POLICY AGAINST DISCRIMINATION, HARASSMENT AND RELATED INTERPERSONAL VIOLENCE

FREQUENTLY ASKED QUESTIONS

Table of Contents

A. ABOUT THE POLICY 2
B. PROHIBITED CONDUCT 3
C. REPORTING 6
D. RESOURCES AND SUPPORT 10
E. CONCERNS ABOUT PROBLEMATIC CONDUCT UNRELATED TO PROTECTED CLASSES 12
F. AMOROUS PROVISIONS QUESTIONS 13
G. PRIVACY AND MEDICAL RECORDS 17

A. ABOUT THE POLICY

Q: What is the purpose behind the Policy Against Discrimination, Harassment and Related Interpersonal Violence?

A: The University has longstanding policies and statements against discriminatory and sexual harassment, including related interpersonal and sexual violence, and prohibits certain amorous relationships between faculty and students or supervisors and subordinates.

This Policy, which was first approved by the Board of Trustees and effective beginning on January 1, 2016 and updated and approved by the Board of Trustees effective beginning on August 1, 2018, places in one single Policy all of the University's policies and statements regarding discrimination, discriminatory harassment, sexual and gender-based harassment, sexual assault, sexual exploitation, intimate partner violence, stalking, complicity, retaliation, and inappropriate amorous relationships (collectively known as "Prohibited Conduct"). This placement into a single Policy enhances clarity for all members of our community – students, staff, and faculty. This includes centralizing in one single place reporting information.

The Policy includes additional guidance to promote a safe and suitable learning and working environment for the University community while reflecting prevailing higher education non-discrimination and harassment principles.

In addition, the Policy identifies employee reporting obligations and the offices responsible for administering these issues. In particular, the Policy requires Responsible Employees to report to the university cases of sexual assault, stalking and intimate partner violence involving students. The Policy also clarifies management reporting obligations regarding all forms of Prohibited Conduct involving employees.

All University community members are strongly encouraged to read the entire Policy and to call the Office of Institutional Equity (OIE) with any questions. In particular, it is incumbent upon all Deans, Directors, Department Heads, and Supervisors to read the Policy closely in its entirety, and to be available to their employees for any questions or concerns.

Q: Does this Policy apply to all UConn campuses?

A: Yes. The Policy applies to the Storrs and regional campuses (including the Law School, School of Social Work and UConn Health) including any and all off-campus programs and any other site under the control of the University where university employees work.

Q: Does this Policy cover part-time employees? Special payroll employees? Temporary employees? Adjunct faculty? Graduate students? Part-time students? Students who take classes as non-degree students (and are not matriculated at the University)?

A: The University is committed to maintaining an environment free of discrimination or discriminatory harassment directed toward any person or group within its community. This includes all employees and students, regardless of their status. All of the above are covered by the Policy's prohibitions of discrimination, harassment and related interpersonal violence of the Policy.

Q: What is the impact of this Policy on free speech and academic freedom?

A: The University is deeply committed to academic freedom and it recognizes and protects full freedom of inquiry, teaching, research, discussion, study, publication, and for artists, the creation and exhibition of works of art, without hindrance, restriction, equivocation, or reprisal. Constitutionally protected speech and traditional notions of academic freedom are of the highest value at the University. These ideals are critical in fostering our stimulating and challenging learning environment. University community members are encouraged to invite, rather than inhibit, discourse on ideas.

In addressing all complaints and reports under this Policy, the University will take all permissible actions to ensure the safety of students and employees while complying with all free speech protections for members of the University community. While the University will vigilantly protect students' and employees' rights against discrimination and discriminatory harassment under this Policy, please keep in mind that the Policy does not reach curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials.

B. PROHIBITED CONDUCT

Q: What is "Prohibited Conduct" under the Policy?

A: Discrimination, discriminatory harassment, sexual and gender-based harassment, sexual assault, sexual exploitation, intimate partner violence, stalking, complicity, retaliation, and inappropriate amorous relationships.

Each of these terms are defined in detail within the Policy. All community members are strongly encouraged to review closely each of these definitions and to contact the Office of Institutional Equity with any questions.

