Amorous Relationships Prohibition

Policy Number	2-014
Responsible Authority	Associate Vice President, Deputy Chief Compliance and Ethics Officer
Initiating Authority	Vice President, People and Workplace Experience
Effective Date	9/16/2022
Date of Origin	9/16/2022

APPLICABILITY/ACCOUNTABILITY

This policy applies to the university community.

DEFINITIONS

Amorous Relationship: Intimate, sexual, and/or any other type of amorous encounter or relationship, whether casual or serious, short-term or long-term.

POLICY STATEMENT

The University of Central Florida strives to create and maintain a community that enables each person to reach their full potential. To do so requires an environment of trust, openness, civility, and respect. The university is firmly committed to a policy of prohibiting behaviors that adversely impact a person's ability to fully participate in their employment, as well as the scholarly, research, educational, patient care, and service missions of the University. As a matter of sound judgment and professional ethics, employees have a responsibility to avoid any apparent or actual conflict between their professional responsibilities and personal relationships with students. Similarly, supervising employees have a responsibility to avoid any apparent or actual conflict with employees they supervise.

A. STUDENT CONTEXT

All faculty and staff must be aware that amorous relationships with students are likely to lead to difficulties and have the potential to place faculty and staff members at great personal and

professional risk. The power difference 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 and should be avoided. Faculty and staff members engaged in such relationships should be sensitive to the continuous possibility that they may unexpectedly be placed in a position of responsibility for the student's instruction or evaluation. In the event of a charge of sexual harassment arising from such circumstances, the university will in general be unsympathetic to a defense based upon consent when the facts establish that a faculty-student or staff-student power differential existed within the relationship.

1. Undergraduate Students

Subject to the limited exceptions herein, all university and DSO employees and volunteers are prohibited from pursuing or engaging in an amorous relationship with any undergraduate student. Student staff members (e.g., Resident Assistants) in the university's residence halls are prohibited from pursuing or engaging in an amorous relationship with any undergraduate student who lives in their residence hall or area of supervision.

2. Graduate Students

With respect to graduate students (defined as any student enrolled at the university for post-baccalaureate education in any discipline or professional program), all university and DSO employees and volunteers are prohibited from pursuing or engaging in an amorous relationship with a graduate student under that individual'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; and involvement in disciplinary action related to the student.

Students and university and DSO employees and volunteers alike should be aware that pursuing or engaging in an amorous relationship with any graduate student will limit the employees' or volunteers' ability to teach, mentor, advise, direct work, employ, and promote the career of the student involved.

3. Graduate Students in Positions of Authority

Like faculty and staff members, graduate students may themselves be in a position of authority over other students; for example, when serving as a teaching assistant in a course or when serving as a research assistant and supervising other students in research. The power difference inherent in such relationships means that any amorous relationship between a graduate student and another student over whom they have authority is potentially exploitative and should be avoided. All graduate students currently or previously engaged in an amorous relationship with another student are prohibited from serving in a position of authority over that student. Graduate students also should be sensitive to the continuous possibility that they may unexpectedly be placed in a position of responsibility for another student's instruction or evaluation.

4. Pre-existing Relationships with Any Student

The university recognizes that an amorous relationship with a university or DSO employee or volunteer may exist prior to the time that an undergraduate student enrolls at the university or may have existed and terminated prior to the undergraduate student's enrollment. Similarly, the university recognizes that with graduate students, an amorous relationship with a university or

DSO employee or volunteer may exist (or have previously existed and terminated) prior to the time the employee or volunteer is placed in a position of authority over the graduate student. A "position of authority" includes teaching; formal mentoring or advising; supervising research; exercising responsibility for grades, honors, or degrees; considering disciplinary action involving the student; or employing the student in any capacity – including but not limited to student employment and internships, work study, or as a research or teaching assistant. Where it is known that there is a pre-existing amorous relationship that relationship must be disclosed to the Office of Nondiscrimination & Accommodations Compliance, which may alert other offices as appropriate (i.e., Human Resources or the Office of the Provost). This disclosure must be made by the employee in a position of 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 president to eliminate any potential conflict of interest in accordance with this policy, all university and DSO employees and volunteers currently or previously engaged in an amorous relationship with a student are prohibited from being in a position of authority over that student.

Similarly, all graduate students currently or previously engaged in an amorous relationship with another student are prohibited from serving in a position of authority over that student.

5. If an Amorous Relationship Occurs with Any Student

If, despite these warnings, a university or DSO employee, or graduate student becomes involved in an amorous relationship with a student in violation of this policy, the employee or graduate student must disclose the relationship immediately to the Office of Nondiscrimination & Accommodations Compliance, which may alert other offices as appropriate (i.e., Human Resources or the Office of the Provost). 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. In most cases, it will be unlikely that an acceptable resolution to the conflict of interest will be possible, and the employees' employment standing or the graduate student's position of authority may need to be adjusted until there is no longer a supervisory or other authority relationship over the student.

