

CT BOARD OF REGENTS FOR HIGHER EDUCATION

RESOLUTION

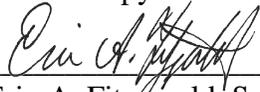
regarding

Consensual Relationships Policy

November 21, 2013

- WHEREAS, All employees with managerial, supervisory, or evaluative responsibilities for students or other employees carry a special responsibility to adhere to the highest ethical and professional standards and to avoid any actions that may appear to undermine this atmosphere of trust and respect and thereby hinder the institution's educational mission; and
- WHEREAS, Because of the inherent imbalance of power and need for trust, all employees with evaluative or supervisory authority over students and employees should be aware that dating or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between employees, or between an employee and a student; and
- WHEREAS, Consensual relationships can create real conflicts of interest and appearances of impropriety that can impair the integrity of academic and employment decisions and pose special risks between individuals in inherently unequal positions of power, such as students and teachers or supervisors and employees; and
- WHEREAS, Although these relationships may begin and remain consensual, they may easily be later characterized as non-consensual given the inherent power differential between the parties, and such relationships could potentially lead to sexual harassment charges; therefore be it
- RESOLVED, That the Board of Regents rescinds the following policy, "Connecticut State University System Policy Regarding Consensual Relationships" adopted pursuant to BR#05-13; and be it
- RESOLVED, That the Board of Regents adopts the attached policy regarding "Policy regarding Consensual Relationships" applicable to all Connecticut State Colleges and Universities effective immediately, and that a copy thereof shall be disseminated annually to all employees.

A True Copy:



Erin A. Fitzgerald, Secretary of the
CT Board of Regents for Higher Education

Board of Regents for Higher Education
Connecticut State Colleges and Universities

Policy on Consensual Relationships

The Board of Regents for Higher Education (BOR) of the Connecticut State Colleges and Universities' respects that the educational mission of its institutions is founded on an atmosphere of mutual trust and respect between all members of the academic community. Faculty members, as well as those individuals upon whom the institution confers managerial, supervisory, or evaluative responsibilities, (including graduate assistants or undergraduate teaching assistants) carry a special responsibility to adhere to the highest ethical and professional standards and to avoid any actions that may appear to undermine this atmosphere of trust and respect and thereby hinder the institution's educational mission.

Because of the inherent imbalance of power and need for trust, faculty members, supervisory staff, and those with evaluative authority should be aware that dating or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a staff member and a student as well as when they occur between a supervisor and employee.

Such relationships can create real conflicts, are susceptible to an appearance of exploitation, and can impair the trust and integrity of the teaching, coaching, or other supervisory or evaluative relationship and may cause a perception of favoritism or bias on the part of the staff. In addition, although these relationships may begin and remain consensual, they may easily be later characterized as non-consensual and could potentially lead to sexual harassment charges.

Policy

Prohibited

Between employee and student: Consensual romantic, dating, or sexual relationships between any employee and any student over whom that employee exercises direct or otherwise significant academic, supervisory, or evaluative authority or influence are prohibited at all State Universities and Colleges. The evaluative relationship can take a variety of forms, such as teacher to student, advisor to advisee, coach to athlete, supervisor to student employee, or similar relationship.

Strongly Discouraged

Between employee and student: Romantic, dating or sexual relationships between employees and students over whom said employee does *not* have supervisory or evaluative authority are strongly discouraged. Such relationships are not only susceptible to future conflicts of interest, but also may present the appearance of impropriety.

If this situation exists, no employee should agree to supervise or evaluate a student with whom he or she has, or formerly had, a consensual relationship. A faculty member should inform the Dean if such a student wishes to enroll in a credit bearing course that he or she is teaching so that alternate arrangements can be made. Nor should a faculty member direct the student's independent study, internship, or thesis; participate in decisions regarding grades; or write letters of recommendation or reference.

Between employee and employee: BOR discourages employees with supervisory or evaluative authority from engaging in romantic, dating or sexual relationships with employees who they supervise or evaluate. If such a relationship exists or develops, the supervisory employee must notify his/her manager so that arrangements can be made for the unbiased supervision and evaluation of the employee. These situations are handled on a case-by-case basis and may require transfer or reassignment of one or more employees.

In the event of a Sexual Harassment Charge

Anyone who enters into a romantic, dating or sexual relationship where a professional power differential exists must realize that if a charge of sexual harassment is subsequently filed, it may be difficult to defend the charge by claiming that there was mutual consent. Employees could be held personally liable in a criminal or civil lawsuit.

Sanctions

All violations of this policy should be reported to Human Resources for investigation and appropriate administrative action, up to and including disciplinary action.

11/21/13

ITEM

The Board of Regents for Higher Education establishes and adopts a policy regarding “Consensual Relationships Policy” that shall be applicable to each of the Connecticut State Colleges and Universities.

BACKGROUND

Although the Connecticut State Universities have had a policy regarding consensual relationships since 2005, the Community Colleges had not adopted such a policy. In unifying the Connecticut State Colleges and Universities, the Board of Regents has directed that the preexisting policies of the successor boards be harmonized and unified. Applying the proposed policy to all of the institutions under the jurisdiction of the BOR achieves that purpose while promoting an important concern of the BOR.

ANALYSIS

Under the Consensual Relationship Policy relationships between employees and students when the employee exercises direct or significant academic, supervisory or evaluative authority or influence over a student are prohibited. All other consensual relationships, such as relationships between students and employees even when there is no supervisory or evaluative relationship, are strongly discouraged. Likewise, employees are strongly discouraged from engaging in consensual relationships with other employees.

If employees and students choose to engage in a consensual relationship, the policy provides for actions steps that must be taken to diminish appearance of impropriety and conflict as well as provides sanctions for violation of the policy. The policy also provides notice to employees that if a sexual harassment claim is filed against an employee due to their workplace relationship, that employee could be held personally liable in a criminal or civil lawsuit.

RECOMMENDATION

That the Board of Regents for Higher Education to adopt and implement the policy regarding “Consensual Relationships.”