

7. PERSONNEL POLICIES FOR FACULTY, ACADEMIC STAFF AND LIMITED APPOINTEES

7.1. APPOINTMENT DEFINITIONS

University appointments are categorized as Unclassified and Classified appointments.

7.1.1. Unclassified Staff

Unclassified staff are those individuals who hold faculty, academic staff, and limited appointments.

7.1.1.1. Faculty

Appointments to the faculty are either probationary or tenure appointments. Faculty appointments carry the following titles, or ranks: professor, associate professor, assistant professor, and instructor. (For complete Faculty Personnel Rules see Appendix A.)

7.1.1.2. Faculty Peer

A faculty peer in a department is a faculty member with at least a half-time appointment within that Department.

7.1.1.2.1. Faculty Status

By action of the appropriate academic department and the chancellor, members of the academic staff may be designated as having "faculty status". "Faculty status" means a right to participate in faculty governance in accordance with the rules of the department. Faculty status does not confer rank or tenure, or convert an academic staff appointment into a faculty appointment.

7.1.1.3. Academic Staff

Category "A" academic staff are professional and administrative personnel, other than faculty, whose duties and types of appointments are those primarily associated with higher education institutions or their administration. Category "B" are instructional academic staff who are in a non-tenure track teaching position and research positions. (For complete Academic Staff Personnel Rules and Policies, see Appendix E.)

7.1.1.4. Limited Appointments

A limited appointment is a special appointment to a designated administrative position. A person in this type of appointment serves at the pleasure of the authorized official who made the appointment. A member of the academic staff granted a limited appointment shall not lose existing rights to an academic staff appointment, and a member of the faculty granted a limited appointment shall not lose existing rights to a faculty appointment by accepting the limited appointment. Termination of a limited appointment is not a dismissal under chapter UWS 4 or UWS 11 and is not otherwise appealable. Wherever possible, 3 months notice of termination should be given if the appointee does not simultaneously hold another university appointment.

7.1.1.5. Seniority

Seniority for unclassified staff shall be determined by total years of service at the University of Wisconsin-Superior, or in the former Wisconsin State Universities System, as appropriate in individual cases, without regard to academic rank. Faculty who have been employed part time during any academic year shall have such part time service prorated. Authorized leaves of absence shall be counted in the determination of length of service.

7.1.2. Classified Staff

Classified Staff are permanent or Limited Term (LTE) positions under the Wisconsin Civil Service System.

7.1.2.1. Permanent Classified Staff

Classified staff provide technical, administrative and/or maintenance support to the university. These positions are hired through the State of Wisconsin Civil Service System and are based on competitive examinations.

7.1.2.2. Limited Term Employees (LTEs)

LTEs may be hired to cover temporary absences such as sick leave or resignations in classified positions. They can also be hired to fill short-term needs. LTEs are limited to a maximum of 1043 hours in a twelve month period.

7.2. ACADEMIC STAFF PERSONNEL RULES

UW System Academic Staff Personnel Rules are presented in the Wisconsin Administrative Code, Chapters 9 through 14. UW-Superior specifications to these rules have been approved by the Board of Regents, and appear with the UW System Rules in Appendix E.

7.2.1. Academic Staff Titling/Compensation/Structure

Academic Staff Category A and Category B research position titles and compensation are governed by the University of Wisconsin System Academic Staff Title and Salary Structure which specifies a salary minimum and maximum for each title. Titles are based on the duties and responsibilities of the position. The goals of the structure are to pay individuals based upon work performed and to make academic staff salaries competitive with those at similar institutions. (See <http://www.uwsa.edu/hr/upg01.pdf>)

7.2.2. Academic Staff Appointments

Academic Staff appointments are based either on the academic year (39 weeks) or annual fiscal year (July 1 through June 30). Appointments are for a fixed term and may be renewable for another fixed term or non-renewable after the expiration of the initial appointment. Probationary and indefinite appointments are granted only under exceptional circumstances.

7.2.3. Academic Staff Promotions/Reclassifications

Three prefixes are defined for most Academic staff titles in the Category "A" professional series. Prefix levels reflect successfully greater experience, expertise and applied ability in a particular specialty area. Progression through the prefixes (associate, no-prefix, senior) is defined as a promotion.

