

## **Policy 1-020: Required Professional Boundaries in Relationships. Revision 0. Effective date [July 1, 2018]**

### **I. Preamble**

In order to foster student success by preparing students from diverse backgrounds for lives of impact as leaders and citizens, the University of Utah is committed to providing a campus climate that supports and sustains its outstanding faculty, staff, and students. Essential to this climate is ensuring equitable treatment among all members of the university community. Romantic and sexual relationships between a person in a position of power and a subordinate student or employee raise issues of exploitation, conflict of interest, and disruption of collegiality and mutual trust within a unit. In addition, supervision of or responsibility for the educational experience of immediate family members also raises concerns about conflict of interest. This policy is intended to provide clear guidance for appropriate practice in such instances. Generally, the policy is aimed at encouraging professional boundaries in supervisory and instructional situations and discouraging conflicts of interest in these professional relationships. In those instances in which mitigation of potential and/or apparent conflicts of interest is possible, the policy provides a transparent process to govern those cases.

### **II. Purpose and Scope**

To define the professional boundaries that must be maintained in relationships between (A) students and any representatives of the University with any official role in their student experiences, or (B) between employees and their supervisors. This Policy also identifies what actions should be taken to prevent situations that violate these professional limits.

This Policy applies to all University Representatives (as defined here), including without limitation all employees and all volunteers who may serve as faculty members, athletics coaches, mentors, advisors, preceptors, and supervisors.

### **III. Definitions**

The following definitions apply for the limited purposes of this Policy.

- A. **Course Instructor** is any person who is assigned, either jointly or alone, to instruct or assist in instruction (such as in a role as a teaching assistant) of any course or supervise any Educational Experience of a student at the University.
- B. **Athletics Coach** is any person who is assigned by the Athletics Department to serve in a supervisory role for an Athletics team under NCAA rules or is assigned by any other unit at the University to serve as the supervisor of an athletic sport team or club.
- C. **Advisor or Mentor** is any person who is assigned to, or who assumes, the role of advising or mentoring a student, staff member, or faculty member.
- D. **Employee** is an individual who both receives compensation for work or services in which the University has the right (whether or not it exercises the right) to supervise and control the manner of performance as well as the result of the work or service and receives compensation which has been appropriated from funds controlled by the University regardless of the source of the funds, the duties of the position, the amount of compensation paid, or the percent of time worked.
- E. **Immediate Family** is defined to include the following relatives: spouse, grandparents, grandchildren, parents, step-parents, children, step-children, siblings, uncles, aunts, nieces, nephews, first cousins, parents-in-law, siblings-in-law, children-in-law, and the spouses of any members of the employee's Immediate Family. Immediate Family also includes an individual who has certified or would meet the certification criteria as a Domestic Partner of an employee as defined in Policy 5-200. This also includes Domestic Partners' parents, siblings, children, and their spouses.
- F. **Acting in the Instruction or Educational Experience** of a student includes, but is not limited to, assigning grades, evaluating clinical performance, serving on the student's graduate committee, awarding scholarships or research opportunities, or in an official capacity providing references or recommendations.
- G. **Official Role** is defined as any role conferred or sanctioned by the University.

- H. **Preceptor** is any individual assigned in the Health Sciences to an Official Role in the health education of a student.
- I. **Student** is any person currently enrolled at the University as a student in any credit-bearing course or any credentialed academic program, as described in Policy 6-500.
- J. **Student Experience** is defined to include a student's Instruction and Educational Experience and all related experiences as a student at the University of Utah.
- K. **Supervisor** is defined to include direct and indirect supervisors.
- L. **University Representative** includes any Course Instructor, Athletics Coach, Advisor or Mentor, Preceptor, or Supervisor, as defined above, or other person who acts on behalf of the University in regard to any Student or Employee.

