

# **POLICY ON CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS BETWEEN FACULTY AND STUDENTS**

## **师生之间双方知情同意型恋爱或性关系政策**

*Approved by the Duke Kunshan Faculty, October 31<sup>st</sup> 2018*

*于 2018 年 10 月 31 日获昆山杜克大学全体教师批准*

*Approved by the Chancellor on November 5, 2018*

*于 2018 年 11 月 5 日获校长批准*

### **Rationale**

#### **政策背景**

Duke Kunshan University (DKU) is committed to maintaining learning environments as free as possible from exploitation, favoritism, and conflicts of interest.

昆山杜克大学（昆山杜克）致力于最大努力保护学习环境免受剥削、偏袒和利益冲突的影响。

The integrity of the student-teacher relationship is of fundamental importance to the central mission of the university. Students look to their professors/mentors for guidance and depend upon them for assessment, advancement, and advice. Faculty-student romantic or sexual consensual relationships create obvious dangers for abuse of authority and conflict of interest that can be actual, potential, and/or apparent.

学生与教师关系的正当性对于实现学校的核心使命至关重要。学生向教授/导师寻求指导，并依靠教师进行评估、促进成长和提供建议。师生间双方知情同意下的恋爱关系或性关系会导致滥用权威和利益冲突方面的明显风险，这种利益冲突可能是实际存在的、潜在的、和/或明显的。

Faculty-student romantic or sexual relationships are problematic under any circumstance. The inherent power differential between faculty and students undermines the possibility of meaningful consent. Such relationships introduce dynamics that detract from the educational mission of the University.

在任何情况下，师生恋爱或性关系都会导致问题发生。教师和学生之间固有的权力差异会影响知情同意这一概念的实际意义。这种关系会导致对学校的教育使命带来不利影响的动态关系。

## Policy

### 政策

Consensual romantic or sexual relationships between faculty members and students enrolled in Duke Kunshan University or participating in Duke Kunshan educational programs are prohibited<sup>1</sup>.

禁止教师与昆山杜克的学生或参加昆山杜克教育项目的学生之间存在双方知情同意型恋爱或性关系<sup>1</sup>。

This policy will apply to any consensual romantic or sexual relationship between a faculty member and a student that exists on the date this policy becomes effective. However, any faculty member in such a relationship may apply to the Vice Chancellor for Academic Affairs for an exception to this policy. Such application should be made within thirty (30) days of the effective date of this policy.

本政策适用于政策生效之日起存在的任何师生间知情同意型恋爱或性关系。但存在这种关系的教师可以向学术事务副校长汇报申请特例批准。申请应在本政策生效之日起三十（30）天内提出。

Any violation of this policy shall be deemed misconduct as that term is used in the Faculty Handbook. Violation of the policy may result in sanctions for the faculty member, including but not limited to, mandatory training or counseling, reprimand, probation, suspension, loss of privileges, demotion, removal of title(s), or termination. The Vice Chancellor for Academic Affairs, in consultation with faculty member's immediate administrative supervisor (e.g., program director, center director, dean), shall determine sanctions for violations. The faculty member may appeal the decision on sanction to the Executive Vice Chancellor.

任何违反本政策的行为都将被视为《教师手册》中所述的不当行为。违反本政策可能导致对教师的惩罚措施，包括但不限于：强制性培训或咨询辅导，谴责，留任察看，暂停职务，剥夺特权，降职，取消学衔，或终止聘用。学术事务副校长在与该教师的直接行政主管（例如项目主任、中心主任、院长）协商的情况下，确定对其违规行为的惩罚方式。该教师可以向常务副校长提出有关惩罚决定的上诉。

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<sup>1</sup> An automatic exemption to this policy applies when the spouse or domestic partner of a faculty member enrolls as a student, audits a class or participates in a Duke Kunshan-sponsored extracurricular activity, with the provision that they will not be assessed by or receive a grade directly from a spouse/domestic partner.

