

FREQUENTLY ASKED QUESTIONS - POLICY AGAINST DISCRIMINATION, HARASSMENT AND INAPPROPRIATE ROMANTIC RELATIONSHIPS

Q: What is the reason for a new University Policy Against Discrimination, Harassment and Inappropriate Romantic Relationships?

A: While the University has longstanding policies and statements against discriminatory and sexual harassment and has historically strongly discouraged romantic relationships between faculty and students or supervisors and subordinates, this new policy places all of the University's policies and statements regarding discrimination, discriminatory harassment, and inappropriate Romantic relationships in one place for greater clarity for all members of our community – students, staff and faculty. It specifically prohibits relationships between faculty or staff and undergraduate students; faculty or staff with graduate students over whom they have authority; graduate students with students over whom they have authority; and supervisors with subordinate employees. It also includes additional guidance to promote a safe and suitable learning and working environment for the University community while reflecting prevailing higher education non-discrimination and harassment principles. Finally, the Policy more clearly identifies reporting obligations and the offices responsible for administering these issues on campus for both students and employees.

Q: Does this policy apply to all UConn campuses?

A: The policy applies to the Storrs and regional campuses (including the Law School and the School of Social Work) including any and all off campus programs and any other site under the control of the University where university employees work.

The UConn Health Center has its own policies regarding discrimination, harassment, relationships, and student misconduct. For more information, please see the *UCHC Policy: Prohibition on Sexual Harassment* or contact the UCHC ODE office: www.diversity.uchc.edu.

Q: What are some examples of discrimination prohibited under the Policy?

A: All allegations of discrimination require and receive close, individual review. As a general matter, any adverse action taken impacting the terms and conditions of employment that is based on a protected classification (race, gender, religion, age, etc.) is considered discrimination in violation of University policy and state and federal law. This could include (but is not limited to) failure to hire, failure to promote, termination, less favorable working hours or schedule because of someone's protected classification rather than a legitimate non-discriminatory reason.

Q: What are some examples of harassment prohibited under the Policy?

A: All allegations of harassment also require and receive close, individual review. A hostile work environment will be created where there is offensive behavior aimed at a person or group of people because of their protected classifications (race, gender, religion, age, etc.). This can include inappropriate jokes or derogatory comments using inflammatory and

degrading language based on protected classifications that interfere with an individual's work performance.

In terms of sexual harassment more specifically, some examples include the following unwelcome behavior:

- Sexual advances, particularly when repeated.
- Touching, hugging, kissing, fondling, or touching oneself sexually for others to view.
- Telling jokes of an explicitly sexual nature in the workplace or academic setting.
- Viewing or displaying sexually explicit or pornographic material at the workplace or within the academic environment (where not connected to any academic or work-related purpose).
- A faculty member becomes Facebook friends with students in the faculty member's class, and comments on students' sexual appeal and sexual habits knowing students in the class will be able to view these comments.
- Requests for sexual favors in exchange for hiring, promotion, raises, good grades or any other workplace or academic benefit.
- Sexual violence of any kind, including sexual assault.

Q: I am concerned about “harassment” in my workplace, but I do not think it is because of my or someone's protected classification(s) – instead, it feels more like general incivility. Is that covered? Is there anything I can do about that?

A: While this policy does not specifically address concerns of a more general nature unrelated to protected classifications, the University values an environment that promotes a spirit of civility and collegiality and expects all members of the University community to treat each other with consideration and respect. The University Code of Conduct states that engaging in behaviors that harass, intimidate, bully, threaten or harm another member of the University community does not support a respectful and civil work environment. Employees may report concerns related to incivility to their supervisor or supervisor's supervisor, to their union, or to the Office of Audit, Compliance and Ethics.

Employees also may utilize the University Ombuds, Jim Wohl, for a private conversation regarding concerns and options for conflict resolution. The Ombuds office is located in the Homer Babbidge Library in Rooms 2-189 and 2-191. Jim Wohl can be reached at (860) 486-5143. In addition, any person can use the anonymous Reportline to make a report of their concerns by calling (888) 685-2637.

Student employees with concerns about incivility in the student workplace are encouraged to speak directly with their supervisor or their supervisor's supervisor.

Q: What is the impact of this Policy on free speech and academic freedom?

A: The University is deeply committed to academic freedom and it recognizes and protects full freedom of inquiry, teaching, research, discussion, study, publication, and for artists, the creation and exhibition of works of art, without hindrance, restriction, equivocation, or reprisal. Constitutionally protected speech and traditional notions of academic freedom

are of the highest value at the University. These ideals are critical in fostering our stimulating and challenging learning environment. University community members are encouraged to invite, rather than inhibit, discourse on ideas.