The program manager and director series have functional levels which reflect differences in the complexity of the program or department; differences in the degree of supervision that may be required to manage programs or departments of different sizes and complexity; and other factors. The determination of the appropriate level will be based on the rating of the position using the Title Evaluation Instrument. The general career progression standards applicable to titles in the professional category will not apply to titles in the program manager or director categories. A change in the level of the position is done through a review of the changes in the duties and responsibilities of the position and is called a reclassification.

7.2.4. Academic Staff Performance Evaluations

Every Category "A" and Category "B" research academic staff member shall undergo performance evaluation annually. The results of the evaluation shall be made available to the academic staff member and provision shall be made for the academic staff member to respond formally for the record to the results of the evaluation. Results of the evaluation may be used for a variety of purposes, including, but not limited to, the determination of merit salary adjustments, and, in the case of renewable fixed term appointees, subsequent appointments to their position.

Category "B" instructional academic staff will be evaluated each term by their respective academic units.

7.3. FACULTY PERSONNEL RULES

UW System Faculty Personnel Rules are presented in the Wisconsin Administrative Code, Chapters 1 through 6. UW-Superior specifications to these rules have been approved by the Board of Regents, and appear with the UW System Rules in Appendix A.

7.4. FACULTY APPOINTMENTS

7.4.1. Contract Length

Faculty appointments are typically made for the academic year (39 continuous weeks). Summer session, overload and other short-term appointments are made as needed on a case-by-case basis consistent with UW System guidelines in Academic Planning Statement 4 (see ACPS 4 or go to <http://www.uwsa.edu/acadaff/acps/acps4.pdf>). Full-time summer compensation, for those appointed, is two-ninths of the academic year salary.

7.4.2. Annual Performance Review

Faculty performance (in the areas of teaching, scholarship and service) is evaluated each year. The process and procedure for this evaluation is determined by each department, in consultation with the Dean, and is subject to Faculty Senate approval. The annual review includes peer and student evaluation, is conducted in a face-to-face

format, and is based on performance objectives determined by the department. Faculty members are apprised of their performance expectations at the time of hire and in each annual review. Results of the annual review are used to determine salary increases, and to provide information for retention, promotion, and post-tenure review decisions.

7.4.3. Retention and Tenure

For faculty holding probationary appointments, each year a retention decision is made by the department and the chancellor. After several consecutive positive retention decisions (the length of the probationary period is established at the time of hire, and is no more than seven years for full-time faculty), a faculty member may be granted tenure by the Board of Regents. The policies and procedures governing the retention and tenure process are contained in UWS Chapter 3.

7.4.4. Rank Definitions and Descriptions

7.4.4.1. Minimum Qualifications

Minimal educational preparation and experience requirements for each of the four faculty ranks are given below.

<u>Instructor:</u>	Master's degree in an appropriate discipline, or equivalent.
<u>Assistant Professor:</u>	Earned doctorate or Master of Fine Arts degree in an appropriate discipline, or equivalent*.
<u>Associate Professor:</u>	Earned doctorate or Master of Fine Arts degree in an appropriate discipline, or equivalent, and a minimum of five years teaching or equivalent experience.
<u>Professor:</u>	Earned doctorate or Master of Fine Arts in an appropriate discipline, or equivalent, and a minimum of ten years teaching or equivalent experience.

Faculty must serve at least five years in a given rank before being eligible for promotion to the next rank.

*The terminal degree is a necessary condition for a positive tenure decision.

7.4.4.2. Performance and Achievement Expectations

In addition to the minimal degree and experience requirements, individuals who hold the various faculty ranks are expected to pursue and achieve the following levels of performance. Appropriate scholarship and service activities are defined by each department/program in consultation with the Dean of Faculties.

<u>Instructor:</u>	A faculty member with a commitment to high quality teaching who is a contributing member of the department.
<u>Assistant Professor:</u>	A faculty member with a commitment to high quality teaching and to developing a program of scholarly activity who is a contributing member of the department and a participant in university and professional service.
<u>Associate Professor:</u>	A faculty member who is respected for excellence in teaching, who has an established program of scholarship and who takes an active role in service to the department, university or the profession.
<u>Professor:</u>	A faculty member who is respected for excellence in teaching, who maintains a continuing program of scholarship and who provides leadership in service to the department, university or the profession.

7.4.5. Promotion Procedures

Early each fall semester, the Provost/Vice Chancellor shall send a list containing the names of faculty who meet the minimum promotion requirements (promotion eligibles) for each rank to the Dean of Faculties and the Department Chairs. At this time the Provost/Vice Chancellor shall announce in the University Bulletin that faculty members wishing to be considered for promotion in rank should contact their department chair regarding their eligibility and intent. Faculty who decide to become candidates for promotion should begin assembling a dossier of materials for consideration by the departmental review committee.

