

Please note this policy will be updated administratively to address procedures for each campus

ADMINISTRATIVE DIVISION UNIV University Administration	POLICY NUMBER UNIV 2.10
POLICY TITLE Prohibited Consensual Relationships	
SCOPE OF POLICY USC System	DATE OF REVISION August 17, 2022
RESPONSIBLE OFFICER Vice President of Human Resources and Assistant VP for Civil Rights & Title IX	ADMINISTRATIVE OFFICE Office of Civil Rights & Title IX and Division of Human Resources

PURPOSE

The purpose of this policy is to address consensual romantic and/or sexual relationships between faculty, staff, students, and third parties in which there is a power differential. Without alternative arrangements, these relationships are prohibited by this policy. This policy seeks to ensure the learning and working environment is free from real or apparent conflicts of interest when individuals in positions of unequal power at the university are involved in relationships.

DEFINITIONS

Academic Authority includes but is not limited to teaching, grading, mentoring, advising on or evaluating research or other academic activity, participating in decisions regarding funding or other resources, clinical supervision, and recommending for admissions, employment, fellowships or awards.

Consensual romantic or sexual relationships: Relationships of a romantic, dating, and/or sexual nature entered into with consent of both parties.

Employee: Any person having an employment relationship with the university, employees may be university officers, faculty, staff and other individuals employed by the university regardless of classification, including all full-time, part-time, temporary, research grant, time limited and contract employees.

Faculty: University personnel who are engaged in research, instruction both inside and outside the classroom, service and/or administration. Faculty can be further classified as having tenure track, professional-track, or honorific appointments. For purpose of this policy, faculty include part-time, temporary and adjunct faculty.

Prohibited Relationships: Romantic and/or sexual relationships that are not allowed due to power differentials associated with the university-related role. A power differential exists when one party has supervisory authority, academic authority, or other authority over another party. An employee may not have a consensual romantic and/or sexual relationship with anyone where a power differential exists or is reasonably likely to exist in the future. (See: Examples of Prohibited Consensual Relationships below). Similarly, employees are prohibited from exercising supervisory authority over others with whom they have had a prior consensual romantic and/or sexual relationship.

Supervisory or evaluative authority is the power to control or influence another person's employment, academic advancement, or extracurricular participation, including but not limited to, hiring, work conditions, compensation, promotion, discipline, admission, grades, assignments, supervision of dissertations, recommendations, financial support, or participation in extracurricular programs. This includes anyone who oversees, directs or evaluates the work of others, including, but not limited to, managers, administrators, coaches, directors, physicians/healthcare providers, counselors, deans, chairs, advisors, and teaching assistants, as well as faculty members in their roles as instructors, as supervisors of their staff, and as participants in decisions affecting the careers of other faculty members.

Retaliation: Any adverse action against an individual or group of individuals involved in the investigation and/or resolution of a potential violation of this policy. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Intimidation includes any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person(s) that reasonably leads the person(s) to fear for their physical well-being. Any individual or group of individuals, not just the parties directly involved in the relationship, can engage in retaliation or be the victim of retaliation.

Student: A person who is currently enrolled at the university, or who is accepted for admission or readmission to the university, or who has been enrolled at the university in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the university while that person is on campus, or individuals who are not currently enrolled at the university remain subject to the disciplinary process for conduct that occurred while they were enrolled.

POLICY STATEMENT

Romantic and/or sexual relationships, even if consensual, may have unintended, adverse effects on the climate of an academic program or work unit, thereby impairing the learning or working environment for the parties involved and others, both during a relationship and after the dissolution of the relationship.

Sexual and/or romantic relationships, even when consensual, between individuals in inherently unequal positions, e.g., in which one party has supervisory authority, academic authority, or other authority over another party, should be avoided and in many circumstances are strictly prohibited by this policy. These relationships can occur in multiple contexts, however, this policy covers all sexual and/or romantic relationships involving individuals in unequal positions, even if not addressed explicitly in this policy.

An employee may not have a consensual romantic and/or sexual relationship with anyone where a power differential exists or is reasonably likely to exist in the future. A non-exhaustive list of prohibited relationships is shown below. Similarly, employees are prohibited from exercising supervisory authority over others with whom they have had a prior consensual relationship.

The university requires self-disclosure of prohibited relationships to allow for alternative arrangements to rid of potential for conflict of interest, exploitation, favoritism, and bias, which

may undermine the real or perceived integrity of all the education programs and activities including employment and admissions.

This policy applies to all members of the University of South Carolina community, including students, faculty, staff and third parties. It is the responsibility of every member of the University of South Carolina community to avoid prohibited relationships and report them as required by this policy.

A. Self-Disclosure of Consensual Relationships

The university requires self-disclosure of prohibited consensual relationships to allow for alternative arrangements to rid of potential for conflict of interest, exploitation, favoritism, and bias, which may undermine the real or perceived integrity of all the education programs and activities including employment and admissions.

B. Third-Party Reports of Prohibited Consensual Relationships

Any employee or student who has awareness of a consensual relationships that may be prohibited by this policy is encouraged to submit a report as described in the Procedures below for investigation and mitigation when appropriate.

C. Examples of Prohibited Consensual Relationships:

1. Relationship between an Employee (Faculty/Staff) and a Student

Whenever an employee currently has, or in the future might reasonably be expected to have, direct or indirect academic or supervisory authority over a student, consensual sexual or romantic relationships are prohibited. Similarly, employee shall not exercise academic or supervisory authority over a student with whom they have previously had a sexual and/or romantic relationship.

