic and/or sexual relationship. Such notification may be made to any of the following recipients:
  - (a) the neutral supervisor of the instructor;
  - (b) the DEO/director of the department;
  - (c) the dean/vice president of the college/division in which the instructor is employed; or
  - (d) the Office of Institutional Equity.
- (2) Once a recipient receives a self-disclosure, the recipient determines whether the policy applies.
- (3) If the recipient determines that the policy applies to the particular instructional context, then a neutral supervisor develops a plan for management of the instructional context that ends the evaluative, supervisory and, where possible, the instructional functions causing the conflict.
- (4) Significant or repeated violations of this policy may result in discipline imposed on the instructor in addition to or in lieu of the management plan.
  - (a) In those cases where the instructor is a faculty member, discipline shall be imposed only after consultation with the Office of the Provost. Such discipline may involve III-29 Faculty Dispute Procedures and the portion of the procedures dealing with faculty ethics (III-29.7).
  - (b) In those cases where the instructor is a staff member, discipline shall be imposed only after consultation with the respective Senior HR Leadership Representative. Such discipline may relate to III-16 Ethics and Responsibilities for University Staff and utilize the applicable grievance procedures, including III-28 Conflict Management Resources for University Staff.
  - (c) In those cases where the instructor is a graduate assistant, discipline related to their employment shall be imposed by the dean of the employing college and only after

consultation with the Office of the Dean of the Graduate College. Discipline related to student status shall be imposed by the Office of the Dean of Students, after consultation with the Office of the Dean of the Graduate College.

- (5) A statement of the determination of a policy application, a copy of the plan, and a proposal for dissemination is directed to the appropriate office designated below:
  - (a) In those cases where the instructor is a faculty member, the plan is forwarded to the DEO, dean, and Office of the Provost.
  - (b) In those cases where the instructor is a staff member, the plan is forwarded to the Senior Human Resources Leadership Representative and University Human Resources.
  - (c) In those cases where the instructor is a graduate assistant, the plan is forwarded to the dean of the employing college, the Graduate College, the Office of the Dean of Students, and the Office of the Vice President for Student Life.
- (6) Upon approval, a copy of the plan is directed to the instructor. The instructor is expected to comply with the plan.
- (7) The recipient notifies the impacted party that a management plan is in place.
- (8) The person responsible for development of the plan reviews it annually and reports to the respective office as designated above.

## 5.6 Process for Disciplinary Action

- a. In the case of formal complaints, the following administrators will review the findings of the OIE investigation:
    1. the Office of the Provost, if the responding party is a faculty member or other instructional personnel (except graduate assistants);
    2. the office of the vice president or dean responsible for the unit employing the person charged, if the responding party is a staff member (including a graduate assistant, in which case the Dean of the Graduate College also must be notified in order to determine whether ramifications apply for the student's academic progress);
    3. the Dean of Students, if the responding party is a student (including a graduate student, in which case the Dean of the Graduate College also must be notified in order to determine whether ramifications apply for the student's academic progress).
  - b. The administrator who receives the report shall:
    1. discuss it with OIE in order to determine, based on OIE's findings and input, appropriate corrective measures and/or sanctions. If the responding party is a staff member, the administrator will also consult with the Senior Human Resources Leadership Representative
-

- in the unit. If the responding party is a faculty member, graduate assistant, or unit, the administrator will also consult with the appropriate dean and departmental executive officer. When a responding-party staff member, faculty member, or graduate assistant is also a student, the administrator and the Dean of Students will also consult with one another in determining what corrective measures or sanctions should be pursued.
2. implement appropriate corrective measures and/or sanctions consistent with university procedures. The administrator must inform OIE in writing of the actions that are taken in response to OIE's findings.
  3. ensure that the impacted party is informed when action is taken.
- c. Violations of the Consensual Relationships Involving Students Policy may lead to sanctions up to and including termination or separation from the university. Sanctions for violations of this policy should be commensurate with the nature of the violation and the responding party's disciplinary history. It is the responsibility of the appropriate administrator to follow up with the parties at a reasonable interval(s) to assess their compliance with the sanctions imposed. More serious sanctions up to and including termination of employment or separation from the university may be imposed in the event that the individual fails to comply with the sanctions initially imposed.