The Department Chair shall provide forms, guidelines and other information to be used by the candidate in preparing materials for peer review. The Promotion Committee shall hold an informational meeting to advise

candidates on the process and the preparation of their dossiers. The departmental review committee shall notify candidates in writing at least seven days in advance of the date and time of the meeting. Candidates may make oral presentations to the departmental review committee. The departmental committee shall notify the candidate of its decision within seven days of the meeting. In the case of a positive decision, the departmental committee shall forward its recommendation to the Promotion Committee.

The Promotion Committee serves in an advisory capacity to the Chancellor. The Promotion Committee reviews recommendations advanced by departments and using both general performance and achievement expectations (See section 7.4.4.2 of the Staff Handbook), and specific departmental criteria, evaluates a candidate's accomplishments and makes promotion recommendations to the Chancellor. Candidates are notified in writing within seven (7) calendar days of the Committee's recommendation.

A candidate denied recommendation for promotion may file a written request with the Provost/Vice Chancellor (who chairs the Promotion Committee) asking for reasons for the recommendation. A department or candidate may file a written request with Provost/Vice Chancellor for reconsideration of a denied promotion recommendation within 30 days of written notice of the recommendation. Requests for reconsideration shall be based upon violations of specified procedures or failure to consider pertinent evidence. The Promotion Committee shall provide a written reconsideration decision to the department, the candidate and the Chancellor.

As in all matters, faculty members who believe their case was not fairly considered may file a complaint or grievance under the provisions of UWS 6.01 or UWS 6.02.

The Chancellor makes the final promotion recommendations to the Board of Regents.

7.4.6. Post-tenure Review

The performance of each tenured faculty member is reviewed in a comprehensive fashion at least every five years. The department, in consultation with the Dean of Faculties, determines the procedure and timetable for this comprehensive review.

7.4.7. Faculty Sabbatical Program

The faculty sabbatical program is designed to enable faculty to engage in a one or two semester leave for intensive study so that they may become more effective teachers and scholars and to enhance their service to the university. Faculty with six or more years of full-time service who are interested in a sabbatical leave should apply to the Sabbatical Selection Committee by October 1st of the year prior to the proposed leave. Complete details of the eligibility requirements and selection process can be obtained from the Dean of Faculties or found at <http://www.uwsa.edu/acadaff/acps/acps3-3.htm>.

7.4.8. Emeritus Status

Emeritus status may be conferred by the Chancellor, upon recommendation of the appropriate department and the Dean of Faculties, to individuals retiring from a tenured faculty position. Emeritus faculty are entitled to the use of the library and other university facilities including office space when, and if, it is available.

7.4.9. Adjunct or Clinical Faculty Status

Many academic programs utilize the services and expertise of professionals in the community who do not hold regular university appointments. In these cases, upon the recommendation of the appropriate department and Dean of Faculties, such individuals may be granted adjunct or clinical faculty status. These appointments are non-remunerative academic staff appointments that carry no tenure and require no probationary period. Appointees to the adjunct or clinical faculty will be issued a university identification card and will be granted limited use of specified university facilities such as the library, campus network, and other facilities required to conduct activities related to their appointment.

7.5. RIGHT OF APPEAL: PETITION PROCEDURES

Legislation has been enacted which requires a particular notice to parties to any decision that is adverse to them and that is subject to the provisions of Chapter 227, Wis. Stats., the State's administrative procedure act.

The notice requirement applies to a number of types of proceedings in the UW System. Two prominent examples are a final decision in an appeal from a nonrenewal that is adverse to the faculty member involved and an appeal from a classification of a student as a non resident for tuition purposes that upholds the non-resident classification. At the time a final written decision is rendered, it should include language as follows: You have a right to petition (name of decision maker, e.g., Chancellor or hearing body) in writing within 20 days of service of this decision, under Section

227.12 (1), Wis. Stats. Services of this decision occurs on the date of mailing. The petition must specify in detail the grounds for the relief sought and supporting authorities.

In addition, you have a right to petition for judicial review of this decision, under Sec. 227.16 (1), Wis. Stats. Unless a rehearing is requested under Sec. 227.12, petitions for review under Sec. 227.16 (1)(a) shall be served and filed within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of the law of any such application for rehearing. The 30-day period for serving and filing a petition under Sec. 227.16(l)(a) commences on the day after personal service or mailing of this decision. Such a petition must name the Board of Regents of the University of Wisconsin System as a respondent.