In addition to the amorous relationship itself, a university or DSO employee or graduate student's failure to report the existence of an amorous relationship that is prohibited by this policy is also a violation of this policy and may be cause for separation from the university. The university encourages immediate self-reporting, and will consider this factor in the context of any resolution that may be able to be reached. In addition, if an employee with supervisory duties and responsibilities knows or should have known that an employee has professional responsibilities that make it possible for them to influence the status or circumstance of a student with whom the employee has or has had an amorous relationship, the employee with supervisory duties and responsibilities is obligated to report this to the Office of Nondiscrimination & Accommodations Compliance.

B. EMPLOYMENT CONTEXT

Amorous relationships between supervisors and their subordinate employees or volunteers often adversely affect decisions, distort judgment, and undermine workplace morale for all persons, including those not directly engaged in the relationship. Any university employee who

participates in supervisory or administrative decisions concerning an employee or volunteer with whom that individual has or has had an amorous relationship has a conflict of interest in those situations. These types of relationships, specifically those involving spouses and/or individuals who reside together, also may violate the State Code of Ethics for Public Officials and UCF Policy 3-008 *Employment of Relatives*.

Accordingly, the university prohibits all university and DSO employees from pursuing or engaging in amorous relationships with employees whom they supervise. No supervisor shall initiate or participate in institutional decisions involving a direct benefit or penalty (employment, retention, promotion, tenure, salary, leave of absence, etc.) to a person with whom that individual has or has had an amorous relationship. The individual in a position of authority can be held accountable for creating a sexually hostile environment or failing to address a sexually hostile environment and thus should avoid creating or failing to address a situation that adversely impacts the working environment of others.

1. Pre-existing Amorous Relationships Between Supervisors and Subordinate Employees or Volunteers

The university recognizes that an amorous relationship may exist prior to the time an individual is assigned to a supervisor. Supervisory, decision-making, oversight, evaluative or advisory relationships for someone with whom there exists or previously has existed an amorous relationship is unacceptable unless effective steps have been taken to eliminate any potential conflict of interest in accordance with this policy. The current or prior existence of such a relationship (when known) must be disclosed by the employee in a position of authority prior to accepting supervision of the subordinate employee or volunteer to the Office of Nondiscrimination & Accommodations Compliance, which may alert other offices as appropriate (i.e., Human Resources or the Office of the Provost).

Once the Office of Nondiscrimination & Accommodations Compliance, Human Resources, or Office of the Provost has determined that the disclosed relationship constitutes a conflict of interest, in consultation with the appropriate university administrators, the relevant dean or vice president will determine, at their sole discretion, whether and how the conflict of interest can be eliminated through termination of the situation of authority.

2. If an Amorous Relationship Occurs or has Occurred between a Supervisor and her/his Subordinate Employee or Volunteer

If, despite these warnings, an employee or DSO enters into an amorous relationship with someone over whom that individual has supervisory, decision-making, oversight, evaluative, or advisory responsibilities in violation of this policy, then that employee must disclose the existence of the relationship immediately to the Office of Nondiscrimination & Accommodations Compliance, which may alert other offices as appropriate (i.e., Human Resources or the Office of the Provost). Once the Office of Nondiscrimination & Accommodations Compliance, Human Resources, or the Office of the Provost has determined that the disclosed relationship constitutes a conflict of interest, in consultation with appropriate university administrators, the relevant dean or vice president will determine, at their sole discretion, whether and how the conflict of interest can be eliminated through termination of the situation of authority. An acceptable resolution to the conflict of interest may not be possible. If the conflict of interest cannot be eliminated, the supervisor's employment standing may need to be adjusted. In addition to the amorous relationship itself, a supervisor's failure to report the existence of the relationship with a

subordinate employee is also a violation of this Policy. The university encourages immediate self-reporting, and will consider this factor in the context of any resolution that may be able to be reached. In addition, if an employee with supervisory duties and responsibilities knows or should have known that an employee has professional responsibilities that make it possible for them to influence the status or circumstance of another employee with whom the employee has or has had an amorous relationship, the employee with supervisory duties and responsibilities is obligated to report this to the Office of Nondiscrimination & Accommodations Compliance.

CONTACTS

Office of Nondiscrimination & Accommodations Compliance
12701 Scholarship Drive, Suite 101
Orlando, FL 32816-0030
Phone: 407-823-1336
Email: onac@ucf.edu
Websites: www.onac.ucf.edu and https://letsbeclear.ucf.edu.

POLICY APPROVAL
(For use by the Office of the President)

Policy Number: 2-014

Initiating Authority and University Policies and Procedures Committee Chair: Brendan Bishop Date: 8/30/22

President or Designee: Alexander Cartwright Digitally signed by Alexander Cartwright Date: 2022.09.16 09:10:21 -06'00' Date: 9/16/2022