#### IV. Policy

- A. Professional Boundaries with Respect to Immediate Family
  - 1. No person, including any faculty member, athletics coach, advisor, mentor, or preceptor, or other University Representative, may act on behalf of the University as a course instructor or otherwise in any official capacity in the instruction or educational experience of a student who is a member of their Immediate Family.
  - 2. (a) No University Representative or other employee of the University may act on behalf of the University to exercise any direct supervisory authority over another employee who is also a member of their Immediate Family. In addition, a subordinate supervisor may not exercise any direct supervisory authority over another employee who is a member of their direct supervisor's Immediate Family.  
  
(b) No person may participate in votes, meetings, discussions, reviews or other decision-making within the University on any matter concerning the terms, conditions or privileges of employment, including but not limited to hiring, appointment or reappointment, retention, promotion, tenure, salary, or

discipline, of any member of their Immediate Family or any member of their direct supervisor's Immediate Family.

B. Professional Boundaries in Supervision

1. (a) No University Representative or other employee of the University may act on behalf of the University to exercise any direct supervisory authority over another employee with whom they have, or had within the last five (5) years, a sexual or romantic relationship. In addition, a subordinate supervisor may not exercise any direct supervisory authority over another employee with whom their direct supervisor has, or had within the last five (5) years, a sexual or romantic relationship.

(b) No person may participate in votes, meetings, discussions, reviews or other decision-making within the University on any matter concerning the terms, conditions or privileges of employment, including but not limited to hiring, appointment or reappointment, retention, promotion, tenure, salary, or discipline, of any employee with whom they have, or had within the last five (5) years, a sexual or romantic relationship.

C. Professional Boundaries in Academic Instruction and Student Experience of Current Students

1. No University Representative including any faculty member, course instructor, athletics coach, advisor, mentor, or preceptor, may engage in a sexual or romantic relationship with a current student

- a. who is in the same academic unit (department or single-department college or equivalent) as the University Representative, or,
- b. for an athletics coach, compliance staff, mentor, advisor, or preceptor of students, who is in their area of responsibility.

For this purpose, any student who is currently enrolled in any credit-bearing course offered by, or on record as seeking a credentialed academic program (degree, minor, certificate or other program of study

per Policy 6-500) offered by the academic unit, is considered to be a current student in the same academic unit as the University Representative. For those University Representatives who work in Athletics, their area of responsibility is considered to include all of Athletics.

2. No University Representative, including any faculty member, athletics coach, advisor, mentor, or preceptor, may act on behalf of the University as a course instructor or otherwise in any official capacity in the instruction or educational experience of a current student with whom the University Representative had within the last five (5) years, a sexual or romantic relationship.

#### D. Preventative Actions and Reporting Obligations

1. To prevent a violation of this Policy:
  - a. With respect to **Immediate Family relationships**, the supervisor or University Representative (faculty member, course instructor, athletics coach, advisor, mentor, preceptor, or other employee/volunteer) must report the relationship in writing to their supervisor and follow all terms of an approved plan as detailed in part 2 below.
  - b. With respect to employees that had a **past sexual or romantic relationship** with a supervisor or University Representative within the five (5) years preceding the employment or student experience of the individual, the supervisor or University Representative (faculty member, course instructor, athletics coach, advisor, mentor, preceptor, or other employee/volunteer) must report the past relationship in writing to their supervisor and follow all requirements of an approved plan as detailed in part 2 below.
  - c. The University strongly discourages starting a new sexual or romantic relationship within a supervisory or instructional relationship, because of the intrinsic conflict of interest and risk of harm. Such relationships may be initiated after the supervisory or instructional relationship has clearly

ended. In unusual circumstances, with respect to current students and employees with whom a supervisor or University Representative is interested in pursuing a sexual or romantic relationship, **before any sexual or romantic relationship begins**, the supervisor or University Representative (faculty member, course instructor, athletics coach, advisor, mentor, preceptor, or other employee/volunteer) must discuss the potential relationship with their supervisor, and then, if they do pursue the relationship, must report the anticipated relationship in writing to their supervisor and follow all requirements of an approved plan as detailed in part 2 below.