Q: Who is a "Complainant" under the Policy?

A: "Complainant" means the individual who presents as the victim of any Prohibited Conduct under the Policy, regardless of whether that person makes a report or seeks action.

Q: Who is a "Respondent" under the Policy?

A: "Respondent" means the individual who has been accused of violating the Policy.

Q: What are some examples of Discrimination prohibited under the Policy?

A: All allegations of discrimination require and receive close, individual review. As a general matter, prohibited discrimination consists of any unlawful distinction, preference, or detriment to an individual's terms and conditions of education or employment that is based on a protected classification (race, gender, religion, age, etc.). This could include (but is not limited to) failure to hire, failure to promote, termination, less favorable working hours, grades or schedule because of someone's protected classification rather than a legitimate non-discriminatory reason. Discrimination also includes failing to provide reasonable accommodation to persons with disabilities.

Q: What are some examples of Discriminatory Harassment prohibited under the Policy?

A: All allegations of harassment require and receive close, individual review. As a general matter, prohibited discriminatory harassment consists of verbal, physical, electronic, or other conduct based upon an individual's protected classifications (race, gender, religion, age, etc.).

A hostile learning or working environment will be created where there is severe, pervasive, or persistent offensive behavior aimed at a person or group of people because of their protected classifications that unreasonably limits, deprives, or alters the conditions of education, employment, or participation in a University program or activity. This can include inappropriate jokes or derogatory comments using inflammatory and degrading language based on protected classifications that interfere with an individual's work or academic performance.

In terms of sexual and gender-based harassment more specifically, some examples may include the following unwelcome behavior:

- Unwanted sexual advances, particularly when repeated.
- Touching, hugging, kissing, fondling others, or touching oneself sexually for others to view.
- Repeatedly telling jokes of an explicitly sexual nature in the workplace or academic setting.
- Viewing or displaying in sight of others sexually explicit or pornographic material at the workplace or within the academic environment (where not connected to any academic or work-related purpose).
- A faculty member becomes Facebook friends with students in the faculty member's class, and comments on students' sexual appeal and sexual habits knowing students in the class will be able to view these comments.
- Requests for sexual favors in exchange for hiring, promotion, raises, good grades, or any other workplace or academic benefit.
- Sexual violence of any kind, including sexual assault, sexual exploitation, sexual assault, intimate partner violence, and stalking.

Q: How does the University determine if a hostile environment exists?

A: In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, which may include, but not be limited to:

- The frequency, nature, and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; and
- Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. An isolated incident, unless sufficiently serious, does not amount to Hostile Environment Harassment.

Q: Does the University have any Guidance about Assessing Consent?

A: A person who wants to engage in a specific sexual activity is responsible for obtaining Consent for that activity. The lack of a negative response or protest does not constitute Consent. Lack of resistance does not constitute Consent. Silence and/or passivity also do not constitute Consent.

It is important not to make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.

Consent to one form of sexual activity does not, by itself, constitute Consent to another form of sexual activity. For example, one should not presume that Consent to oral-genital contact constitutes Consent to vaginal or anal penetration. Consent to sexual activity on a prior occasion does not, by itself, constitute Consent to future sexual activity.

Once Consent has been given, it may be withdrawn at any time. An individual who seeks to withdraw Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once Consent is withdrawn, the sexual activity must cease immediately.

Q: Does the University have any Guidance about Incapacitation?

A: Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. A person could be incapacitated due to other reasons which may include: sleep, prescribed or over the counter medication, mental or physical disability. Alcohol-related incapacity results from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person.

Q: What are some examples of Intimate Partner Violence?

A: Examples of Intimate Partner Violence may include, but are not limited to:

- Slapping;
- Pulling hair;
- Punching;
- Damaging one's property;
- Driving recklessly to scare someone;
- Threats of abuse such as threatening to hit, harm, or use a weapon on another (whether Complainant or acquaintance, friend, or family member of the Complainant), or other forms of verbal threats.

This list of examples is by no means exhaustive.

Q: What are some examples of Stalking?

