

Policy Title:	Consensual Relationships and Conflict of Interest
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Policy Number:	GEN.012	Date Approved:	November 2022
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A. Description

Southern Oregon University (SOU) strives to protect the ability of students and employees to pursue academic, training, research, and professional interests in an environment without preferential or unfair treatment, discrimination, harassment, bias, or coercion. In addition, the university expects faculty, staff, and others in positions of authority to manage their responsibilities appropriately and with sound professional judgment and impartiality. Finally, the university supports an overall educational environment that is free from conflicts of interest. **This policy prohibits relationships between SOU employees and undergraduate students (with almost no exceptions and only as stated in this policy); it also places strict limitations on relationships between SOU employees and graduate students; and it requires disclosure and recusal from supervision and related activity in the narrow circumstances where relationships involving university employees are permissible.**

While not every relationship between students and employees or among employees violates this policy, the permissible circumstances are few and narrow. It is important that employees review this policy carefully to understand whether a relationship or potential relationship would violate this policy. In those few cases where such relationships are permissible, it is important that employees follow the necessary steps to disclose those relationships to avoid the conflicts of interest, abuses of power, and other problems that can result. Promptly disclosed relationships in violation of this policy are handled on a case-by-case basis by the Office of Equity Grievance in consultation with the Department of Human Resources. Where a situation presents an abuse of a position of authority, discipline for violations is likely to result. In a narrow few set of circumstances, the relationship may be so distant and attenuated from a material power imbalance that reporting, education and a recusal plan may be considered (e.g., marriage, pre-existing relationship, etc.).

The focus of this policy is on protecting the educational and professional opportunities of the student or employee with less power under the circumstances and, where possible, addressing conflict of interest concerns for all parties.

B. Definition(s)

Consensual Relationship: Romantic and/or sexual relationship willingly undertaken by the parties.

Faculty member: An academic employee, generally referring to a professor or instructor. This includes, but is not limited to, any professor or instructor whose titles are modified by “visiting,” “acting,” “adjunct,” “clinical,” “affiliate,” or “emeritus.” Includes librarians, lecturers, senior lecturers, research associates, and any other SOU academic titleholders.

Position of Authority: Position that exercises authority over students or other employees, including, but not limited to, a:

- Course instructor, course grader, or teaching assistant for a course, training, or program attended by a student;
- Principal investigator or other supervisor in a laboratory or research project;
- Committee member or other position of evaluation, including an academic, capstone or similar advisor;
- Supervisor (including a student working as a supervisor) of a student interning or employed on campus (work-study or otherwise);
- Member of a student athlete's coaching staff or athletic department employee;
- Residential life staff member in a residential setting;
- Division director or other director of a degree program, field, laboratory, research group, or center;
- Chair or associate chair of a department;
- Dean or any other position that makes decisions that affect a student's academic, conduct or professional progress;
- Faculty member in a graduate student's field or degree program who has direct academic, professional, or other material authority or is likely to exercise such direct authority in the graduate student's future;
- Any student or volunteer who has direct authority or is likely to exercise direct authority over another during participation in a non-academic program in which a student participates, including but not limited to athletics, student government, and club activities, club sports, or other Student Life activities;
- Staff member or Faculty member in any position of employment where they have or could reasonably be anticipated to have influence over the other person (student or employee) in their employment, assignments, evaluation, promotion, recommendation, compensation, discipline, admission, coursework, grading, financial aid, research, extracurricular participation, capstone supervision, and other forms of control or influence over academic or professional matters; and situations in which a faculty member and graduate student are members of the same department or unit.

Note: Position titles and responsibilities may differ from those on the list above; for clarification on whether a position of authority may exist, contact the Office of Equity Grievance.

Power imbalance: Romantic and/or sexual relationships between and among students and employees that are consensual frequently have a dynamic that involves material differences in the power and influence among the parties in their academic or professional pursuits. This means that one individual in the relationship (the person in a position of authority) can or could influence the academic or professional progress of the other (the person in the subordinate role).

