

## POLICY CONCEPT FORM E INSTRUCTIONS AND GUIDELINES

**All policy proposals – including new policy concepts, proposed revisions, or suggested repeals – must be submitted via this form to the Office of the University Secretary with appropriate supporting information and documents.** Completed submissions are forwarded to the President’s Policy Advisory Council (PAC), which ensures proper routing through the policy-making process. (See UO Policy I.03.01 for more information.)

**Please keep the following definition of a university policy in mind as you develop your concept:**

*A University Policy (“Policy”) is a policy that (1) has broad application or impact throughout the University community, (2) must be implemented to ensure compliance with state or federal law, (3) is necessary to enhance the University’s mission, to ensure institutional consistency and operational efficiency, or to mitigate institutional risks; or (4) is otherwise designated by the Board [of Trustees] or the President [of the University] as a University Policy.*

*A policy establishes rights, requirements or responsibilities. Excluded from this definition are things such as, but not limited to, implementation guides, operating guidelines, internal procedures, and similar management controls and tools.*

**To help facilitate as smooth a process as possible, please consider the following:**

1. Consult as many stakeholders as possible *prior to submitting* your concept. A primary role for the PAC is to ensure that appropriate offices, departments or groups are consulted.
2. Run your concept by the Office of General Counsel (OGC) *prior to submission*. OGC review is a required step in policy-making.
3. Please use the proper template for revisions or a new concept. The existing policy template (revisions) or a blank template (new concepts) can be obtained from the Office of the Secretary by emailing [uopolicy@uoregon.edu](mailto:uopolicy@uoregon.edu).
4. A “redlined” version of your concept is required for proposed revisions.
5. Include any appropriate related resources. Links are preferred, but supplemental documents are of course acceptable for items not online. Examples include:
  - Other policies or procedures related to, overridden by, necessary as a result of, or otherwise affiliated with your concept
  - Statutory or regulatory citations
  - Necessary notations or a summary of changes if changes are numerous or not obvious when reading the submitted template

**Please email [uopolicy@uoregon.edu](mailto:uopolicy@uoregon.edu) if you have any questions.**

## POLICY CONCEPT FORM

Name and UO Title/Affiliation:	Peter Fehrs and Brittany Jayne, Associate Directors of Employee and Labor Relations
Policy Title/# (if applicable):	Consensual Relationships
Submitted on Behalf Of:	Human Resources
Responsible Executive Officer:	Jamie Moffitt, VPFA

**SELECT ONE:**  New Policy       Revision       Repeal

*Click the box to select*

**HAS THE OFFICE OF GENERAL COUNSEL REVIEWED THIS CONCEPT:**     Yes     No

**If yes, which attorney(s):** [Jeslyn Everitt](#)

### GENERAL SUBJECT MATTER

*Include the policy name and number of any existing policies associated with this concept.*

**Consensual Relationships (existing policy) “OUS 17,” discusses disclosure of relationships and prohibition of certain acts. References and related to: Conflicts of Interest and Abuses of Power, Family Relationships and Employment (new version which incorporates Employment of More Than One Member of Household)**

### RELATED STATUTES, REGULATIONS, POLICIES, ETC.

*List known statutes, regulations, policies (including unit level policies), or similar related to or impacted by the concept. Include hyperlinks where possible, excerpts when practical (e.g. a short statute), or attachments if necessary. Examples: statute that negates the need for or requires updates to an existing policy; unit level policy(ies) proposed for University-wide enactment; or existing policies used in a new, merged and updated policy.*

**ORS 244, the attached policy is an update to the existing policy, Consensual Relationships**

### STATEMENT OF NEED

*What does this concept accomplish and why is it necessary?*

**Updates an existing policy, reduces conflicts of interest and complies with Oregon law**

### AFFECTED PARTIES

*Who is impacted by this change, and how?*

**All University employees, agents, and officials.**

**CONSULTED STAKEHOLDERS**

*Which offices/departments have reviewed your concept and are they confirmed as supportive? (Please do not provide a list of every individual consulted. Remain focused on stakeholders (e.g. ASUO, Office of the Provost, Registrar, Title IX Coordinator, etc.))*

<b>Name</b>	<b>Office</b>	<b>Date</b>
Human Resources Policy Advisory Committee (including representatives from SEIU, United Academics, GTFF, UOPA, OAs, academic CFOs, and various other stakeholders), Seven review sessions from June 2023-December 2023		
	Office of the General Counsel, Jeslyn Everitt, January 2024	
	HR Leadership Group (all Central HR Directors and Chief Human Resources Officer), April-May 2024	
	Jamie Moffitt, VPFA, May 2024	

# Consensual Relationships

**Policy Number:**  
OUS-17

## **Reason for Policy:**

This policy requires that university employees disclose consensual relationships and take steps to mitigate any actual or potential conflicts of interest arising from such relationships.