A: Stalking may include, but is not limited to:

- Non-consensual communications (face to face, telephone, e-mail);
- Threatening or obscene gestures;
- Surveillance/following/pursuit;
- Showing up outside the targeted individual's classroom or workplace without any legitimate purpose;
- Sending unwanted gifts (romantic, bizarre, sinister, or perverted); and/or
- Making threats.

This list of examples is by no means exhaustive.

Q: What about a *student* who is discriminating against, harassing, or propositioning an employee?

A: All employees are strongly encouraged to report student conduct of a concerning nature to Community Standards. This is important not only to assist in stopping any behavior prohibited under *The Student Code*, but it also protects the employee who may be an unwitting target of such attention and wants to have their appropriate response to the student "on the record."

C. REPORTING

Q: What is the difference between a Confidential Employee and a Responsible Employee and their respective reporting requirements?

A: The University designates every Employee as either a Confidential Employee or a Responsible Employee.

Confidential Employee: Any Employee who is entitled under state law to have privileged communications. Confidential Employees will not disclose information about Prohibited Conduct to the University without the permission of the Student or Employee (subject to the exceptions set forth in the Confidentiality section of the Policy).
Confidential Employees at the University of Connecticut include:

- Student Health Services
- Counseling and Mental Health Services
- Employee Assistance Program

Responsible Employee: Any Employee who is not a Confidential Employee, and certain categories of student employees. Responsible Employees include (but are not necessarily limited to) Faculty and Staff, Resident Assistants, Post-Doctoral Research Assistants, Graduate Teaching Assistants, Graduate Research Assistants, and any student-employees serving as Campus Security Authorities (CSAs) when disclosures are made to any of them in their capacities as Employees.

Responsible Employees are required to immediately report to the University's Office of Institutional Equity all relevant details (obtained directly or indirectly) about an incident of Sexual Assault, Intimate Partner Violence and/or Stalking that involves any Student as a Complainant, Respondent, and/or witness, including dates, times, locations, and names of parties and witnesses. Reporting is required when the Responsible Employee knows (by reason of a direct or indirect disclosure) or should have known of such Sexual Assault, Intimate Partner Violence, and/or Stalking.

This manner of reporting may help inform the University of the general extent and nature of Prohibited Conduct on and off campus so the University can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses.

Q: Who has an obligation to report Sexual Assault, Intimate Partner Violence, and/or Stalking when either the Complainant and/or Respondent is a student?

A: All employees except those few considered "confidential" (such as employees at Student Health Services and Counseling and Mental Health Services) must report sexual assault, intimate partner violence, and stalking of students immediately upon witnessing or receiving a disclosure by calling the Office of Institutional Equity (OIE).

Student employees not serving as Campus Security Authorities (CSAs) are not considered Responsible Employees and are exempt from this reporting requirement.

Q: Are there any exceptions to Responsible Employee Reporting Obligations?

A: Yes. Responsible Employees are not required to report information disclosed:

(1) At public awareness events (*e.g.*, "Take Back the Night," candlelight vigils, protests, "survivor speak-outs" or other public forums in which Students may disclose incidents of Prohibited Conduct);

(2) During a Student's participation as a subject in an Institutional Review Board-approved human subjects research protocol ("IRB Research"); or
(3) As part of coursework submitted to an instructor in connection with a course assignment.

Even in the absence of such reporting obligation, all Employees are encouraged to contact the Title IX Coordinator and law enforcement if they become aware of information that suggests a safety risk to the University community or any member thereof. The University may provide information about Students' Title IX and/or other civil rights and about available University and community resources and support at Public Awareness Events, however, and Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all Student subjects of IRB Research.

Q: Does the University have any guidance for Responsible Employees responding to a disclosure by a student or employee of Prohibited Conduct?

A: Yes. There is support guidance available on the University's Title IX website at: http://titleix.uconn.edu/offer-support/

Please keep in mind that all University employees are strongly encouraged to report to law enforcement any conduct that could potentially present a danger to the community or may be a crime under Connecticut law. If you have a safety concern, your first call should be to the police.