## 5.7 Appeal Procedures

If the OIE concludes that the complaint is unfounded, the impacted party may appeal the finding on the grounds that the decision was arbitrary and capricious or that the investigating office did not follow procedures resulting in prejudice to the reporting party. Appeals must be made electronically or in writing and submitted together with all supporting documentation to OIE within 10 university business days of the receipt of the finding. Generally within 2 university business days, OIE will transmit the notice of appeal and the case record to the appropriate appeal officer, as described on the OIE [website](#). If an appeal is filed, the non-appealing parties will have the right to provide a written response to the appeal within ten (10) University days of the notice of appeal. The appeal officer, or the appeal officer's designee, will issue a written decision on the appeal to the impacted party and OIE within 20 university business days of the receipt of the appeal, although this time frame may be extended due to the complexity of the case or the severity of the allegations.

In cases where the appeal is denied, such action constitutes final university action on the matter, subject to appeal to the Board of Regents. In cases where the appeal is successful, in whole or in part, the appeal officer/designee will advise the OIE regarding appropriate measures to address the issues of concern raised in the appeal.

For complaints that conclude in a finding that there is a reasonable basis to believe that a policy violation has occurred and sanctions have been imposed, responding parties may appeal such findings through the grievance procedures applicable to them. The responding party may challenge any sanctions imposed as a result of a finding through available grievance procedures.

---

## 5.8 Protection Against Retaliation

- a. Retaliation against impacted parties, reporting parties, and/or witnesses who provide information during an investigation pursuant to this policy is prohibited by [II-11](#) Anti-Retaliation. Reasonable action will be taken to assure that impacted parties, reporting parties, and/or witnesses suffer no retaliation as a result of their activities with regard to the process.
- b. Any retaliation against impacted parties, reporting parties, or witnesses should be reported pursuant to [II-11](#) Anti-Retaliation. Retaliation may result in sanctions against the person committing the retaliatory act(s).

## 5.9 Protection of the Responding Party

This policy shall not be used to bring knowingly false or malicious allegations. Making such allegations may subject the reporting party to sanctions up to and including termination or separation from the university. Any such action will be initiated by the appropriate administrator overseeing the reporting party(ies).

## 5.10 Confidentiality

- a. In order to encourage instructors to self-disclose consensual relationships prohibited under this policy and to empower members of the university community to voice concerns and bring complaints, the confidentiality of all parties will be protected to the greatest extent possible. However, confidentiality cannot be guaranteed.
- b. Impacted parties, third-party reporters, and responding parties are expected to maintain confidentiality as well. They are not prohibited from discussing the situation outside of the work or educational environment. However, the matter should not be discussed with individuals who are members of their university work or educational environment.
- c. Dissemination of documents relating to a complaint and/or investigation, other than as necessary to pursue an appeal, grievance, or other legal or administrative proceeding, is prohibited.
- d. Failure to maintain confidentiality by a responding party may be considered to be a form of retaliation in violation of [II-5.8](#) of this policy. Failure to maintain confidentiality by any party (impacted party, third-party reporter, or responding party) may result in sanctions.
- e. To the extent possible, all information received in connection with a management plan will be treated as confidential except to the extent necessary to disclose particulars in the course of its planning and/or implementation, as approved according to II-5.5c(2, 3) above. All community members involved in the management plan process should observe the same standard of discretion and respect for the reputation of everyone involved.

(See also II-4 Sexual Harassment and Sexual Misconduct.)

## **5.11 Education**

Training on this policy is included with the mandatory training prescribed in the university's Policy on Sexual Harassment and Sexual Misconduct (see [II-4.22b](#)).