

Employee Relationships Involving Students

UA-22



Figure 1- Indiana University Seal—only approved university-wide policies may use the seal

About This Policy

Effective Date:

Date

Date of Last Review/Update:

Date

Responsible University Office:

*University Faculty Council
Office of Institutional Equity*

Responsible University Administrator:

*President, Indiana University
University Faculty Council*

Policy Contact:

*University Faculty Council
ufcoff@indiana.edu*

Office of Institutional Equity

oiie@iu.edu

Scope

This policy applies to all Indiana University academic appointees, including faculty and student academic appointees; and staff employees with responsibility for administering any aspect of a student's educational progress or experience, as defined below.

Other university policies and codes related to misconduct, nepotism, conflicts of interest and commitment, or departmental policies prohibiting relationships remain in effect and are not altered or amended by this policy.

Policy Statement

A. Purpose

Sexual or amorous relationships between students and academic appointees or staff employees with responsibility for administering any aspect of a student's educational progress or experience pose a potential conflict of interest between a university employee's professional responsibilities and these personal relationships. This potential conflict is due to the university employee's exercise of power over students when giving them praise or criticism, evaluating them, making recommendations for their further studies or employment, or conferring any other benefits on them. This actual or perceived conflict of interest may negatively affect the student involved and may also affect others by creating a perception of favoritism that results in a negative academic or work environment. This policy intends to address any potential conflict of interest to protect students, promote fairness, and uphold the integrity of the academic environment; it is not intended to interfere with the professional relationships fostered between university employees and students as part of the educational process. The policy is intended to foster more clarity and create a culture of transparency regarding university employee relationships with students, determining that the disclosure and management of such relationships is the soundest way to assist with ensuring that potential conflicts are adequately addressed. This policy does not prohibit relationships between university employees and larger, more general populations of students when no responsibility or evaluative/supervisory context is involved, such as all undergraduate or graduate students. The policy is designed to address relationships in which such a context is already present or there is some likelihood

that it will develop in the future.

B. Prohibited Relationships

1. Academic Appointee and Student Relationships
 - a. All amorous or sexual relationships between academic appointees and students are prohibited when the academic appointee has, or might reasonably be expected to have, any professional responsibility for the student, including but not limited to instructional, supervisory, evaluative, advisory, counseling, or other assigned one-on-one role, even when both parties have consented to, or appear to have consented to, the relationship. This prohibition applies in both instructional and non-instructional contexts.
2. Staff and Student Relationships
 - a. All amorous or sexual relationships between staff employees and students are prohibited when the staff employee has, or might reasonably be expected to have, responsibility for administering any aspect of the student's educational progress or experience, including but not limited to advising, coaching, counseling, approving accommodations, awarding financial aid, handling visa and immigration matters, administering residential housing, making enrollment decisions, or influencing internship or employment opportunities, even when both parties have consented, or appear to have consented to, the relationship. (See also UA-17, which addresses staff supervisor – student relationships in an employment context.)
3. Attempts to Initiate a Prohibited Relationship
 - a. Although building professional relationships and personal connections with university employees can be an integral part of a student's education, university employees should be cognizant of the ways that these relationships are developed, due to the inherent imbalance of power in these positions. Indiana University is committed to protecting students' interests while also recognizing the need for academic freedom and expression. The university intends to balance these needs by setting expectations for professional relationships to prevent the relationship's boundaries from being extended in violation of this policy.
 - b. Any inappropriately intimate behaviors or any actions by a university employee that attempt to initiate an amorous or sexual relationship with a student over whom the university employee currently has or foreseeably could have a professional responsibility or responsibility for administering any aspect of the student's educational progress or experience, are prohibited.
 - c. Inappropriately intimate behaviors are those that a reasonable person would perceive as crossing professional boundaries and as an attempt to initiate an amorous or sexual relationship; and are determined on a case-by-case basis. Factors to be considered may include: the nature of the behavior; the academic level of the involved student (year, undergraduate or graduate); the time and/or location of incident(s); the number of incidents and timespan over which the incidents occurred; any prior reports or patterns of behavior by the university employee; and/or discipline-specific considerations.

C. Disclosures and Exception Process

The existence of professional responsibilities among university employees and students in amorous or sexual relationships requires prompt disclosure at the start of the relationship so that those responsibilities can be reviewed and, if possible, restructured to address the conflict of interest. Although it is appropriate for any or all parties involved in the relationship to disclose it, the university specifically holds the individual who maintains the professional authority responsible for reporting such a relationship to the relevant principal administrator at the start of the relationship.

