

Information

Intimate Relationships

Effective

June 24 2021

Applicability

This policy applies to all University employees administrators faculty staff and students

Administrative Authority

Executive Vice President and University Provost Vice President for Human Resources

Responsible Unit

Executive Vice President and University Provost

Phone: 502-852-5726

Email: provost@louisville.edu

Human Resources

Phone: 502-852-6258

Email: hrpbsvcs@louisville.edu

History

This policy supersedes the Consensual Sexual Relations Policy adopted by the Board of Trustees on September 27, 1999. Approved by the President's Cabinet June 15, 2021 and the University of Louisville Board of Trustees on June 24, 2021.

Revision Date(s):

Reviewed Date(s):

Categories

Statement:

For the foregoing reasons, the following types of intimate relationships are prohibited:

- a. An instructor, staff or administrator (including but not limited to a faculty member, part-time lecturer, academic advisor, athletic coach, residence hall professional staff) and an undergraduate student;
- b. An instructor, staff or administrator and a graduate or professional student, when the instructor, staff or administrator has a current or expected supervisory or instructional role with the student or when the instructor, staff or administrator and student are in the same academic school, college, program or department;
- c. A graduate or professional student and an undergraduate, graduate, or professional student when there is a supervisory or instructional role; and
- d. A supervisor and the supervisor's direct report.

Moreover, any employee (faculty, administrator, or staff) or other person in an instructional or supervisory role, who was in a past intimate relationship with a student is prohibited from serving in a supervisory or instructional role, directly or indirectly, of that student.

Other intimate relationships in which one party has power or authority over the other may also violate this policy.

For definitions of "intimate relationship", "instructor", "staff", "student", "direct report", "instructional role", and "supervisory role", refer to the Definitions section below.

EXCEPTIONS OR EXCLUSIONS

In circumstances where there is no supervisory or instructional role, requests for exceptions to this policy may be approved by the Executive Vice President and University Provost or designee in cases involving faculty or administrators; by the enrollment unit dean or designee in cases involving graduate or professional students; or by the Vice President for Human Resources or designee in cases involving staff. No exception will permit continuation of a supervisory or instructional role between a faculty member and a student who are, or were, in an intimate relationship, or between a supervisor and the supervisor's direct report. Further, exceptions should not adversely affect the student's academic progress or the direct report's opportunity for advancement within the University.

This policy does not apply to relationships involving family, marriage, or domestic partnership in the employment context. Such relationships are governed by the University's Nepotism policy.

Complaints alleging sexual harassment directed at a student, faculty, or staff member are resolved under the University's Sexual Harassment policy, which prohibits unwanted behavior of a sexual nature. Conduct that may have initiated in an intimate relationship can be determined to be sexual harassment at any time the behavior becomes unwelcomed. The University reserves the option to apply either or both policies in order to address a complaint. The highest priority and deference will be given to the resolution of complaints of sexual harassment.

REPORTING CONDUCT COVERED BY THIS POLICY

Any employee (faculty, administrator, or staff) or other person in an instructional or supervisory role who is engaged in an intimate relationship per this policy must report the relationship to the appropriate responsible officer as outlined in the Procedures section below. Upon receipt of the report, the responsible officer will evaluate whether the relationship is a violation of the policy and will determine a response after appropriate consultation. Failure to self-disclose such relationships may constitute a violation of this policy.

Any employee who becomes aware of conduct that may be prohibited by this policy should report the conduct as outlined in the Procedures section of this policy, which includes the option to report anonymously through the [University's compliance hotline](#).

CONFIDENTIALITY

In order to encourage self-disclosure of intimate relationships and to empower members of the University community to report perceived policy violations, the University will make every reasonable effort to treat all information received in the course of addressing a self-disclosure or concern in a manner that protects, to the extent permissible by law, the confidentiality of all parties.

FAILURE TO COMPLY WITH THIS POLICY

Employees who fail to abide by this policy and associated procedures will be subject to remedial and/or disciplinary action in accordance with the Redbook and other University policies and procedures. Employees and students may grieve such action or initiate a formal complaint in accordance with provisions of the Redbook and other University policies and procedures.