- d. In order to prevent a situation in which the **subordinate supervisor supervises any member of their direct supervisor's Immediate Family, or anyone with whom their direct supervisor has, or had within the last five (5) years, a sexual or romantic relationship**, the employee must report the relationship and follow all requirements of an approved plan as detailed in part 2 below.
2. A supervisor who has received a report under Section IV-C.1 of this Policy will determine whether a reasonable written plan can be developed in consultation with the reporting individual, Human Resources and/or Faculty Affairs (as appropriate), and with the cognizant Dean or Vice President, that removes the individual from any responsibility or influence over the student or employee, including but not limited to reassigning all evaluations (including for salary, awards, scholarships, or other benefits), reporting responsibilities, and grade assignments to other qualified individuals. This includes, but is not limited to, any aspect of the Student Experience (as defined here) and any aspect of the terms, conditions or privileges of employment, including but not limited to hiring, appointment or reappointment, retention, promotion, tenure, salary, or discipline. If such a plan can be developed and is approved by the supervisor and cognizant Vice President/Dean, a copy of the plan signed by

the cognizant Vice President/Dean, the supervisor, and the reporting individual must be kept in the reporting individual's employee or other personnel file.

In order to facilitate approvals for (1) relationships that occurred prior to a person becoming a student or an employee, (2) relationships that occurred before a person became a supervisor or University Representative, and (3) family relationships, a standard form will be developed to disclose the relationship and to provide a template for reassigning responsibilities in those situations.

E. Sanctions

Any person who violates the requirements of this Policy or the terms of any written plan developed pursuant to this Policy has engaged in unprofessional behavior, which is cause for discipline under the appropriate University Policy, including Policy 5-111 Corrective Action and Termination Policy for Staff Employees, or Policy 6-316 Code of Faculty Rights and Responsibilities

This policy will be reviewed two years after its passage and regularly thereafter to evaluate its effectiveness as well as its compliance with all relevant guidance and rules.

**V. Rules, Procedures, Guidelines, Forms and other Related Resources**

A. Some subitem text.

**VI. References**

- A. [Policy 1-012](#), University Non-discrimination Policy
- B. [Policy 5-001](#), Employee Definitions
- C. [Policy 5-105](#), Employment or Supervision of Immediate Family
- D. [Policy 5-106](#), Equal Opportunity and Nondiscrimination Employment
- E. [Policy 5-111](#), Corrective Action and Termination Policy for Staff
- F. [Policy 6-400](#), Code of Student Rights and Responsibilities
- G. [Policy 6-316](#), Code of Faculty Rights and Responsibilities

## VII. Contacts

The designated contact officials for this Policy are

- A. Policy Owner (primary contact person for questions and advice): HR Director of Employee Relations, Associate Vice Presidents for Faculty and/or Academic Affairs designated by the Senior Vice Presidents for Academic Affairs and Health Sciences.
- B. Policy Officers: Senior Vice Presidents for Academic Affairs and Health Sciences, and Chief Human Resource Officer, jointly.

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provide in University Rule 1-001:

*“A ‘Policy Officer’ will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases...”*

*“The Policy Officer will identify an ‘Owner’ for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to who the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining –requirements of particular Policies....”*

*University Rule 1-001-III-B & E*

## VIII. History

Renumbering: Renumbered as Policy 5-107 effective 9/15/2008, formerly known as PPM 2-6A {Drafting Note: will clarify the historical information, including the



relationship of new Policy # 1-020, and predecessor # 5-107, after final approval of the proposal.}

Revision History:

Current Version: Revision 1

Effective Dates: March 17, 2004 to present

Editorially revised: October 11, 2011 (Editorial changes were made to this document to reflect the changes in employee as set forth in Policy 5-100)

Earlier Versions:

Revision 0: effective dates July 18, 1994 to March 16, 2004