1. The presumption of this policy is that all relationships covered by this policy require disclosure by the university employee. If there is doubt about the potential need for disclosure, the university employee should assume that there is an obligation to disclose.

2. If a university employee becomes aware that an individual with whom they currently have or recently had an amorous or sexual relationship is or has become a student for whom they have professional responsibility as defined above, the university employee should disclose that information, even if the relationship, as such, has ceased, so that the possibility of an exception and appropriateness of a management plan can be evaluated.
3. In order to seek an exception to the prohibition in this policy, a university employee must disclose a prohibited relationship according to the procedures outlined below so that the possibility and appropriateness of a management plan can be evaluated.

D. Policy Violations

A university employee's attempt to initiate a prohibited relationship through inappropriately intimate behaviors, failure to disclose a prohibited relationship, or failure to comply with an approved management plan shall be considered violations of this policy.

Reason for the Policy

The purpose of this policy is to uphold Indiana University's mission to provide broad access to undergraduate and graduate education by addressing relationships between university employees and students, where an imbalance of power may create actual or perceived conflicts of interest.

Procedures

A. Required Self-Disclosures and Management Plans in the Exception Process

1. In order to seek an exception, relationships covered by this policy must be disclosed in writing by the involved university employee to their principal administrator (as defined below), or their designee, in a timely manner.
2. Following the disclosure, the principal administrator, or their designee, is responsible for evaluating the situation and determining if the disclosed relationship falls within the scope of the policy; and if a management plan is needed or could possibly be implemented, such that an exception may be granted. If so, the principal administrator, or their designee, should develop a management plan that resolves the conflict and potential for misuse of power. The principal administrator, or their designee, may consult with appropriate offices including the Office of Institutional Equity (OIE), IU Human Resources, campus academic affairs, or the Office of the Vice President and General Counsel about any disclosures received or the feasibility and terms of a management plan. If a disclosed relationship falls outside the scope of this policy, or if an exception will not be granted, the principal administrator, or their designee, should inform the university employee of this determination in writing and copy the campus academic affairs office for academic appointees or IU Human Resources for staff employees on their response.
3. The management plan shall strive to remove the university employee from all current or future professional responsibilities toward the student and minimize the effects of any potential conflicts of interest to the extent feasible. Other measures in the management plan may include requiring additional oversight or review of the university employee's decisions related to the student. Management plans will be formulated on a case-by-case basis with a focus on the protection of students and their educational progress and should be finalized in a reasonable timeframe given the circumstances of a specific case.
4. If the involved university employee and/or student who will be subject to the management plan disagrees with the proposed management plan, the principal administrator, or their designee, shall refer the matter to OIE.
5. The principal administrator, or their designee, and the university employee and the student who will be

subject to the management plan must sign the management plan in order for it to be in effect. The management plan should be kept in the employee's personnel file and the principal administrator, or their designee, shall in all situations forward a copy of the university employee's written disclosure and the approved management plan to the campus academic affairs office for academic appointees and to IU Human Resources for staff employees.

6. The university employee should notify their principal administrator, or their designee, in writing in a timely manner of any changes to the university employee's employment status, changes to the involved student's status, or if the relationship ends so that the continued need for a management plan can be evaluated.

B. Third-party Reports

Any person may submit a third-party report to OIE concerning a possible violation of this policy or failure of the involved individuals to adhere to the management plan. Reports submitted to other employees or offices must be forwarded to OIE.

C. Coordination with UA-03, Discrimination, Harassment, and Sexual Misconduct

Because UA-03, Sexual Misconduct, Discrimination and Harassment prohibits unwelcome conduct of a sexual nature, the scope of UA-03 and the scope of this policy may occasionally overlap. In those cases where there is an allegation of both unwelcome conduct of a sexual nature and behaviors alleged to be in violation of this policy, the two allegations may be investigated concurrently under the procedures set forth in UA-03.

