

# Consenting Relationships Policy

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**Policy owner:** Chief Human Resources Officer

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## SECTION I. PURPOSE

The University of St. Thomas is committed to maintaining an academic and work environment in which the principles of mutual respect, professional ethics, fairness and objectivity are honored. Consensual relationships between faculty, staff, contractors, volunteers and students can create conflicts of interest and /or appearances of impropriety or bias that impair the integrity of academic, employment or other decisions. Consensual relationships can be disruptive to the educational and work environment and can result in a real or perceived abuse of power by the employee in the position of authority. In addition, relationships that begin as consensual can later change and give rise to claims of sexual harassment or other misconduct. This policy describes the consensual relationships that are prohibited by St. Thomas and those that are discouraged by St. Thomas.

## SECTION II. SCOPE AND APPLICABILITY

This policy applies to all University of St. Thomas staff, administrators, faculty, contractors and volunteers.

## SECTION III. DEFINITIONS

When used in this policy, the following terms have the following meanings:

- a. **Consensual Relationship** is a mutually acceptable dating, romantic, and/or sexual relationship or encounter and includes engaging in any consensual sexual activity.
- b. **Employee** includes any full-time, part-time or contract faculty member, staff member or any individual employed in any capacity by the University.
- c. **Student** is any person who is taking courses or otherwise enrolled at the University, either full-time or part-time, or any person who is not officially enrolled for a particular term, but who is on leave of absence or otherwise has not officially withdrawn from the University.
- d. **Position of authority** is any situation in which the employee is responsible for or participates in the teaching, advising, evaluation, supervision, coaching, or other academic, educational or work-related assessments, references or decisions of any nature regarding a student or employee; or any situation in which the employee has authority to exercise or attempts to exercise influence over University-related decisions regarding the student or employee, such as decisions regarding the individual's employment, academics, housing, financial aid, or participation in any University activity.

- e. **Contractor** is a person who is not an employee of the University but who performs services for the University in exchange for pay.
- f. **Volunteer** is a person who is not an employee of the University but who performs services for the University for public service, religious or humanitarian objectives on a voluntary basis. In most cases, a volunteer performs services without any promise, expectation or receipt of compensation.

#### **SECTION IV. POLICY STATEMENT**

When an employee, contractor or volunteer occupies a position of authority over a student or another employee, contractor or volunteer they must recognize and respect the ethical and professional boundaries that exist in these relationships.

##### **A. Prohibited Consensual Relationships:**

Because of the potential for abuse, appearance of bias, and the inherent power differential, the University prohibits consensual relationships between individuals when one individual is in a position of authority with respect to the other individual. This prohibition includes, but is not limited to, consensual relationships between a:

- (1) Faculty member (including an adjunct, instructor, or teaching assistant) and a student whom the faculty member teaches, advises, or serves on the student's thesis, dissertation, or scholarship awards committee.
- (2) Faculty member (including an adjunct, instructor, or teaching assistant) and any student enrolled in a degree program in the faculty member's department.
- (3) Staff member, contractor or volunteer and any student coached, counseled, advised, or evaluated by the staff member, contractor or volunteer or with whom the staff member, contractor or volunteer closely works.
- (4) Supervisor and employee, contractor or volunteer for whom the supervisor has decision-making responsibility or influence for personnel or contract matters, including work assignment or direction.

##### **B. Strongly Discouraged Consensual Relationships:**

In addition to the prohibition stated above, the University strongly discourages romantic, intimate, or sexual relationships between a student and faculty or student and staff, whether or not one party has institutional responsibility or authority over the other. Individuals who enter into relationships where a professional power differential exists must realize that if a charge of sexual harassment is lodged, it will be difficult to prove mutual consent. Romantic relationships often are perceived differently by each party especially in retrospect. One party may recall the relationship being less consensual than the individual whose position confers power or authority. Thus, parties involved in these types of relationships assume all associated risks.

### **C. Other Policies**

Nonconsensual relationships implicate other University policies, including the University's Sexual Misconduct Policy. Students, employees, contractors and volunteers are expected to comply with all applicable policies.

### **SECTION V. DISCLOSURE**

If a faculty member, staff member, contractor or volunteer has a consensual relationship that is discouraged by this policy or that may create a perceived conflict of interest, the faculty and staff member must immediately disclose the relationship to the Office of Human Resources. Such disclosure assists all parties and the University in avoiding and managing conflicts of interest, appearance of bias, and possible impact of a power differential. Any doubt or question about whether disclosure is required must be resolved in favor of disclosure. In such situations, the University may take appropriate action under the circumstances, including without limitation, taking action to limit any actual or perceived conflict of interest or unfair influence, transferring an employee and/or rearranging reporting arrangements.

### **SECTION VI. NON-COMPLIANCE**

Violations of this policy should be promptly reported to the supervisor of the staff member or volunteer involved, the appropriate dean or vice president or the Office of Human Resources. The University will investigate the alleged violation. If the conclusion of the investigation is that a violation of this policy occurred, the University will initiate corrective action as appropriate under the circumstances. Corrective action may range from verbal or written warnings up to and including termination.

Exceptions to the policy may be granted by the Chief Human Resources Officer or Executive Vice President and Provost in very limited circumstances, like a pre-existing relationship (such as the spouse of a faculty member enrolling in a graduate degree program), provided that the Office of Human Resources was promptly notified of the relationship and the individual has worked with appropriate University administrators to limit any actual or perceived conflict of interest or unfair influence.

### **SECTION VII. RETALIATION**

Retaliation of any kind against anyone for expressing concerns about a romantic, intimate, or sexual relationship or for participating in an internal investigation pursuant to this policy is prohibited. Because of the University's commitment to maintaining an academic and work environment in which the principles of mutual respect and professional ethics are preserved, students, faculty, and staff are urged to report any instance of retaliation immediately. The University will treat such matters confidentially and investigate and address them swiftly.