



Policy: Consensual Relationships	Policy No: RI.1
Policy Developer(s): Office of Human Resources	Original Date: October 17, 2019
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- I. **POLICY:** John Carroll University (“the University”) prohibits any [faculty](#) member, [staff](#) member, or [graduate assistant](#) from engaging in a consensual romantic and/or sexual relationship with a student or employee over whom that individual exercises academic, supervisory, or professional authority unless a [management plan](#) is approved as provided for in this policy. Further, a faculty member, staff member, or graduate assistant is prohibited from exercising academic or professional authority over any student or employee with whom the individual has previously had a consensual romantic or sexual relationship unless a management plan is approved as provided for in this policy. Other types of romantic or consensual relationships where there is not academic, supervisory, or professional authority but involving a significant power or status differential between the two individuals (i.e. such as a faculty or staff member and an undergraduate student; a faculty member and a graduate assistant) are strongly discouraged.
- II. **PURPOSE:** The relationship between faculty and staff members and students is central to the mission of the University. Similarly, the relationship between supervisors and employees whom they supervise requires an ability to objectively and fairly direct and evaluate the employee. Inappropriate personal ties can damage the integrity of academic relationships, distorting judgments or appearing to do so in the minds of others. Additionally, there are special risks in any romantic or sexual relationship between individuals in inherently unequal positions of power. All relationships must be consensual, but, even when the relationship is consensual, such relationships involving an individual in a position of authority over another can raise serious concerns about the validity of the consent, conflicts of interest, and preferential treatment. These relationships also can result in claims of sexual harassment.
- III. **SCOPE:** All [faculty](#) and [staff](#) employees of John Carroll University, and all [graduate assistants](#) if in an academic, supervisory, or professional position of authority over any student.
- IV. **PROCEDURES:** In the following circumstances, romantic or sexual relationships are expressly prohibited, unless managed as described in [Section D](#) below. The appropriate officers of the University may make modifications to the procedures under this policy when warranted by the circumstances.

R1.1 Consensual Relationships

- A. Faculty/Staff/Graduate Assistant and Student:** Consensual romantic or sexual relationships are prohibited (unless managed) in circumstances including but not limited to the following:
1. a faculty member and a student enrolled in that faculty member's class, who has declared a major in that faculty member's department, and/or for whom the faculty member has any academic or professional authority;
 2. a graduate assistant and another student when the graduate assistant has academic, professional, or supervisory responsibility over the other student;
 3. a dean, associate dean, or department chair and a student in that individual's college or department;
 4. a program director and a student in that program;
 5. a coach and a student-athlete;
 6. an academic advisor and an advisee;
 7. a faculty or staff member and a student involved in any student activity for which the faculty or staff member is the advisor or is involved in supervision or oversight; and
 8. a staff member and a student over whom the staff person has supervisory, academic, or professional authority.
- B. Supervisor and Supervised Employee:** Consensual romantic or sexual relationships are prohibited (unless managed) between faculty or staff members and an employee over whom they exercise professional or supervisory authority for the individual's job performance, evaluation, progress, and/or professional future, including but not limited to the following:
1. a supervisor and an employee supervised, either directly or indirectly, by that supervisor;
 2. a supervisor or department chair and a staff or faculty member over whom the individual has supervisory or professional authority; and/or
 3. a senior faculty member and a junior faculty member over whom the senior faculty member exercises professional authority.
- C. Faculty or Staff Member and Undergraduate Student Relationships:** Even if not prohibited under [Section A](#) above, all consensual romantic or sexual relationships between a faculty member or staff member and an undergraduate student or between a faculty member and a graduate student are strongly discouraged and ill-advised. Even a seemingly consensual relationship that invokes a power or status differential can be viewed as non-consensual or can result in reports of sexual harassment against the faculty or staff member and the University. Faculty and staff members should maintain appropriate professional boundaries with students at all times. In any allegation of sexual harassment brought by a student or another in a subordinate position, "consent to the relationship" will not constitute a defense or justification for conduct that otherwise would be deemed sexual harassment under the [Sexual Harassment and Interpersonal Violence Policy](#) (i.e. such as *quid pro quo* harassment as defined in the policy).
- D. Management Plan:** If a faculty member, staff member or graduate assistant intends to enter into a relationship that is prohibited under this policy, is currently involved, or was previously involved in a pre-existing relationship prohibited under this policy, that employee or graduate assistant must immediately recuse themselves from any evaluative, supervisory or professional authority or oversight related to the individual (whether student, staff member or faculty member). The employee or graduate assistant

R1.1 Consensual Relationships

also is obligated to promptly disclose the existence of the relationship to their department chair, dean, or department head. (If the relationship involves the chair, dean or department head, the relationship must be reported to the next higher-level administrator who is not involved in the relationship or not otherwise conflicted). In consultation with Human Resources and other University officials, the department chair, dean, or department head, when appropriate, will develop a written management plan to assure that the student/staff member/faculty member receives objective evaluation, professional oversight, and/or supervision. Such management plan must include all of the following:

1. disclose that a consensual relationship exists or existed between the parties involved;
2. provide alternative means for supervision, teaching, advising, evaluation, or professional oversight to mitigate the conflict;
3. give priority to the interests of the party who is not in position of authority;
4. articulate notification requirements to other affected parties (such as co-researchers, lab personnel, or co-workers), when appropriate;
5. be in writing; and
6. be acknowledged and signed by both parties to the relationship.

A management plan [template](#) is provided below.

For faculty members or graduate assistants who are in a position of authority, copies of an approved and signed management plan must be submitted, as applicable, to the department chair, dean, Provost, and Human Resources (unless any of these individuals is in the relationship or is otherwise conflicted).

For staff members who are in the position of authority, copies of an approved and signed management plan must be submitted, as applicable, to the department head, divisional vice president, and Human Resources (unless any of these individuals is in the relationship or is otherwise conflicted).

If there is a change in the relationship or in circumstances that would affect the terms of the management plan, the faculty member, graduate assistant, or staff member in the position of authority is obligated to notify the applicable individuals listed above, (who have received copies of the management plan) of the changed circumstances, so that the management plan can be reviewed and modified, as necessary and appropriate.

The University reserves the right to determine that certain relationships prohibited under this policy are sufficiently inappropriate that they cannot be effectively managed through a management plan. In such cases, the faculty or staff member must come into compliance with this policy, and/or be subject to disciplinary action for violation of the policy.

- E. Conflict of Interest Policy:** The requirements of this policy are in addition to the disclosure and management obligations under the University's [Conflict of Interest Policy](#). A disclosure or management plan made pursuant to this Policy will be coordinated with

R1.1 Consensual Relationships

and may be utilized in resolution of the same conflict reported under the University's Conflict of Interest Policy.

F. Noncompliance: Employees in violation of this policy shall be subject to the appropriate disciplinary action under the applicable University policies, up to and including, termination of employment.

V. DEFINITIONS: terms used within or relating to this policy.

A. Faculty: For the purposes of this policy, *faculty* refers to any member of the faculty as defined in the Faculty Handbook, as well as anyone else serving as the instructor of record in a course.

B. Graduate Assistant: For purposes of this policy, *graduate assistant* includes a graduate student who acts in an official academic, supervisory, or professional role over a student or other individual. It includes graduate students who are awarded graduate assistantships, or other graduate students who exercise academic, professional, or supervisory authority over a student or another individual. A graduate student who does not fall under this definition of *graduate assistant* will be considered a student for the purposes of this policy.

C. Staff: For purposes of this policy, *staff* refers to any non-faculty employee of the university whose primary role with the University is as an employee regardless of additional roles they may hold, such as student or alumni. This definition shall not include student workers or others whose primary role with the University is that of a student.

VI. CROSS REFERENCES:

A. University Policies

1. [Sexual Harassment and Interpersonal Violence Policy and Complaint Resolution Process](#)
2. [Conflict of Interest Policy](#)
3. [Corrective Action Policy](#)

VII. ATTACHMENT: Management Plan Template (include below for ease of circulation)

This policy will next be reviewed five years from the approval date/date of last review.



Consensual Relationship Management Plan

We, the undersigned parties, state as follows:

1. We have voluntarily entered into [or were previously involved in] a consensual romantic and/or sexual relationship as described in JCU’s Consensual Relationship Policy.
2. We have read and understand JCU’s Consensual Relationship Policy, Sexual Harassment and Interpersonal Violence Policy and Complaint Resolution Policy, and the Conflict of Interest Policy.
3. We voluntarily enter into this management plan to address conflicts or potential conflicts related to the referenced consensual romantic and/or sexual relationship and to provide alternative means for supervision, teaching, advising, evaluation, or professional oversight to mitigate the conflict.
4. We agree to the following terms of the management plan: [Categories to be included and elaborated as applicable]:
 - a. Teaching:
 - b. Research:
 - c. Academic oversight
 - d. Supervision:
 - e. Professional Activities:
 - f. Required notifications:
 - g. Additional terms:
5. We understand that in relation to any dispute under this management plan, University officials may determine, in their discretion, appropriate resolutions to the dispute.
6. Terms under this management plan will be interpreted and resolved in a manner that gives priority to the individual not in a position of authority.
7. We understand that the individual in the position of authority is obligated to advise the appropriate University officials of any change in the relationship or circumstances that would alter the terms of this management plan.
8. We understand that neither party may retaliate against the other related to a current or previous consensual relationship.

We acknowledge and accept the terms of this management plan.

Person 1: _____ Date _____

Person 2: _____ Date _____

Supervisor: _____ Date _____

HR: _____ Date _____