

Consensual Relationships Policy

Policy Statement:

Marywood University is committed to ensuring that our students, faculty, and staff can learn and work in an environment that is free from nepotism, harassment, exploitation, and conflicts of interest. The University is also committed to promoting fairness in grading, evaluation, and career opportunities. In order to achieve this, it is vital that all University personnel maintain professional boundaries with students and with employees over whom there is or will be a supervisory relationship.

Marywood faculty members, staff and other University personnel exercise power and authority over University students and employees for whom they have direct and indirect supervisory, instructional, or other professional responsibility, which creates a power imbalance. This makes consent within any romantic relationship between a supervisor and employee or between a faculty member, staff, or other college personnel and a student problematic and may impede the real or perceived freedom of the student or employee to terminate or alter the relationship. Further, it may cause individuals outside of that relationship to believe that they are treated in an unequal manner during such a relationship or after it terminates, or it may cause individuals to feel that entering such a relationship is necessary or pertinent in attaining their academic or career goals. Such a relationship may damage the credibility or reputation of the student, employee, the department or unit, the campus and University as a whole and may expose individuals or the institution to legal action and liability.

Prohibited Conduct:

Because of the potential for abuse or the appearance of abuse and the inherent differential in authority, the University prohibits any faculty member or employee of the University from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any student currently enrolled as an undergraduate at Marywood University.

Because of the potential for abuse or the appearance of abuse and the inherent differential in authority between graduate students and their educators, counselors, and others holding positions of authority over them, the University prohibits any member of the University community from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any graduate student whom he or she educates, counsels, coaches, supervises or evaluates in any way.

Likewise, because of the potential for abuse or the appearance of abuse and the inherent differential in authority, the University prohibits any member of the University community from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any employee whom that person supervises or evaluates in any way.

Note: "Employee" as used in this policy does not include any student employees except for those who teach undergraduate and graduate students.

Exceptions to any of these prohibitions will be considered by the Office of the Provost or the Office of Human Resources on a limited, case-by-case basis. If you have any questions about the application or effect of this policy to an existing or potential relationship, please ask your supervisor and/or member of the Office of the Provost or the Office of Human Resources.

In the case of pre-existing relationships, professional staff or other college personnel shall be required to recuse themselves from any evaluation of the student or any supervision or evaluation of another employee; and from any activity or decision which may appear to reward, penalize, or otherwise affect the student or employee and to otherwise take appropriate action to minimize any potential preferential or adverse consequences to the student, employee or other members of the University community.

Friendships or mentoring relationships between faculty or staff employees and students are not prohibited, nor is it the intent of the University to discourage or limit such relationships.

Non-consensual relationships are always prohibited and may implicate other policies or laws.

In keeping with this University policy, if charges of sexual harassment are made, the existence of a consensual relationship in any of the contexts stated within this Policy shall not be a defense in any proceeding brought by the Office of Residence Life and Housing, Office of the Provost, or Office of Human Resources.

Definitions:

1. “Employee” means any faculty or staff member who engages in instructional or evaluative activities of any employee or any student who is enrolled in a course being taught by that individual or whose academic or non-academic work, including work as a teaching or research assistant, is being supervised or evaluated by that individual. For the purposes of this Policy, graduate or undergraduate students are considered employees by Marywood when they are performing official University supervisory or evaluative roles with respect to other students.
2. “Evaluate or supervise” means (a) to assess, determine, or influence one’s academic performance, progress, or potential or one’s entitlement to or eligibility for any institutionally conferred right, benefit, or opportunity, or (b) to oversee, manage, or direct one’s academic or other institutionally prescribed activities.
3. Student: A student is an individual whose primary relationship to the campus is in their role as a matriculated or non-matriculated student in a program or course of study, including certificates and other traditional and non-traditional academic programs. Status begins at payment of deposit to enroll or equivalent and continues through completion of all academic requirements and graduation. This applies regardless of the age of the student and age of the faculty or staff member. Employees enrolled in courses are considered students for the purpose of this policy. It also includes such individuals in the status of academically-required employment, such as residency, internship, practicum, fellowship and equivalent. Depending on employment status, this group of students may also be covered employees as professional staff or other college personnel.