7.6. PROFESSIONAL CODE OF ETHICS

Because of our desire to support the highest moral and academic standards of the academic profession, and in order that we shall abide by the State of Professional Ethics of the American Association of University Professors and the Principles of Professional Ethics of the Association of University of Wisconsin Faculties, we, the Faculty of the University of Wisconsin-Superior, affirm:

That our primary responsibility to our disciplines is to seek the truth. We acknowledge the principle that freedom of expression and academic freedom are safeguards conditioned by the duties inherent in our responsibility and in the concept of professional integrity.

As teachers and scholars we encourage the free pursuit of learning by our students, hold before them the best scholarly standards of our disciplines, demonstrate respect for them as individuals, and at all times adhere to our proper role as intellectual guides and counselors. We will make every effort to insure that the evaluation of our students reflects their true merit. We will respect the confidential nature of the relationship between teacher and student, and avoid any exploitation of students for our private advantage. We will support the right of our students to peaceable assembly, association and due process of law and encourage appropriate student involvement in university governance.

As colleagues at all times present our professional qualifications accurately and honestly, acknowledge the obligations that derive from common membership in the community of scholars, respect and defend the right of free inquiry of our associates, show respect for the opinions of others, acknowledge our indebtedness to other scholars, strive to be objective in our professional judgment of colleagues, and encourage the reconciliation of conflicts between colleagues through private consultation and/or through the use of procedures internal to the university or to the profession.

As members of this university we will seek above all to be effective teachers and scholars. We will at all times observe the stated regulations of this university; we will abide by these regulations, since we believe that regulations are necessary for the common good and efficient operation of the university, provided they do not contravene our academic freedom. We reserve our right to criticize university regulations and to work in an orderly way for their revision. When considering the interruption or termination of our services, we will recognize the effect of our decision upon the program of the university and we will give due notice of our intentions. We will accept our share of faculty responsibility for the governance of the University.

As members of a community we maintain the rights and obligations of any citizen. We reserve the right to participate freely in party politics and in the formulation of public policies at all levels of government. We believe that we bestow honor both upon the university and our profession by participation in community affairs. We will at all times distinguish between our personal views and our professional opinions as representatives of the university. When we speak or act as private individuals we shall avoid creating the impression that we speak or act for the university. As citizens engaged in a profession that depends upon freedom for its health and integrity, we believe that we have a particular obligation to promote conditions of free inquiry and public understanding of the concept of academic freedom.

For more information about the UWS Code of Ethics, refer to the Wisconsin Administrative Code, Appendix D.

7.7. OUTSIDE ACTIVITY REPORTING

See Appendix D, p. 2, Chapter UWS 8 Unclassified Staff Code of Ethics. It is the policy of the University of Wisconsin System to require a report from all faculty and academic staff who engage in remunerative outside activities in their field of professional interest whose appointments are half-time or more for the period under contract to the UW System. If you have a joint appointment, you must file a report for each department/unit. Your report covers activities that occur during the full year, even if you were not under contract to the university for part of that time. You should discuss with your dean or director any activities that may present carryover questions of conflict with your responsibilities during your contract period.

For more information about reporting outside activities, see Appendix D or go to <http://www2.uwsuper.edu/humanres/Policies/activities.PDF>.

7.8. EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION

7.8.1. UW System Guidelines

It is the policy of the University of Wisconsin System and UW-Superior to adopt and support measures designed to prevent and eliminate discrimination against employees and prospective employees of the University of Wisconsin System on the basis of race, color, religion, sex, national origin, age, or creed, ancestry, gender, Vietnam Veteran status, marital status, disability, sexual orientation, political affiliation, arrest record, correction record not related to the job, or membership in the National Guard, State Defense Force, or any other Reserve component of the Military Forces of the United States or this state. As a part of this policy the University of Wisconsin System is committed to the implementation of affirmative action employment programs to recruit, employ, and promote qualified women and minorities. The University continues to take steps as may be necessary to accelerate the final elimination of any and all vestiges of discrimination because of race, color, religion, sex, national origin, age, or disability that may still exist in the employment policies, practices and/or procedures of the University of Wisconsin System.

For basic requirements see <http://www2.uwsuper.edu/humanres>.

7.8.1.1. Affirmative Action Plan

For more information, see <http://www2.uwsuper.edu/humanres>.