In addressing all complaints and reports under this policy, the University will take all permissible actions to ensure the safety of students and employees while complying with all free speech protections for members of the University community. While the University will vigilantly protect students' and employees' rights against discrimination and discriminatory harassment under this policy, please keep in mind that the policy does not reach curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials.

Q: Why is the University getting involved in Romantic relationships?

A: UConn's prior policy strongly discouraged Romantic relationships where there was any power imbalance between the parties. This policy takes that discouragement a step further, and prohibits certain relationships where such a power imbalance exists.

When working with students, all faculty and staff must be aware that Romantic relationships with students are likely to lead to difficulties and have the potential to place faculty and staff at great personal and professional risk. The power difference between faculty and staff as compared to students means that any Romantic relationship between a faculty or staff member and a student is potentially exploitative or could at any time be perceived as exploitative. Faculty and staff engaged in such relationships also need to be aware that they may unexpectedly be placed in a position of responsibility for the student's instruction or evaluation. As we look to our peer and aspirant institutions and major employers across the nation, we see that we are not alone in our institutional decision to prohibit such relationships.

In the employment context, Romantic relationships between supervisors and their subordinate employees often adversely affect decisions, distort judgment, and undermine workplace morale for all employees, including those not directly engaged in the relationship. This can lead to claims of favoritism, bias and collusion. Given our employees' status as state employees, these relationships also have the potential to violate state ethics laws.

Q: Has the American Association of University Professors (AAUP) issued a position statement on Romantic relationships between professors and students?

A: Yes. The statement that follows was approved by the Association's Committee on Women in the Academic Profession, adopted by the Association's Council in June 1995, and endorsed by the Eighty-first Annual Meeting:

Sexual relations between students and faculty members with whom they also have an academic or evaluative relationship are fraught with the potential for exploitation. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student

suspect. Even when both parties initially have consented, the development of a sexual relationship renders both the faculty member and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between faculty members and students.

Q: Why is “Romantic” capitalized?

A: The term “Romantic” is capitalized throughout the policy (and this FAQ) where it is used as a term of art as broadly defined by the Policy:

For the purposes of this policy, “Romantic relationships” are defined as intimate, sexual, and/or any other type of amorous encounter or relationship, whether casual or serious, short-term or long-term, willingly undertaken by the parties.

Q Are “hookups,” “sexting,” or one-time casual encounters included in the prohibition on certain Romantic relationships?

A: Yes. Any amorous, intimate, or sexual contact is covered under this policy, regardless of duration and regardless of how traditionally “romantic” (or not) or long term (or not) the encounter may be. One-time encounters are included. The intent of the Policy is to capture all such encounters or propositions for such encounters, not just long-term, established relationships.

Q: What are a few examples of Romantic relationships that would violate the Policy?

A: Examples of Romantic relationships that would violate the Policy are:

- Any faculty or staff member engaged in any type of Romantic relationship with any undergraduate student.
- A faculty member asking out a graduate student that serves as a TA in the faculty member’s class, as a research assistant in the faculty member’s lab, or who is an advisee of the faculty member.
- A graduate student dating, hitting on or “sexting” an undergraduate student in the class where the graduate student is a TA.
- A manager dating or engaged in an intimate relationship of any kind with an employee when the manager supervises, sets salary or merit, or signs that employee’s performance evaluation.

This list of examples is by no means exhaustive.

Q: What are a few examples of relationships that would not violate the Romantic relationships policy and do not need to be reported?

A: Examples of relationships that would not violate the Romantic relationships policy are:

- Consensual Romantic relationships between undergraduate students.

- A consensual Romantic relationship between a supervisor in a department totally unconnected from the department of the employee s/he is dating, regardless of that employee's job position.
- A consensual Romantic relationship between faculty or staff members of equal rank in different or the same department.

This list of examples is by no means exhaustive.

Q: What about Romantic relationships between faculty or staff members who work in the same department?

A: Bear in mind that while relationships between colleagues are not prohibited if there is no power difference (i.e., the two employees are peers and neither has supervisory authority over the other), any Romantic relationships between colleagues in the same department can adversely affect decisions, distort judgment, and undermine workplace morale, causing feelings of exclusion for others in the workplace. The disruption within the workplace tends to be particularly acute if the relationship ends, even where there is no supervisory authority.

In addition, engaging in such relationships within your workplace, while not a violation of the Policy, may limit leadership opportunities for one or both of the parties in the relationship in the future.

Q: Should I report a Romantic relationship to ODE or the Office of Faculty and Staff Labor Relations that does not appear to violate this policy?

A: If you have any question about whether a relationship that you may be about to enter or have entered would violate the Policy, you are encouraged to contact ODE or Labor Relations for clarity. If you are certain that your relationship would not violate this policy, there is no need to contact ODE or Labor Relations.

Q: I am a faculty or staff member who would like to pursue a Romantic relationship with a student who has recently graduated. Is there any problem there?

