I. Purpose

This policy sets forth professional conduct standards for all employees who are involved in the instruction, supervision or evaluation of students. The university does not condone amorous relationships between students and employees. Members of the university community should avoid such liaisons, which can harm affected students and damage the integrity of the academic enterprise. Further, sexual relationships between unmarried persons can result in criminal liability. In two types of situations, university prohibition and punishment of amorous relationships is deemed necessary: 1) when the employee is responsible for evaluating or supervising the affected student; and 2) when the student is a minor, as defined by North Carolina law.

II. Prohibited Conduct

A. It is misconduct, subject to disciplinary action, for a university employee, incident to any instructional, research, administrative or other university employment responsibility or authority, to 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.

B. It is misconduct, subject to disciplinary action, for a university employee to engage in sexual activity with any enrolled student of the university, other than his or her spouse, who is a minor below the age of 18 years.

III. Definition of Terms

A. “Amorous relationship” exists when, without the benefit of marriage, two persons as consenting partners

1. Have a sexual union; or

2. Engage in a romantic partnering or courtship that may or may not have been consummated sexually.
B. “Evaluate or supervise” means:

1. 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

2. To oversee, manage or direct one’s academic or other institutionally prescribed activities.

C. “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
10. Guardian and ward

IV. Reporting Policy Violations

A. The university encourages individuals to report alleged violations to the department chair, dean, director or vice chancellor of the division or department in which the employee involved in the relationship is employed. The dean, director or vice chancellor, in consultation with the Director of Human Resources and the Provost, shall determine whether to authorize a formal investigation of the allegations.

B. Self-reporting is encouraged to avoid potential conflicts of interests, conflicts of interests, or the appearance of a conflict. If the potential for such a conflict arises, the employee is required to disclose the possibility of a potential conflict to his or her immediate supervisor and efforts are to be made to eliminate any potential source of the conflict.

C. The university considers the filing of a false or malicious report as a violation of this policy, and the individual who reports shall be subject to prompt and appropriate disciplinary action.
V. 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 pertinent vice chancellor will identify an appropriate administrator(s). The investigating administrator(s) cannot be the direct supervisor of the employee named in the complaint. The investigating administrator(s) shall interview the employee, the affected student, the complainant, and any other individual believed to have pertinent factual knowledge necessary to determine the validity of the allegations. Relevant documents should also be reviewed. All parties to an investigation must be instructed on the confidential nature of the matter, and the prohibition against retaliation for reporting policy violations and/or participating in an investigation.

C. The investigating administrator(s) shall prepare a report of findings, which shall be considered a confidential personnel record. Human Resources will serve as a consultant to the process to ensure consistency of treatment. In the case of a faculty member, the report shall be submitted to the pertinent dean and the provost, with a copy to the director of human resources. In the case of a non-faculty member, the report shall be submitted to the pertinent vice chancellor and the director of human resources.

D. Results of the investigation, the report, and any subsequent disciplinary action shall be kept confidential to the extent allowed by the Family Educational Rights and Privacy Act ("FERPA") and the North Carolina Personnel Records Act. Generally, the complainant is not entitled to learn the outcome of such an investigation other than notice when the investigation has concluded. All related documentation should be forwarded as soon as possible following resolution to Human Resources for retention.

E. Reasonable efforts should be made to address the concern in as timely a manner as possible, which should be within thirty (30) calendar days of receiving the complaint. The Director of Human Resources should be advised on any investigation and/or resolution that takes longer than thirty (30) calendar days. This should be accomplished through a status report provided by the investigating administrator(s).

VI. Corrective Action

Any disciplinary action imposed for a violation of this policy shall be made in accordance with the disciplinary procedures applicable to the faculty or staff member’s category of employment. Sanctions may include a letter of reprimand or warning, suspension without pay, or dismissal from employment. Disciplinary action shall be decided by the appropriate vice chancellor, or designee, in consultation with the Director of Human Resources.