

4.4 Consensual Relations Policy

(Revised August 2013)

4.4.1 Rationale and Definition

Within an academic environment, the issue of consensual relations deserves special attention. A consensual relationship is one in which two people are engaged by mutual consent in an emotionally (romantic) and physically (sexually) intimate relationship. When such a relationship involves people who differ in power within the University community, it is of special concern because of the potential for conflict of interest and/or abuse of power. Decisions, which must be made free from bias or favor, come into question when made by a person who has a romantic/sexual relationship with a person who may benefit from or be harmed by the decisions. The mere appearance of bias or impropriety resulting from a consensual romantic/sexual relationship may seriously disrupt the academic or work environment. Equally important, such relationships have the potential to undermine the University's sense of community, mutual trust, and support.

For these reasons, the University has adopted a policy to prohibit consensual relationships and to place all employees "on notice" that the University views consensual relationships as unwise and of a high risk, especially when students are involved. Special note is made that the seeds of sexual harassment exist in consensual relationships of any kind that involve differences of status or power.

4.4.2 Policy

Stetson University prohibits consensual relationships between:

1. a faculty or staff member and any student enrolled at the University;
2. a supervisor and subordinate employee;
3. an administrator and a faculty member in a unit under that administrator's direction; and,
4. an administrator and a staff member in a unit under that administrator's direction.

These prohibitions also apply to full-time employees who attend the University as students on a part-time or audit basis. This policy does not preclude students employed by the University in a part-time capacity in connection with their student status from engaging in consensual relationships with other students, so long as the student is not in a paid role that creates the type of potential conflict comparable to that described above in the prohibited relationships or does not otherwise violate the University's policy on *Equal Opportunity and Nondiscrimination*. In addition, this policy does not preclude existing spouses or domestic partners from subsequently attending the University, but these students are precluded from taking courses, working for, or otherwise receiving academic credit or benefits from, or under the direction or control, their spouse or domestic partner.

As noted above, relationships with students by faculty and staff are prohibited. However, on occasion, a faculty or staff member will have a consensual romantic relationship with an individual who then becomes an enrolled student at the University, or an individual with a pre-existing relationship with a student will become employed by the University. It is the obligation of the faculty or staff member to disclose that relationship to the Dean or Vice President/Director of Athletics of the division in which the employee works. Such cases will be reviewed under procedures described in Section 4.4.3 below, but in no case may an accommodation be made for such relationships when the student's academic work, campus employment, admission,

enrollment, athletic, or other educational participation or programming is being supervised or subject to review in any way by the faculty or staff member in the relationship.

If two employees wish to pursue a relationship described in paragraphs 2, 3, or 4 above, the supervisor or superior administrator involved in the relationship may seek the assistance of his/her Academic Dean, administrative division Vice President/Director of Athletics, or Provost (or the President, if the involved party is an administrative division Vice President/Director of Athletics or the Provost) to alter the employment relationship and remove the conflict of interest and/or power differential. However, the University is not obligated to accommodate those who seek to become involved in consensual relationships. If no suitable realignment of the supervisory relationship can be agreed upon, then the supervisor or superior administrator involved in the relationships will be held accountable for violating the University policy prohibiting consensual relationships.

The individual with a supervisory or other decision-making role is presumed to bear the primary responsibility for any negative consequences resulting from his or her relationship. A member of the University community who violates the *Consensual Relations Policy* will be subject to disciplinary action by the institution, which includes the possibility of warning, probation, or dismissal.

4.4.3 Process for Reporting Apparent Violations and Procedures for Action

1. For DeLand and Celebration Campuses

When a consensual relationship is reported by one of the persons involved in the relationship or by a third party, the Dean or Vice President/Director of Athletics of the unit in which one or more of the persons involved works will interview separately both parties in the relationship. At least one member of the Consensual Relations Review Committee (Vice President for Business and CFO, University Grievance Officer, and Director of Human Resources) will accompany the Dean/Vice President/Director of Athletics in these interviews. A written record of the interview will be kept by the Director of Human Resources.

The respective Dean/Vice President/Director of Athletics will then draft a response, outlining the proposed University position regarding the reported relationship. This draft will be reviewed by the Consensual Relations Review Committee, who may choose to interview any or all of the parties involved in the case. The Committee will affirm or amend the proposal and return its decision to the Dean/Vice President/Director of Athletics who will be responsible for communicating the administrative action. A part of the administrative action may include requiring parties to sign an agreement outlining elements of the resolution agreed upon/prescribed. The Dean(s)/Vice President(s)/Director of Athletics for whom the involved parties work will assume the responsibility for monitoring compliance with the administrative action.

Either party may appeal the administrative action prescribed by the Consensual Relations Review Committee by accessing the University's faculty and staff grievance procedure.

2. For Gulfport and Tampa Campuses

Any member of the University community who has substantial reason to believe that a violation of the *Consensual Relations Policy* has occurred is encouraged to contact the Dean of the College of Law to express his or her concern and to explain the basis for the concern. The Dean (or designee) will gather factual information about the relationship. The Dean is then responsible

for taking appropriate action. Any concern about violations by the Dean should be taken to the Provost, who will take, or cause to be taken, appropriate action. Either party may appeal the administrative action prescribed by the Dean by accessing the College of Law's faculty and staff grievance procedure.

4.4.4 Education

The University provides educational opportunities to acquaint members of the University community with the specific provisions of this policy and to promote better understanding of the difficult issues which may arise as a result of consensual relationships between members of the University community.