

ADMINISTRATIVE DIVISION Division of Human Resources		POLICY NUMBER HRXXX
POLICY TITLE Consensual Relationships		
SCOPE OF POLICY USC System		DATE OF REVISION New
RESPONSIBLE OFFICER Vice President		ADMINISTRATIVE OFFICE Division of Human Resources

PURPOSE

The document sets forth the University of South Carolina policy on consensual romantic or sexual relationships between faculty, staff, and students to ensure that the academic and work environment remains free from real or apparent conflicts of interest when individuals in positions of unequal power at the university are involved in these relationships.

DEFINITIONS

Consensual romantic or sexual relationships are relationships of a romantic, dating, and/or sexual nature entered into with consent of both parties.

Supervisory or evaluative authority is the power to control or influence another person’s employment, academic advancement, or extracurricular participation, including but not limited to, hiring, work conditions, compensation, promotion, discipline, admission, grades, assignments, supervision of dissertations, recommendations, financial support, or participation in extracurricular programs. This includes anyone who oversees, directs or evaluates the work of others, including, but not limited to, managers, administrators, coaches, directors, physicians, deans, chairs, advisors, and teaching assistants, as well as faculty members in their roles as instructors, as supervisors of their staff, and as participants in decisions affecting the careers of other faculty members.

Employee: Any person having an employment relationship with the university, Employees might be university officers, faculty, staff and other individuals employed by the university regardless of classification, including all full-time, part-time, temporary, research grant, time-limited and contract employees.

Student: A person who is currently enrolled at the university, or who is accepted for admission or readmission to the university, or who has been enrolled at the university in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the university while that person is on campus, or individuals who are not currently enrolled at the university remain subject to the disciplinary process for conduct that occurred while they were enrolled.

Faculty: University personnel who are engaged in research, instruction both inside and outside the classroom, service and/or administration. Faculty can be further classified as having tenure-track, professional-track, or honorific appointments. For purpose of this policy, faculty include part-time, temporary and adjunct faculty.

Retaliation: Any act or attempt to retaliate against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of a potential violation of this policy. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Intimidation includes any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for the complainant's physical well-being. Any individual or group of individuals, not just a complainant or respondent, can engage in retaliation or be the victim of retaliation.

Academic Responsibility includes (but is not limited to) teaching, grading, mentoring, advising on or evaluating research or other academic activity, participating in decisions regarding funding or other resources, clinical supervision, and recommending for admissions, employment, fellowships or awards.

POLICY STATEMENT

This policy applies to all employees and students who participate in university programs and activities.

Because of the potential for conflict of interest, exploitation, favoritism, and bias, consensual relationships may undermine the real or perceived integrity of the supervision and evaluation provided. Further, these relationships can be less consensual than the individual whose position confers power or authority believes. In addition, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a sexual or romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct.

Such relationships may also have unintended, adverse effects on the climate of an academic program or work unit, thereby impairing the learning or working environment for others - both during such a relationship and after the dissolution of the relationship. Relationships in which one party is in a position to evaluate the work or influence the career of the other may provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities, or simply creates a perception of these problems.

For all of these reasons, sexual or romantic relationships-- even when consensual--between individuals in inherently unequal positions should in general be avoided and in many circumstances are strictly prohibited by this policy. Since these relationships can occur in multiple contexts on campus, this policy addresses certain contexts specifically. However, the policy covers all sexual and romantic relationships involving individuals in unequal positions, even if not addressed explicitly in this policy.

A. TYPES OF RELATIONSHIPS

1. Relationship between an Employee (Faculty/Staff) and a Student

Whenever an employee has had, or in the future might reasonably be expected to have, direct or indirect academic or supervisory responsibility or authority over a student, such relationships are prohibited. This includes, for example, any faculty member who teaches in a student's department, program or division.

No employee shall exercise academic or supervisory responsibility over a student with whom he or she has or previously had a sexual or romantic relationship.

The roles of employees are multifaceted, including serving as intellectual guides, mentors, role models and advisors. This role is at the heart of the university's mission and its integrity must be maintained. The employee's influence and authority can extend far beyond the classroom and into the future, affecting the academic progress and careers of our students. Accordingly, the university expects employees to maintain interactions with students free from influences that may interfere with the learning and personal development to which students are entitled. In this context, employees include those who are entrusted to teach, supervise, mentor and coach students, including faculty and consulting faculty of all ranks, lecturers, academic advisors, and principal investigators.

As a general proposition, the university believes that a sexual or romantic relationship between a student and an employee- even where consensual and whether or not the student is subject to supervision or evaluation-is inconsistent with university values. Not only can these relationships harm the educational environment for the individual student involved, they also undermine the educational environment for other students.

Furthermore, such relationships may expose the employee to charges of misconduct and create a potential liability, not only for the employee, but also for the university if it is determined that laws against sexual harassment or discrimination have been violated.

2. Relationships between a Student and a Student (Graduate Teaching Assistants, Graduate Instructional Assistants, and Graders)

This policy applies when undergraduate or graduate students or post-doctoral scholars are serving in the teaching role as instructors of record, instructional assistant, graders or research supervisors. The policy does not prohibit students from having consensual sexual or romantic relationships with fellow students. However, if such a relationship exists between a GTA/GIA/grader and a student in a setting for which the GTA/GIA/grader is serving in this capacity, the student shall not exercise any evaluative or teaching function for that student.