对于教师的配偶或家庭伴侣作为学生入学、旁听课程、或参加昆山杜克举办的课外活动的，在不会被配偶/家庭伴侣评估或直接打分的情况下，本政策对其自动豁免。

## **Teaching Assistants, Research Assistants, Tutors, Graders, and Other Students Charged with Academic Instruction of Other Students**

### **助教、研究助理、学术辅导员、评分人及其他对学生承担学术指导职责的学生**

Consensual romantic or sexual relationships between a student charged with academic instruction and students receiving instruction from the student are prohibited. This applies to teaching assistants, research assistants, tutors, graders and any other students who provide academic instruction to any other student. A student who is already dating a peer student may not teach (TA, tutor) any courses in which his/her spouse/partner is enrolled.

学校禁止承担学术指导职责的学生同接受该学术指导的学生之间发生知情同意型恋爱或性关系，包括助教、研究助理、学术辅导员、评分员，以及其他任何为其他学生提供学术指导的学生。已经与同学开始约会的该类学生不应（作为助教、学术辅导员）教授其配偶或伴侣所注册的任何课程。

The relevant program director or dean is empowered to address and remediate situations in which students charged with academic instruction are involved in a consensual romantic or sexual relationship with any student subject to such instruction. Remedial measures may include regrading exams or papers or no longer allowing a student to continue serving in an instructional role. Any violation of this policy by students may violate student conduct policies.

相关的项目主任或院长有权处理和补救承担学术指导职责的学生同任何会受到该指导影响的学生发生知情同意型恋爱或性关系的情形。补救措施可包括：考试或论文重新评分，或禁止学生继续担任该指导类角色。违反此政策可能会同时导致违反学生行为政策。

## **Definitions**

### **定义**

*Faculty:* all Duke Kunshan University regular rank faculty and all non-regular-rank faculty titles in the Faculty Handbook, faculty of other institutions when teaching and/or doing research at DKU or in DKU programs, and faculty of other institutions who participate in DKU academic matters affecting students.

*教师:* “教师手册”中规定的所有昆山杜克大学常规学衔教师 and 所有非常规学衔教师，在昆山杜克或昆山杜克的项目中进行教学和/或研究的来自其他机构的教师，以及参与会对学生产生影响的昆山杜克学术事宜的其他机构的教师。

*Students:* all those enrolled full-time or part-time in any undergraduate, graduate, or non-degree program of Duke Kunshan University. A student's status as “student” ceases at the time the student graduates or otherwise separates from his or her educational program at DKU.

**学生：**所有参加昆山杜克任何本科、研究生或非学位项目的全日制或非全日制学生。当学生毕业或以其他方式与昆山杜克的教育项目脱离时，“学生”的身份即告终止。

*Spouse:* a partner in marriage

**配偶：**婚姻中的伴侣

*Domestic Partner:* a person in an interpersonal relationship with another individual with whom they live and share a common domestic life but are not married.

**家庭伴侣：**与一个人建立了人际关系、共同生活并共享家庭生活但没有结婚的人。

*Consensual Relationships:* romantic or sexual relationships willingly undertaken by the parties. It is recognized that in faculty-student relationships the power dynamic is inherently unequal, and the willingness of a student to enter such a relationship may be driven in part by pressure from the more powerful faculty member. However, for the purposes of this policy, any relationship which is presented by the consenting parties as consensual will be treated as such. (This policy does not apply to cases where one party accuses the other of coercion.)

**知情同意型关系：**双方自愿进行的恋爱或性关系。应认识到，在师生间，权力动态本质上是不平等的，学生进入这种关系的意愿可能部分受到权力分布上处于优势的教师的压力。但就本政策而言，任何双方表明是知情同意下的关系均将被视为“知情同意型关系”。（本政策不适用于一方指控受到另一方胁迫的情况。）

**NOTE:** Consensual relationships between employees, including between faculty members, are covered under DKU Human Resources policies. For purposes of this policy, trainees such as postdoctoral appointees are considered employees.

**注：**学校雇员之间的知情同意型关系，包括教师之间的此等关系，由昆山杜克人力资源相关政策进行规定。出于本政策宗旨的考虑，博士后等受训者被视为雇员。