



02.220

IMPROPER RELATIONSHIPS BETWEEN STUDENTS AND EMPLOYEES

Authority: Chancellor

History: Revised August 2018; revised May 6, 2005; supersedes Policy F

Source of Authority: UNC Policy 300.4.1

Related Links: [Policy 02.310 Ethics](#); [Policy 02.205 Unlawful Discrimination, Harassment, and Sexual Misconduct](#); [Policy 08.190 Employment of Related Persons \(Anti-Nepotism\)](#)

Responsible Offices: Human Resources; Provost

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. Even if a relationship is not prohibited by this policy, it can raise risk management and conflict of interest concerns; thus, the University would discourage it. 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, chaperone, lead or direct one's academic, extracurricular, applied learning, 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. Spouses
8. Parents-in-law and children-in-law
9. Brothers-in-law and sisters-in-law
10. Guardian and ward

IV. Reporting Policy Violations

- A. The University requires employees 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 Associate Vice Chancellor for Human Resources, Provost, and General Counsel (or respective designees), shall determine whether the allegations fall within this scope of this Policy. If so, they will authorize the creation of a management plan or a formal investigation of the allegations.
- B. Self-reporting by employees is required to avoid potential conflicts of interest and the appearance of conflicts. 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 manage or eliminate any potential source of the conflict. Moreover, self-reporting is required to manage or resolve existing conflicts of interest arising from prohibited conduct defined in Section II.

- C. The University considers the filing of a false or malicious report to be a violation of this policy, and the individual who reports shall be subject to prompt and appropriate disciplinary action.

V. Investigatory Procedures

- A. If a formal investigation is authorized, the pertinent vice chancellor will form a fact finding team of two impartial and unbiased individuals who interview the employee, the affected student, the complainant, and any other individual believed to have factual knowledge necessary to determine the validity of the allegations. Relevant documents shall also be reviewed. The fact finding team takes notes of all individuals who are interviewed. The investigation should gather relevant information to determine whether there is a policy violation or a risk management or conflict of interest concern. As such, they may determine information including, but not limited to:
 - 1. Whether the reported relationship does exist and the nature of the relationship;
 - 2. Whether the relationship has created a conflict of interest;
 - 3. Options for eliminating any conflict of interest, with an emphasis on avoiding any negative impact to the student's academic progress; and
 - 4. The appropriateness of any academic, evaluative, and/or supervisory decisions made by the employee when the conflict of interest existed.
- B. In general, the complainant, employee, and affected student may be accompanied by another member of the university community during the interview, so long as the individual does not participate in or interfere with the interview. This person's role is simply as an observer. Representation by legal counsel during the interview is prohibited. 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 fact finding team shall prepare a written report of factual 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 department chair, dean, and the provost, with a copy to the Associate Vice Chancellor for Human Resources. In the case of a non-faculty member, the report shall be submitted to the pertinent supervisor, vice chancellor, and the Associate Vice Chancellor for Human Resources. The subject employee shall be afforded a full opportunity to participate in the fact finding before the report is finalized. The employee may appeal a determination based on the investigation and report in accordance with Section VII.

- D. A senior officer, in consultation with the General Counsel, shall make a determination of whether a policy violation has occurred. The standard of proof shall be a preponderance of the evidence, which means that there is greater than a 50% chance that the employee has engaged in prohibited conduct.
- E. If, following consultation with the Associate Vice Chancellor for Human Resources and General Counsel, the fact finding team finds or is presented with evidence of harassment, violence, sexual activity with a minor, or other sexual misconduct, the matter will be referred to the Director of Title IX and Clery Compliance and/or University Police, as appropriate, and handled in accordance with Policy 02.205, Unlawful Discrimination, Harassment, and Sexual Misconduct.
- F. 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 Human Resources Act (G.S. §§ 126-22 *et. seq.*). The investigating administrator(s) shall forward all related documentation as soon as possible following resolution to Human Resources for retention.
- G. Reasonable efforts should be made to investigate and, if necessary, resolve, the concern in as timely a manner as possible, which should be within sixty (60) calendar days of receiving the complaint. The Associate Vice Chancellor for Human Resources should be advised on any investigation and/or resolution that takes longer than sixty (60) 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 dean or provost (or designee) or appropriate vice chancellor (or designee), in consultation with the Associate Vice Chancellor for Human Resources and General Counsel.

VII. Appeal Procedures

- A. A subject employee may appeal a determination following an investigation to the Office of Human Resources, who will forward it to an appropriate senior officer who has not participated in the investigation or subsequent disciplinary decision for review and decision. The employee may appeal a determination on the basis of:
 - 1. Material procedural irregularities occurring during the investigation; or
 - 2. Discovery of new evidence that was not available during the investigation and that may have a substantial impact on the outcome of the investigation.
- B. Dissatisfaction with the university’s determination is not grounds for an appeal.

- C. A subject employee seeking to appeal the determination on approved grounds must file a written appeal statement within thirty (30) calendar days after notice of the decision. Appeal statements must include grounds for the appeal.
- D. Disciplinary actions may be appealed in accordance with the disciplinary policies applicable to the faculty or staff member's category of employment.