A: Pursuit of a Romantic relationship once the student has graduated (and not a day before) is not a violation of this policy. Bear in mind, however, that if you were in a position of authority over the student while s/he was studying at UConn, your position of authority in practical terms can extend beyond graduation with respect to letters of recommendation, references, etc., and pursuing such a relationship can put you at some level of personal and professional risk if your interest is unreturned. As a result, it is wise to proceed with abundant caution prior to making your interest in a graduated student known to him/her and to be prepared that your expression of romantic interest may fundamentally alter or diminish the strength of your relationship with the graduated student moving forward.

Q: Who exactly has an obligation to report concerns or allegations of discrimination, discriminatory harassment and inappropriate Romantic relationships?

A: Deans, directors, department heads and supervisors receiving information, including but not limited to informal and formal complaints and reports, that any University employee

or person doing business with the University has engaged in discrimination or discriminatory harassment, or violations of the *Romantic Relationship Policy*, must alert ODE as to the nature of the incident and also refer the inquirer to ODE as soon as it is disclosed or becomes known to the dean, director, department head or supervisor.

Concerns about student misconduct under this policy must be reported by deans, directors, department heads and students to Community Standards, Wilbur Cross Building, Room 301, 233 Glenbrook Road, Unit 4119, Storrs, CT 06269-4119; Telephone: (860) 486-8402; Email: community@uconn.edu.

Q: What about *rumors* of discrimination, harassment, or inappropriate Romantic relationships? Do they have to be reported?

A: When in doubt, please call for advice or to discuss the situation further. Deans, department heads, directors and supervisors should exercise great caution when choosing not to report a rumor of discrimination, harassment or inappropriate Romantic relationships to the Office of Diversity and Equity. ODE has the appropriate expertise to assess the reported concern, conduct a discreet review where necessary, or provide appropriate advice to the dean, department head, director or supervisor as to how to respond or address the rumored situation. No adverse actions can be taken against any individual for making a good faith report of discrimination, harassment or an inappropriate Romantic relationship. Spreading such rumors, however, instead of reporting them to the appropriate authorities, can create or exacerbate a hostile working or learning environment.

Q: I am not a dean, director, department head or supervisor but I am concerned that a student or employee is being harassed/is engaged in an inappropriate Romantic relationship. Can I tell someone? Am I required to tell someone?

A: Yes, you can and are encouraged to report these concerns. All members of our community are responsible for maintaining a work and academic environment where people are free to work and learn without discrimination and harassment. You can talk to your supervisor, your supervisor's supervisor, or directly contact ODE or the Office of Faculty and Staff Labor Relations (if the concerning conduct is by an employee) or the Office of Community standards (if the concerning conduct is by a student).

You can also make an anonymous report through the University's anonymous Reportline: (888) 685-2637.

Retaliation against any person who makes a good faith report is strictly forbidden under the University's *Non-Retaliation Policy*.

Q: Some of our undergraduates, particularly non-traditional students, are older than some of our faculty and staff members. What about Romantic relationships that may arise in those situations or in other unique situations?

A: This policy was written with the vast majority of the undergraduate student population in mind. The rules as articulated within the Policy will be applicable to virtually all scenarios, with very limited exceptions. More importantly, however, regardless of age, the power difference inherent in the faculty-student or staff-student relationship means that any

Romantic relationship between a faculty or staff member and a student is potentially exploitative or could at any time be perceived as exploitative and should be avoided. Should an extraordinary situation arise that requires a more individualized approach, that situation must be reported and can be evaluated by contacting the Office of Diversity and Equity and/or the Office of Faculty and Staff Labor Relations. Bear in mind, however, that absent unique, extraordinary circumstances, no Romantic relationships in violation of this policy will be permitted while the student is enrolled or the faculty or staff member is employed by the University.

Q: What about a *student* who is discriminating against, harassing, or romantically propositioning an employee?

A: Allegations of student misconduct, including by graduate students, are typically handled by the Office of Community Standards. All employees are strongly encouraged to report student conduct of a concerning nature to Community Standards. This is important not only to assist in stopping any inappropriate behavior under the Student Code, but it also protects the employee who may be an unwitting target of such attention and wants to have his/her appropriate response to the student “on the record.”

Q: Will there be more training on all of this?

A: Yes, the University is already and will continue to train students, staff and faculty on discrimination, discriminatory harassment and inappropriate Romantic relationships.

Q: I am fearful of retaliation if I report a suspected violation of the Policy. Should I still report the allegations?

A: The University encourages individuals to bring forward information and/or complaints about alleged violations of state or federal law, and University policy, rules, or regulations. Retaliation against any individual who, in good faith, reports or who participates in the investigation of alleged violations is strictly forbidden. For more information, please see the University’s *Non-Retaliation Policy*: <http://policy.uconn.edu/?p=415>

Q: What if I am accused of violating this policy? What should I do?

