



UNIVERSITY POLICY

Policy Name:	Policy on Consensual Relationships in Academic Settings				
Section #:	60.1.32	Section Title:	Human Resources (HR): Universitywide HR Policies and Procedures	Formerly Book:	N/A
Approval Authority:	Senior Vice President for Academic Affairs		Adopted:	06/02/2020	Reviewed:
Responsible Executive:	Senior Vice President for Academic Affairs		Revised:		
Responsible Office:	Office of the Senior Vice President for Academic Affairs		Contact:	svpaa@rutgers.edu	

1. Policy Statement

Rutgers, The State University of New Jersey ("University") is committed to maintaining an academic community (including associated teaching, clinical, and research environments) free from harassment, discrimination, conflicts of interest, favoritism, and exploitation. This Policy addresses consensual relationships that may create actual and/or perceived conflicts of interest due to the individuals' unequal power in the academic realm, which thereby create the possibility for actual or apparent exploitation or favoritism.

Except as expressly permitted herein, this Policy prohibits the following:

- Consensual relationships in which one party is an Academic Supervisor (as defined below) and the other party is an undergraduate student.
- Consensual relationships in which one party is an Academic Supervisor, and the other party is a Graduate Student, Trainee, Postdoctoral Associate or Fellow, or Clinical Resident or Fellow, and where one of the following three conditions exist: (i) both parties are in the same academic program, discipline, or department; (ii) the Academic Supervisor teaches, manages, supervises, advises, or evaluates the other party to the relationship in any way; or (iii) the Academic Supervisor is in a position in which the Academic Supervisor is able to materially influence the educational opportunities or career of the other party.
- Consensual relationships in which one party is an Internship Supervisor (as defined below), Student Employee (as defined below) or Postdoctoral Fellow and the other party is a student or intern whom the Internship Supervisor/Student Employee/ Postdoctoral Fellow teaches, manages, supervises, advises or evaluates as part of their job duties.

2. Reason for Policy

The University recognizes that consenting adults associated with the University should be free to enter into personal relationships of their choice. At the same time, such relationships must not put at risk the fundamental interest of every member of the University community to participate in University programs

free from conflicts of interest, favoritism, and/or exploitation. Consensual relationships between certain categories of individuals affiliated with the University risk undermining the essential educational purpose of the University and can disrupt the workplace and learning environment, not only for the individuals most immediately involved but also for members of the broader community.

3. Who Should Read This Policy

This Policy applies to all members of the University community. All members of the University community are expected to read and adhere to this Policy.

4. Resources

[University Policy 60.1.1: Employment of Relatives](#)

[University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment](#)

[University Policy 60.1.16: Conscientious Employee Protection Policy](#)

[University Policy 60.1.28: Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties](#)

[University's Policy 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking and Related Misconduct](#)

[University Ethics and Compliance](#)

[University Ethics and Compliance Forms](#)

[Mitigation Plan for Consensual Relationships Template](#)

Confidential counseling services are available to employees through the [Employee Assistance Program](#) at 973 972-5429 and to students through the University's Counseling Centers:

Rutgers–Camden: (856) 225-6005

Rutgers–Newark: (973) 353-5805

Rutgers–New Brunswick: (848) 932-7402

Rutgers Biomedical and Health Sciences (RBHS):

- University Behavioral Health Care–Piscataway: (732) 235-5933
- University Behavioral Health Care–Newark: (973) 972-5429
- University Behavioral Health Care–Stratford/Camden: (856) 770-5750
- University Behavioral Health Care–Scotch Plains: (732) 235-5933

Students may also wish to consult the chief student affairs officer or dean of students on their campus for non-confidential advice and assistance with complying with this Policy.

5. Definitions

Designation of University Offices: Throughout this Policy, the University office and/or titles for the individuals who will typically perform certain roles or duties are identified. However, the University may designate other University offices, and the individuals who hold titles as set forth herein may designate others to perform any roles or duties described in this Policy. The designee must be an individual who is not involved in the relationship and not a direct supervisor of those involved.

All policies are subject to amendment. Please refer to the Rutgers University Policy Library website (policies.rutgers.edu) for the official, most recent version.

Academic Supervisee: An individual who is taught, managed, supervised, advised, mentored, or evaluated by an Academic Supervisor in an academic setting or living or learning environment (e.g., students, Student Employees, Postdoctoral Associates or Fellows, and Clinical Residents or Fellows).