Procedures:

While the primary reporting office for violations of this policy is Human Resources, reports of violations of this Policy may be resolved informally or brought to the campus Title IX Coordinator, the Director of Human Resources or their designee, or the Office of the Provost.

Concerns about problems related to this policy may be taken to the administrative official most directly involved, excluding the person alleged to have violated this Policy, or to Human Resources.

Efforts should be made to be constructively educational for concerned parties and to be corrective rather than punitive if a Policy violation is found: an acknowledgment of the violation and a commitment not to

violate the Policy in the future, along with a warning or other appropriate action directed toward the faculty or staff member, may be sufficient resolution.

Monitoring the status of alternative supervision is the responsibility of the Director of Human Resources or designee. All documentation under this Policy shall be maintained in the Human Resources office.

Retaliation for making a report or participating in a process under this Policy is prohibited. The University prohibits an individual from knowingly filing a false complaint or making misrepresentations of sexual misconduct. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct. If an investigation results in a finding that a person who has accused another of sexual misconduct has acted maliciously or has recklessly made false accusations, the reporting party will be subject to appropriate sanctions. It is important to note that due process considerations may limit the ability to investigate or resolve anonymous complaints.

Discipline:

Any remedial actions taken by the administrative official most directly concerned, excluding the person alleged to have violated this Policy, will depend on the totality of the circumstances. Violations of this Policy may result in disciplinary action, up to and including termination, all in accordance with applicable University policies and procedures.

History:

03/06/2020 – The establishment of this policy was approved by the President of the University as recommended by the Policy Committee of the University at their meeting of 3/6/2020.

Related Policies:

Code of Conduct

Sexual Misconduct and Complaint Procedures Policy

Anti-Discrimination and Complaint Procedures Policy

Nepotism Policy

Committee responsible for oversight of this policy proposal:

- ☒ **Policy Committee of the University**
☐ **Employee Benefits Committee**
☐ **Academic Council**

Policies and Procedures Manual	Online	Electronic Archives
(You may select more than one section.)	3/9/2020	3/9/2020

- ☐ Board of Trustees
☒ University-Wide
☐ Presidential Area
☐ Academic Affairs
☐ Business Affairs
☐ Student Life
☐ University Advancement
☐ Administrative Services
☐ Not a University Policy

Faculty Handbook	Online	Electronic Archives
(You may select more than one section.)	N/A	N/A

- ☐ 1 – Organization and Governance
☐ 2 – Faculty Policies
☐ 3 – Academic Policies and Practices
☐ 4 – Administrative and Financial Policies and Practices
☐ 5 – Student Life Information
☐ 6 – University Advancement Information
☒ Does not appear in the Faculty Handbook

Personnel Handbook	Online	Electronic Archives
(You may select more than one section.)	3/9/2020	3/9/2020

- ☐ 1 – Organization and Governance
☐ 2 – Recruitment and Hiring
☒ 3 – Employment Policies and Practices
☐ 4 – Compensation and Salary Administration
☐ 5 – Employee Benefits and Programs
☐ 6 – Employee Training
☐ 7 – Employee Health and Safety
☐ 8 – Other Pertinent Information
☐ Does not appear in the Personnel Handbook

Student Handbook (Online only; no electronic archive files)	Online Only
	N/A

- ☐ Yes
☒ No

Board of Trustees Handbook	Online	Electronic Archives
	N/A	N/A

☐ Yes

☒ No

Date of Dissemination:		
☒	MWADMIN by email	3/9/2020
☐	Students by email	
☐	Board of Trustees by email	

**MARYWOOD UNIVERSITY
POLICIES AND PROCEDURES**

**Mary Theresa Gardier Paterson, Esquire
Secretary of the University and General Counsel**