

CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIP POLICY

Overview:

This policy outlines limitations to ensure that the academic, co-curricular and work environment remains free from real or perceived conflicts of interest, favoritism, and exploitation as the result of a consensual romantic or sexual relationship. For purposes of this policy, consensual romantic or sexual relationship is defined as a relationship of a romantic, dating and/or sexual nature entered into electronically or face-to-face with consent of both parties. This applies to employee/employee; employee/student; supervisor/employee; coach/student; manager/employee; and manager/student relationships as well.

There are special risks associated with any sexual or romantic relationship between individuals in inherently unequal positions of power. These types of relationships may be subject to concerns about the validity of consent and unfair treatment of other students or employees. Such relationships can undermine the atmosphere of trust essential to the educational process and the employment relationship. Relationships between people with differing power distinctions may be less consensual than the person in the position of greater power perceives. The apparent consensual nature of the relationship is inherently suspect due to the fundamental power differential of individuals in the relationship and it may be difficult, if not impossible, to establish consent.

Most romantic or sexual relationships between an employee/student are prohibited with only rare exceptions. A romantic or sexual relationship between an employee/student is **strongly** discouraged.

Romantic or sexual relationships between employees working in the same department who do not have direct supervisory or managerial responsibilities for one another should be avoided.

Prohibited Relationships:

Romantic and/or sexual relationships between individuals when one party has supervisory, teaching, evaluation, advising, coaching or a counseling role constitutes a conflict of interest. Romantic and/or sexual relationships are prohibited whenever a conflict of interest exists and is not remedied. A relationship may continue only when all potential for direct or indirect influence either does not exist or has been removed.

Romantic and/or sexual relationships between supervisors and subordinates are prohibited. No individual involved in a romantic and/or sexual relationship will have direct responsibility for any of the following actions of the other party in the relationship, which include but are not limited to:

- performance evaluation
- any employment decisions including the hiring, promotion, tenure, compensation, assignment of schedules, or teaching assignments,
- implementation of a performance plan, or
- any disciplinary action up to and including termination.

Faculty and staff members are often called upon to work closely with and advise students with respect to student's personal and professional lives. Objectivity and trust are essential. Employees in such positions cannot perform their duties effectively if they become romantically or sexually involved with students who they are responsible for advising or mentoring. Accordingly, no employee shall have a romantic or

sexual relationship, regardless of whether the relationship is consensual, with a student for whom that Staff member has advising, mentoring, evaluation, or student organization management responsibility.

Similarly, no employee shall exercise such responsibility with respect to a student with whom that employee has had a romantic or sexual relationship in the past.

When students are involved, the difference in institutional power and the inherent risk of coercion are so great that no faculty member or coaching staff member shall enter into a romantic, dating, or sexual relationship with a Marietta College student, regardless of whether there is a supervisory or evaluative relationship between them.

Romantic and/or sexual relationships between a coach (Head, assistant, or volunteer) and any student is strictly prohibited.

Romantic and/or sexual relationships between a Vice President/manager/supervisor and a student is strictly prohibited.

Romantic and/or sexual relationships between any member of the Board of Trustees with any employee or student is strictly prohibited.

No employee will enter into a romantic or sexual relationship with any student or employee under the age of 18.

Notification Process and Alternative Arrangements:

Any employee involved in a romantic and/or sexual relationship (including casual dating and up to marriage, etc.) with a student must report that relationship to their Vice President and the Director of Human Resources.

Any Vice President/manager/supervisor involved in a consensual relationship with an employee must notify the President and the Director of Human Resources.

This is to allow immediate steps to be taken to determine whether an acceptable alternative arrangement is necessary to avoid an actual or perceived conflict of interest. The College in its sole discretion will determine whether an acceptable alternative arrangement is feasible.

Employees, especially those in the position of authority, have a duty to cooperate in making acceptable, alternative arrangements. Alternative arrangements include but are not limited to removing any supervisory, teaching, evaluation, advising, or counseling responsibilities between the individual with institutional power and the student or employee. A restructured reporting relationship or position may result in a pay adjustment. The alternative arrangement will avoid negative consequences for the student or employee who holds the lesser position of power. The Vice President and Director of Human Resources will endeavor to preserve the privacy of the student or the employee consistent with operational necessity. When the College determines that an acceptable alternative arrangement does not exist, the relationship must cease or steps must be taken to mitigate the potential conflict, including taking a new position with the College or separation from employment.

Individuals whose positions are altered to accommodate a relationship covered by this policy have no right to resume their former position if the relationship or conflict ceases. Such decisions are in the sole discretion of the College.

Individuals who engage in a prohibited relationship who do not follow the notification process are in violation of this policy and subject to disciplinary action up to and including termination.

Individuals who obtain information that would lead a reasonable person to believe that a romantic and/or sexual relationship policy has been violated have a duty to report the violation to their Vice President and Director of Human Resources.

Individuals in positions of authority, who engage in a sexual or romantic relationship whether or not the notification has occurred, will be held in violation of this policy.

Actions Based on Notification:

After a thorough review of the facts conducted by the Vice President and the Director of Human Resources, and in consultation with the President, corrective action will be taken with any employee who violates this policy. Disciplinary action, up to and including termination, will be taken in the following circumstances which includes but are not limited to:

- Entering into or engaging in a prohibited relationship without immediate, proper notification
- Failing to comply with alternative arrangements
- Failing to comply with any part of this policy

The College prohibits retaliation against any person who makes a report under this policy or participates in any investigation process. Knowingly providing false reports is also prohibited and will be subject to disciplinary action.

Non-Violation of Policy:

An individual who promptly provides notification of their involvement in a relationship and cooperates in making acceptable alternative arrangements in a timely manner, will not be held in violation of this policy.

Exceptions:

Accommodations for pre-existing relationships between a faculty/staff member and a prospective/current student will also be considered on a case-by-case basis, and, when possible, will lead to development of a management plan in consultation with the supervisor, Vice President, and Human Resources. Failure to comply with the required notification, removal of evaluative authority or management plan is a violation of this Policy.

In rare and unusual circumstances, at the recommendation of a supervisor and in consultation with the Vice President and Human Resources, and approved by the President, permission may be granted for departures from this policy provided that appropriate conflict management procedures, such as transfer of evaluation responsibility, are feasible and are put into place. For example, when a student's academic program requires a course that is taught only by the student's spouse or partner, approval by The Vice President, Human Resources, and the President, may allow the student to take the course so long as the conflict has been disclosed and arrangements have been made for a person other than the spouse/partner Instructor to evaluate and grade the student's work, provided such arrangements are feasible for the particular course involved.