## **Entities Affected by this Policy:**

All University of Oregon employees, officials and agents.

## **Responsible Office:**

Office of the Senior Vice President and Provost: (541) 346-3186, [provost@uoregon.edu](mailto:provost@uoregon.edu)

## **Enactment & Revision History:**

Became a UO policy by operation of law on July 1, 2014.

Adopted by the SBHE September 9, 2005.

## **Policy:**

The University of Oregon is committed to maintaining an inclusive and empowering learning and work environment free from conflicts of interest, impropriety, and favoritism. State Board of Higher Education administrative rule OAR 580-022-0055 requires institutions to take steps to ensure that employees do not participate in employment decisions, supervision, or grievance decision-making over family members. Consistent with that policy commitment, the Board university recognizes the potential conflict of interest that occurs when romantic or sexual relationships develop in which there is an inherent power differential between the parties to the relationship. Accordingly, whenever such potential conflict occurs, any employee involved in such a relationship has a duty to disclose the relationship and to cooperate in institutional efforts to prevent an actual conflict. Institutions shall develop policies to address problems that may result from consensual relationships.

In particular, employees involved in romantic or sexual relationships with other employees in their unit or with whom there exists any form of supervisory or evaluative responsibility must Institution policies shall:

**Commented [JE1]:** This one could use some attention. This policy just directs us to have a policy, and yet we don't have a clear policy on employee-on-employee relationships. My strong recommendation is that we make this Policy into the required policy on consensual relationships, which has been a gap for a while. See proposed edits and OSU's policy for reference, <https://hr.oregonstate.edu/manual/consensual-relationships-policy>

**Commented [JE2]:** Added per policy guide, feel free to modify suggested language here.

**Formatted:** Font: Not Bold

**Formatted:** Font: Not Bold

**Formatted:** Font: Not Bold

**Formatted:** No underline

**Formatted:** Font: Not Bold

**Formatted:** No underline

**Formatted:** Font: Not Bold

**Commented [EL3]:** This appears to be guidance on developing a policy, rather than a policy itself?

**Commented [PF4R3]:** Yes, this is the policy that directs us to create other policies, including our Conflict of Interest and Abuses of Power policy

**Commented [CB5R3]:** I really don't have many comments on this since it is guidance on developing a policy. However, I did want to share that I was a bit surprised when I arrived that we have no nepotism agreement that is signed.

**Commented [JE6]:** This OAR provision was rescinded when UO gained autonomy. Now ORS 352 applies.

**Commented [EL7]:** This seems to be a firm boundary, whereas the former policy we reviewed allowed it with supervisor approval - need consistency

**Commented [CB8R7]:** As I mentioned above, a nepotism agreement or something similar would be a helpful tool and could define exactly what the roles/responsibilities are. Most supervisors, unless exposed to some level of challenge in this area, will not see this as a problem until it becomes a problem. I think there needs to be strong guidance at a University level, not at a supervisory level.

~~1. Report the relationship to Establish procedures for eliminating conflicts of interest related to consensual relationships.~~

Formatted: Indent: Left: 0.25"

~~Consensual relationships to which this policy applies are those romantic, intimate, or sexual relationships where one of the parties has institutional responsibility for or authority over the other or is involved in evaluation of the other party, whether the other party is an employee or a student.~~

Formatted: Space Before: Auto, After: Auto, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

~~2. Institutional policies must contain provisions:~~

~~1. Requiring an employee in a consensual relationship to advise a higher-level administrator or hiring official; and~~

~~2. of the relationship and to cooperate in actions taken to eliminating any actual or potential conflict of interest resulting from the relationship, and to mitigate effects on third parties.~~

The administrator who receives the report shall treat the information confidentially and shall work to eliminate conflicts of interest, including without limitation by transferring one of the individuals to another position, by transferring supervisory or evaluative responsibilities, or by providing an additional layer of oversight to the role. The administrator is encouraged to consult with University Human Resources and should document the steps taken.

