

Personnel

Board of Trustees Policy

SUBJECT: Consensual Relationship Policy	NUMBER: 2.28
	DATE: August 20, 2018, Resolution #18-102
	SUPERSEDES: N/A

Purpose

Schenectady County Community College (the “College”) is strongly committed to fostering the exchange of ideas, building mutual trust and respect, encouraging communication, and reducing misunderstandings. The College further strives to create a welcoming environment for all employees, students, and visitors, and to provide an environment where employees and students are free from harassment, including sexual harassment. The College recognizes that the decision to engage in sexual and romantic relationships is a personal one. Nonetheless, to fulfill its legal and ethical obligations and commitment to promoting equal employment and educational opportunity and a safe and welcoming community for students and employees, the following policy shall apply.

Policy

Policy Statement

1. Pursuing or engaging in a romantic or sexual relationship between a supervisor and his/her subordinate, or between any employee and a student over whom the employee has or will have any supervisory, instructional, or other professional responsibility is

strictly prohibited; and

2. The development of any consensual relationship between a College employee and any other student is strongly discouraged. A pre-existing consensual relationship between an employee and a student is acceptable, so long as the employee has no supervisory, instructional or other professional responsibility for the student, and the relationship is promptly reported.
3. In the event of a pre-existing consensual relationship between a supervisor and a subordinate employee, such relationship must be promptly reported. If an alternative supervisory relationship cannot be arranged, it may be necessary to transfer one employee.

Definitions

1. “Consensual relationship” shall mean and refer to any relationship, either past or present, which is romantic, intimate, or sexual in nature and to which both parties consent or consented. This includes marriage.
2. “Student” shall mean and refer to any person applying to the College or currently enrolled, either full-time or part-time, in any course or academic program associated with the College.
3. “Employee” shall mean and refer to any person whose primary role within the College community is as an administrator, or a member of the faculty or staff.
4. “Supervisory, instructional, or other professional responsibility” shall mean and refer to any of those situations where the employee is responsible for evaluating, teaching, supervising, advising, mentoring, coaching, counseling, providing extracurricular oversight, supervision, and/or employment of a subordinate or a student, and/or otherwise participating in or influencing votes or decisions that may reward or penalize a subordinate or a student.
5. “Pre-existing consensual relationship” shall mean and refer to any consensual relationship: (a) with a student which commenced before the student applied to or enrolled in the College; or (b) between an employee and a subordinate, which commenced before the date when the supervisory responsibility commenced.

Rationale

When an employee in a position of authority induces any other employee, or any student

to enter into a non-consensual relationship, the harm to the individuals and the College is manifest. In addition, any consensual relationship between a supervisor and a subordinate, or between an employee and a student, may be detrimental to the environment at the College. These relationships exceed professional, collegial, or academic partnerships. They are problematic because of the unequal status of the parties and the real or perceived conflict of interest, particularly when the employee has supervisory, instructional, or other professional responsibility over the subordinate or the student. This imbalance makes it difficult or impossible for the subordinate or the student to genuinely consent to entering into a romantic or sexual relationship and may impede the real or perceived freedom of the subordinate or the student to terminate or alter the relationship. All of these factors negatively impact the subordinate's employment, or the student's ability to benefit from the College.

The relationship may also negatively affect others in the classroom, department, office, team, or unit. It may create a real or perceived impropriety, sense of favoritism, loss of objectivity, and a conflict of interest in any supervisory, instructional, or other professional role. The relationship may damage the credibility or reputation of the employee, the department, or the College as a whole and may expose individuals or the College to legal action and liability.

Procedures

If a prohibited consensual relationship exists or is being pursued, or in the event of a pre-existing consensual relationship, it is the responsibility of the employee to promptly (within two (2) business days) disclose the relationship to his/her supervisor or to Human Resources or the Title IX Officer. Any appropriate administrative action may be taken, consistent with any applicable collective bargaining agreement, including demotion or lateral transfer to remove the employee from his or her position of authority in relation to the subordinate or student. Failure to disclose a prohibited consensual relationship, or any potentially coercive or non-consensual pursuit of a sexual or romantic relationship with a subordinate or a student, may result in disciplinary action, up to and including termination. Internal or external charges of sexual assault, sexual harassment or discrimination may also result.

Related Policies

Policy and Procedure for Resolving Complaints of Discrimination, Harassment, and Retaliation, No. 3.15
Code of Ethics, No. 2.21