

DRAFT: ~~April 19~~ May 1, 2018

## APPENDIX Z: POLICY ON CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS BETWEEN FACULTY AND STUDENTS

Adopted March 2002; revised July 1, ~~—~~ 2018

Duke University is committed to maintaining learning environments as free as possible from conflicts of interest, exploitation, and favoritism.

The integrity of the student– teacher relationship is of fundamental importance to the central mission of the university. Students look to their professors for guidance and depend upon them for assessment, advancement, and advice. Faculty–student romantic or sexual consensual relationships create obvious dangers for abuse of authority and conflict of interest that can be actual, potential, and apparent.

Faculty–undergraduate student romantic or sexual relationships are problematic under any circumstance. The inherent power differential between faculty and undergraduate students undermines the possibility of meaningful consent. Such relationships introduce dynamics that detract from the educational mission of the University.

Faculty–graduate student romantic or sexual relationships are problematic if the graduate student is dependent upon the faculty member for access to research opportunities, supervision of thesis or dissertation work, and assistance in pursuing job opportunities. In addition, consensual romantic or sexual relationships between faculty and graduate students may impede the education of students not directly involved in the relationship through real or perceived unfairness in treatment or evaluation. However, romantic or sexual relationships between consenting faculty members and graduate students are unobjectionable if the faculty members and students in question do not bear an educational relationship with one another.

### Undergraduate Students

Consensual romantic or sexual relationships between faculty members and undergraduate students enrolled in Duke University or participating in Duke programs are prohibited.\*

Any violation of this policy with respect to undergraduates shall be deemed misconduct as that term is used in the Faculty Handbook. Violation of the policy may result in sanctions for the faculty member, including but not limited to, mandatory training or counseling, reprimand, probation, suspension, loss of privileges, demotion, removal of title(s), or termination. The relevant Dean shall determine sanctions for violations.

\*This policy will apply to any consensual romantic or sexual relationship between a faculty member and an undergraduate student that exists on the date this policy becomes effective. However, any faculty member in such a relationship may apply to the Provost for an exception to this policy. Such application should be made within thirty (30) days of the effective date of this policy.

### **Graduate ~~Students~~ and Professional Students**

Consensual romantic or sexual relationships between faculty members and graduate students are prohibited except under the following circumstances:

- (a) the faculty member has no current role, and is not expected to have any role in the future [teaching](#), supervising, mentoring, or evaluating the student and the faculty member and graduate student are in different schools; or
- (b) if the faculty member and the graduate student are in the same school: (i) the faculty member has no current role, and is not expected to have any role in the future [teaching](#), supervising, mentoring, or evaluating the student; and (ii) the faculty member reports the relationship [in writing](#) immediately to the relevant Dean, [with copy to the Institutional Ethics and Compliance Program](#), and represents to the Dean that there are no reasons that require prohibiting the relationship.

A faculty member who has had a past romantic or sexual relationship with a graduate student is prohibited from [teaching](#), supervising, mentoring, or evaluating the student.

A faculty member is not required to report ~~past or current~~ consensual romantic or sexual relationships that fall into category (a) above. A faculty member is required to report to the relevant Dean any ~~past or~~ current consensual romantic or sexual relationships that fall into category (b) above.

Any violation of this policy with respect to graduate students may be deemed misconduct as that term is used in the Faculty Handbook. Failure to report a consensual romantic or sexual relationship is a violation of this policy. Violation of the policy may result in sanctions for the faculty member, including but not limited to, mandatory training or counseling, reprimand, probation, suspension, loss of privileges, demotion, removal of title(s), or termination. The relevant Dean shall determine sanctions for violations. At his or her discretion, the Dean may appoint an existing or *ad hoc* faculty committee to advise on sanctions.

### **Teaching Assistants, Research Assistants, Tutors, Graders, and Other Students Charged with Academic Instruction of Other Students.**

Consensual romantic or sexual relationships between any student charged with academic instruction and students receiving such instruction are prohibited. This applies to teaching assistants, research assistants, tutors, graders and any other students who provide academic instruction to any other student.

The relevant Dean or his or her designee is empowered to address and remediate situations in which students charged with academic instruction are involved in a consensual romantic or sexual relationship with any student subject to such instruction. Remedial measures may include regrading exams or papers or no longer allowing a student to continue serving in an instruction role. Any violation of this policy by students may violate student conduct policies.

#### **Definitions**

*Duke University:* Duke University and related entities, including Duke University Medical Center and Health System.

*Faculty:* all Duke University regular rank faculty and all non-regular-rank faculty titles in the Faculty Handbook, faculty of other institutions when teaching at Duke or in Duke programs, and faculty of other institutions who participate in Duke academic matters affecting students (*e.g.*, serving as an external review on a Ph.D. committee).

*Students:* all those enrolled full-time or part-time in any program of Duke University and its various schools. A student's status as "student" ceases at the time the student graduates or otherwise separates from his or her educational program at Duke. [Any reference to "Graduate" students includes professional school students.](#)

*Consensual relationships:* romantic or sexual relationships willingly undertaken by the parties.

NOTE: Consensual relationships between employees, including between faculty members, are covered under Duke Human Resources policies. For purposes of this policy, trainees such as postdoctoral appointees and graduate medical trainees are considered employees.

#### **DRAFTING NOTES (not to be included in policy):**

**(1) Under existing Faculty Handbook policy, faculty members generally may not grieve an adverse action unless the adverse action is alleged to be the result of discrimination, violations of academic process, and/or infringements of academic freedom. Accordingly, faculty who suffer adverse action as a result of this policy will have access to the grievance process only to the extent such action falls under the FHC jurisdiction.**

(2) Faculty members with tenure may be terminated after a Faculty Hearing Committee adjudicates that the faculty member committed misconduct or neglect of duty. Similarly, the term of a faculty member holding a term appointment may be terminated mid-term according to the same standard. Violation of this policy with respect to undergraduates shall be deemed misconduct. Violation of this policy with respect to graduate students may or may not constitute misconduct and will depend on the circumstances. In complex cases, a dean may find it helpful to have the advice of a faculty advisory group. The advice could be provided by an existing faculty committee (school executive committee) or an *ad hoc* committee.

(3) Any consensual relationship that is required to be reported under this policy should be reported to the relevant dean. In addition, because consensual relationships raise the possibility of a conflict of interest, reports should also go the Institutional Ethics and Compliance Program in the Office of Internal Audit, which oversees conflict of interest issues.

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