3. Relationships between an Employee and an Employee

Consensual sexual or romantic relationships between adult employees (including faculty) are not in general prohibited by this policy. However, relationships between employees in which one has direct or indirect authority over the other are always potentially problematic. . When such relationships occur, the person in the position of greater authority or power must notify their direct supervisor and recuse themselves immediately to ensure that they do not exercise any supervisory or evaluative function over the person in the relationship.

B POTENTIAL CONSEQUENCES

The University has the option to take any action necessary to ensure compliance with the spirit of this policy, including reassigning an employee or modifying supervisory authority to minimize disruption of the work group.

Employees who engage in sexual or romantic relationships with a student or other employee contrary to the guidance, prohibitions and requirements provided in the policy are subject to disciplinary action up to and including dismissal, depending on the nature of and context for the violation. They will also be held accountable for any adverse consequences that result from those relationships. The disciplinary processes are defined in ACAF 1.82 Faculty Progressive Discipline for faculty and [HR 1.39 Disciplinary Action and Termination for Cause](#) for Staff.

C RETALIATION

The university prohibits retaliation and threats or attempts to retaliate against anyone who makes a good-faith report under this policy or who participates in, cooperates with, or contributes to the efforts to investigate and resolve such reports. Any student, faculty, or staff member who believes they are being penalized as a consequence of making a report under this policy, or for participating in, cooperating with, or contributing to efforts to investigate or resolve a report, should immediately contact the Office of Civil Rights and Title IX.

PROCEDURES

A. SELF-DISCLOSING PROCEDURE

When a preexisting sexual or romantic relationship exists or develops that is prohibited by this policy, or if a relationship not previously prohibited becomes prohibited due to a change in circumstances, the person in the position of greater authority or power must disclose the relationship to their direct supervisor. The supervisor, in consultation with the Office of the Provost and/or Division of Human Resources will promptly make arrangements for oversight of the other party by developing a conflict of interest management plan. Failure to disclose the relationship in a timely fashion and comply with a management plan will itself be considered a violation of this policy and therefore subject to disciplinary action as defined in ACAF 1.82 Faculty Progressive Discipline for faculty and [HR 1.39 Disciplinary Action and Termination for Cause](#) for Staff.

If there is any doubt whether a relationship falls within this policy, individuals must disclose the facts and seek guidance from the supervisor of the higher-ranking individual in the relationship. Once disclosed, the supervisor must also inform the division vice president or vice chancellor directly.

Within -10 business days of receiving a report of a Consensual Relationship, the supervisor will consult with the division Vice President or Vice Chancellor to develop a plan to manage or eliminate all conflicts of interest and mitigate adverse effects on the involved parties and other third parties.

This plan will document, in writing, the actions that shall be taken, including one or more of the following actions:

1. Transfer supervisory, decision-making, evaluative, academic, and/or advisory responsibilities;
2. Provide an additional layer of oversight to the supervisory role;
3. Reassign one of the individuals to another position; and/or
4. Take any other action reasonably necessary to manage or eliminate the actual or potential conflict of interest and/or mitigate adverse effects; and
5. The report and resulting management plan must be saved in the office of the division vice president/vice chancellor.

In those rare situations where it is programmatically infeasible to provide alternative supervision, academic responsibility and/or evaluation, the dean, director or supervisor must approve all (as applicable) academic responsibility, evaluative and compensation actions and must clearly be outlined in the plan.

B. REPORTING POTENTIAL VIOLATIONS

Any employee who reasonably believes there may be a violation of this policy shall report the violation to the Title IX office by phone at [phone #] or via email to [email]. Failure to report can be addressed following procedures of ACAF 1.82 Faculty Progressive Discipline for faculty and [HR 1.39 Disciplinary Action and Termination for Cause](#) for Staff.

If the Office of Civil Rights and Title IX renders a decision that this does not rise to the legal standard required by their office, they will defer the case to the Division of Human Resources. A potential violation of this policy will lead to an investigation by the Division of Human Resources Employee Relations Office and/or by the Office of the Provost' with consultation from the Employee Relations Office. If, after an investigation, a violation is determined to have occurred, the information will be referred to the relevant vice president/vice chancellor to determine what disciplinary action will be taken as permitted by university policy and law, up to and including termination of employment.

C. FRIVOLOUS AND FALSE CLAIMS

Knowingly submitting a report or complaint that is false or frivolous or y making a materially false statement during the course of an investigation, hearing, or request for review is in violation of expectations for faculty civility defined in the Faculty Manual and ACAF 1.80 Workplace Bullying and in [HR 1.39 Disciplinary Action and Termination for Cause](#) for Staff, Appendix A and therefore subject to the disciplinary procedures of ACAF 1.82 Faculty Progressive Discipline for faculty and [HR 1.39 Disciplinary Action and Termination for Cause](#) for Staff..

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

ACAF 1.82 Progressive Faculty Discipline

[EOP 1.02 Sexual Harassment](#)

[EOP 1.03 Prohibition of Unlawful Discrimination and Harassment](#)

[EOP 1.05 Sexual Misconduct, Intimate Partner Violence and Stalking](#)

[EOP 1.06 Sexual Harassment, Sexual Misconduct, and Interpersonal Violence](#)HR 1.27 Nepotism

[HR 1.39 Disciplinary Action and Termination for Cause](#)

Faculty Discipline

Faculty Manual

HISTORY OF REVISIONS

DATE OF REVISION	REASON FOR REVISION
XXX	New policy