Academic Supervisor: Any faculty member employed by the University on a full-time or part-time basis (including, but not limited to, Tenured, Tenure-Track and Non-Tenure Track Faculty, Clinical Faculty, Part-Time Lecturers, Instructors, and Coadjutants);

Faculty currently holding administrative appointments (including, but not limited to, Deans and Department Chairs);

Visiting faculty and volunteer faculty, whether or not they are employed by the University; and/or

Any staff member who teaches, manages, supervises, advises, mentors, or evaluates in any way students (as defined below), Student Employees (as defined below), Postdoctoral Associates or Fellows, or Clinical Residents or Fellows in an academic setting or living or learning environment.

Consensual Relationship¹: A romantic, dating, intimate, and/or sexual relationship agreed to by the involved parties. Physical contact is not a required element of such relationships. The relationship may exist on the basis of a single interaction.

Internship Supervisor: Any Rutgers employee (including faculty and staff members) who teaches, manages, supervises, advises, or evaluates in any way student interns (whether or not such interns are Rutgers students) at Rutgers; and/or

Any individual who supervises Rutgers student interns as part of a Rutgers-approved program pursuant to a contractual or affiliation agreement with Rutgers (e.g., employees of third-party approved field placement or clinical internship sites who are responsible for supervising Rutgers students who are placed at such sites through their Rutgers academic program in order to receive academic credit and/or fulfill their academic program requirements).

Student: Any person currently admitted, matriculated, registered, enrolled, or participating in or auditing any course or program in any school or division of Rutgers on a full-time or part-time basis in undergraduate, graduate, continuing, or professional studies. For purposes of this Policy, "Students" include: (i) visiting students; (ii) individuals who have completed the immediately-preceding academic term and are eligible for re-enrollment, including the recess periods between academic terms; and (iii) individuals on approved educational leave, or other approved leave status.

Student Employee: Student Employees are individuals employed by the University whose positions are contingent upon their status as students, including, but not limited to, Teaching Assistants, Graduate Assistants, Postdoctoral Associates, and Residence Life Advisors. Individuals are not considered Student Employees for purposes of this Policy if their employment is unrelated to their student status. An individual is also not considered a Student Employee for purposes of this Policy solely because the individual is utilizing tuition remission or tuition reimbursement benefits available to employees.

SVPA: The Senior Vice President for Academic Affairs.

¹ For the University's definition of "consent," see Section III. B. of the [University's Policy 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking and Related Misconduct](#). This Policy does not in any way alter or amend University Policy 10.3.12, which addresses nonconsensual relationships.

6. The Policy

I. Prohibited Consensual Relationships

- A. The University prohibits any Academic Supervisor from engaging in a consensual relationship with any student currently enrolled as an undergraduate at the University. In very rare circumstances, an Exemption may be granted; see Section II. C.
- B. The University prohibits any Academic Supervisor from engaging in a consensual relationship with any graduate or professional student, Postdoctoral Associate or Fellow, or Clinical Resident or Fellow which creates a conflict of interest because one of the following three conditions exists: (i) both parties are in the same academic program, discipline, or department; (ii) the Academic Supervisor teaches, manages, supervises, advises, or evaluates the other party to the relationship in any way; or (iii) the Academic Supervisor is in a position in which they are able to materially influence the educational opportunities or career of the other party. This includes, for example, any Academic Supervisor who teaches in a graduate or professional student's department, academic program, discipline, or division. An Academic Supervisor employed in an administrative capacity (e.g., a Dean, Director, or Department Chair) is considered to have the ability to influence the educational opportunities or career of all students, Postdoctoral Associates and Fellows, and Clinical Residents and Fellows within the unit of their jurisdiction.
- C. The University prohibits any Internship Supervisor, Student Employee (including but not limited to Residence Life Advisors/Assistants, Teaching Assistants, Graduate Assistants and Postdoctoral Associates) and Postdoctoral Fellows from engaging in a consensual relationship with any student, intern, or Postdoctoral Fellow which creates a conflict of interest because the Internship Supervisor/Student Employee/Postdoctoral Fellow teaches, manages, supervises, advises, or evaluates in any way the other party in an academic setting or living or learning environment, or might reasonably be expected to do so in the future.
- D. Information about reporting requirements and circumstances in which a mitigation plan or exemption to the above prohibitions may be available is set forth below.

II. Reporting Requirements

A. Notice Requirements

With respect to the following reporting requirements, it is the responsibility of the party to the relationship in the position of greater authority or power (e.g., the Academic Supervisor) to initiate and take the requisite reporting steps. Although the other party to the relationship may initiate the process voluntarily, that person will not be considered responsible for any failure by the party in the position of greater authority or power to comply with this Policy's reporting requirements.

