

## Consensual Sexual Relationships Policy

### Rationale

The University's educational mission is promoted by professionalism in faculty, staff, and student relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty, staff, and students that harm this atmosphere undermine professionalism and hinder fulfillment of the University's mission. Trust and respect are diminished when those in positions of authority abuse, or appear to abuse, their power. Those who abuse, or appear to abuse, their power in such a context violate their duty to the University.

University employees exercise power over subordinate employees and students, whether in giving them praise or criticism; evaluating them; making recommendations for promotion, further studies, or their future employment; or conferring any other benefits on them.

Consensual amorous, dating, or sexual relationships have inherent risks when they occur between a faculty member, supervisor, or other member of the University community and any person over whom he or she has a professional responsibility. The risks include a student or subordinate's feeling coerced into an unwanted relationship to ensure they receive a proper educational or employment experience; potential conflicts of interest in which the person is in a position to evaluate the work or make personnel or academic decisions with respect to the individual with whom he or she is romantically involved; a perception by students or employees that a fellow student or coworker who is involved in a romantic relationship with his or her supervisor or professor will receive an unfair advantage; either or both of the parties engaging in behavior destructive to the other or their academic or working environments if the relationship ends; and the potential that University/state resources are used inappropriately to further the romantic relationship. Therefore, the University will view it as unethical if staff or faculty members engage in amorous relations with subordinate employees or students enrolled in their classes or subject to their supervision, even when both parties appear to have consented to the relationship.

Those with professional responsibility over others and with whom they have a romantic relationship should be aware that their involvement may subject them and the University to legal liability; consequently, such relationships are strongly discouraged. "Professional responsibility" is defined as performing functions including but not limited to teaching, counseling, grading, advising, evaluating, hiring, supervising, and making decisions or recommendations that confer benefits such as promotions, financial aid awards, or other remuneration, or that may impact upon other academic or employment opportunities.

### Definitions

As used in this policy, the term "employee" includes all employees, including but not limited to, academic and non-academic administrators, supervisory personnel, staff, faculty, graduate students with or without teaching responsibilities, student employees, and other instructional personnel. The term "consensual sexual relationship" includes amorous or romantic relationships and is intended to target conduct that go beyond what a person of ordinary sensibilities would believe to be a collegial or professional relationship.

The term "subordinate" means an employee or student in a position of lesser power or authority than the other party to the amorous relationship. For example, any employee or student who is beneath another in the employment chain of command or who relies upon the other for day-to-day directions would be "subordinate," as would a project team member or housing resident with respect to the project director or resident advisor, respectively.

## Policy

Consensual sexual relationships between employees and subordinate employees or subordinate students are prohibited. Violations of this policy may lead to disciplinary action up to and including termination and/or expulsion.

### Faculty-Student Relationships

Within the Instructional Context – It is considered a serious breach of professional ethics for an employee to initiate or acquiesce in a sexual relationship with a student who is enrolled in a course being taught by the employee or whose academic work (including work as a teaching assistant) is being supervised by the employee.

Outside the Instructional Context -- Sexual relationships between faculty members and students occurring outside the instructional context may lead to difficulties. Particularly when the faculty member and student are in the same academic unit or in units that are academically allied, relationships that the parties view as consensual may appear to others to be exploitative. Further, in such situations, the faculty member may face serious conflicts of interest and should be careful to distance himself or herself from any decisions that may reward or penalize the student involved. A faculty member who fails to withdraw from participation in activities or decisions that may reward or penalize a student with whom the faculty member has or has had an amorous relationship will be deemed to have violated his or her ethical obligation to the student, to other students, to colleagues, and to the University.

### Staff-Subordinate Relationships

Sexual relationships between employees and subordinate employees or subordinate students occurring outside the instructional context may also lead to difficulties, particularly when the employee and subordinate employee or subordinate student are in the same academic unit or in units that are closely allied. Relationships that the parties view as consensual may appear to others to be exploitative. Further, in such situations the employee may face serious conflicts of interest and must be careful to distance himself or herself from any decisions that may reward or penalize the subordinate employee or subordinate student involved.

Supervisors, or those with professional responsibility, over someone with whom they have or have had an amorous, consensual, romantic, or sexual relationship must notify their direct supervisor that a management-control plan needs to be implemented, or that the supervisor wishes a transfer so that he or she is no longer in a position of professional responsibility over the affected individual. To avoid the severe risks noted, supervisors in such relationships may not manage, supervise, evaluate, or make other employment decisions concerning the individual with whom they are engaged in a romantic relationship. If the relationship ends, the management-control plan must remain in effect. Failure to notify a supervisor to ensure a plan is in place may result in disciplinary action, including termination, for that supervisor. An employee who fails to enter a management control plan or withdraw from participation in activities or decisions that may reward or penalize such subordinates with whom the employee has or has had an amorous relationship will be deemed to have violated his or her ethical and professional obligations to the University.

### Complaint Procedure

Complaints alleging a violation of the Consensual Sexual Relationships Policy shall be handled in accordance with the Grievance Procedure for Complaints Based upon Sexual Misconduct, Discrimination and Harassment Policy. Please contact the following:

<b>Rogers State University</b>
Vice President, Student Affairs (Student)

Director of Human Resources (Faculty/Staff)