



**THE UNIVERSITY of
NEW ORLEANS**

Policy No:	AP-OP-27.1
TITLE:	Romantic Relationships Between Members of the University Community
EFFECTIVE DATE:	August 12, 2020
CANCELLATION:	
REVIEW DATE:	Fall 2022

ADMINISTERED BY: Office of the President

PURPOSE

The University of New Orleans is committed to providing a safe and equitable academic and workplace environment for all members of our community. Certain romantic or sexual relationships between members of the University community, even if consensual, can undermine the environment and raise significant legal, administrative, and ethical risks. This is especially true when the relationship is between individuals in unequal positions of power or authority. But it can also be true even when the relationship is between individuals of equal power or authority.

Accordingly, the University has established this policy to protect the members of our community and the integrity of our environment from the conflicts of interest, disruptions, and illegal acts that can potentially arise from romantic or sexual relationships between members of the University community.

The University recognizes that people sometimes form legitimate consensual romantic or sexual relationships through their workplaces. After all, many people have met their future spouses at work. It is not the goal of this policy to prevent legitimate consensual relationships that pose no risk.

The goal of this policy is to prevent the untoward effects that can arise from relationships such as conflicts of interest, workplace disruptions, and illegal sexual harassment. Sexual harassment is real. It is pernicious. It sometimes occurs on the UNO campus. The effects of sexual harassment are often terrible for the people involved and for the University. This policy is not an attempt by UNO to intrude on people’s personal lives. This policy is an attempt to prevent sexual harassment before it happens. This policy would not be necessary if sexual harassment didn’t occur.

AUTHORITY

Part Two, Chapter III, Section XIX of the Bylaws and Rules of the University of Louisiana System. University of Louisiana System Policy and Procedure Memorandum M-11a and M-12. Title VII of the Civil Rights Act of 1964. Title IX of the Education Amendments of 1972.

DEFINITIONS

Employee – An employee is any individual who is hired by UNO, classified as an employee by UNO, and whose wages are reported on an IRS Form W-2. Employees include faculty and staff who are full time, part time, and temporary. However, solely for purposes of this policy, the term “employee”

does not include undergraduate student workers whose primary relationship with the University is that of a student and who do not have academic or employment power over others at UNO.

Relationships – For the purposes of this policy, when the word “relationships” is written alone, it should be considered a shortened version of the phrase “romantic and/or sexual relationships.”

Romantic – For the purposes of this policy, when the word “romantic” is written alone, it should be considered a shortened version of the phrase “romantic and/or sexual.”

GENERAL POLICY

- A. A romantic relationship between individuals in positions of unequal authority, whether regarded as consensual or otherwise, is prohibited unless the University grants a specific exception for that particular relationship.
- B. A romantic relationship between an individual with direct authority over another individual, whether regarded as consensual or otherwise, is prohibited unless the University grants a specific exception for that particular relationship.
- C. This policy applies to all romantic relationships between University employees and students. This policy also applies to all romantic relationships between University employees.
- D. Not all consensual romantic relationships among members of the University community are prohibited. Some are allowed as described in this policy. It is not the goal of this policy to prevent legitimate consensual relationships that pose no risk. However, even when a relationship is allowed, the individuals involved in the relationship must comply with the requirements stated in this policy.
- E. This policy requires employees to promptly report certain romantic relationships to their managers. Managers are required to promptly report relationships to Human Resource Management. Failure to comply with reporting requirements will be considered a serious violation of this policy and may result in disciplinary action, possibly including termination of employment. Prompt reporting of relationships is a crucial component of this policy. The appropriate University officials need to know about relationships so they can assess potential risks such as conflict of interest, sexual harassment, and other possible problems.

