
Procedure: Amorous Relationships

Reference No.: 2.6

Authority: College President

Cross Reference: Policy 1.28

Approved: July 27, 2000

Revised:

1. Background

Romantic or sexual relationships between college employees and students currently enrolled in their classes or under their direct or indirect supervision, or between supervisory employees and people whom they supervise (directly or indirectly), violate accepted standards of professional conduct. Such relationships are problematic for a variety of reasons:

- A. Conflict of interest issues arise. It is difficult if not impossible to evaluate objectively the work of a student or employee with whom one is or has been romantically involved.
- B. So-called "voluntary consent" is suspect, given the fundamentally asymmetric nature of power in a teacher-student or supervisor-subordinate relationship. If a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult for the accused to sustain a defense on the grounds of mutual consent voluntarily given. This is a concern even if the faculty member or supervisor makes arrangements to eliminate the conflict of interest after the relationship has begun.
- C. The potential for abuse and exploitation is high during any such relationship. The potential for retaliatory harassment is strong when an affair ends.
- D. Other students or employees may be negatively affected by the real or apparent favoritism of an employee toward the person with whom he or she is involved.
- E. Because of the asymmetry of the power relationship, the employee in the position of power will always be presumed to bear a higher level of responsibility. However, because such relationships pose a variety of potential problems, students and subordinate employees are also strongly advised to avoid initiating or becoming involved in such relationships.

2. For conflicts of interest that exist when the policy first takes effect

If a relationship posing the conflict of interest described above exists at the time this policy first takes effect, the employee in the position of power over the student or subordinate employee must report the situation within 30 days and seek advice and counsel from his or her immediate supervisor, the Affirmative Action Officer, or the Human Resources Officer. The employee in the position of power must work with his or her supervisor, the Affirmative Action Officer and the Human Resources Officer to make a plan to eliminate the conflict of interest, or must apply for an exemption from the policy. The plan for eliminating the conflict or the exemption must be put in writing, with a copy to the parties involved, to the immediate supervisor, and to the Human Resources Officer and the Affirmative Action Officer.

3. Applying for Exemption

The preferable course of action for employees in positions of power is always to prevent a conflict of interest or to eliminate a conflict of interest immediately if one arises. If the conflict of interest cannot be entirely eliminated, however, and if fully severing the college relationship would create undue academic or financial hardship to the student or subordinate employee, then the supervisory employee must request an exemption from this policy.

Such a request must be made to the immediate supervisor, the Human Resources Officer or the Affirmative Action Officer. The supervisor, the Affirmative Action Officer and the Human Resources Officer must meet to consider the request and make a recommendation to the President. If granted, the exemption must include a plan for assuring that to the extent possible, supervisory duties are assigned to another employee to assure unbiased supervision or evaluation of the student or subordinate employee. The exemption must be put in writing, with a copy to the parties involved, to the immediate supervisor, and to the Human Resources Officer and the Affirmative Action Officer.

4. Reporting Violations

Violations of this policy should be reported to the violator's immediate supervisor, the Affirmative Action Officer, the Human Resources Officer, or the College President. Members of the college community who receive such a complaint should report the complaint to the Affirmative Action Officer and/or the Human Resources Officer. The Affirmative Action Officer and Human Resources Officer shall then investigate the complaint and make recommendations to the President who will make the final determination on a course of action.

Complaints against the Affirmative Action Officer or Human Resources Officer may be brought to the College President and must be investigated by appointees of the College President, who must then recommend an appropriate administrative course

of action to the President. Complaints against the College President may be brought to the Chair of the Board of Trustees and must be investigated by appointees of the Chair of the Board of Trustees, who must then investigate the complaint and recommend an appropriate administrative course of action to the Chair of the Board of Trustees. Complaints against Trustees may be brought to the Affirmative Action Office at SUNY Central.

5. Violations of the Policy or Procedure

Violations of the policy or procedure may result in disciplinary action, up to and including termination of employment.