

UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS
Improper Relations Policy
Policy #616

Source of Authority: *UNC Policy Manual* § 300.4.1

Revision Authority: Chancellor

History: **First Issued:** February 17, 2011

Related Policies: Conflicts of Interest (Employees) Policy #603;
 Employment of Related Persons Policy #608;
 Grievance (SAAO-II & Other EPA) Policy #614;
 Grievance (SPA) Policy #615

Responsible Offices: Chief Academic Officer
 Chief Operating Officer
 Human Resources

Effective Date: February 17, 2011

I. Purpose

This policy provides clear guidelines that enable faculty, staff and students to distinguish between proper and improper relationships between students and employees.

II. Scope

This policy applies to all UNC-SA employees and students.

III. Definitions

- A. An “**Amorous Relationship**” exists when, without benefit of marriage, two consenting partners have a sexual union or engage in a romantic relationship or courtship that may or may not have been consummated sexually.
- B. “**Appropriate Administrator**” means the Chief Academic Officer, Chief Operating Officer, or Vice-Chancellor for Student Life as appropriate in the context.
- C. “**Department Head**” retains its usual meaning but also includes deans.
- D. “**Evaluate or Supervise**” means to
 - 1. to assess, determine or influence one’s academic performance, progress or potential;
 - 2. to assess, determine or influence one’s entitlement to or eligibility for any institutionally conferred right, benefit or opportunity; OR
 - 3. to oversee, manage or direct one’s academic or other institutionally proscribed activities.
- E. “**Related by Blood, Law or Marriage**” means:
 - 1. Parent and child;
 - 2. Brother and sister;

3. Grandparent and grandchild;
4. Aunt and/or uncle and niece and/or nephew;
5. First cousins;
6. Stepparent and stepchild;
7. Husband and wife;
8. Parents-in-law and children-in-law;
9. Brothers-in-law and sisters-in-law;
10. Guardian and ward;

IV. Policy

A. Prohibited Conduct

1. Incident to any instructional, research, administrative or other UNCOSA employment responsibility or authority, no employee may evaluate or supervise any enrolled student of the institution with whom he or she has an amorous relationship or to whom he or she is related by blood, law or marriage.
 2. No UNCOSA employee may engage in sexual activity with any enrolled UNCOSA student who is a minor below the age of 18 years (other than his or her spouse).
- B. If the potential for a possible conflict of interest, a conflict of interests, or the appearance of a conflict of interest arises, the employee is required to disclose the possibility of a potential conflict to his or her immediate supervisor. The supervisor and the employee will work to resolve the situation and eliminate any potential conflict of interest.
- C. Filing false or malicious reports of violations of this policy are prohibited.
- D. All investigations must be conducted in a confidential nature, to the extent permitted by law.
- E. Individuals may not retaliate against another for reporting policy violations and/or participating in an investigation.
- F. **Violations.** Violations of this policy may subject both students and employees disciplinary action (up to and including suspension and termination) pursuant to the applicable disciplinary procedures.
1. If the person to be disciplined is an employee (other than a department head), the appropriate department head or administrator shall determine the appropriate discipline in consultation with the Director of Human Resources and the General Counsel. and by the Dean of Student Life and the General Counsel (for students).
 2. If the person to be disciplined is a department head, the Chief Academic Officer and Chief Operating officer will jointly decide discipline in consultation with the Director of Human Resources and the General Counsel.
 3. If the person to be disciplined is a student, the Dean of Student Life shall determine the appropriate discipline in consultation with the Chief Academic Officer and General Counsel.

V. Revision History

- A. February 17, 2011 – Adopted by Board of Trustees as part of UNCSA Policy Manual

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I. Investigatory Procedures

- A. Because of the sensitive nature of such relationships, reasonable effort should be taken to resolve a policy violation in an informal and expedited manner whenever possible.
- B. If a formal investigation is authorized, the appropriate administrator will designate an investigator(s). The investigator(s) may not be the direct supervisor of the reporting individual or of the employee named in the complaint.
- C. The investigator(s) should:
 - 1. interview all persons believed to have pertinent factual knowledge;
 - 2. review any relevant documents, AND
 - 3. prepare a report of findings, which is a confidential personnel record.
- D. Human Resources will serve as a consultant to the process to ensure consistency of treatment. The report shall be submitted to the department head and appropriate administrator.
- E. All related documentation should be forwarded as soon as possible following resolution to Human Resources for retention.
- F. UNCOSA will make reasonable efforts to investigate the alleged policy violation and to address any concerns in a timely manner (generally within thirty (30) calendar days of receiving the complaint). The investigator should advise General Counsel and Director of Human Resources (through status reports) when an investigation and/or resolution will take longer than thirty (30) calendar days.