Commented [JE9]: Or ELR here?

If there is any doubt whether a relationship falls within this Policy, individuals should disclose the facts of the relationship and seek guidance rather than fail to disclose the relationship.

• ~~Retaliation against persons who report concerns about consensual relationships is prohibited and constitutes a violation of this Policy.~~

Formatted: Space Before: Auto, After: Auto, No bullets or numbering

~~• Notifying and encouraging employees and students where they can express concerns regarding actual or potential conflicts of interest resulting from consensual relationships;~~

Commented [CB10]: An agreement of some type would help meet this requirement.

Formatted: Indent: Left: -0.25"

~~• Identifying the risks and conflicts associated with consensual relationships, and~~

~~• Prohibiting retaliation against persons who report concerns about consensual relationships.~~

~~3. Campus-wide educational programs:~~

The policy shall be broadly and regularly disseminated to the entire campus. Institutions shall also offer training to faculty and administrators and ensure that those resolving actual or potential conflicts of interest resulting from consensual relationships or responding to concerns regarding consensual relationships must have the training and knowledge necessary to fulfill their responsibilities. Institutions-The university shall periodically assess the effectiveness of their notification and training processes.

Commented [JE11]: Just make sure we're willing to commit to this if we're to keep it in the policy.

Commented [EL12]: Is there any training currently available in this area?

Commented [CB13R12]:

Chapter/Volume:

Related Resources:

[Conflicts of Interest and Abuses of Power: Sexual, Physically Intimate, or Romantic Relationships with Students](#)~~NA~~

[Family Relationships and Employment](#)

# Consensual Relationships

## **Reason for Policy:**

This policy requires that university employees disclose consensual relationships and take steps to mitigate any actual or potential conflicts of interest arising from such relationships.

## **Entities Affected by this Policy:**

All University of Oregon employees, officials and agents.

## **Responsible Office:**

Office of the Senior Vice President and Provost: (541) 346-3186, [provost@uoregon.edu](mailto:provost@uoregon.edu)

## **Enactment & Revision History:**

Became a UO policy by operation of law on July 1, 2014.

Adopted by the SBHE September 9, 2005.

## **Policy:**

The University of Oregon is committed to maintaining an inclusive and empowering learning and work environment free from conflicts of interest, impropriety, and favoritism. Consistent with that commitment, the university recognizes the potential conflict of interest that occurs when romantic or sexual relationships develop in which there is an inherent power differential between the parties to the relationship. Accordingly, whenever such potential conflict occurs, any employee involved in such a relationship has a duty to disclose the relationship and to cooperate in institutional efforts to prevent an actual conflict.

In particular, employees involved in romantic or sexual relationships with other employees in their unit or with whom there exists any form of supervisory or evaluative responsibility must:

1. Report the relationship to a higher-level administrator in the chain of command or hiring official; and
2. Cooperate in actions taken to eliminate any actual or potential conflict of interest resulting from the relationship, and to mitigate effects on third parties.

The administrator who receives the report shall treat the information confidentially and shall work to eliminate conflicts of interest, including without limitation by transferring one of the

individuals to another position, by transferring supervisory or evaluative responsibilities, or by providing an additional layer of oversight to the role. The administrator is encouraged to consult with University Human Resources and should document the steps taken.

If there is any doubt whether a relationship falls within this Policy, individuals should disclose the facts of the relationship and seek guidance rather than fail to disclose the relationship.

Retaliation against persons who report concerns about consensual relationships is prohibited and constitutes a violation of this Policy.

Those resolving actual or potential conflicts of interest resulting from consensual relationships or responding to concerns regarding consensual relationships must have the training and knowledge necessary to fulfill their responsibilities. The university shall periodically assess the effectiveness of their notification and training processes.

**Chapter/Volume:**

**Related Resources:**

[Conflicts of Interest and Abuses of Power: Sexual, Physically Intimate, or Romantic Relationships with Students](#)

[Family Relationships and Employment](#)