Some general principles to keep in mind when speaking to persons disclosing include the following:

- Listen without judgment and offer your support. *"I'm sorry that this happened. I appreciated your telling me and would like to help. Is there anything I can do that would be most helpful to you right now?"*
- Inform the person early in your conversation that while your conversation will be private, it will not be confidential, given your status as a Responsible Employee. The University takes these matters very seriously and after your conversation, you will be calling an office that can help, the Office of Institutional Equity (OIE). The person disclosing will have choices after that about whether to talk with OIE or engage with any other offices – that will be completely up to them.
- Address any medical concerns. Inform her/him of the importance of preserving evidence. A person does not need to make a report or press charges to receive medical care.
- Connect the student or employee to resources, including for sexual or gender-based acts, www.titleix.uconn.edu. *"There are a number of places on and off campus that can provide you with help, information and support. Available resources include counseling, or discussing the need for adjustments to course, work or living situations"*
- Report the information to the Office of Institutional Equity (OIE). *"I know this was hard to share with me. As I mentioned earlier in our conversation, I am now going to make a report to the Office of Institutional Equity, an office that can help. I can make the call or you can, while I sit with you. OIE will reach out to you to offer assistance and give you more information about reporting options and resources."*
- Strongly encourage the student, employee or other community member to report directly herself or himself to both police and OIE.

- Keep the matter private by not sharing the information beyond OIE and, if appropriate, your supervisor. These situations should be kept "need to know" to protect the parties' privacy and the integrity of any investigations.

Q: Who has an obligation to report Prohibited Conduct where either the Complainant or Respondent is an employee?

A: Under the Policy, Deans, Directors, Department Heads, and Supervisors are required to report to the Office of Institutional Equity all relevant details about any incident of Prohibited Conduct where either the Complainant or the Respondent is an Employee. Reporting is required when such Deans, Directors, Department Heads and Supervisors know (by reason of direct or indirect disclosure) or should have known of such Prohibited Conduct.

Deans, Directors, Department Heads, and Supervisors must bear in mind that this is an expansive reporting obligation, and that Prohibited Conduct includes all of the following: discrimination, discriminatory harassment, sexual and gender-based harassment, sexual assault, sexual exploitation, intimate partner violence, stalking, complicity, retaliation, and inappropriate amorous relationships.

Q: I am not a Dean, Director, Department Head, or Supervisor but I am concerned that an employee colleague is facing discrimination, harassment, or another form of Prohibited Conduct. Can I tell someone? Am I required to tell someone?

A: While you are not required to report your concerns, you can and are encouraged to report. All members of our community are responsible for maintaining a work and academic environment where people are free to work and learn without discrimination and harassment. You can talk to your supervisor, your supervisor's supervisor, or directly contact OIE or the Office of Faculty and Staff Labor Relations (if the concerning conduct is by an employee).

You can also make an anonymous report through the University's anonymous Reportline: (888) 685-2637.

Retaliation against any person who makes a good faith report is strictly forbidden under the University's *Non-Retaliation Policy*.

Q: What about reporting to law enforcement?

A: All University employees are strongly encouraged to report to the law enforcement any conduct that could potentially present a danger to the community or may be a crime under Connecticut law.

In addition, under the Clery Act, certain University employees are designated as Campus Security Authorities (CSAs). CSAs generally include individuals with significant responsibility for campus security or student and campus activities. Those employees designated as CSAs must also report information regarding criminal activity to law enforcement.

Q: What are employee reporting obligations related to child abuse and neglect?

A: All University Employees except student employees are mandated reporters of child abuse or neglect as defined by Connecticut General Statutes Section 17a-101(b) and must comply with Connecticut's mandated reporting laws. *See* Connecticut General Statutes Sections 17a-101a to 17a-101d.

All University Employees should refer to UConn's Protection of Minors and Reporting of Child Abuse and Neglect Policy (http://policy.uconn.edu/?p=6754) for detailed definitions and reporting information.

Q. What is UConn's Good Samaritan statement for students who may have consumed alcohol and/or drugs wishing to report concerns?

A: The "Good Samaritan Statement" provides as follows:

The expectation of the University of Connecticut is that all community members will advocate for the safety of others. Students are expected to seek immediate medical assistance for themselves or others when necessary. The act of calling for medical assistance for the aid of another person falls within the spirit of the University Creed. Accessing medical assistance for a person suffering from over-consumption of alcohol and/or drugs must be the first priority over any other consideration.

