

## Policy on Consensual Relationships between Employees and Students

Lourdes University is committed to maintaining an environment that places significant value on learning, reverence, service. As such, the education of our students is of great importance. Dating, romantic, and/or sexual relationships between University employees and students, even if consensual, can negatively affect the educational environment for students. These consensual relationships between employees and students can create conflicts of interest and/or appearances of impropriety or bias that impair the integrity of academic, employment, or other decisions. Power differentials, real or perceived, can also diminish a student's ability to give meaningful consent to such a relationship. For these reasons, dating, romantic, and/or sexual relationships between Lourdes University employees and students are strongly discouraged.

This policy addresses consensual relationships between Lourdes University employees and students.

### **I. Definitions**

- a. A "consensual relationship" is a mutually acceptable dating, romantic, and/or sexual relationship or encounter.
- b. An "employee" includes any full-time, part-time, or adjunct faculty member; administrator, or staff member of Lourdes University.
- c. A "position of authority" is any situation in which an employee is responsible for or participates in the advising, teaching, supervision, evaluation, coaching, or other academic or work-related assessments, references, or decisions of any nature regarding a student; or any situation in which an employee exercises or attempts to exercise influence over University decisions regarding the student.
- d. A "student" is any person enrolled at Lourdes University, either full-time or part-time, or any person who is not enrolled for a particular term, but has not officially withdrawn from the University.

### **II. Prohibited Relationships**

- a. No employee shall occupy a position of authority over a student with whom the employee has a consensual relationship.
- b. No employee shall enter into consensual relationship with a student if the employee occupies a position of authority over the student.
- c. Any dating, romantic, and/or sexual relationship between an employee and a student under age 18 is strictly prohibited.

*If, notwithstanding this policy, an employee occupies a position of authority over a student with whom the employee has a consensual relationship, the employee's position of authority over the student must be immediately terminated without negative consequence to the student.*

### **III. Responsibilities**

- a. It is the responsibility of the employee who occupies a position of authority over a student with whom the employee has a consensual relationship to immediately disclose the relationship to his or her direct supervisor (dean, chair, vice president, etc.) and the Director of Human Resources so that the employee's position of authority over that student can be immediately eliminated.
- b. It is the responsibility of the employee who occupies a position of authority over a student with whom the employee has had a consensual relationship to immediately disclose the previous relationship to his or her direct supervisor (dean, chair, vice president, etc.) and the Director of Human Resources so that it can be determined, on a case-by-case basis after speaking with the relevant employee and student, whether a conflict of interest persists.
- c. It is the responsibility of the employee who occupies a position of authority over a student with whom the employee has a consensual relationship to cooperate with efforts to terminate the employee's position of authority over the student.
- d. When an employee's position of authority over a student with whom the employee has a consensual relationship cannot be eliminated, the employee is responsible for promptly terminating the consensual relationship with the student.
- e. It is the responsibility of supervisors, including faculty supervisors, who obtain information that would lead a reasonable person to believe that one of his/her employees is involved in a prohibited relationship under this policy to report the potential violation to the Director of Human Resources.
- f. Any doubt or question regarding whether notification is required must be resolved in favor of disclosure/notification to the Director of Human Resources.
- g. Alleged violations of this policy should be reported to the supervisor of the employee involved or the Director of Human Resources.

### **IV. Violations**

- a. An employee who occupies a position of authority over a student with whom the employee has a consensual relationship without notifying his/her supervisor or the Director of Human Resources shall be found in violation of this policy.
- b. An employee who occupies a position of authority over a student with whom the employee has a consensual relationship and does not cooperate with efforts to terminate the employee's position of authority over the student shall be found in violation of this policy.
- c. A supervisor who obtains information that would lead a reasonable person to believe that one of his/her employees is involved in a prohibited relationship or violation under this policy and who does not report the potential violation to the Director of Human Resources shall be found in violation of this policy.
- d. An employee whose position of authority over a student with whom the employee has a consensual relationship cannot be eliminated and who continues the consensual relationship with the student shall be found in violation of this policy.

- e. An employee who demonstrates a pattern of engaging in a series of consensual relationships with students over whom the employee occupies a position of authority shall be found in violation of this policy.
- f. The University may find that a consensual relationship, either past or present, between an employee and student is detrimental to the University community in situations including, but not limited to, when the employee is not in a position of authority over the student; such situations may be considered violations of this policy and will be addressed on a case-by-case basis by the employee, employee's direct supervisor, and the Office of Human Resources in an effort to remove the potential conflict and maintain our paramount commitment to the integrity of the student's educational experience. Employee cooperation is expected under this policy.

## **V. Corrective Action**

- a. The University will investigate all alleged violations of this policy in a prompt, thorough, and professional manner, consistent with University policy.
- b. If it is determined that a violation of this policy occurred, the University will initiate corrective action as appropriate under the circumstances.
- c. Employees who are found to have violated this policy are subject to disciplinary action up to and including termination of employment.

## **VI. Advisory Statement**

Employees must be aware that consensual relationships with students are fraught with danger for exploitation and pose a legal risk to both the employee and the institution.

All members of the Lourdes community should be aware that initial consent to a sexual relationship does not preclude the potential for charges of sexual harassment, sexual misconduct, or sexual assault should consent be withdrawn by either party.

## **VII. Policy Administration**

The Office of Human Resources is responsible for the administration of this policy.

## **VIII. Confidentiality**

To the extent possible, all information received in connection with the alleged violations of this policy will be treated as confidential except to the extent it is necessary to disclose particulars in the course of the investigation or when compelled to do so by law. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved.