


## ***Revised Policy***

*This policy has been revised to ensure alignment with the requirements of the University of North Carolina (UNC) Policy Manual, as recently amended by the UNC Board of Governors. In particular, this version incorporates the updated provisions of UNC Policy Manual § 300.4.1 and reflects the University's obligation to maintain consistency with the policy framework established at the system level.*

	<p style="text-align: center;"><b>NORTH CAROLINA A&amp;T UNIVERSITY</b></p> <p style="text-align: center;"><b>CHAPTER 200 – EQUAL OPPORTUNITY</b></p> <p style="text-align: center;"><b>UNIVERSITY POLICY 205, INTERPERSONAL RELATIONSHIPS AMONG FACULTY, STAFF AND STUDENTS</b></p>
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### **SECTION 205.1      POLICY STATEMENT**

North Carolina Agricultural and Technical State University (“NC A&T” or “University”) is dedicated to fostering a respectful, professional, and inclusive environment where all members of the community can thrive academically, professionally, and personally.

### **SECTION 205.2      PURPOSE**

The Policy intends to ensure that all students and employees can work in an environment where they can be objectively supervised, instructed, or evaluated. This Policy defines the types of interpersonal relationships among faculty, staff, and students that, by their very existence, create an inherent conflict of interest that affects a student or employee’s ability to be objectively supervised, instructed, or evaluated. This policy also proscribes conduct, including improper relationships between students and employees and employment of related persons (anti-nepotism), and provides for disciplinary action for policy violations.

### **SECTION 205.3      SCOPE**

This Policy applies to all faculty, staff, and students, including part-time and temporary employees and individuals in academic or administrative roles. It encompasses relationships within instructional, research, administrative, and extracurricular contexts. This Policy shall be interpreted consistent with UNC Policy Manual §300.4.1, which is hereby incorporated by reference.

### **SECTION 205.4      RETALIATION PROHIBITED**

Retaliation against anyone who reports, complains of, testifies in, or assists in an investigation or proceeding involving suspected wrongful conduct as set forth in this Policy violates this Policy, and federal and/or State law. Anyone who believes they have been subjected to retaliation should report the matter to the Office of Employee Relations immediately.

## **SECTION 205.5      DEFINITIONS**

- (a) “Conflict of Interest” means any situation involving financial or other personal considerations, circumstances or relationships may compromise, may involve the potential for compromising, or may have the appearance of compromising a Covered Individual’s objectivity in fulfilling their university duties or responsibilities, including research, teaching activities, and administrative duties.
- (b) “Conflict of Interest Management Plan (“COI Plan”)” is a written document that is created for an employee to address potential, perceived or actual conflicts of interest. COI Plans enhance transparency and create separation between an employee’s personal activities/relationships and their university work to avoid the appearance of impropriety in university decision-making or research.
- (c) “Direct Supervisory Relationship” includes any situation where the supervisor effectively controls or approves the terms and conditions of the relative’s employment, including promotion opportunities, rates of compensation, work assignments, and evaluation of performance. The following types of relationships would violate the restriction against “direct supervision”:
  - (1) Department Chair and member of the instructional staff of the same department;
  - (2) Member of instructional or research faculty and his or her teaching assistant;
  - (3) Dean of a college and a Chair of a department within the college; or
  - (4) Chancellor and Vice Chancellor.
- (d) “Employment Decision” means a decision regarding the search, selection, or appointment of an individual to employment; establishing the terms and conditions of employment or benefits; determining job classification/compensation or benefits of employment; evaluating work performance; voting or otherwise participating in processes for reappointment, promotion, tenure, or post-tenure review; issuing disciplinary action; or any other action that assesses, determines, or influences an individual’s work performance or career progress (e.g., work assignments, allocation of space, etc.).
- (e) “Evaluate” or “Supervise” means to assess, determine, or influence an individual’s academic or professional performance, progress, or potential, or their entitlement to or eligibility for any institutionally conferred right, benefit, or opportunity; or, to oversee, manage, or direct the individual’s academic, professional, or other institutionally prescribed activities.
- (f) “Supervisor” refers to the person with supervisory responsibility for the covered individual, whether in an academic or non-academic department.
- (g) “Familial Relationship” means a relationship between two related persons.
- (h) “Related Person” shall include those relationships created by blood, law, or marriage. “Related person” includes:

- (1) Spouse or Domestic Partner
- (2) Parent or Child
- (3) Grandparent or Grandchild
- (4) Sibling
- (5) Guardian or Ward
- (6) Aunt/Uncle and Niece/Nephew
- (7) First Cousins

The prohibited conduct outlined in this policy that applies to related persons shall continue after the termination of the relationship until such time as the University determines that there is no effect upon, or perception of, impartiality.