A student's seeking of medical assistance will be considered a favorable factor by Community Standards in an effort to promote responsible student behavior and respect for the health and welfare of all members of the University. Community Standards will consider whether a student sought medical assistance for a person in need and in most cases view the act of seeking medical assistance as good judgment as well as not deserving of sanctioning. This does not excuse or protect those who flagrantly or repeatedly violate the Responsibilities of Community Life: The Student Code. This Good Samaritan statement applies to straightforward cases of alcohol or drug over-consumption only. If other infractions occur including but not limited to, destruction to the University community, assault, or property damage, then this statement does not apply. To decrease the likelihood of future occurrences, follow-up evaluation for the involved parties will be conducted to determine appropriate measures to prevent future occurrences.

D. RESOURCES AND SUPPORT

Q: What resources are available to persons who have experienced Prohibited Conduct?

A: The University offers a wide range of resources for all Students and Employees to provide support and guidance in response to any incident of Prohibited Conduct.

Comprehensive information on accessing University and community resources is contained online at the following sites:

- Sexual assault, sexual exploitation, intimate partner violence, sexual or gender based harassment, and stalking: www.titleix.uconn.edu
- Discrimination and discriminatory harassment where the Respondent is an Employee or Third Party: www.equity.uconn.edu
- Related Student Code violations where the Respondent is a Student: www.community.uconn.edu

Available resources include: emergency and ongoing assistance; health, mental health, and victim-advocacy services; options for reporting Prohibited Conduct to the University and/or law enforcement; and available support with academics, housing, and employment.

Q: What on-campus resources are confidential?

A:

- Student Health Services (students)
- Counseling and Mental Health Services (students)
- Employee Assistance Program (employees)
- For regional campuses, see the Title IX website for resource listings specific to each campus: www.titleix.uconn.edu

Q: What are some of the types of additional resources available after making a report?

A: The University offers a wide range of resources for Students and Employees, whether as Complainants or Respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. The University will offer reasonable and appropriate measures to protect a Complainant and facilitate the Complainant's continued access to University employment or education programs and activities. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (designed to reduce the risk of harm to an individual or community).

Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, residence modifications, academic modifications and support, work schedule modifications, suspension from employment, and pre-disciplinary leave (with or without pay). Remedial measures are available regardless of whether a Complainant pursues a complaint or investigation under this Policy.

The University will maintain the privacy of any remedial and protective measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures. The University has the discretion to impose and/or modify any interim measure based on all available information, and is available to meet with a Complainant or Respondent to address any concerns about the provision of interim measures.

The University will provide reasonable remedial and protective measures to Third Parties as appropriate and available, taking into account the role of the Third Party and the nature of any contractual relationship with the University.

Q: What if I am accused of violating this Policy? What should I do?

A: The University provides all persons accused of violating policies an opportunity to present their side of the story as part of an inquiry or full investigation. If you are a member of a bargaining unit, you have the right to union representation throughout the investigation process. Students have a right to a support person of their choosing throughout the investigation process.

Q: Does the University conduct training on these topics?

A: Yes, the University presents a wide array of in-person and online training and education sessions on these issues for students, staff and faculty. Should you wish to request additional, tailored training for your department or student organization, please contact OIE.

Q: I am fearful of retaliation if I report a suspected violation of the Policy. Should I still report the allegations?

A: The University encourages individuals to bring forward information and/or complaints about alleged violations of state or federal law, and University Policy, rules, or regulations. Retaliation against any individual who, in good faith, reports or who participates in the investigation of alleged violations is strictly forbidden. For more information, please see the University's *Non-Retaliation Policy*: http://policy.uconn.edu/?p=415

E. CONCERNS ABOUT PROBLEMATIC CONDUCT UNRELATED TO PROTECTED CLASSES

Q: I am concerned about "harassment" in my workplace or academic environment, but I do not think it is because of my or someone's protected classification(s) – instead, it feels more like general incivility, bullying, and/or inappropriate or unprofessional conduct. Is that covered? Is there anything I can do about that?

