

Consensual Relationships Policy

Purpose and Values

The relationship between students and faculty or staff with authority or ability to affect students' educational experience is inherently unequal in power and influence. Faculty members have the ability to grade and evaluate students, to invite or exclude students from research and other educational or professional opportunities and to provide recommendations for employment or further study for students. Staff members may have the ability to determine which students are selected for internships, study abroad, volunteer and professional opportunities and also may provide recommendations for students. The well-being of the learning community at the University depends on a relationship of trust, respect, and fairness between the faculty and students and between staff members and students. This relationship is jeopardized when those with authority over students or with the ability to impact students' academic/career choices or participation in academic and co-curricular activities are involved in a consensual romantic and/or sexual relationship with a student. Similarly, where a faculty or staff member is in a position of authority over another faculty or staff member, a conflict of interest is created when a consensual romantic and/or sexual relationship occurs. A position of authority may include the responsibility to evaluate, the ability to assign work or the ability make recommendations for special projects, promotions or pay increases.

A sexual or romantic relationship between a student and a faculty or staff member, or between employees:

- creates the potential for coercion of a student or employee by those in a position of authority;
- creates a conflict of interest that may impair the learning or working environment and jeopardizes the integrity of the educational process;
- has the potential to undermine the mutual respect and trust that is necessary to realize the greatest benefits of students' educational experience;
- jeopardizes the quality of the academic, learning and working environment; and
- may expose the University and the faculty or staff member to liability for violation of laws prohibiting sexual harassment and sex discrimination¹.

In addition, in relationships with students, the respect and trust accorded a faculty or staff member by a student, as well as the power exercised by the faculty or staff member in giving praise or blame, grades, access to resources and information, and recommendations for further study and future employment, greatly diminish the student's freedom of choice regarding romantic and/or sexual relations with such faculty or staff members. Such a relationship may also cast doubt on the faculty or staff member's impartiality, thus creating unfavorable circumstances for the development of other students.

It is therefore the Policy of the University of the South that romantic and/or sexual relationships between students and faculty or staff members who are, or in the future might reasonably become, responsible for teaching, advising, directly supervising, or for determining a student's ability to participate in any benefit or program of the University, are prohibited. If such a relationship exists before the faculty or staff member is in a position of responsibility to the student, the relationship must be disclosed by the faculty or staff member to the appropriate Dean or supervisor. Additionally, romantic and/or sexual relationships

¹ Relationships that are consensual generally fall outside the definition of "sexual harassment" or "sex discrimination." However, a student or faculty or staff member may not perceive that the relationship is truly "consensual" based on the power/authority differential, which may result in claims of coercion or discrimination. Additionally, if the relationship ends, claims of retaliation for ending the relationship could be brought under Title IX or other non-discrimination policies.

between faculty or staff members and those they supervise or for whom they have the authority to evaluate, promote, or affect pay increases, are prohibited and, if they exist or develop, must be disclosed to the Dean or next level supervisor of the faculty or staff member in the position of authority.

This policy applies only to consensual relationships. Where a student, faculty or staff member is coerced into a relationship, or coerced to stay in a relationship, the applicable policy will be either the Sexual Misconduct Policy or the Non-Discrimination Policy.

Scope and Application

This policy applies to students and faculty and staff members with authority over, or the ability to influence a student's access to educational or career opportunities and other resources and opportunities related to the student's relationship with the University inside or outside the classroom. Covered faculty include any faculty with direct responsibility for a student as well as faculty who may be in a position to advise, direct or influence a student's academic or career opportunities.²

This policy also applies to all faculty and staff members in their capacity as employees of the University.

In addition to the potential for violation of this Policy, relationships between employees in a supervisory relationship or between faculty or staff members and students may be violations of the University's [Sexual Misconduct Policy](#) or [Non-Discrimination, Harassment and Retaliation Policy](#).³

Definitions

Coercion is defined as unreasonable pressure to engage in a romantic or sexual relationship. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another. The power differential between supervisor/supervisee or between faculty or staff members and students, whether real or perceived, creates a high risk that a student or supervised employee may feel coerced to engage in a romantic or sexual relationship when approached by a faculty or staff member or supervisor. In evaluating coercion, the University will consider:

- frequency of the application of pressure;
- intensity of the pressure;
- isolation of the person being pressured; and
- duration of the pressure.

Consensual relationship is defined as any romantic, intimate, sexual or other type of amorous interaction or relationship, whether short-term or long-term, serious or casual, between a student and a faculty or staff member or between employees in a supervisory relationship covered by this Policy.

Faculty: all full-time and part-time tenure/tenure-track and contingent faculty of the College of Arts and Sciences⁴ or School of Theology, including visiting faculty members retained for summer programs.

² Students of the School of Theology who are postulants or candidates for holy orders in the Episcopal Church, as well as ordained Episcopal faculty, are subject to the disciplinary canons of the Episcopal Church in addition to the provisions of this Policy.

³ If a student is under the age of 18, no sexual relationship would be considered "consensual" and would be subject to the University's policy on the [Protection of Minors](#).

⁴ Faculty of the College of Arts and Sciences includes faculty in the School of Letters, faculty of the Sewanee Writers' Conference and faculty of the Sewanee Summer Music Festival.

Staff Member: all full-time and part-time staff members of the University, including all staff members with continuing appointments and those with term appointments.

Student: any student who is registered or enrolled in coursework at the University, or is participating in an approved study-away program during or between any academic session, fall, spring or summer terms. “Student” includes students of the College, the School of Theology and the School of Letters as well as participants in non-credit programs of the University, including the Sewanee Writers’ Conference, the Sewanee Summer Music Festival and programs of the Beecken Center⁵.