Individuals who wish to commence or engage in a relationship prohibited by Section I. must report in writing the consensual relationship immediately to the applicable Dean or Director and the respective Chancellor(s) and cooperate in the development of a mitigation plan or seek an exemption.

Individuals who immediately report a relationship prohibited by this Policy will not be considered in violation of this Policy unless: (i) their request for a mitigation plan or exemption is denied and the parties to the relationship thereafter persist in engaging in the prohibited relationship; or (ii) the parties fail to cooperate in the mitigation plan or exemption request process. Failure to

report a prohibited relationship and/or cooperate in the development of a mitigation plan or exception process will be considered a violation of this Policy by the person in greater authority or power.

Individuals engaged in relationships prohibited by Section I. of this Policy that preexisted the effective date of this Policy and who wish to continue such relationships are required to report the relationship to the respective Chancellor(s) in writing within thirty days of the effective date of this Policy and submit a request for a mitigation plan or exemption as set forth below. All information provided by the parties to the mitigation plan will be held in strictest confidence and will only be disclosed to individuals with the responsibility to oversee the application of the mitigation plan.

B. Mitigation Plans

1. Individuals who wish to engage in a relationship prohibited by Section I. above (e.g., relationships between Academic Supervisors and graduate students in which there is a conflict of interest, or relationships between Student Employees and other students in which there is a conflict of interest) are required to submit a mitigation plan to eliminate any conflict of interest. If a mitigation plan is submitted timely and approved, the parties' relationship will not be considered to violate this Policy.
2. A mitigation plan, following the form at [https://academicaffairs.rutgers.edu/sites/default/files/2021-11/Mitigation Plan for Supervisors and Individuals in a Consensual Relationship.pdf](https://academicaffairs.rutgers.edu/sites/default/files/2021-11/Mitigation%20Plan%20for%20Supervisors%20and%20Individuals%20in%20a%20Consensual%20Relationship.pdf), must:
 - a. Provide an alternative means for managing, supervising, teaching, evaluating, and/or advising of the Academic Supervisee or student or otherwise mitigate any actual or potential conflict of interest;
 - b. Give priority to the interest of the Academic Supervisee or student;
 - c. Be in writing and signed by all parties to the consensual relationship; and
 - d. Provide notice to both parties of [University Policy 60.1.12: Prohibiting Discrimination and Harassment](#); [University Policy 60.1.28: Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties](#); and [University Policy 60.1.1: Employment of Relatives](#).
3. Process to Submit a Mitigation Plan for Approval:
 - a. The parties to the relationship must submit jointly a written proposed mitigation plan, including the items listed above (Section II. B. 2.), signed by both parties, to the applicable Chancellor(s).²
 - b. Within fifteen business days, the Chancellor(s) (or their respective designee) will jointly respond by either approving the plan, modifying the plan, or denying the plan. The Chancellor(s) (and their respective designee), in their discretion, may solicit information from others as needed to evaluate the parties' mitigation plan, including, but not limited to, the applicable Dean or Director of the parties' school(s) or unit(s).

² Individuals who wish to seek advice on the construction of a mitigation plan may contact the Vice Chancellor for Academic Affairs or designee.

- c. If the Chancellor(s) (or their respective designees) approve the plan, the parties' relationship will not be considered a violation of this Policy so long as the parties comply with the terms of the mitigation plan. A copy of the approved mitigation plan, signed by both parties to the relationship, will be maintained in the Office of the SVPAA and University Human Resources. A copy will be provided to the applicable dean, director or other department or unit head and such individual shall be responsible for ensuring that the terms of the mitigation plan are implemented and for notifying the SVPAA in the event of any failure or inability of the parties to comply with its terms.
- d. The parties are required to notify the Office of the SVPAA immediately of any change in circumstances that would necessitate modification of the plan. The Chancellor(s) has the right to require that the mitigation plan be revisited or modified at any time.
- e. If the Chancellor(s) (or their respective designee) requires modifications to the mitigation plan, either upon initial submission or at any time after the plan is approved, the parties will have 10 business days to review and respond to the modified plan. If the parties agree to the modified plan, they will be required to submit a signed copy of the modified mitigation plan to the SVPAA. Alternatively, the parties may respond in writing by requesting alternative modifications and the reasons for requesting such modifications or by explaining why the parties believe such changes are not necessary. The Chancellor(s) (or their designee) may exercise their discretion to determine a reasonable time period to engage in discussions with the parties about the terms of the mitigation plan and/or any proposed modifications and may advise the parties at any time in writing that their decision on the requisite terms of the mitigation plan is final. The continuation of a relationship prohibited by this Policy following a refusal to agree to and sign a mitigation plan as required by the Chancellor(s) will be considered a violation of this Policy by the person in greater authority or power.
- f. If the Chancellor(s) (or their designee) denies the submitted mitigation plan, the continuation of the parties' relationship will be considered a violation of the Policy by the person with greater authority or power.
- g. The Chancellor(s)'s rejection or required modification of a mitigation plan may be appealed to the SVPAA, whose decision is final, with no further appeal available.

