

SECTION: Personnel

SUBJECT: Consensual Relationships

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**Background:** To establish a policy governing the supervision or evaluation of employees and students where a consensual relationship exists between the parties.

**Point of Contact:** HRS

**Other LCSC offices directly involved with implementation of this policy, or significantly affected by the policy:** All Departments

**Date of approval by LCSC authority:** 12/17/12

**Date of State Board Approval:** N/A

**Date of Most Recent Review:** December 2012

**Summary of Major Changes incorporated in this revision to the policy:** Tightened up our policy after reviewing other Idaho Higher Ed institutions policies. Added additional verbiage in section 1.C. Changed wording of “amorous” to “consensual” relationship.

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## **SUBJECT: CONSENSUAL RELATIONSHIPS POLICY**

### **1. Policy Statement**

Lewis-Clark State College's educational mission is promoted by professionalism in student faculty relationships and in supervisor/supervisee relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Taking note of the respect and trust accorded a faculty member by a student and a supervisor by a supervisee, the faculty and staff recognize that they are presumed to make decisions regarding their relationships with students and supervisees which will not endanger this atmosphere of mutual trust and respect. Faculty and staff should be aware of the possibility that an apparent consensual relationship with a student or supervisee may be interpreted (either now or at a later date) as non-consensual and, therefore, sexual harassment. The power differential inherent in faculty/student and supervisor/supervisee relationships may compromise the student's or supervisee's ability to decide and thus call into question the bona fide consensual nature of the relationship. The potential exists for the student or supervisee to perceive a coercive element in suggestions regarding activities outside those appropriate to professional relationships. Moreover, faculty and staff, particularly in relationships with students and persons under their supervision, need to be aware of potential conflicts of interest, perceptions of favoritism and the possible compromise of their evaluative / supervisory capacity. They also need to be aware that a relationship may give rise to a perception on the part of others that the evaluative capacity of the faculty member or supervisor has been compromised.

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For the reasons outlined in this policy, it is the policy of Lewis-Clark State College that no employee shall enter into or continue a consensual relationship (i.e. a romantic or sexual relationship) with a student or employee over whom she or he exercises academic, administrative, supervisory, evaluative, counseling or other authority

A. It is a violation of this policy for a faculty or staff member to undertake a consensual relationship or permit one to develop with a student or supervisee who is enrolled in the person's class or is subject to that person's supervision or evaluation, even when both parties appear to have consented to the relationship.

B. Consensual relationships between faculty or staff members and students outside the instructional and supervisory context are also strongly discouraged.

C. The College does recognize that consensual relationships may exist prior to the time a student is assigned to faculty or staff member, as a member of that person's class or is placed in a situation where the faculty or staff person must supervise or evaluate the student. It is also recognized that such a relationship may exist between co-employees prior to the time when one of those employees becomes the supervisor of the other. Therefore, if a prohibited consensual relationship exists or arises, either the consensual relationship must end or the relationship of authority must be eliminated. The employee in the position of authority must disclose the romantic or sexual relationship to his or her immediate supervisor or to the next level supervisor and it is a violation of this policy to fail to promptly disclose the relationship. If the parties are unable, or do not agree, to immediately end the romantic or sexual relationship, the supervisor must take prompt and appropriate action to end the relationship of authority.

In a supervisor/subordinate or other relationship involving the exercise of authority, the college may alter supervisory or reporting lines of either the supervisor or subordinate, and in other relationships of authority, may take such action necessary to change the position of authority. Whatever the nature of authority one person has over another, prompt action must be taken to remove the authority when a consensual relationship exists or develops.

Where the faculty or staff member has a consensual relationship with the student or supervisee and those parties are unable, or do not agree, to immediately end that relationship, the following procedures shall be followed:

- (1) If, at all possible, the student should be advised in his or her course selections to avoid course sections taught by the instructor with whom the student has a consensual relationship. Efforts should likewise be made to place a subordinate under the supervision of another supervisor where the supervisor has a consensual relationship with the subordinate.

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(2) In the event it is not possible for the student to avoid the class taught by the faculty member or for the supervisee to avoid the supervision of the supervisor, the faculty member shall advise his or her division chair and the supervisor shall advise his or her supervisor of the consensual relationship and the following steps shall be taken:

- a. The division chair shall appoint another instructor to evaluate the student's written work, such as essays, research papers, essay tests, care plans, etc.
- b. The division chair shall appoint another instructor to evaluate the student's non-written work or performance such as artistic performances, teaching practice or clinical practice.
- c. When an appropriate instructor is not available to evaluate the student's work, the division chair will provide the evaluation.
- d. A supervisor will request that his or her supervisor evaluate the supervisee employee and if such evaluation is not available, he or she will request that another supervisor evaluate the employee.
- e. The supervisor will remove himself or herself from the consideration of the employee for promotion, hiring or determination of salary.
- f. A student should not be assigned to a faculty advisor with whom that student has or has had a recent consensual relationship. The faculty advisor should request that the student be reassigned.
- g. Should the foregoing steps not be feasible in a particular case, other reasonable steps to terminate the relationship of authority of the faculty member over the student or the supervisor over the supervisee may be taken.

(3) A faculty or staff member who fails to follow the policy set forth in subparagraph 2 above, and does not withdraw from participation in activities or decisions which may reward or penalize a student or supervisee with whom the faculty or staff member has a consensual relationship in accordance with this policy will be in violation of this policy.

(4) Persons who are married are included within the definition of those persons having a consensual relationship and that relationship shall be deemed to continue throughout their marriage.

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(5) A complaint alleging violations of the policy regarding consensual relationships may be filed by any person and directed to the Affirmative Action Office. Procedures to be followed when complaints occur are those listed in Policy 3.110 Section 1.3 of Sexual Harassment:

<http://www.lcsc.edu/media/1418696/3110-sexual-harrassment.pdf> .