

CONSENSUAL RELATIONSHIP POLICY

The University of West Alabama is committed to providing an environment for learning and work as free as possible from conflicts of interest, favoritism, and sexual discrimination. The relationship between teacher and student is central to the academic mission of the University of West Alabama. No non-academic or personal ties should be allowed to interfere with the integrity of the teacher-student relationship. Consensual sexual relations between a faculty or staff member and a student can adversely affect the academic enterprise, distorting judgments or appearing to do so in the minds of others, and providing incentives or disincentives for student-faculty contact that are equally inappropriate. A romantic and/or sexual relationship between a faculty member and a student or a staff member and a student can lead to a complaint of sexual harassment when the student feels he/she has been exploited. In addition, other faculty members, staff members or students may express concerns about undue access or advantage, favoritism, restricted opportunities, or unfavorable treatment as a result of the relationship. These concerns are damaging whether favoritism is real or perceived. Concerns also arise in cases where the relationship between a faculty or staff member and student remain amicable, as well in cases that lead to accusations of exploitation.

The following Policy is directed to faculty-student relationships, to staff-student relationships and to employee-employee relationships. Although the University of West Alabama normally has no interest in private romantic or sexual relationships between individuals, the University of West Alabama has adopted a Consensual Relationship Policy for the following reasons: to avoid the problems outlined above, to protect individuals from the type of injury that either a subordinate or superior individual to such relationship can incur, to protect the integrity of the learning and work environment and evaluation process, to avoid sexual discrimination and/or sexual harassment, and to provide information and guidance to members of the University of West Alabama community. This Policy addresses consensual relations only. Non-consensual or coerced relationships are addressed in the Policy on Gender-Based Misconduct and the Policy Statement on Non-Discrimination on the Basis of Sex.

Definitions

For purposes of this Policy, the following terms are defined as follows:

Consensual Relationship: Any dating, romantic, sexual, or marriage relationship willingly undertaken by the parties.

Direct Supervision: Includes, but is not limited to, the following activities: academic instruction, course teaching, formal mentoring, overseeing, directing, examining, grading, advising, supervising, evaluating, recommending, promoting, employing, and other employment actions including directly setting of salary or wages, any disciplinary action, including suspension, expulsion, and termination, and exercising responsibility for grades, honors or degrees.

Policy Regarding Faculty-Student and Staff-Student Consensual Relationships

Interactions between the faculty or staff members and students at the University of West Alabama are guided by mutual trust, confidence, and/or professional ethics. Professional faculty-student or staff-student relationships carry risks of conflict of interest, breach of trust, abuse of power, and/or breach of professional ethics.

Prohibited Relationships

Faculty members and staff members shall not engage in, and are prohibited from, consensual relationships with students whenever a faculty or staff member has direct supervision with respect to the student. Should a consensual relationship exist before the beginning of the professional relationship, or develop, or appear likely to develop, while the faculty or staff member is, or would be, in a position of direct supervision over the student, *the faculty or staff member shall immediately report such relationship to his/her immediate supervisor and initiate steps to avoid and/or terminate the position of direct supervision.* Avoidance or termination includes but is not limited to the student not enrolling in a course; a qualified alternative faculty member or teaching assistant taking the position of direct supervision; transfer of the student to another course, section, seminar, etc. taught by a different faculty member or teaching assistant; assigning or transferring the student to, or the student selecting, another academic advisor; or the student dropping or withdrawing from a course. Faculty or staff members include, but are not limited to, teaching assistants, graduate teaching assistants, coaches, and assistant coaches.

Discouraged Relationships

The following faculty-student and staff-student relationships are strongly discouraged at the University of West Alabama in light of the potential for apparent and actual conflicts of interest and for assertions of sexual harassment. Should such relationships arise, however, the relationships are required to be disclosed and managed as indicated below:

Even when no position of direct supervision exists, a faculty or staff member who engages in a romantic or sexual relationship with a student must promptly disclose the existence of the relationship to his/her immediate supervisor if there exists a reasonable possibility that a conflict of interest may arise. Relationships, in which a conflict of interest exists or is likely to arise, appear to third parties to create an unfair advantage for the student or to be exploitative of the student and/or may later develop into conflicts of interest that are prohibited as herein above.

When the student is a graduate student in the same department or academic program as the faculty or staff member, or is an undergraduate student and is majoring or minoring in the same department as the faculty or staff member, a potential conflict of interest exists. A conflict of interest may arise if the student in a department separates from a faculty or staff member. The faculty or staff member must promptly disclose the relationship to his/her immediate supervisor when a potential conflict of interest exists or is reasonably likely to arise.

Once the relationship is disclosed, the immediate supervisor will evaluate the situation to determine whether an actual conflict of interest exists or is likely to arise and will develop a

management plan to address the actual or potential conflict of interest and will advise the Provost of the actual conflict or potential conflict of interest and of the management plan. A faculty or staff member has the professional and ethical responsibility to remove himself/herself from any decisions that may reward or penalize the student involved and otherwise comply with the management plan.

Policy Regarding Employee/Employee Consensual Relationships

An employee should be aware that entering into a consensual relationship with another employee who exercises direct supervision over the employee creates the potential for risk to both parties. In particular, such a relationship will limit that supervisor/employee's ability to direct work, discipline the subordinate employee, or promote the subordinate employee's career and creates conflicts of interest and perceptions of undue advantage.

Prohibited Relationships

A University of West Alabama employee shall not engage in, and is prohibited from, a consensual relationship with another employee whenever one employee has direct supervision with respect to the other employee. Should a consensual relationship exist prior to the beginning of the period of direct supervision, or develop, or appear likely to develop, while an employee is, or would be, in a position of direct supervision over another employee, *the employee exercising direct supervision shall immediately report such relationship to his/her immediate supervisor and take steps to avoid and/or terminate the position of direct supervision.* Avoidance or termination includes but is not limited to the subordinate employee not accepting such position; another appropriate employee assuming the position of direct supervision; or transfer of the subordinate employee to another position not directly supervised by the other employee.

Discouraged Relationships

The following relationships between employees are strongly discouraged at the University of West Alabama in light of the potential for apparent and actual conflicts of interest. Should such relationships arise, however, they are required to be disclosed and managed as indicated below:

Even when no position of direct supervision exists, an employee who engages in a romantic or sexual relationship with another employee must promptly disclose the existence of the relationship to his/her immediate supervisor if there exists a reasonable possibility that a conflict of interest may arise. Relationships, in which a conflict of interest exists or is likely to arise, may later develop into conflicts of interest that are prohibited as hereinabove.

Once the relationship is disclosed, the immediate supervisor will evaluate the situation to determine whether an actual conflict of interest exists or is likely to arise and will develop a management plan to address the actual or potential conflict of interest and will advise the Provost of the actual conflict or potential conflict and of the management plan. An employee has the professional and ethical responsibility to remove himself/herself from any decisions that may reward or penalize the other employee involved and otherwise comply with the management plan.

Sanctions/Intent

The University of West Alabama responses to violations of this Policy will vary as appropriate to the facts and circumstances of each case. Persons in violation of this Policy shall be subject to sanctions ranging from verbal warnings to dismissal or termination. The University of West Alabama reserves the right to take disciplinary action against members of the University community who make false allegations of unreported consensual relationships. This Policy is not intended to intrude on the privacy of members of the University community but is intended primarily to be instructive and corrective.

This Policy is supplemental to the Policy on Gender-Based Misconduct.