

CONSENSUAL RELATIONSHIPS

PURPOSE: Franklin Pierce University is committed to maintaining learning and work environments as free as possible from conflict of interest, exploitation and favoritism. Therefore, employees, whether faculty or staff, shall not engage in romantic or sexual relationships with students or their subordinates.

POLICY: Franklin Pierce University values an environment of inclusion, trust, and respect as beneficial for learning and working. As a matter of sound judgment, faculty and staff of the University community accept responsibility to avoid any apparent or actual conflict of interest between their professional responsibilities and their personal relationships with students or those whom they supervise, evaluate, or exercise other relationships of power or authority. Romantic and/or sexual relationships between a faculty member and a student, or a supervisor and subordinate, may potentially pose risks to the faculty member, student, supervisor, subordinate, third parties, and unit morale. In such relationships voluntary consent by the student or subordinate is suspect because of the inherently unequal nature of the relationship. A romantic and/or sexual relationship between a faculty member and a student, or a supervisor and subordinate, can lead to a complaint of sexual harassment when the student or subordinate perceives he or she was exploited. In addition, other faculty members, staff members, supervisors, students, or employees may express concerns about undue access or advantage, favoritism, restricted opportunities, or unfavorable treatment as a result of the relationship. These concerns are damaging to the University whether the favoritism is real or perceived. Concerns also arise in cases where the relationship between the faculty member and student, or supervisor and subordinate, remains amicable, as well as in cases that lead to allegations of exploitation. To ensure that the advising, mentoring, evaluation and supervision of students or subordinates is conducted fairly, romantic or sexual relationships between faculty and students, and supervisors and subordinates are prohibited as set forth in this policy. This policy deals only with evaluative and supervisory relationships and not with relationships that fall under the definition of discrimination, sexual harassment, or relationships that may be addressed by the University nepotism policy.

DATE APPROVED: September 17, 2008

REVISED: July 1, 2010; January 1, 2010

PRACTICES & PROCEDURES:

1. Expectations.
 - a. It shall constitute unprofessional conduct for a faculty or staff member to engage in a romantic or sexual relationship with a student.
 - b. The exception to this would be if a faculty or staff member is married or in a like type committed relationship with the adult student, notification of this relationship must be made to the Director of Human Resources. For example, a spouse takes a course at the University.

- c. Faculty or staff of the University are prohibited from having supervisory responsibility over a subordinate with whom he or she is currently having a romantic and/or sexual relationship.
 - i. Supervisory responsibility includes any supervisory role perceived as a position of power or authority, and is not limited to instruction, research, academic advising, coaching, service on research and thesis (dissertation) committees, assignment of grades, evaluation and recommendation in an institutional capacity for employment, scholarships, fellowships, or awards. Supervision may occur on or off campus, in curricular, cocurricular, or extracurricular activities. Such supervisory responsibilities are prohibited in the case of a current academic or supervisory role, or if the parties may reasonably anticipate that an evaluative role may exist in the near future.
 - ii. Faculty or staff of the University are prohibited from having supervisory responsibility over a subordinate with whom he or she is related to. See the policy on Employment of Related Persons.
- d. Relationships between individuals in which neither party is in a position to evaluate or supervise the other party are not within the scope of this policy so long as neither party participates in decisions that may reward or penalize the other and so long as such an evaluative relationship is not reasonably anticipated by the parties.
- e. Romantic or sexual relationships in which one party is in a position to influence the career of the other, yet the relationship presents no clear or direct evaluative or supervisory conflict, may provide grounds for complaint by third parties when the relationship provides undue access, advantage, or restricts opportunities.
- f. Relationships resulting in indirect or inappropriate influence are prohibited. When a supervisory role or position of power and authority is accepted by an individual in an existing consensual relationship with a person who will become subordinate, the roles of the individuals in the supervisory and subordinate positions must be clearly established within the existing administrative structure.

2. Disclosure

- a. If a supervisor enters into or engages in a sexual or romantic relationship with a subordinate employee, the supervisor must immediately report the relationship to the Human Resources Director so that a solution to the conflict of interest may be sought.
 - i. Alternatives to the conflict of interest may include termination of the consensual relationship or appropriate changes in the supervisory/subordinate work environment.
- b. In spite of these warnings, the University recognizes that sometimes such relationships occur. When a romantic and/or sexual relationship occurs or develops between a faculty member or a supervisor and a subordinate, exercising a role in the evaluation or supervision of another individual, an inherent conflict of interest arises. The faculty member or supervisor must disclose the relationship to the appropriate Department Chair or Supervisor.
- c. The Supervisor is then responsible to report this relationship to the Director of Human Resources.
 - i. In each case, the Division Chair or Supervisor in conjunction with the Director of Human Resources shall make suitable arrangements for the objective supervision

and evaluation of the subordinate partner's job performance, and provide for the protection of the individual and University interests.

3. Sanctions for failure to comply with this policy

- a. University responses to violations of this Policy will vary as appropriate to the facts and circumstances of each case and persons in violation of this Policy. Those found in violation of this policy shall be subject to sanctions ranging from verbal warnings to dismissal or termination.
- b. The University reserves the right to take disciplinary action against members of the University community who make false allegations of unreported consensual relationships.

Nothing in this policy shall be deemed as supplanting or otherwise affecting the University's policies on Employment of Related Persons or Sexual or other Unlawful Harassment.