Romantic and/or sexual relationship: Romantic and/or sexual relationships are defined as intimate, sexual, romantic, physically amorous or any other type of non-platonic relationship, whether casual, serious, short-term or long-term, including marriage and domestic partnership.

Staff: Any employee of SOU who is not a faculty member or a student, including but not limited to any classified administrator, unclassified administrator, or any other employee of SOU of any kind who is not a faculty member or a student.

Student: Undergraduate student, graduate student, high school student, student intern, or other individual engaged in an educational or academic program at Southern Oregon University. For purposes of this policy, student employees are regarded as employees, except in situations where they serve in a position of authority that indicates a potential power imbalance among the participants in a Consensual Relationship; in such situations, a student employee will be regarded as an employee for purposes of this policy.

C. Policy Statement

A. Overview

As an inclusive institution committed to providing learners the access and opportunity to develop their knowledge and capabilities, SOU demands ethical behavior from all who are engaged in pursuit of their educational, career, and personal goals. Every person should have the freedom to pursue academic, training, research, and professional interests in an environment without preferential or unfair treatment, discrimination, harassment, bias, or coercion.

There are specific and unique risks in any sexual or romantic relationship between individuals in inherently unequal positions, and parties in such a relationship assume those risks. Because of the potential for conflict of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of the university and its work. Further, these relationships are often less consensual than the individual whose position confers power or authority perceives. In addition, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a sexual or romantic involvement, this past consent does not remove grounds for a complaint or discipline based upon subsequent unwelcome conduct.

Even where they are fully consensual, romantic or sexual relationships between students and faculty members, staff members, or others in positions of authority over them can affect more than just the parties in the relationship:

- They can harm the overall academic environment by compromising professional judgment and impartiality then and in the future, affecting grading, distribution of resources, academic or professional recommendations, and more.
- They often undermine collegial dynamics among the students themselves because of rumored or actual favoritism.
- They can tarnish the academic reputation of the faculty members or others in position of authority and of the university itself.
- They can lead to complaints of harassment and other legal claims.
- They undermine the university's mission to educate and enhance the lives and livelihoods of students.

Regardless of their outcome, relationships between students and faculty members, staff members, or others in positions of authority over them can linger within the careers of all parties, potentially driving the student from a discipline or hampering the student's academic and professional progress.

This policy is about romantic and/or sexual relationships that are consensual and have a dynamic that involves power imbalance. This means that one individual in the relationship (the person in a position of authority) can or could influence the academic or professional progress of the other (the person in the subordinate role).

The Equal Opportunity, Harassment, and Sexual Misconduct Policy (GEN.009) addresses bias, discrimination, harassment, and sexual and related misconduct. Some situations may implicate both this policy and University Policy GEN.009. The university has the discretion to determine which policy and procedures best apply to a situation, and it will notify affected parties promptly regarding the applicable policy and as relevant, procedures.

B. Prohibited Romantic and/or Sexual Relationships Involving Students.

Romantic or sexual relationships between students and faculty members, staff members, or others in positions of authority are prohibited as follows:

1. Any member of the SOU community who has, or has had, a sexual or romantic relationship with an undergraduate or graduate student is permanently prohibited from exercising academic or professional authority over that student.
2. Sexual or romantic relationships are prohibited whenever a faculty member, staff member, or other individual holds a position of authority over the undergraduate or graduate student or is likely to do so in the foreseeable future.
3. **Unless otherwise expressly permitted by this policy (as stated in Section D below), sexual or romantic relationships between undergraduate students and a faculty member, staff member, volunteer, or any individual who holds a position of authority related to undergraduate students are prohibited** regardless of the department, school, or program affiliation of either party.
4. The pursuit, sexual or romantic advancement, or expression of interest in a prohibited Consensual Relationship by a faculty member, staff member, or other individual who holds a position of authority toward an undergraduate student is prohibited.
5. Sexual or romantic relationships between graduate students who are enrolled in any program or department in which a faculty member, staff member, volunteer, or other individual who holds a position of authority participates are prohibited.
6. The pursuit, sexual or romantic advancement, or expression of interest in a prohibited Consensual Relationship by a faculty member, staff member, or other individual who holds a position of authority toward a graduate student is prohibited whenever a faculty member, staff member, or other individual holds a position of authority over the undergraduate or graduate student, or is likely to do so in the foreseeable future.
7. Students who hold a position of authority over another student may not pursue or engage in relationships with other students over whom they hold a position of authority. In the event that a sexual or romantic relationship is present, the student in the position of authority will, as appropriate, be removed from their position of authority entirely or be required to entirely recuse themselves from any influence or authority over the other student's activities in the program.