PROCEDURES

- I. Unequal Positions and Direct Authority
 - A. In both the workplace and the academic realms, romantic relationships, whether regarded as consensual or otherwise, between individuals in positions of unequal authority are prohibited unless the relationship qualifies for an exception permitted by this policy.
 - 1. For the purposes of this policy, positions are unequal when the person in one position has the power or authority to influence the academic status or employment of the other person by means which may include, but are not limited to: grading; supervising; deciding or making recommendations for advancement, promotion, demotion, discipline;

and similar acts by one person that affect the academic or employment status of the other. Examples of academic and workplace positions that are inherently unequal include, but are not limited to:

- teacher and student;
- supervisor and subordinate employee;
- senior faculty and junior faculty;
- mentor and trainee;
- adviser and advisee;
- teaching assistant and student;
- principal investigator and postdoctoral scholar or research assistant;
- coach and athlete.

B. In both the workplace and the academic realms, romantic relationships, whether regarded as consensual or otherwise, are prohibited when one individual has direct authority over the other unless the relationship qualifies for an exception permitted by this policy.

1. For the purposes of this policy, direct authority means an individual has power over another in terms of academic, employment, financial, evaluative, counseling, supervisory, formal mentoring authority, or similar power. Additionally, if the individual is a student, direct authority includes direct extracurricular authority over the student.

II. Relationships Between Employees That Involve Direct Authority

- A. No employee may exercise direct authority over another employee with whom a romantic relationship currently exists or existed in the past.
- B. If a romantic relationship existed before one employee assumed direct authority over the other employee, the employees are required to promptly disclose the relationship to their manager.
- C. It would be unrealistic to ignore the possibility that a consensual attraction between individuals might develop. Therefore, if a romantic relationship arises between employees while one has direct authority over the other, the employees are required to promptly report the relationship to their manager.
- D. Prompt reporting of relationships will generally protect the individuals from penalties associated with violations of this policy assuming there are no additional infractions of this or other policies involved.

III. Relationships Between Employees That Do Not Involve Direct Authority

- A. This policy does not prohibit consensual romantic relationships between employees when neither has any direct authority over the other and there are no potential conflicts of interest. However, employees who engage in such relationships must comply with the requirements of this policy.

- B. The University strongly encourages employees to exercise prudence and caution before engaging in a romantic relationship with another employee. Especially if the relationship is between employees who regularly work closely with each other, the relationship could have major impacts on the employees' careers.
- C. A few of the potential risks of pursuing or engaging in a romantic relationship with another employee include sexual harassment, conflicts of interest, and a difficult working environment. Therefore, any employee who seeks or is involved in a relationship with another employee will be held accountable for compliance with the following requirements.
 - 1. The relationship must be entirely consensual. Neither party may exert any inappropriate pressure or influence on the other.
 - 2. An employee who seeks a date or a relationship may ask for it once and, if the offer is not accepted, the employee may not ask that same person again. The reason for this rule is that repeated unwelcomed solicitations could constitute sexual harassment.
 - 3. If the employees who engage in a relationship work in the same department, they must promptly inform their manager of the relationship. Failure to promptly inform the manager will be considered a serious violation of this policy and the employees will be subject to disciplinary action, possibly including termination of employment.
 - 4. If employees who engaged in a relationship in the past become employed in the same department, they must promptly report their past relationship to their manager.
 - 5. Employees who work in different departments are not usually required to report their relationship to anyone unless a potential conflict of interest exists or the individuals regularly work closely together. If there is any doubt about these factors, the employees should be cautious and report their relationship to their respective managers.

IV. Relationships Between Faculty and Students

- A. All romantic relationships between faculty and students are prohibited (unless a specific exception is approved by the University as explained below in "Exceptions"). This prohibition applies regardless of whether the faculty member has any direct authority over the student. This prohibition applies even if the individuals involved regard the relationship as consensual. This prohibition applies to all members of the faculty. The inherent power differential between faculty and students makes romantic relationships deleterious to students and the University, therefore, such relationships are not permitted.
- B. No faculty member may exercise direct authority over a student with whom a romantic relationship currently exists or existed in the past.
- C. If a romantic relationship existed before a faculty member assumed direct authority over a student, the faculty member is required to promptly disclose the relationship to the department Chair or Dean so action can be taken to correct the situation. Prompt reporting of such a relationship will generally protect the faculty member from penalties associated

with violations of this policy assuming there are no additional infractions of this or other policies involved.