C. Exemptions

1. Individuals who wish to engage in a relationship prohibited by Section I. (e.g., relationships between Academic Supervisors and undergraduate students) are required to immediately submit a request for an exemption to the Policy's prohibition of such relationships. If a request for an exemption is submitted timely and approved, the parties' relationship will not be considered to violate this Policy.
2. An exemption request must be submitted in writing to the applicable Chancellor(s), signed by both parties to the relationship, and set forth the parties' basis for seeking an exemption. The parties may include in their exemption request a proposed mitigation plan if they believe that such a plan would be appropriate and, if approved, warrant the granting of an exemption. In such cases, the applicable Chancellor(s) (or their respective designee) will review the parties' exemption request and respond within 15 business days. If the Chancellor(s) determines that the parties' exemption request could be granted if an appropriate mitigation plan were developed and approved, the mitigation plan approval process set forth in Section II. B. will apply.

3. Exemptions will only be granted in very limited circumstances at the discretion of the applicable Chancellor(s).
4. The Chancellor(s)'s rejection of a request for exemption from this Policy may be appealed to the SVPAA, whose decision is final, with no further appeal available.

D. Protection for Individuals Who Seek Information About This Policy

Questions about the application or effect of this Policy to an existing or potential relationship should be directed to University Ethics and Compliance and/or the SVPAA. Individuals may seek such information anonymously. Individuals who seek information about how to comply with this Policy and/or who disclose information about a prohibited relationship in order to gain information about their obligations under this Policy in a timely manner shall not be considered in violation of this Policy unless they fail to comply with the directions given to them about their obligations under this Policy. However, unreasonably delayed requests for information about how to comply with this Policy will not excuse a party's failure to comply with this Policy. All members of the University community are responsible for seeking information about compliance should they wish to engage in a relationship that implicates this Policy.

This provision does not apply to potential violations of other University Policies, such as [University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment](#) or [University Policy 60.1.28: Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties](#).

E. Confidentiality

The University will reveal information and documents obtained or created pursuant to this Policy only to those who need to know the information in order to effectuate the provisions of this Policy. For example, the SVPAA may need to disclose to other select individuals (such as the applicable Dean, Director, or Department Chair) that a consensual relationship has been reported and the identities of the parties to that relationship in order for the SVPAA to evaluate a proposed mitigation plan or request for exemption. The University requires that all individuals involved in the procedures set forth in this Policy will respect the integrity of the process and the legitimate privacy interests of the parties to the extent possible. All documents created pursuant to this Policy, including mitigation plans, will be considered confidential personnel records and maintained accordingly.

III. Reporting Alleged Violations of this Policy

An employee (including faculty member) who has reasonable cause to believe that a violation of this Policy has occurred has an affirmative obligation to report it promptly to the applicable Chancellor(s), or SVPAA or University Ethics and Compliance. Failure to do so in accordance with this Policy is a violation of this Policy. Employees should not investigate independently whether a Policy violation has occurred before reporting the potential Policy violation.

The University strongly encourages all individuals who have reasonable cause to believe that a violation of this Policy has occurred to report it as promptly as possible to one of the above individuals or office so that the University can investigate and respond effectively.

IV. Investigations of Alleged Violations of this Policy and Discipline

Alleged violations of this Policy, including related concerns of conflicts of interest, favoritism, and/or exploitation will be investigated by University Ethics and Compliance and/or other relevant University offices in collaboration with the SVPAA.

Any appropriate disciplinary action will be handled under the applicable University policies, procedures, and practices and any applicable collective negotiations agreements.

V. Retaliation Prohibited

Retaliation against a person who reports a potential violation under this Policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this Policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals, and/or adverse actions related to an individual's employment or education. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with University Ethics and Compliance.

This provision does not preclude the University from taking appropriate action, including discipline, against an individual who is found to have violated this Policy.