

DRAFT as of 1/22/2015

Policy Title: Consensual Relationships Policy

Scope: All Faculty, Staff and Students of Drake University

Policy Category: Employment

Office Responsible for Review: Human Resources

Review Period: Every Three (3) Years

Effective Date: June 1, 2015

Related University Policies:

Policy on Sexual and Other Discriminatory Harassment

<https://www.drake.edu/media/departmentsoffices/academicsdivision/documents/HarassmentPolicy.pdf>

Conflict of Interest Policy (Faculty)

link to Faculty Manual <http://www.drake.edu/facultymanual/>

Employment and Retention of Relatives (Staff)

link to Staff Handbook <http://www.drake.edu/hr-internal/policies/staffhandbook/>

Purpose: The purpose of this Policy on Consensual Relationships is to advance and protect the integrity of the academic and work environment. Consensual Relationships that may be appropriate in other circumstances raise ethical and potentially legal concerns when they occur between individuals with a power differential. Power differentials occur when one party to the relationship is in a Position of Authority vis-à-vis the other party to the relationship. Power differentials can impact whether a relationship is genuinely consensual. Consensual Relationships involving power differentials also have potential for creating actual and perceived conflicts of interest, favoritism and bias, and they potentially undermine the integrity of the supervision or evaluation provided. A Consensual Relationship does not include familial relationships (such as spouses, siblings, or parent/child) which are covered by other policies such as the Conflict of Interest Policy (Faculty) or Employment and Retention of Relatives Policy (Staff).

Policy: No faculty or staff member shall enter into a Consensual Relationship with a current student or another employee over whom he or she has a Position of Authority. If such a Consensual Relationship previously existed, currently exists, or develops, the faculty or staff member must immediately follow the procedures set forth below.

Consensual Relationships between faculty and students and staff and students where neither party is in a Position of Authority over the other party are strongly discouraged. Such relationships are not only susceptible to future conflicts of interest, but also may present the appearance of impropriety.

Definitions:

1. A “Consensual Relationship” is any intimate, sexual, or romantic relationship or encounter that goes beyond what a person of ordinary sensibilities would believe to be a collegial or professional relationship and that is willingly undertaken by both parties. This Policy addresses Consensual Relationships only. Non-consensual, unwelcome and coerced relationships are addressed in the University Policy on Sexual and other Discriminatory Harassment.
2. A “Position of Authority” exists when one party has institutional responsibility or authority to confer or withhold educational or employment benefits to or from another, including, but not limited to: academic instruction; course teaching; examining; grading; advising; conferring honors or degrees; formal mentoring; directing an independent study, internship or thesis; evaluating; recommending; overseeing; directing; assigning work; supervising; setting salary or wages; promoting; and taking disciplinary action, including, but not limited to suspension, expulsion and termination.

Procedures: In cases where a faculty or staff member has a Position of Authority over a student or employee with whom he or she currently has or previously has had a Consensual Relationship, such faculty or staff member must immediately disclose such relationship. Faculty must disclose the relationship to the appropriate academic Dean and staff must disclose the relationship to the Director, Human Resources. The Dean and/or Human Resources will work with the faculty or staff member to eliminate any actual or potential conflicts of interest and to mitigate adverse effects; the faculty or staff member must cooperate in these efforts. Examples of the type of action that might be taken to eliminate the conflict or otherwise mitigate adverse effects include but are not limited to transferring one of the individuals to another position or class; transferring supervisory, decision-making, evaluative, academic or advisory responsibilities; or providing an additional layer of oversight to the supervisory role.

Any credible allegation of a faculty or staff member's failure to disclose a current or prior Consensual Relationship, failure to comply with any efforts to mitigate actual or potential adverse effects of the Consensual Relationship, or other violation of this policy will result in a prompt and thorough investigation. If founded, appropriate disciplinary action pursuant to University policy and procedures will be taken.

Amendment to existing policy:

2.112 Conflict of Interest in Course Enrollment (Other than Consensual Relationships governed by the Consensual Relationships Policy).

To maintain academic integrity at Drake University and minimize actual and perceived conflicts of interest, faculty of instruction are expected to avoid admitting to their classes any student whose enrollment would lead an independent observer to reasonably question whether the student would be subjected to instructor bias by virtue of the instructor's personal relationship with that student*. Students covered by this policy include, but are not limited to, immediate family members of the instructor. It is recognized there may be occasions when such enrollment is impossible to avoid because, for example, a particular course is required for a program of study (and no alternative course or instructor is available). Under these circumstances, the instructor is expected to openly acknowledge the potential conflict of interest prior to the commencement of the course by reporting the circumstances to her or his Dean.

The Dean, and with concurrence from the Provost, will determine whether or not the circumstances warrant an exception to this policy. A violation of this policy will result in appropriate disciplinary action pursuant to University policy and procedures.

***This policy does not apply in the event of a Consensual Relationship between a faculty member and student which is addressed by the Consensual Relationships Policy.**