A: The University provides all persons accused of violating policies an opportunity to present their side of the story as part of an inquiry or full investigation. If you are a member of a bargaining unit, you have the right to union representation throughout the investigation process. ODE has developed a chart to educate our community on its investigation process. For more information, please see <http://ode.uconn.edu/wp-content/uploads/sites/833/2015/02/investigations-what-to-expect.pdf>

Q: Does this cover part-time employees? Special payroll employees? Temporary employees? Adjunct faculty? Part-time students? Students who take classes as non-degree students (and are not matriculated at the University)?

A: The University is committed to maintaining an environment free of discrimination or discriminatory harassment directed toward any person or group within its community. This includes all employees and students, regardless of their status. All of the above are covered by the provisions of the Policy.

Q: Who was involved in developing this policy? Were the unions involved?

A: The University's Title IX Committee drafted the Policy and ODE and the Office of Faculty and Staff Labor Relations vetted the policy through various and numerous University committees consisting of students, faculty and staff, as well as each of the employee unions. The Policy has been approved by the President's Cabinet and the Board of Trustees.

Q: What if I get involved with someone and do not realize that he/she is a UConn student until later?

A: The University recognizes that these kinds of situations may occur and recommends that as soon as the individual's student status is known, the employee report the existence of the relationship to ODE or OFSLR. The University encourages immediate self-reporting, and will consider this factor in the context of any resolution that may be able to be reached. In addition to the relationship itself, a faculty, staff member or graduate student's failure to report the existence of an inappropriate Romantic relationship with a student is also a violation of this policy.

Q: What if I used to have a relationship with another employee but don't anymore?

A: The answer depends on whether or not one of the parties is or could become a supervisor. Supervisory, decision-making, oversight, evaluative or advisory relationships for someone with whom there has existed a Romantic relationship is unacceptable unless effective steps have been taken to eliminate any potential conflict of interest in accordance with this policy. The prior existence of such a relationship must be disclosed by the employee in a position of authority prior to accepting supervision of the subordinate employee to the Office of Diversity and Equity and/or the Office of Faculty and Staff Labor Relations. Working with the Office of Faculty and Staff Labor Relations, the relevant managers will determine whether the conflict of interest can be eliminated through termination of the situation of authority. The final determination will be at the sole discretion of the relevant dean or vice president.

If there is no supervisory, decision-making, oversight, evaluative or advisory relationship, there is no requirement to disclose the relationship, however if the status changes as described above, the relationship must be disclosed.

Q: What about Romantic relationships that were happening before this policy was passed that would violate the Policy as written?

A: Any employee already engaged in a Romantic relationship that would be a violation of this policy has three (3) months from the date of passage by the Board of Trustees of the Policy to declare the existence of the relationship as outlined below:

1. The faculty member, staff member or graduate student in a position of authority must declare the existence of the relationship to the Office of Diversity and Equity (ODE) or the Office of Faculty and Staff Labor Relations (OFSLR) as soon as possible upon adoption of the policy, but no later than three (3) months from passage by the Board of Trustees.
2. The appropriate dean or vice president, in close collaboration with OFSLR, will consider whether steps can be taken to eliminate or minimize the conflict. All parties will be told that not all conflicts can be eliminated, potentially limiting career or academic options for both of the parties involved in the relationship.
3. OFSLR will document the steps taken and agreement (if any) reached.
4. In the event of a complaint of harassment or a report of the existence of a relationship in violation of this policy after the three month period, no weight will be given to the argument that the relationship existed prior to the enactment of the policy absent a declaration by the employee in a position of authority as outlined herein.

Prohibited Romantic Relationships			
INSTRUCTIONAL CONTEXT			
	Undergraduate Student	Graduate Student	Pre-existing Relationship?
Employee/Student	Prohibited	Prohibited as to graduate student under employee's authority	Must be reported to Office of Diversity and Equity or Office of Faculty & Staff Labor Relations within three (3) months of adoption of the policy. On an ongoing basis after initial implementation, must be reported prior to accepting authority over the student.
Graduate Student/Student	Prohibited as to undergraduate students under the graduate student's authority	Prohibited as to graduate students under graduate student's authority	Must be reported to Office of Diversity and Equity or Office of Faculty & Staff Labor Relations within three (3) months of adoption of the policy. On an ongoing basis after initial implementation, must be reported prior to accepting authority over the student.
EMPLOYMENT CONTEXT			
Supervisor/Employee	Prohibited as to any employee under supervision		Must be reported to Office of Diversity and Equity or Office of Faculty & Staff Labor Relations within three (3) months of adoption of the policy. On an ongoing basis after initial implementation, must be reported prior to accepting authority over the employee.