- (i) “Romantic Relationship” means a relationship not identified as marriage or domestic partnership where the parties involved are consenting adults in a sexual or in a romantic (or intimate) relationship, regardless of whether or not the relationship has been consummated sexually.

## **SECTION 205.6 PROHIBITED CONDUCT**

### **Section 205.6.1 Improper Relationships with Students**

- (a) No University employee shall engage in a romantic relationship or any form of sexual activity with any student enrolled in the University, other than the employee’s spouse, who is a minor under the age of eighteen.
- (b) No University employee shall evaluate or supervise, either directly or indirectly, any student enrolled in the University with whom they have a familial relationship or have or had a romantic relationship. In such instances, the employee shall recuse themselves from participation and this prohibition continues until the University determines that there is no effect upon, or perception of, impartiality and in conjunction with a COI plan implemented pursuant to this Policy.

### **Section 205.6.2 Employment Decisions**

- (a) No University employee shall supervise, evaluate or have a direct supervisory relationship over a person with whom the University employee has or had a romantic or familial relationship. In such instances, the employee shall recuse themselves from participation and this prohibition continues until the University determines that there is no effect upon, or perception of, impartiality.
- (b) No University employee shall make employment decisions, individually or as a member of a committee, about another employee with whom the person has or had a romantic relationship. Such employment decisions include but are not limited to proposed employment decision, promotion, job classification/compensation, tenure, reappointment,

and post tenure review. In such instances, the employee shall recuse themselves from participation and this prohibition continues until the University determines that there is no effect upon, or perception of, impartiality.

- (c) No University employee shall make an employment decision, individually or as a member of a committee, about another employee whom is a related person to the employee. Such employment decisions include but are not limited to proposed employment decisions, promotion, job classification/compensation, tenure, reappointment, and post tenure review. In such instances, the employee shall recuse themselves from participation and this prohibition continues until the University determines that there is no effect upon, or perception of, impartiality.
- (d) No University employee shall influence or attempt to influence those involved in employment decisions regarding a related person or persons involved in a romantic relationship with the University employee. This prohibition continues until the University determines that there is no effect upon, or perception of, impartiality.

#### **SECTION 205.7      DUTY TO DISCLOSE FAMILIAL OR ROMANTIC RELATIONSHIP**

- (a) Upon hire, employees have a duty to and shall disclose their romantic or familial relationships that present an actual or potential conflict of interest, or the appearance of a conflict of interest.
- (b) A University employee has a continuing duty to self-disclose any conflictual or potentially conflictual relationship as outlined in Section 205.8 of this Policy. Failure to disclose a change in circumstances shall constitute a violation of this policy.
- (c) Any employee who is aware of or suspects a possible violation of this Policy has a duty to report the conflictual or potentially conflictual relationship to their supervisor. A University employee's failure to report suspected violations is a violation of this policy, and the filing of a false or malicious reports is a violation of this Policy.
- (d) The Chancellor or designee shall report annually to the Board of Trustees all specific cases which resulted in violations of this Policy and how such violations were addressed.

#### **SECTION 205.8      UNAVOIDABLE INTERPERSONAL RELATIONSHIPS IN SELECTION, EVALUATION, AND SUPERVISION**

The University is aware that, in rare cases, there are circumstances where an employee may have an inherent conflict involving the selection, evaluation, and/or supervision of faculty, staff, or students of a related person (e.g., faculty member promoted into a position that would oversee faculty member's spouse, or related person teaches the only section of a course required for a student's degree). In such cases, a COI PLAN shall be developed to mitigate the inherent conflicts in accordance with Section 205.8 of this Policy outlines the procedure for developing a COI PLAN.