D. Investigations

1. OIE may undertake an initial assessment and/or investigation to determine whether there has been a violation of this policy under following circumstances:
 - a. There is a concurrent notice and investigation under UA-03 and a possible violation of this policy is included in the notice to the respondent;
 - b. If requested by the principal administrator, or their designee;
 - c. Upon a request or complaint by the involved student or university employee;
 - d. If the university employee has a prior finding of responsibility for violating this policy or UA-03;
 - e. Upon OIE's receipt of a third-party report or forwarded report.
2. Upon receipt of a complaint as noted above, OIE will conduct an initial assessment to determine if the complaint falls within the scope of this policy and if there is credible information that the university employee may have violated this policy. If so, OIE may either send the complaint back to the unit to address with a management plan or investigate and prepare an investigation report. The process must give both the university employee and the involved student an opportunity to discuss the matter and respond to the investigation report. All relevant information should be included in the investigation report.
3. If the investigation determines that no violation of this policy has occurred, the matter shall be closed, and the investigation report maintained at OIE and not in the employee's personnel file.
4. If the investigation determines that a violation has occurred:
 - a. For academic appointees, the investigation report shall be sent to the vice provost/chancellor of academic affairs (or their designee as needed) to determine whether to proceed with creating a management plan and/or the imposition of sanctions. OIE may recommend a resolution or a level of sanction to the vice provost/chancellor. The academic appointee's unit will not receive the full investigation report but may receive a summary of the conclusions.
 - b. For staff employees, the investigation report shall be sent to IU Human Resources who will work with the staff employee's unit to determine whether to proceed with creating a management plan and/or the imposition of sanctions. OIE may recommend a resolution or specific sanction. The staff employee's unit will not receive the full investigation report but may receive a summary of the conclusions.

5. Violations of this policy may result in disciplinary action and the imposition of sanctions under relevant university disciplinary policies and procedures. The process for sanctions shall follow UA-03, Discrimination, Harassment, and Sexual Misconduct, Procedures, Section IX.I.

E. Confidentiality and Privacy

Information and documentation obtained pursuant to this policy will be regarded as confidential to the extent possible, and will only be disclosed as required by law, to the parties themselves, or to relevant administrators as needed to resolve complaints or implement a management plan. All individuals with knowledge of a reported violation of this policy are expected to safeguard the privacy of those involved and are encouraged to report such knowledge to the appropriate officials.

F. Violations of plan

Failure to adhere to the management plan is itself a violation of this policy.

G. Appeals

An individual sanctioned under this policy has the right to appeal those sanctions. The appeal process shall follow UA-03, Discrimination, Harassment, and Sexual Misconduct, Procedures, Section IX.J and K.

Definitions

Academic Appointees

Individuals covered by ACA-14, Classification of Academic Appointments, including visiting, adjunct and acting faculty; academic specialists; and emeritus faculty as well as Student Academic Appointees covered by ACA-16, Student Academic Appointments.

Principal Administrator

The dean, department chair, program director, or other administrative head of an academic appointee's academic unit; a staff employee's campus or unit human resource director.

Staff Employees covered by the policy

Any full-time or part-time staff who currently have, or may reasonably be expected to have, professional responsibility for administering any aspect of a student's educational progress or experience. This includes, but is not limited to, student advisors and advocates, athletic or other coaches, counselors, and staff who approve student accommodations, award financial aid, handle student visa and immigration matters, administer residential housing, make enrollment decisions, or have influence over student internship or employment opportunities.

Students

Individuals defined as students in STU-00, Code of Student Rights, Responsibilities, & Conduct.

University Employees

Individuals who meet the definition of an Academic Appointee or Staff Employee under this policy.

Professional responsibility for students

Professional responsibility for a student includes but is not limited to instructional, supervisory, evaluative, advisory, counseling, coaching, or another assigned one-on-one role. A reasonable expectation of professional responsibility in the future could include, but is not limited to, when the student is pursuing a program of study in the academic appointee's school or department. A reasonable expectation of professional responsibility in the future depends on the role of the university employee and the particular characteristics of the school, department, or work unit in which they interact with the student; for example, the size of the school, department or unit and/or the nature of expected interactions such as teaching, research, performing arts, or athletics.

Additional Contacts

Include:
Subject, Name of Contact, Phone, Email address

<i>Subject</i>	<i>Contact</i>	<i>Phone</i>	<i>Email</i>

History

Related Information

[UA-03, Discrimination, Harassment, and Sexual Misconduct](#)

[UA-17, Conflicts of Interest and Commitment](#)

[ACA-33, Academic Appointee Responsibilities and Conduct](#)

[STU-00, Code of Student Rights, Responsibilities, & Conduct](#)