RETALIATION

Retaliation against persons reporting concerns about conduct that may violate this policy is prohibited and constitutes a violation of this policy and the University's policy on Duty to Report and Non-Retaliation (ICO-1.01).

Related Information:

Sexual Harassment Policy (PER 1.02) (<https://louisville.edu/policies/policies-and-procedures/pageholder/pol-sexual-harassment>)

Nepotism Policy (PER 2.11) (<https://louisville.edu/policies/policies-and-procedures/pageholder/pol-nepotism>)

Duty to Report and Non-Retaliation Policy (ICO 1.01) (<https://louisville.edu/policies/policies-and-procedures/pageholder/pol-duty-to-report-and-non-retaliation>)

Reasoning:

The University of Louisville is committed to fostering an environment that is fair, psychologically healthy, respectful, safe, and free of sexual and discriminatory harassment. It is fundamental to the University's mission that the professional responsibilities of its employees be carried out in a manner that is free of conflicts of interest, favoritism, and situations that create unfair advantages.

Intimate relationships have inherent risks when they involve one member of the University community who has supervisory or other evaluative responsibility over another individual; further, such relationships create perceived or actual conflicts of interest and perceptions of unfair advantage. There are also inherent risks in any intimate relationship between individuals in unequal positions of power (such as teacher and student, supervisor and employee). Such relationships may undermine the real or perceived integrity of the supervision and evaluation provided, and the

trust inherent in such relationships. Moreover, presently or retrospectively, the relationship may be less consensual than what is believed by one or both parties, especially by the individual whose position confers power.

Furthermore, 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 complaint when that relationship gives, or creates the appearance of, favoritism or unfair advantage to the person involved in the relationship, or when it restricts opportunities or creates a hostile environment for others.

In circumstances when sexual harassment is alleged as the result of an intimate relationship, the existence of the intimate relationship is not a per se violation of the University's Sexual Harassment policy (PER-1.02). However, the apparent consensual nature of the relationship is inherently suspect due to the fundamental asymmetry of power. Past consent does not remove grounds for or preclude a charge or subsequent finding of sexual harassment based upon subsequent unwelcome conduct.

Definitions:

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

- a. "Intimate relationship" means any romantic or sexual relationship between individuals, regardless of sex or gender, who are not married to, or domestic partners with, one another.
- b. "Instructor", means an individual, paid or unpaid, who teaches; advises; coaches; evaluates; or supervises, including but not limited to:
 1. Board of Trustees-appointed faculty members;
 2. Part-time lecturers;
 3. Any instructor of record;
 4. Graduate students and post-doctoral fellows with teaching responsibilities;
 5. Academic advisors;
 6. Athletics coaches;
 7. Residence hall professional staff; and
 8. Medical and dental residents with teaching responsibilities.
- c. "Student" means individuals who receive instruction, coaching, evaluation or supervision under the auspices of the University, including but not limited to:
 1. Those who have enrolled into an educational program at the University;
 2. Postdoctoral fellows;

3. Medical and dental residents; and

4. Participants served by internships, practicum experiences, outreach, and summer programs and camps.

d. "Staff", as defined in Redbook Section 5.1, means all employees of the University who do not hold faculty appointments, are not full-time students enrolled in the University, are not graduate assistants at the University, or are not administrators as defined in Redbook Section 2.3.1.

e. "Direct report" means an employee whose position at work is directly below that of another person, and who is supervised by that person.

f. "Instructional role" and "supervisory role" mean any context that involves instruction, evaluation or supervision - direct or indirect, face-to-face or remote - of a student's academic work or participation in University programs. These terms include employment situations where the primary purpose for participation by the employee is instructional, as well as situations involving medical and dental residents, postdoctoral fellows, teaching assistants, and student research assistants in their instructional capacity.

Responsibilities:

Regardless of who initiates the intimate relationship, the administrator, faculty, staff or graduate/professional student is responsible for complying with this policy. In a case involving a student, the employee or other individual in an instructional role is responsible for disclosing the existence of the relationship. In a case involving employees engaged in an intimate relationship, the employee holding the position or role of higher rank or power at the University is responsible for disclosing the relationship.