2. Relationships between a Student and a Student (Graduate Teaching Assistants, Graduate Instructional Assistants, and Graders)

This policy applies when undergraduate or graduate students or post-doctoral scholars are serving in the teaching role as instructors of record, instructional assistant, graders or research supervisors. The policy does not prohibit students from having consensual sexual and/or romantic relationships with fellow students. However, if such a relationship exists between a GTA/GIA/grader and a student in a setting for which the GTA/GIA/grader is serving in this capacity, the student shall not exercise any evaluative or teaching function for that student.

3. Relationships between Employees

Consensual sexual and/or romantic relationships between employees (including faculty) are not in general prohibited by this policy. When an employee has authority over another

employee, sexual and/or romantic relationships are prohibited. Similarly, employees are prohibited from exercising supervisory authority over other employees with whom they have had a prior consensual relationship.

PROCEDURE

A. Self-Disclosure of Prohibited Relationships

1. A self-disclosure must be made to [Employee Relations](#) in the Division of Human Resources to develop and implement acceptable alternative arrangements.
 - a. Making acceptable alternative arrangements involves mitigating the power differential by removing supervisory authority, academic authority, or other authority over another party of the individual with greater institutional power over the other party.
 - b. It is the responsibility of the individual with greater institutional power to take immediate steps to make acceptable alternative arrangements in consultation with Employee Relations in the Division of Human Resources.
 - c. The Division of Human Resources and the Office of the Provost will facilitate the development of acceptable alternative work arrangements with the parties and the applicable unit.
 - d. Alternative arrangements should avoid negative consequences for the party with lower institutional power.
 - e. A record of the disclosed relationship and alternative arrangements will be maintained by the university and recorded in the parties' personnel file.
2. An individual who promptly self-reports a prohibited relationship and cooperates in making acceptable alternative arrangements in a timely manner will not be held in violation of this policy.

B. Reporting Alleged Prohibited Relationships

1. The University of South Carolina encourages anyone who believes a prohibited relationship exists and has not been self-disclosed, as required by this policy, to report the prohibited relationship to the Office of Civil Rights & Title IX as prohibited conduct. Anyone can report an allegation of a prohibited relationship directly to the Office of Civil Rights & Title IX through one of the following ways:

Online: reporting form at (put new consolidated landing page for report forms);
Phone: 803-777-3854;
Email: civilrights@mailbox.sc.edu; or

By mail or in person: Office of Civil Rights & Title IX, Byrnes Building, 901 Sumter Street, Suite 401, Columbia, SC 29208

2. Allegations of prohibited relationships that have elements of discrimination, harassment, and/or sexual misconduct will be handled in accordance with policy [CR 1.00 Policy Against Discrimination, Harassment & Sexual Misconduct](#). The Office of Civil Rights & Title IX will refer all other allegations of prohibited relationships and related retaliation to the Division of Human Resources and/or the Office of the Provost for assessment, investigation, and response as appropriate, which may include disciplinary action.

C. Disciplinary Action

1. Individuals may be subject to disciplinary action, up to and including termination for either:
 - a. Entering into or engaging in a prohibited relationship without prompt notification or failure to comply with approved alternative arrangements, or
 - b. Failing to follow any part of the prohibited relationships section of this policy.
2. Covered staff in full time equivalent positions may be disciplined as outlined in [HR 1.39 Disciplinary Action and Termination](#) for cause.
3. Faculty in full time equivalent, research grant, and time-limited may be disciplined as outlined in [ACAF 1.82 Faculty Progressive Discipline](#).
4. Student employees may be disciplined as outlined in policy [STAF 6.26 Student Code of Conduct](#), or as deemed appropriate by the unit.
5. Probationary staff, research grant, time-limited, and temporary employees are subject to disciplinary actions but also may be terminated without notice.
6. A third-party (e.g., contract employee, volunteer) may be subject to removal from the role and/or the university

D. False Reports

Knowingly submitting a report or complaint that is false or not made in good faith or by making a materially false statement during the course of an investigation, hearing, or request for review is in violation of expectations for faculty civility defined in the Faculty Manual and [ACAF 1.80 Faculty Workplace Civility](#) and for staff in [HR 1.39 Disciplinary Action and Termination for Cause](#) and for students in [STAF 6.26 Student Code of Conduct](#). Therefore, individuals are subject to the disciplinary procedures of [ACAF 1.82 Faculty Progressive Discipline](#) for faculty, [HR 1.39 Disciplinary Action and Termination for Cause](#) for staff, and [STAF 6.26 Student Code of Conduct](#) for students. The absence of a finding of a policy violation is not equivalent to a false allegation.

E. Retaliation

The university prohibits retaliation and threats or attempts to retaliate against anyone who makes a good-faith report under this policy or who participates in, cooperates with, or contributes to the efforts to investigate and resolve such reports. Any student, faculty, or staff member who believes they are being penalized as a consequence of making a report under this policy, or for participating in, cooperating with, or contributing to efforts to investigate or resolve a report should report to the investigative authority.

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

[CR 1.00 Policy Against Discrimination, Harassment, and Sexual Misconduct](#)

[ACAF 1.82 Progressive Faculty Discipline](#)

[HR 1.27 Nepotism](#)

[HR 1.39 Disciplinary Action and Termination for Cause](#)

[STAF 6.26 Student Code of Conduct](#)

[Faculty Manual](#)

HISTORY OF REVISIONS

DATE OF REVISION	REASON FOR REVISION
August 17, 2022	New policy approval