A: While this Policy does not specifically address concerns of a more general nature unrelated to protected classifications, the University values an environment that promotes a spirit of civility and collegiality and expects all members of the University community to treat each other with consideration and respect. *The Student Code* states that any behavior that denigrates others is unacceptable and deplorable. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The University Code of Conduct states that engaging in behaviors that harass, intimidate, bully, threaten, or harm another member of the University community does not support a respectful and civil work environment.

Employees may report concerns related to incivility to their supervisor or supervisor's supervisor, to their union, or to the Office of University Compliance.

Employees and graduate students also may utilize the University Ombuds, Jim Wohl, for a private conversation regarding concerns and options for conflict resolution. The Ombuds office is located in the Homer Babbidge Library in Rooms 2-189 and 2-191. Jim Wohl can be reached at (860) 486-5143. In addition, any person can use the anonymous Reportline to make a report of their concerns by calling (888) 685-2637.

Student employees with concerns about incivility in the student workplace are encouraged to speak directly with their supervisor or their supervisor's supervisor.

F. AMOROUS PROVISIONS QUESTIONS

Q: Why is the University getting involved in amorous relationships?

A: When working with students, 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 at great personal and professional risk. The power difference between faculty and staff as compared to students 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. Faculty and staff engaged in such relationships also need to be aware that they may unexpectedly be placed in a position of responsibility for the student's instruction or evaluation. As we look to our peer and aspirant institutions and major employers across the nation, we see that we are not alone in our institutional decision to prohibit such relationships.

In the employment context, amorous relationships between supervisors and their subordinate employees often adversely affect decisions, distort judgment, and undermine workplace morale for all employees, including those not directly engaged in the relationship. This can lead to claims of favoritism, bias, and collusion. Given our employees' status as state employees, these relationships also have the potential to violate state ethics laws.

Q: Has the American Association of University Professors (AAUP) issued a position statement on amorous relationships between professors and students?

A: Yes. The statement that follows was approved by the Association's Committee on Women in the Academic Profession, adopted by the Association's Council in June 1995, and endorsed by the Eighty-first Annual Meeting:

Sexual relations between students and faculty members with whom they also have an academic or evaluative relationship are fraught with the potential for exploitation.

The respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student suspect. Even when both parties initially have consented, the development of a sexual relationship renders both the faculty member and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between faculty members and students.

Q: How is amorous defined?

A: For the purposes of this Policy, "amorous relationships" are defined as "intimate, sexual, and/or any other type of amorous encounter or relationship, whether casual or serious, short-term or long-term, willingly undertaken by the parties."

Q Are "hookups," "sexting," or one-time casual encounters included in the prohibition on certain amorous relationships?

A: Yes. Any amorous, intimate, or sexual contact is covered under this Policy, regardless of duration and regardless of how long term (or not) the encounter may be. One-time encounters and propositions are included. The intent of the Policy is to capture all such encounters or propositions for such encounters, not just long-term, established relationships.

Q: What are a few examples of amorous relationships that would violate the Policy?

A: Examples of amorous relationships that would violate the Policy are:

- Any faculty or staff member who proposes or engages in any type of amorous relationship with any undergraduate student.
- A faculty member asking out a graduate student that serves as a TA in the faculty member's class, as a research assistant in the faculty member's lab, or who is an advisee of the faculty member.
- A graduate student dating, hitting on or "sexting" an undergraduate student in the class where the graduate student is a TA.
- A manager dating or engaged in an intimate relationship of any kind with an employee when the manager supervises, sets salary or merit, or signs that employee's performance evaluation.

This list of examples is by no means exhaustive.

Q: What are a few examples of relationships that would not violate the amorous relationships Policy and do not need to be reported?

A: Examples of relationships that would not violate the amorous relationships Policy are:

- Consensual amorous relationships between undergraduate students.
- A consensual amorous relationship between a supervisor in a department totally unconnected from the department of the employee they are dating, regardless of that employee's job position.

- A consensual amorous relationship between faculty or staff members of equal rank in different or the same department.

This list of examples is by no means exhaustive.

Q: What about amorous relationships between faculty or staff members who work in the same department?

