

Duke University/Duke University Health System
Policy on Consensual Relationships
Adopted: March 2002
Revised: May 2019

Policy on Consensual Romantic or Sexual Relationships between Employees and between Non-Faculty Employees and Students¹

1) Statement of Values and Expectations

Duke University is committed to maintaining learning and work environments free from conflicts of interest, exploitation, and favoritism.

Where a party uses a position of authority to induce another person to enter into a non-consensual relationship, the harm both to that person and to the institution is clear. Even where the relationship appears to be consensual, there is significant potential for harm when there is an institutional power differential between the parties involved, as is the case, for example, between supervisor and employee, faculty and student, or academic advisor and advisee. The power imbalance in such relationships may cast doubt both on whether the relationship is truly consensual as well as on the objectivity of any supervision and evaluation provided.

Regardless of the intentions of the individuals involved, consensual relationships in the workplace or educational settings that also involve power differentials can create the risk of misconduct, favoritism, and/or prohibited discrimination or harassment. In addition, a consensual relationship with a subordinate can interfere with the ability of a superior to act and make decisions fairly and without favoritism. Even if the superior is able to avoid being biased, others in the workplace or learning environment may perceive themselves as being less favored or disadvantaged by the personal relationship. In addition, the damage can continue long beyond the actual time span of the relationship and can make people suspicious of any future professional interactions with or between the parties.

¹ Consensual romantic or sexual relationships between faculty or students with instructional responsibilities and undergraduate students are addressed in [Appendix Z](#) of the [Faculty Handbook](#).

This policy focuses on personal relationships between employees (including faculty, postdoctoral appointees, and graduate medical trainees) and personal relationships between employees and students. Although these categories have many elements in common, the student–teacher relationship presents a special case because the integrity of this relationship is of such fundamental importance to the central mission of the university. Students look to their professors for guidance and depend upon them for assessment, advancement, and advice. Faculty–student consensual relationships create obvious dangers for abuse of authority and conflicts of interest actual, potential, and apparent. Especially problematic is such a relationship between a faculty member and a graduate student who is particularly dependent upon the faculty member for access to research opportunities, supervision of thesis or dissertation work, provision of professional references, and other assistance in pursuing job opportunities.

Duke University has adopted a consensual relationship policy for the following reasons: to avoid the types of problems outlined above; to protect people from the kind of injury that a subordinate, superior, or third party to such a relationship can suffer; and to provide information and guidance to members of the Duke community. Most of all, this policy seeks to help ensure that each member of the Duke community is treated with dignity and without regard to any factors that are not relevant to that person’s work.

2) Definitions

For purposes of this policy, the terms “Duke University,” “Employee,” “Supervisor,” “Faculty,” “Student,” and “Consensual Relationship” are defined as follows:

Appropriate Superior: An administrator, manager, or supervisor with authority to review a Consensual Relationship between a supervisor and an employee or between an employee and a student and/or initiate arrangements to end any supervisory relationship/situation of authority between them.

Duke University: Duke University and related entities, including Duke University Medical Center and Duke University Health System.

Employee: anyone employed by Duke University as faculty or staff, full-time or part-time, including postdoctoral appointees and graduate medical trainees.

Supervisor: anyone who oversees, directs or evaluates the work of others, including, but not limited to, managers, administrators, coaches, directors, principal investigators, physicians, deans, chairs, advisors, postdoctoral appointees, graduate students, house staff, and teaching assistants. The term also includes faculty members in their roles as instructors, as supervisors of their staff, as mentors as part of a formal mentoring program, and as participants in decisions affecting the careers of other faculty members.

Faculty: all Duke University regular rank faculty and all non-regular-rank faculty titles in the Faculty Handbook, faculty of other institutions when teaching at Duke or in Duke programs, and faculty of other institutions who participate in Duke academic matters affecting students (e.g., serving as an external review on a Ph.D. committee).

Student: all those enrolled full-time or part-time in any program of Duke University and its various schools. A student’s status as “student” ceases at the time the student graduates or

otherwise separates from his or her educational program at Duke. Any reference to “graduate” students includes professional school students.

Consensual Relationship: a dating, romantic, and/or sexual relationship willingly undertaken by the parties.

NOTE: Non-consensual interactions are addressed under the [University’s Policy on Prohibited Discrimination, Harassment, and Related Misconduct](#) and family relationships are addressed under the [Nepotism Policy](#).

3) Consensual Relationships between Employees (Faculty and/or Non-Faculty)

This Policy prohibits Consensual Relationships between employees and their supervisors (as those terms are defined in this policy). Except in unusual circumstances where explicit authorization has been obtained from the appropriate superior, no employee should participate in the supervision, employment actions, evaluation, promotion, or the direct setting of salary or wages of an Employee with whom that person has or has had a Consensual Relationship. In the event that a Consensual Relationship arises between a supervisor and an employee, the supervisor must immediately disclose the relationship to the appropriate superior and either initiate arrangements to end the supervisory relationship/situation of authority between them or request authorization to continue the supervisory relationship/situation.

The appropriate superior may grant an exception to this policy when eliminating the supervisory relationship/situation would unreasonably disadvantage one or both of the employees in the personal relationship. If the exception is granted, a written agreement will be developed so that employment decisions are made impartially. A written agreement will also be created if a relationship has a negative impact on the work environment, even if the relationship does not have a direct influence on employment.

While this Policy does not prohibit Consensual Relationships between employees or faculty where there is no situation of authority between the parties, such relationships may limit the future ability of one party to mentor, direct work, employ, or promote the career of the other party (e.g., in situations in which the parties are in the same department). Consensual Relationships should be disclosed in any letter of recommendation a supervisor or employee may write on behalf of another employee.

4) Consensual Relationships between Non-Faculty Employees and Students

Consensual Relationships between non-faculty employees and students are prohibited except where the employee has no current role and is not expected to have any future role in teaching, supervising, mentoring, or evaluating the student. In addition, if the employee and student are in the same school, the employee must report the Consensual Relationship in writing immediately to the appropriate superior and affirm that there are no reasons to prohibit the relationship.

The appropriate superior may grant an exception to this policy when eliminating the supervisory relationship/situation would unreasonably disadvantage one or both of the individuals in the

personal relationship. If the exception is granted, a written agreement will be developed so that academic decisions are made impartially. A written agreement will also be created if a relationship has a negative impact on the academic environment, even if the relationship does not have a direct influence on academic progress.

Any employee who has had a past Consensual Relationship with a student is prohibited from teaching, supervising, mentoring, or evaluating the student without explicit written authorization from an appropriate superior.

5) Resources

Questions regarding this policy or what options may be available for resolving issues arising under it may be referred to human resources staff, departmental chairs, [Staff & Labor Relations](#), the [Office of the Provost](#), or the [Office for Institutional Equity](#).

Additional information may be found in the Duke University [Policy on Prohibited Discrimination, Harassment, and Related Misconduct](#); and information about the hiring of family members can be found in the [Nepotism Policy](#).

6) Enforcement

This policy is not intended either to intrude on the privacy of a member of the Duke Community or to interfere with appropriate mentoring relationships. However, violations of this policy may result in disciplinary and/or corrective action by the appropriate official, e.g., the individual's manager, chair, dean, or a higher level official.