

# Consensual Relationship Policy

## A. Purpose

This Consensual Relationship Policy outlines the requirements and expectations of employees of SUNY/WCC who are participating in Consensual Relationships (a consensual romantic, sexual, or dating relationship) with other employees or students.

## B. Scope

This Policy applies to relationships between employees and other employees or students. The term “employee” includes all staff and faculty of SUNY/WCC within the meaning of the College’s by-laws.

This Policy does not apply to relationships between and among students.

## C. Policy

SUNY/WCC strongly discourages any dating, romantic, or sexual relationship between and among employees, and/or between employees and students, particularly involving those employees who have, or are reasonably likely to have, direct supervisory, advisory or evaluative responsibility over the party with whom the consensual relationship exists.

## D. Reporting Requirements and Disciplinary Actions for Violations of this Policy

- i. Employees who are involved or were formerly involved in consensual relationships under Section C, above, must bring those relationships to the timely attention of the Office of Human Resources. Involvement in consensual relationships under Section C. will likely result in the removal of the individual from supervisory, advisory, or evaluative responsibilities; removal of the other party from being supervised, advised or evaluated by the individual with whom they have established a consensual relationship; and/or disciplinary action up to and including termination.
- ii. Failure of an employee to self-report relationships to the Office of Human Resources as required under this section D. may result in disciplinary action up to and including termination.
- iii. In accordance with the SUNY/WCC Nondiscrimination, Sexual Misconduct, and Retaliation Policy as well as the SUNY/WCC Nepotism Policy, employees are prohibited from making, participating in, or otherwise influencing decisions affecting the progress or standing of the person with whom they are in a relationship, to the extent that the relationship is covered by this policy, or which may reward or penalize any employee or student with whom the individual has or has had a current or former dating, sexual or romantic relationship.

## **E. Exceptions & Disclaimers.**

Relationships that exist prior to employment or enrollment at SUNY/WCC will generally be exempted from this policy, subject to timely disclosure of same, though every effort will be made to limit or prevent the any employee in a consensual relationship from having any supervisory, advisory or evaluative role with the person with whom the employee is having the consensual relationship.

Relationships that exist prior to employment or enrollment at SUNY/WCC should be reported by the employee when employment or enrollment begins. When consensual relationship partners of SUNY/WCC employees enroll in classes, reporting of the relationship should also be made at the time of enrollment.

If an employee begins or is in a relationship that they believe to be exempt from the above policy, said relationship should be reported to their supervisor and the Office of Human Resources to ensure that any conflicts in reporting, advising and/or supervision can be addressed. These relationships, barring any unusual conflicts, will be exempted from this policy.

When existing or developing and allowable relationships are reported, a central purpose of the reporting is to ensure that no immediate conflicts exist or come to exist in teaching or other supervisory roles.

Employees should be aware for their own protection that what appears at the time to be consensual behavior may later be perceived by one of the parties to be sexual harassment. Thus, those disclosing pre-existing or allowable consensual relationships should be aware that disclosing a relationship does not change the power differential or protect from future accusations of sexual harassment or misconduct. In the event of a charge of sexual harassment arising from such circumstances, SUNY/WCC will in general be unsympathetic to a defense based upon consent when the facts establish that a faculty-student or staff-student power differential existed within the relationship.

## **RESPONSIBILITY & PROCESS**

The Office of Human Resources will share the oversight of the implementation and enforcement processes of this policy at the College. The Office of Human Resources shall actively collaborate in the investigation and resolution of all complaints made under this policy and shall also maintain a single unified database of all such complaints to ensure the synergy of review, investigation and record-keeping of all such complaints, particularly to ensure that any instance of multiple complaints against the same individuals or individuals is easily aggregated and/or identifiable. Department Heads, Chairs and Directors shall ensure that all personnel within their areas comply with all of these requirements. Any disciplinary action will be taken in accordance with the appropriate collective bargaining agreement and/or College Policies.