C. Prohibited Romantic and/or Sexual Relationships Between Employees.

Romantic or sexual relationships between employees in which one occupies a position of authority over the other are problematic. Relationships between supervisors and their subordinate employees may affect

decisions, alter judgment, create conflicts of interest (or the appearance thereof) and undermine working conditions for other staff members, including those not directly engaged in the relationship. This includes not only relationships between supervisors and their staff, but also between senior faculty and junior faculty, and faculty and both academic and non-academic staff, particularly where one employee holds a position of authority over another, or is likely to do so in the foreseeable future (including with respect to recommendations or evaluations).

This policy acknowledges that there is a narrow band of permissible relationships that begin between employees who do not occupy a position of authority over the other at the time that relationship begins. Even when the origins of the relationship are permissible under this policy, it is still possible and often foreseeable that one of the persons in the relationship may move into a position of authority over the other. While the relationship may have been permissible at the time of its formation, it is still absolutely essential that the relationship be reported to the Office of Equity Grievance so that a Recusal Plan can be established in consultation with Human Resources to appropriately manage or prevent inappropriate involvement in the other employee's supervision, recommendation, or evaluation, presently or in the future.

With respect to employee relationships where a position of authority is present, romantic or sexual relationships between employees are therefore prohibited as follows:

1. Faculty members, staff members, volunteers, or other individuals who hold a position of authority who has, or has had, a sexual or romantic relationship with another employee are permanently prohibited from exercising professional authority or decision-making over that other party to the relationship.
2. Faculty members, staff members, volunteers, or other individuals who hold a position of authority are prohibited from participating in institutional decisions involving a direct benefit or consequential decision (hiring, retention, promotion, salary, or other) related to a person with whom that individual has had a sexual or romantic relationship.
3. Faculty members, staff members, volunteers, or other individuals who hold a position of authority are prohibited from engaging in romantic or sexual relationships, including but not limited to marriage and domestic partnership, with employees or volunteers whom they supervise.
4. The pursuit, sexual or romantic advancement, or expression of interest in a prohibited Consensual Relationship by a faculty member, staff member, volunteer, or other individual who holds a position of authority toward another employee is prohibited.

D. Relationships Requiring Disclosure.

The individual in a position of authority can be held accountable for creating hostile working environment, or a potentially hostile working environment, and thus should avoid creating or failing to address a situation that adversely impacts the working environment of others.

Faculty members, staff members, or volunteers or others in positions of authority must disclose a sexual or romantic relationship with a student or employee under any of these circumstances:

- A sexual or romantic relationship existed prior to one or more of the parties coming to SOU, including a married or domestic partnership relationship.
- A sexual or romantic relationship exists between a graduate student and a faculty member, staff member, or other individual in a position of authority and the parties have no academic or working relationship with one another and do not expect to in the future.

- It becomes reasonably foreseeable that a relationship which began permissibly among employees who do not hold positions of authority over the other could change in a way that results in one employee occupying a position of authority over the other (including, but not limited to, involvement in supervision, recommendations, and evaluations).
- When an individual finds themselves in a sexual or romantic relationship that is otherwise in violation of this policy should be reported to Office Equity Grievance.

If a student has any concern that a sexual or romantic relationship may be impacting their educational or employment environment, the Office Equity Grievance can offer guidance and resources. Employees who violate this policy or are aware of a relationship in violation of this policy should disclose that information to the Office Equity Grievance.

The Office Equity Grievance is an important part of the disclosure process and serves as the primary resource to the university community for guidance and enforcement of this policy. The Department of Human Resources is an advisory resource along with the Office Equity Grievance for those seeking guidance on whether to report a suspected policy violation.

