

Improper Relationships between Students and Employees

Policy 602.21

1 Introduction

Appalachian State University is committed to prohibiting behaviors that adversely impact a student's ability to fully participate in their educational endeavors. University employees have a responsibility to avoid any actual or apparent conflict between their professional responsibilities and personal relationships with students. Similarly, supervising employees have a responsibility to avoid any apparent or actual conflict with student workers they supervise.

2 Scope

2.1 This policy applies to all University Employees, as defined below.

3 Definitions

3.1 Amorous Relationship - An Amorous Relationship exists when, without the benefit of marriage, two persons as consenting partners (a) have a sexual union or (b) engage in a romantic partnering or courtship that may or may not have been consummated sexually.

3.2 Related by Blood, Law, or Marriage

- a. Parent and child;
- b. Siblings (by blood or marriage);
- c. Grandparent and grandchild;
- d. Aunt and/or uncle and niece and/or nephew;
- e. First cousins;
- f. Stepparent and stepchild;
- g. Spouses;
- h. Parents-in-law and children-in-law;
- i. Brothers-in-law and sisters-in-law; or
- j. Guardian and ward.

3.3 Evaluate or Supervise - To assess, determine or influence (a) one's academic performance, progress or potential or (b) one's entitlement to or eligibility for any institutionally conferred right, benefit or opportunity, or; to oversee, manage or direct one's academic or other institutionally prescribed activities.

3.4 Employee - Individuals employed by the University including, but not limited to, full or part time employees who are SHRA, EHRA-NF, Faculty and Postdoctoral fellows.

3.5 Student Employee – Individuals who are employed by the University as part-time student employees.

3.6 Student - Individual who has accepted an offer of admission to the University, is currently enrolled in coursework or has registered for coursework at the University, has a continuing relationship with the University, is auditing coursework, or is participating in an educational program sponsored by or affiliated with the University. In general, the continuing relationship ends upon conferral of a degree, termination of the relationship, or a break in enrollment of twelve (12) consecutive months after the last semester attended at the University.

4 Policy Statements

4.1 Improper Relationships

4.1.1. The University does not condone Amorous Relationships between Students and Employees due to the potential for conflicts of interest, impact on the quality of the student experience, significant risk of subsequent claims of sexual harassment, and abuse of power. The power differential inherent in the faculty-student or staff-student relationship means that any Amorous Relationship between a faculty or staff member and a student is potentially exploitative or could at any time be perceived as exploitative, which can harm affected Students and damage the integrity of the academic enterprise.

4.1.2. The University's response to Amorous Relationships is deemed necessary when (a) the Employee is

responsible for evaluating or supervising the affected Student; or (b) when the Student is a minor, as defined by North Carolina law.

4.2 Prohibited Conduct

4.2.1. A University Employee or Student Employee shall not evaluate or supervise any enrolled Student of the University with whom they have an Amorous Relationship or to whom they are related by blood, law, or marriage.

4.2.2 Undergraduate Students. Subject to the limited exceptions herein, all University Employees are prohibited from pursuing or engaging in an Amorous Relationship with any undergraduate Student. Student Employees who serve as Resident Assistants in the University's residence halls are prohibited from pursuing or engaging in an Amorous Relationship with any undergraduate student who lives on their assigned floor in their residence hall.

4.2.3 Graduate Students. All University Employees are prohibited from pursuing or engaging in an Amorous Relationship with a graduate Student (i.e., any Student enrolled at the University for post-baccalaureate education in any discipline or professional program) under that Employee's authority. Situations of authority include, but are not limited to, teaching, formal mentoring or advising, supervision of research, employment of a Student as a research or teaching assistant, exercising substantial responsibility for grades, honors, or degrees, or involvement in disciplinary action related to the Student. Notwithstanding anything in this policy that may appear to be contrary, and for the avoidance of doubt, a graduate Student is not prohibited from engaging in an Amorous Relationship with another graduate Student unless one Student is in a situation of authority over another Student, as described above.

4.2.4 Pre-Existing Amorous Relationship. The University recognizes that an Amorous Relationship with a University employee may exist prior to the time that an undergraduate Student enrolls at the University (or may have existed and been terminated) prior to the undergraduate Student's enrollment or, with regard to graduate Students, an Amorous Relationship with a University employee may exist (or have previously existed and been terminated) prior to the time the employee is placed in a position of authority over the graduate Student (each a "Pre-existing Amorous Relationship"). A Pre-existing Amorous Relationship must be disclosed to the Office of Access and Equity, which may alert other University offices (e.g., Human Resources, the Office of the Provost, etc.) as appropriate to address any actual or potential conflict of interest. This disclosure must be made by the Employee in a position of evaluation or authority immediately if the Student is an undergraduate, and prior to accepting a supervisory role of any type over any graduate Student. Unless effective steps have been taken in conjunction with Human Resources and/or the applicable dean or vice chancellor to eliminate any actual or potential conflict of interest in accordance with this policy, any University employee in a Pre-existing Amorous Relationship with a Student is prohibited from being in a position of evaluation or authority over that Student.

4.2.5 Notwithstanding anything in this policy that may appear to be contrary, and for the avoidance of doubt, a University Employee shall not engage in sexual activity with any Student enrolled at the University, other than their spouse, who is a minor below the age of eighteen (18) years.

4.2.6 Absent an extraordinary circumstance, no 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.

4.3 Corrective Action

4.3.1. Violations of the provisions of Section 4.2 shall be addressed in accordance with existing institutional policies and procedures prescribed for addressing misconduct by members of the class of employment of which the affected Employee is a member.

5 Additional References

N.C. Gen. Stat. § 14-27.32

6 Authority

The UNC Policy Manual, 300.4.1

7 Contact Information

8 Original Effective Date

9 Revision Dates