A: Bear in mind that while relationships between colleagues are not prohibited if there is no power difference (i.e., the two employees are peers and neither has supervisory authority over the other), any amorous relationships between colleagues in the same department can adversely affect decisions, distort judgment, and undermine workplace morale, causing feelings of exclusion for others in the workplace. The disruption within the workplace tends to be particularly acute if the relationship ends, even where there is no supervisory authority.

In addition, engaging in such relationships within your workplace, while not a violation of the Policy, may limit leadership opportunities for one or both of the parties in the relationship in the future.

Q: Should I report an amorous relationship to OIE or the Office of Faculty and Staff Labor Relations that does not appear to violate this Policy?

A: If you have any question about whether a relationship that you may be about to enter or have entered would violate the Policy, you are encouraged to contact OIE for clarity. If you are certain that your relationship would not violate this Policy, there is no need to contact OIE.

Q: I am a faculty or staff member who would like to pursue an amorous relationship with a student who has recently graduated. Is there any problem there?

A: Pursuit of an amorous relationship once the student has graduated (and not a day before) is not a violation of this Policy. Bear in mind, however, that if you were in a position of authority over the student while they were studying at UConn, your position of authority in practical terms can extend beyond graduation with respect to letters of recommendation, references, etc., and pursuing such a relationship can put you at some level of personal and professional risk if your interest is unreturned. As a result, it is wise to proceed with abundant caution prior to making your interest in a graduated student known to them and to be prepared that your expression of amorous interest may fundamentally alter or diminish the strength of your relationship with the graduated student moving forward.

Q: Who exactly has an obligation to report concerns or allegations of inappropriate amorous relationships?

A: Deans, Directors, Department Heads, and Supervisors receiving information, including but not limited to informal and formal complaints and reports, that any University employee or person doing business with the University has engaged in violations of the amorous relationships portion of the

Policy must alert OIE as to the nature of the incident and also refer the inquirer to OIE as soon as it is disclosed or becomes known to the dean, director, department head, or supervisor.

Q: Some of our undergraduates, particularly non-traditional students, are older than some of our faculty and staff members. What about amorous relationships that may arise in those situations or in other unique situations?

A: This Policy was written with the vast majority of the undergraduate student population in mind. The rules as articulated within the Policy will be applicable to virtually all scenarios, with very limited exceptions. More importantly, however, regardless of age, 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. Should an extraordinary situation arise that requires a more individualized approach, that situation must be reported and can be evaluated by contacting OIE. Bear in mind, however, that absent unique, extraordinary circumstances, no amorous 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.

Q: What if I get amorously involved with someone and do not realize that he/she is a UConn student until later?

A: The University recognizes that these kinds of situations may occur and recommends that as soon as the individual's student status is known, the employee report the existence of the relationship to OIE. 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 to the relationship itself, a faculty, staff member or graduate student's failure to report the existence of an inappropriate amorous relationship with a student is also a violation of this Policy.

Q: What if I used to have a relationship with another employee in my department but don't anymore?

A: The answer depends on whether or not one of the parties is or could become a supervisor over the other. Supervisory, decision-making, oversight, evaluative or advisory relationships for someone with whom there 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 prior existence of such a relationship must be disclosed by the employee in a position of authority prior to accepting supervision of the subordinate employee to OIE. Working with the Office of Faculty and Staff Labor Relations, the relevant managers will determine whether the conflict of interest can be eliminated through termination of the situation of authority.

If there is no supervisory, decision-making, oversight, evaluative or advisory relationship, there is no requirement to disclose the relationship, however if the status changes as described above, the relationship must be disclosed.

G. PRIVACY AND MEDICAL RECORDS

Q: If I am Involved in an Investigation, how is my Information Protected?

A: The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the University's FERPA policy (http://policy.uconn.edu/2011/05/24/ferpa-policy/). The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act ("HIPAA") and/or state laws governing protection of medical records however where a student chooses to submit a copy of their medical records as part of any investigation process, such record will become subject to disclosure as part of a student's educational record.

Access to an Employee's personnel records may be restricted in accordance with Connecticut law and applicable collective bargaining agreements, however certain records may be subject to disclosure under the Freedom of Information Act (FOIA).

Rev. August 1, 2018