## **SECTION 205.9      DISCLOSURE PROCESS FOR INTERPERSONAL RELATIONSHIPS NOT INVOLVING STUDENTS**

- (a) Upon hire, on an annual basis, and upon a change in circumstances, covered individuals shall report any conflicts of interest on the conflicts of interest forms designated for the covered individual's employment classification.
- (b) The existence of or potential for a situation between a University employee that implicates this Policy must be promptly reported to an immediate supervisor by completing the Conflict of Interest Form.
  - (1) The supervisor will evaluate the form to identify if an actual or potential conflict exists. In evaluating whether a conflict of interest exists, the department head or supervisor must determine: (1) whether a familial or romantic relationship exists; (2) the nature of the relationship; and (3) whether the familial or romantic relationship creates or has the potential to create a conflict of interest. If the supervisor determines that there is not an actual or potential conflict of interest, then the supervisor will sign the form and confirm that no conflict exists, which ends the administrative review.
  - (2) If the supervisor determines that there is a conflict of interest or the potential for a conflict of interest, then the supervisor shall take immediate steps to develop a Conflict of Interest Management Plan ("COIMP"). The supervisor must develop the COIMP in consultation with the affected employee and the Office of Employee Relations. The COIMP must include the safeguards or remedial actions that must be taken to manage the conflict of interest (e.g., reassignment of supervision, advising, grading/assessing, or any other such decision-making authority over the subordinate employee or student).
  - (3) After completion and approval by the Office of Employee Relations, the affected employee, the affected employee's supervisor, and the Office of Employee Relations shall sign the COIMP and forward the executed COIMP for approval by the Dean and Provost (faculty/academic staff) or the appropriate Cabinet member.
  - (4) The Vice Chancellor or Chancellor, at their discretion, may refer a potential or actual conflict to the Conflict of Interest and Commitment Committee appointed by the Provost for its recommendation prior to making a decision on whether the activity constitutes a conflict of interest, requires a COIMP or the terms of the COIMP. Members of the Conflict of Interest and/or Commitment Committee are appointed by the Provost and consists of: (1) one member from the Division of Research and Economic Development staff; (2) three tenured faculty with active research programs or expertise in the field of research ethics; (3) one non-Faculty EHRA employee; and (4) one additional member to be added on an ad hoc basis who shall be from the unit of the employee whose conflict is under review. The Committee will serve in an advisory capacity to the Provost, and will make recommendations for management, mitigation, or elimination of the conflict of interest.

This committee will also advise the Provost on matters relating to enforcement and sanctions to employees who violate this policy.

(5) The approved COIMP must be submitted to the Office of Human Resources for inclusion in the employee's personnel file.

(6) The approved management plan must be managed by the Supervisor.

## **SECTION 205.10 REPORTING PROCESS FOR INTERPERSONAL RELATIONSHIPS INVOLVING STUDENTS**

Anyone who believes this policy is being violated should report the concern to the supervisor of the alleged violator, or to a higher-level supervisor in the University's administration, unless the violations involve a belief that a faculty or staff member is romantically involved with a student. These policy violation concerns should be reported to the Title IX Office, the Office of the Vice Chancellor for Student Affairs, or to the University's Office of Internal Auditor's anonymous hotline, at 877-507-7313 in accordance with the University's Policy 209, Unlawful Harassment and Discrimination.

## **SECTION 205.11 COMPLIANCE**

Violations of this Policy by a University student is subject to the Student Conduct Regulations. For Employees who violate this Policy will be subject to disciplinary action in accordance with the classification of the employee. Violations, including those by guests, may also be referred for criminal or civil prosecution and/or campus trespass restrictions, if appropriate. The fact that the prohibited conduct is consensual is not relevant, and engaging in prohibited conduct is a violation of this Policy.

## **SECTION 205.12 RELATIONSHIP TO OTHER LAWS AND POLICIES**

The prohibitions addressed by this Policy are not intended to address other academic and employment situations regarding unlawful or prohibited harassment or discrimination. This Policy does not purport to supplant or modify statutory enactments, regulations, and policies which may govern the activities of public officials. Nothing in this policy is intended to (1) restrict any rights that would otherwise be protected from government action by the First Amendment of the United States Constitution; or (2) deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the United States Constitution; or (3) restrict any other rights guaranteed against government action by the United States Constitution.

## **POLICY HISTORY:**

*First approved: Prior to February 21, 2007*

*Revised Eff. April 8, 2011; July 20, 2018; September 1, 2024; August --, 2025*

**AUTHORITY:** Chancellor

**POLICY OWNER:** Associate Vice Chancellor for Human Resources

**RESPONSIBLE OFFICE:** Office of Employee Relations

**RESOURCES:**

N.C. Gen. Stat. § 14-27.32, Sexual Activity with a Student

University Policy 101, Conflicts of Interest and Commitment

UNC Policy Manual § 300.4.1, Policy on Interpersonal Relationships among Faculty, Staff, and Students

UNC Policy Manual § 300.8.5, Equality within the University of North Carolina

University Policy 207, Sexual Harassment, Discrimination, and Misconduct

University Policy 209, Unlawful Harassment and Discrimination

UNC Policy Manual 300.4.1 Policy on Interpersonal Relationships between faculty, staff and students

University Policy 205, Interpersonal Relationships Between Faculty, Staff, and Students

University Policy, Improper Relationships Between Students and Employees