

INTERIM POLICY:
Consensual Relationships Between Faculty/Staff and Students
Approved by the Academic Affairs Committee April 5, 2017
Effective Until 12/21/2017

Relationships between a faculty member and a student, or a staff member (such as a coach, adviser, college administrator, or employment supervisor) and a student, are considered professional relationships. These professional relationships carry an inherent power differential. Where such a power differential exists, it compromises the real or perceived freedom of the student's ability to begin, alter or terminate a romantic or sexual relationship. Therefore, for faculty and staff, the initiation of or engagement in a romantic or sexual relationship with a student wherein a power differential exists is prohibited.

The respect and trust accorded a professor or supervisor by a student, as well as the power exercised in giving praise or blame, grades, and/or recommendations for further study/progress and future employment/success, greatly diminish the student's actual freedom of choice should romantic involvement or sexual favors be included among the professor or supervisor's demands or requests. The power differential between faculty or staff and students is clearly inherent in the difference in position in that faculty and staff exercise or are perceived to exercise influence over a student's academic, professional, and/or extracurricular life on campus. Therefore, even in cases in which the faculty or staff member does not hold a current position of authority or supervision over the student, romantic or sexual relationships between faculty or staff members and students present the individual and institutional risks and liabilities outlined below, including possible disciplinary action.

Relationships of a romantic and/or sexual nature between a faculty or staff member and a student may present conflict of interest in violation of the New York Public Officers Law. Additionally, codes of ethics for most professional associations forbid the initiation of sexual or romantic relationships where professional/client, teacher/student, or supervisor/employee relationships exist. The College's policy is consistent with those professional standards, and it models for students the expectations for professional relationships they are likely to encounter after graduation.

Process and Potential Outcomes

Under Title IX, faculty, department chairs, staff, and supervisors are obligated to contact the AAO/Title IX Coordinator to report sexual harassment, discrimination, or sexual violence that they observe or learn about. Faculty and staff who are aware of a romantic or sexual relationship between a faculty or staff member and a student should report their concerns to their supervisors.

When a complaint or an allegation is raised, the College has a duty to investigate it in accordance with Title IX and the college's non-harassment/non-discrimination policy <http://www.newpaltz.edu/media/human-resources/antiharassment.pdf>. The College's non-

harassment/non-discrimination policy governs campus reporting and due process procedures with regard to claims of harassment, discrimination, or sexual violence. This policy has been reviewed and approved by the US Department of Education, Office of Civil Rights (OCR), SUNY Counsel's Office, and is in accordance with NYS Education Law Article 129 B, also known as "Enough is Enough" legislation, passed into State Law in the summer of 2015.

The student who makes the complaint is entitled to processes specified in Title IX policies. Information on Title IX can be found at <http://www.newpaltz.edu/titleix/reporting.html>. If the process moves beyond consultation or informal resolution and results in a formal complaint process, the faculty or staff member who is accused is entitled to due process as specified in employment regulations and contractual language applicable to their collective bargaining unit.

If determined to have engaged in the prohibited behavior, the faculty or staff member could be subject to:

- formal discipline (as provided for in applicable collective bargaining agreements and state employment policies and processes) for violating their professional and ethical obligations to a student.
- charges of sexual harassment should such a complaint be filed by a party in the relationship.
- charges of discrimination should another student claim to receive inequitable treatment or otherwise claim to be adversely affected by the relationship.

Pre-existing Relationships

A faculty or staff member involved in a romantic or sexual relationship with a student that predates the adoption of this policy, or who enters the College community with such a relationship already in place, must promptly disclose the relationship to their supervisor. The supervisor must advise the Title IX Coordinator, and the faculty or staff member must agree to measures that appropriately mitigate the potential conflict of interest and the impact on the educational experience of the partner and/or other students.