Supervision: in the employment relationship, the responsibility to assign work, evaluate, recommend for promotion or pay increases or responsibility for the terms and conditions of employment for those supervised.

Policy Statement

- The University prohibits a faculty member’s involvement in a consensual relationship with a student in their class or under their supervision.
- The University prohibits a supervisor’s involvement in a consensual relationship with another employee under their supervision.
- Further, a faculty member who is or may reasonably in the future be in a position requiring selection of students or evaluation of students outside of the classroom (such as during a comprehensive exam or thesis committee), or who has or may have control over academic opportunities outside the classroom (such as research opportunities or off-campus learning opportunities), or who is or may reasonably be involved in activities that may reward or punish a student (such as on a fellowship committee) is prohibited from engaging in a consensual relationship with a student.
- Staff members whose professional responsibilities include supervision, advising or direction of students, or who have the authority to grant or withhold access to resources or opportunities for students, are prohibited from engaging in consensual relationships with students.
- This policy is made in the interest of maintaining the atmosphere of trust and respect vital to the success of the University’s educational mission. A faculty or staff member’s failure to adhere to these standards constitutes unprofessional conduct and will result in the initiation of disciplinary action.
- A faculty or staff member who becomes involved in a consensual relationship with a student that is not prohibited by this Policy, but subsequently becomes responsible for the types of activities that would cause the consensual relationship to be covered by this Policy, must immediately report the relationship to the faculty member’s Dean or the staff member’s supervisor so that appropriate measures may be taken to avoid any conflict or appearance of conflict of interest. It is the responsibility of faculty and staff to avoid any consensual relationship prohibited by this policy and, in the event such a relationship develops, to report it to the faculty member’s Dean or staff member’s supervisor.
- Employees who become involved in a consensual relationship with a student or another employee that is not prohibited by this Policy, but subsequently assume a supervision or responsibility role vis a vis the other, must report the relationship to their next level supervisor.
- Retaliation against any person for initiating a good faith report or complaint under this policy is strictly prohibited and, if it occurs, will result in disciplinary action whether or not a violation of the policy is found.

Procedures

⁵ Relationships between leaders and participants in Education for Ministry Programs are not covered by this policy.

A complaint or report may be initiated by either party in the consensual relationship, or by a third party (faculty, staff member or student) who has concerns that this Policy may be violated. Reports may be made to (1) the Dean of the College if a faculty member of the College is believed to be involved in a prohibited consensual relationship, (2) the Dean of the School of Theology if a faculty member of the School is believed to be involved in a prohibited consensual relationship, or (3) to the supervisor of a staff member believed to be involved in a prohibited consensual relationship. Reports may also be made to any senior level administrator, Director or Vice President. Reports, including anonymous reports, may also be submitted electronically by using the [Sexual Misconduct or Title IX Report](#).

Complaints related to a consensual relationship will be handled by the appropriate Dean or supervisor according to either informal or formal procedures. Individuals are encouraged to pursue informal resolution methods before filing a formal complaint. The involved student and faculty or staff member may, at any time in the course of informal procedures, consult with the Director of Human Resources or the Title IX Coordinator for advice on how the issues may be resolved. Both the involved student and faculty or staff member must agree to informal procedures for resolution.

Informal Procedures

Where the relationship is between employees in a supervisory relationship, the next level supervisor will consult with Human Resources and the involved employees in an effort to establish a management plan for the conflict or to otherwise determine an appropriate means to resolve the conflict of interest.

Where the relationship involves a student, informal procedures involve a discussion with the staff member's supervisor or the faculty member's Chair or Dean. The Supervisor, Chair or Dean may, in their discretion, delegate the informal discussion to another University official. If the student and faculty or staff member request an informal discussion, the following will occur:

- a. The informal discussion will include a review of the information received in the report or complaint and input from the student and faculty or staff member regarding whether a consensual relationship exists.
- b. The informal discussions will initially occur separately - one meeting with the involved faculty/staff member and a separate meeting with the student.
- c. The Chair, Dean or supervisor may also speak with others identified by a third party reporter, the student or the faculty or staff member who may have knowledge about the alleged consensual relationship.
- d. If there is insufficient information to determine that a consensual relationship exists, the individual conducting the informal discussion will prepare a report to document the responses of the student and the faculty or staff member, summarize other information received and set out the basis on which the determination was made. This report will be maintained separately by the appropriate Dean or supervisor and will not become a part of the faculty or staff member's personnel record.
- e. If there is sufficient information of the existence of a consensual relationship, the Chair, Dean or supervisor will determine whether and, if so, how the relationship can be managed to avoid any conflict of interest. If the parties all agree to a management plan, the plan will be memorialized in writing, signed by all parties and maintained by the Chair, Dean or supervisor. If the parties cannot agree on a plan to manage the relationship, or if it cannot be managed, the case will be referred to the formal complaint procedure. In that event, the report prepared by the Chair, Dean or supervisor will be provided to initiate the process under the applicable policy.

Formal Procedures

If the parties involved are unable to resolve their concerns through informal methods, complainants may file a formal complaint. The formal complaint procedure would follow either the [Non-Discrimination, Harassment and Retaliation Policy](#), or the procedures in the [Sexual Misconduct Policy](#), whichever is applicable.

Confidentiality of complaints will be protected to the extent possible in both the informal and formal processes; information will be disclosed only to those who need to know about it. Merely discussing a complaint does not commit one to making a formal charge.

Consequences

Sanctions for violation of this policy may range from reprimand to dismissal, depending on all of the circumstances present.

Responsibilities

Chief academic officers, namely the Dean of the College and the Dean of the School of Theology, and the Director of Human Resources are responsible for reviewing and enforcing this policy. The policy is approved by the Provost and Vice-Chancellor.