V. Relationships Between Non-Faculty Employees and Students

- A. Some romantic relationships between non-faculty employees and students are permitted, but restrictions apply.
- B. Any non-faculty employee who engages in a romantic relationship with a student must promptly report the relationship to their manager in order to determine if the relationship is permitted by the University.
- C. A non-faculty employee may not exercise direct authority over a student with whom a romantic relationship currently exists or existed in the past.
- D. If a romantic relationship existed before a non-faculty employee assumed direct authority over a student, the employee is required to promptly disclose the relationship to their manager so action can be taken to correct the situation. Prompt reporting of such a relationship will generally protect the employee from penalties associated with violations of this policy assuming there are no additional infractions of this or other policies involved.

VI. Responsibilities of Managers


- A. When any manager (which includes anyone who supervises employees such as supervisors, chairs, department heads, deans, vice presidents, executives, etc.) learns of an unreported romantic relationship between employees, or between an employee and a student, that manager is required to promptly report the relationship to Human Resource Management. This reporting requirement applies even if the relationship was not officially reported to the manager by the employees in the relationship. If a manager has any knowledge of employees in an unreported relationship, even if that knowledge is merely a rumor, the manager must report that to Human Resource Management. Managers who fail to comply with this reporting requirement will be subject to disciplinary action, possibly including termination of employment. The appropriate University officials need to know about relationships so they can assess potential risks such as conflict of interest, sexual harassment, and other possible problems.
- B. Human Resource Management will discuss the relationship with the appropriate managers in order to determine if any actions should be taken to minimize the risk of sexual harassment, conflicts of interest, and other potential problems.
- C. The University has the right to decide if action should be taken to prevent or stop problems associated with a relationship. If the University decides action is necessary, those actions may include, but are not limited to: restructuring of reporting relationships; changes in the employees' duties or responsibilities; implementation of different procedures; transfer of one or both of the employees to other positions; and other actions the University may deem necessary. Actions such as these will be implemented only after approval by Human Resource Management and, when appropriate, the relevant managers in the organizational structure.

VII. Exceptions

- A. The University may grant specific exceptions to the prohibitions stated in this policy. Requests for exceptions will be considered on an individual case-by-case basis.
- B. An employee who wishes to seek an exception must formally request it in a prompt timeframe.
 - 1. The employee must submit the request in writing by email. The employee should send the request to their immediate supervisor and copy Human Resource Management (specifically, the University Compliance and Employee Relations Officer).
 - 2. An exception is not approved until Human Resource Management sends an email to the employee and immediate supervisor stating that the exception is approved.
 - 3. Examples of exceptions the University may approve include:
 - a. A faculty member and student are married, engaged, or have been involved in a long-term consensual relationship.
 - b. A romantic relationship between a faculty member and student existed before one of the individuals became a University faculty member or student.
 - c. Two employees are married, engaged, or have been involved in a long-term consensual relationship.
 - d. A romantic relationship between two employees existed before one of the individuals became a University employee.
- C. Even when an exception is granted by the University, no employee may exercise direct authority over a student or over another employee with whom a romantic relationship currently exists or existed in the past. The University will make alternate arrangements to remove any direct authority that exists.

VIII. Impact of Relationships on the University's Reputation

- A. The University reserves the right to assess the potential impact of a romantic relationship on the reputation of the University. If a relationship is considered unseemly or reflects poorly on the University for any reason, UNO may take action to protect its reputation, which could possibly include, but is not limited to, transfer of the employees involved, termination of employment, or other action deemed appropriate by the University.



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