The individual in a position of authority is responsible for disclosure, and that individual should inform the student beforehand. Students are not obligated to inform the Office Equity Grievance of prohibited relationships or those requiring disclosure. However, they are expected to be honest if contacted about the existence of a prohibited relationship under this policy. Any party in the Consensual Relationship may make the disclosure and, because such conflicts of interest can impact those outside the Consensual Relationship, any person with knowledge of a violation of this policy may report their concerns to the Office Equity Grievance.

1. **Note:** Any party with knowledge of a prohibited relationship may make a disclosure to the Office Equity Grievance.
2. **Note:** After any disclosure, the Office Equity Grievance will first contact and notify the parties in the relationship.

If a student is the individual in a position of authority (for example, because of a teaching, laboratory, or other supervisory role over a student), then timely disclosure should be made to the Office Equity Grievance. Thus, a graduate student working in a laboratory or serving as a teaching assistant in a course must disclose the potential for conflict of interest to the director of the laboratory or to the faculty member who is teaching the course. The individual and the supervisor must develop a Recusal Plan and promptly seek approval of the plan from the Office Equity Grievance.

The purpose of disclosure is to set in motion a Recusal Plan in the narrow circumstances where such a plan can be implemented. A Recusal Plan is available only in the narrow situations where the underlying circumstances giving rise to the relationship are not grounded in a material violation of the policy (e.g., marriage, domestic partnership, pre-existing relationship, etc.). The Recusal Plan protects the individuals involved and the university environment. Disclosures reveal personal and potentially private information. The university will carefully consider the privacy and other interests of persons affected by disclosures when taking action under this policy.

When a disclosure is made, the Office of Equity Grievance, in consultation with appropriate campus colleagues (division director, department chair, Human Resources, etc.), develops a Recusal Plan or determines that one is unnecessary. The Office of Equity Grievance (or other appropriate office, in

consultation with the Office of Equity Grievance) contacts the student in order to inform them of the disclosure, to seek their input on the proposed Recusal Plan, and to advise them of relevant resources.

The Recusal Plan identifies and addresses conflict of interest and other problems inherent in sexual or romantic relationships where one individual has authority over another. It identifies the individuals responsible for its enforcement and the terms for its review and as necessary, renewal. The plan also specifies the individuals (in the department, lab, or other environment) who will be advised of the plan. The Recusal Plan should be approved and signed by both parties. It is filed at the Office of Equity Grievance.

E. Violations of the Policy.

Violations of this policy include: participation in a prohibited relationship, failure to make a required disclosure in a timely manner, failure to adhere to a Recusal Plan, participation in a prohibited relationship, and retaliation against any person who, while acting in good faith, provides information about a suspected violation of this policy.

Promptly disclosed relationships in violation of this policy are handled on a case-by-case basis by the Office of Equity Grievance in consultation with the Department of Human Resources. **A faculty member, staff member, volunteer or individual who hold a position of authority who enters into a romantic or sexual relationship in violation of this policy is required to promptly and honestly report their violation to the Office of Equity Grievance without exception.** Failure to do so promptly and honestly is grounds for dismissal, among other disciplinary remedies. Dishonesty when contacted about a report of a violation of this policy is also grounds for discipline up to and including termination.

Dishonesty by students attempting to protect a faculty member, staff member, or individual who hold a position of authority in their relationship may, depending on the circumstances relating to the power imbalance, be referred to the Dean of Students as a Code of Conduct matter.

Note: If clarification is desired regarding whether a sexual or romantic relationship requires disclosure, contact the Office of Equity Grievance.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon approval.

D. Relevant Authority

Associated Student of Southern Oregon University (ASSOU); SOU President’s Cabinet; SOU Faculty Senate; Business Affairs Council; SOU Staff Assembly; SOU Policy Council. Equal Opportunity, Harassment and Sexual Misconduct Policy (GEN.009)

E. Other Information

None

The Policy Contact, defined above, will write and maintain the procedures related to this policy and these procedures will be made available within the Custodial Office.