7.8.1.2. Affirmative Action Grievance Procedures

For more information, see <http://www2.uwsuper.edu/humanres>.

7.9. NEPOTISM POLICY

No member of the unclassified staff may participate, formally or informally, in the decision to hire, retain, grant tenure to, promote or determine the salary of a member of his or her immediate family. No member of the unclassified staff may, in the supervision or management of another unclassified staff member who is a member of his or her immediate family, give preferential or favored treatment

7.10. SEXUAL HARASSMENT

Policy Statement

It is the policy of the University of Wisconsin-Superior that the sexual harassment of any member of the university community by another is intolerable behavior and contrary to the maintenance of a positive, educational and employment environment. The University of Wisconsin-Superior is concerned with eliminating discriminatory or sexist behavior and encourages its employees and students to strive towards the eradication of such attitudes and behavior.

Definition

"Sexual Harassment" means unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. "Sexual Harassment" includes conduct directed by a person at another person of the same or opposite gender. "Unwelcome verbal or physical conduct of a sexual nature" includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee's work performance or to create an intimidating, hostile or offensive work environment.

Explanation

Engaging in sexual harassment; or implicitly or explicitly making or permitting acquiescence in or submission to sexual harassment a term or condition of employment; or making or permitting acquiescence in, submission to or rejection of sexual harassment the basis or any part of the basis for any employment decision affecting an employee, other than an employment decision that is disciplinary action against an employ for engaging in sexual harassment in violation of this paragraph; or permitting sexual harassment to have the purpose or effect of substantially interfering with an employee's work performance or of creating an intimidating, hostile or offensive work environment. Under this paragraph, substantial interference with an employee's work performance or creation of an intimidating, hostile or offensive work environment is established when the conduct is such that a reasonable person under the same

circumstances as the employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work performance or to create an intimidating, hostile or offensive work environment.

A concerted effort must be made to protect employees and students from sexual harassment, and to rid the University of Wisconsin-Superior of such conduct. Prohibition against sexual harassment does not include limitations on mutually agreeable sexual activity as describe in the University of Wisconsin-Superior consensual relations policy statement or free expression of ideas professionally relevant to the subject matter of an academic or work related activity.

Implementation

For a complete copy of the discrimination/sexual harassment policy and complaint procedures see <http://www2.uwsuper.edu/humanres> or contact the Affirmative Action Officer.

Sexual Harassment of Employees

A university employee who believes that he/she is a victim of sexual harassment should contact the Affirmative Action Officer. The Affirmative Action Officer will provide information about the Sexual Harassment Policy and Procedure. The Affirmative Action Officer will instruct the complainant that he/she may proceed with the complaint in the following ways. The complainant may attempt to resolve the complaint informally with the assistance of the Affirmative Action Officer. If attempts to resolve the complaint informally are not successful, the complainant has the option to file a grievance.

All consultations are confidential and no written records will be kept unless the complainant chooses to file a written complaint. No action will be taken by the Affirmative Action Officer without the complainant's written consent. Under Wisconsin Open Record Law, 19.31 to 19.39 of the State Statutes, copies of complaints, with personally identifiable information removed, must be furnished upon request. For further information regarding the procedures and steps to submit a formal complaint of sexual harassment, go to <http://www2.uwsuper.edu/humanres>.

Education

The Educational Opportunity and Affirmative Action Committees are responsible for the dissemination of information about the Sexual Harassment Policy and Procedures. These committees will jointly establish and implement programs designed to educate members of the university community on the subject of sexual harassment and to make them more sensitive to its forms and damaging consequences.

This UW-Superior policy on sexual harassment is in accordance with Title VI, Civil Rights Act of 1964; Executive Order 63, signed by Governor Lee S. Dreyfus on March 5, 1981; and the Board of Regents Policy of May 7, 1981.

7.11. TITLE IX RESPONSIBILITIES

Title IX of the Education Amendment of 1972 states: "No person ... shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance..."

The Policy and complaint procedure can be found at <http://www2.uwsuper.edu/humanres>.

7.11.1. Title IX Grievance Procedures

For a list of procedures see <http://www2.uwsuper.edu/humanres>.

7.12. WHISTLEBLOWER LAW

The 1983 Wisconsin Act 409, known as the "Whistleblower Law", provides procedures and protections for state employees who may wish to disclose information about a violation of any state or federal law, rule or regulation; mismanagement or abuse of authority in state and local government; a substantial waste of public funds; or a danger to public health and safety. The Act prohibits any retaliatory disciplinary action against an employee who discloses information regarding improper activities in state governmental units including the University of Wisconsin Superior, and outlines the procedures the employee must follow to obtain protection against employer retaliation. To obtain the protections under the Act, the employee shall either disclose the information in writing to his or her supervisor or a governmental unit designated by the State Personnel Commission. This requirement does not apply if an employee is disclosing information to his or her attorney, collective bargaining representative, or legislator. If a governmental unit conducts a full investigation, it shall keep the identity of the employee confidential if it is reasonably possible to do so. For further information on the law, it is suggested that you contact the Office of Human Resources (394-8220) where you may also obtain a copy of Wisconsin Act 409.

7.13. DRUG-FREE WORKPLACE

Congress has enacted the Drug-Free Workplace Act of 1988, which places certain responsibilities on the University of Wisconsin-Superior as the recipient of federal grants and contracts. Pursuant to the federal requirements and in keeping with current university policy, all employees are reminded that rules, policies and practices prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances on all university property and work sites. Any employee who engages in any of these actions on university property or the work site or during work time may be referred to counseling or treatment, and may be subject to disciplinary action up to and including discharge. Under the requirements of the federal law, employees who are convicted of any criminal drug statute violation occurring in the workplace must notify their supervisor within five days of the conviction if the employees are employed by the university at the time of the conviction. In addition, under the requirements of the Drug-Free Schools and Communities Act, institutions of higher education must provide employees with notice of the applicable state and federal sanctions for unlawful possession or distribution of illicit drugs and alcohol. Employees who have problems with alcohol or controlled substances should be encouraged to voluntarily seek counseling or treatment programs. Early diagnosis and treatment of chemical abuse is in the best interests of the university and the employee. The University of Wisconsin-Superior has an established employee assistance program which is available to assist employees in this area. Questions regarding the Federal Drug-Free Workplace Act can be directed to the Human Resources Office. State and federal sanctions are located at <http://www.uwsuper.edu/student/soc-issues>.

7.14. CONSENSUAL RELATIONSHIPS

It is in the interest of the UW System to provide clear direction and educational opportunities to the university community about the professional risks associated with consensual romantic and/or sexual relationships in which there is a definite power differential between the two parties. These relationships are of concern for two reasons.

1. Conflict of Interest

Conflicts of interest may arise in connection with consensual romantic and/or sexual relationships between faculty or other instructional staff and students, or between supervisors and subordinates. University policy and more general ethical principles preclude individuals from evaluating the work or academic performance of others with whom they have intimate familial relationships, or from making hiring, salary or similar financial decisions concerning such persons. The same principles apply to consensual romantic and/or sexual relationships, and require, at a minimum, that appropriate arrangements be made for objective decision-making with regard to the student, subordinate or prospective employee.

2. Abuse of Power Differential

Although conflict of interest issues can be resolved, in a consensual romantic and/or sexual relationship involving a power differential the potential for serious consequences remains. Individuals entering into such relationships must recognize that:

- a. the reasons for entering a relationship may be a function of the power differential;
- b. where power differentials exist, even in a seemingly consensual relationship, there are limited after-the-fact defenses against charges of sexual harassment; and
- c. the individual with the power in the relationship will bear the burden of accountability.

Implementation:

This statement was developed in consultation with the faculty, academic staff and student governing bodies and is published in the faculty/staff and student handbooks. Additionally, the statement will be published in a public University forum at least once a year. Romantic and/or sexual relationships involving conflict of interest are unacceptable at the University of Wisconsin-Superior. This statement has been developed to ensure that members of the University community are alerted to the potential for abuse in power differential relationships, even where conflict of interest issues have been resolved.

Procedures:

UW-Superior recognizes that the conflict of interest inherent in a consensual romantic or sexual relationship where there is a power differential affects its obligation to provide equal employment and educational opportunity. Therefore, UW-Superior requires that:

- a. the person in the more powerful position, upon realization of the relationship, report it immediately to the Department Chair, Provost, or Supervisor so that alternate arrangements for the evaluation of the less powerful person in the relationship can be made;
- b. alternate arrangements be made within fifteen calendar days;
- c. a record of such reports, including the nature of the conflict and the alternate arrangements made be kept and maintained within the unit with a copy provided to the Office of Affirmative Action; and those records be confidential, but available as evidence in the processing of possible related sexual harassment complaints in the future.

Approved by Chancellor Erlenbach, 5/13/99