

CSB and SJU Faculty Policies

A. COLLEGE OF SAINT BENEDICT AND SAINT JOHN'S UNIVERSITY POLICY ON CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS BETWEEN FACULTY MEMBERS

I. PURPOSE

The College of Saint Benedict (CSB) and Saint John's University (SJU) are committed to maintaining a campus environment characterized by fair, professional and ethical behavior. To this end, members of the faculty are expected to avoid apparent or actual conflicts of interest, favoritism, bias or exploitation. Thus, it is in the interest of the College and University to provide clear direction to the faculty about the risks associated with consensual romantic or sexual relationships with faculty colleagues.

As the Joint Sexual Misconduct Policy of the College and University states, consensual sexual or romantic relationships may become the basis for a claim of sexual harassment or sexual misconduct. A faculty colleague may feel that he or she is not free to discontinue a relationship or to say no to a particular act because of the faculty member's power to make or influence decisions which reward or punish the colleague.

In addition, such relationships can affect other members of the campus community adversely and give rise to conflict-of-interest concerns. A consensual romantic or sexual relationship may create a perception that the processes of evaluation, reward and discipline are unfairly biased and affected by favoritism. The relationship may make the workplace uncomfortable for other faculty colleagues, students, or staff.

II. POLICY STATEMENT

It is the policy of CSB and SJU that a faculty member currently or previously involved in a consensual sexual or romantic relationship with a faculty colleague (i) who is in the same department as the faculty member, and/or (ii) who the faculty member supervises, and/or (iii) with whom the faculty member otherwise works in close collaboration on department activities and/or college/university committees must:

- A. Remove him or herself from any supervisory role and/or excuse him or herself from any decision involving the employment status of such colleague, the work related benefits of the colleague (to the extent the benefits are not generally available to other faculty), and any other employment related decisions related to the colleague.
- B. Submit a letter to the Provost and Chair of the Rank and Tenure Committee noting the conflict of interest and the resultant inability to provide an evaluation. This applies in any case when the faculty member would ordinarily be required to provide an evaluation of the colleague to the Rank and Tenure Committee.
- C. Notify the Chair of the departmental and/or college/university committee of the need to be excused from the decision-making process. This applies in cases when the committee would be making recommendations that would impact the employment status or work related benefits of their faculty colleague. The committee Chair should consult with the Provost to determine if any other arrangements are necessary to eliminate the conflict of interest. If the Chair of the committee has the conflict of interest, he or she must notify the Provost and work with the Provost to eliminate the conflict.

Any changes or arrangements made in response to the existence of a consensual romantic or sexual relationship will not be undertaken for the purpose of adversely affecting the rank, pay, benefits or professional opportunities of the faculty member or faculty colleague.

In the event a consensual sexual or romantic relationship exists, the failure of a faculty member to remove him or herself from any supervisory role or to excuse him or herself from the evaluation of or decision-making process involving the employment status or work related benefits of the faculty colleague is a violation of this policy and the faculty member will be subject to disciplinary action as outlined in Section 2.13.6 of the Faculty Handbook.

A faculty member who becomes involved in a consensual relationship with a faculty colleague and who has concerns about a power differential or the effect of ending the relationship is encouraged to consult with the Faculty/Staff Human Rights Officer or Provost.

Any faculty member who has concern about a relationship among two faculty colleagues adversely affecting department or employment related decisions, and who is uncertain whether the potential conflict has been addressed in accordance with this policy, is encouraged to report a concern to the Provost or Faculty/Staff Human Rights Officer. There shall be no retaliation toward a faculty member who reports a concern in good faith. An individual who retaliates against a faculty member for reporting a concern will be subject to discipline in accordance with the Faculty Handbook.

A faculty member who becomes involved in a consensual romantic relationship or sexual relationship with a student or staff member should consult the **POLICY ON CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS BETWEEN FACULTY AND STUDENTS OR STAFF MEMBERS** (located in Appendix C of Part II of the Faculty Handbook.)

III. DEFINITIONS

For purposes of this policy:

- **Romantic relationships** include relationships in which amorous or romantic feelings exist without physical intimacy and which, when acted upon by the faculty member exceed the reasonable boundaries of an educational, professional or supervisory relationship.
- **Sexual relationships** include relationships involving intimate physical contact of a sexual nature.
- **Consensual** means involving or based on mutual consent. Consent is defined in the Joint Sexual Misconduct Policy.
- **Faculty** refers to a person employed by CSB or SJU in a faculty appointment.

*Policy Approved:
By JFA 02/14/2008
By Boards 3/2008*

Policy re-approved by Saint John's University in 2012 (corporate restructure)

*Policy Revisions:
Approved by JFA 4/08/2014
Endorsed by CSB Board of Trustees and Approved by President Mary Hinton 09/22/2014
Approved by SJU Board of Trustees 09/26/2014*

B. COLLEGE OF SAINT BENEDICT AND SAINT JOHN'S UNIVERSITY POLICY ON CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS BETWEEN FACULTY AND STUDENTS OR STAFF MEMBERS

I. PURPOSE

The College of Saint Benedict (CSB) and Saint John's University (SJU) are committed to maintaining a campus environment characterized by fair, professional and ethical behavior. The integrity of the educational mission of the College and University is maintained by promoting appropriate standards of professional conduct among faculty in their dealings with students and staff. In these relationships, members of the faculty are expected to avoid apparent or actual conflicts of interest, favoritism, bias or exploitation. When a faculty member engages in a romantic or sexual relationship with a student or staff member, while he or she also has the authority to evaluate, advise, reward or discipline a student or staff member, a professional responsibility is violated, even if the relationship appears to be consensual.

As the Joint Sexual Misconduct Policy of CSB and SJU states, consensual sexual or romantic relationships may also become the basis for a claim of sexual harassment or sexual misconduct. These relationships are particularly complex when there is a power imbalance between the individuals involved in the relationship, because a power imbalance heightens the potential for exploitation and can diminish the subordinate's freedom of choice. This is especially true in relationships involving students, because the respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, makes voluntary consent by the student particularly suspect. The student or staff member may feel that the power imbalance makes it difficult for him or her to discontinue the relationship or to say no to a particular act. Such relationships also affect other members of the campus community adversely. By placing a faculty member in a position to favor or advance the interests of the student or staff member who is a party to the relationship, a perception may be created that obtaining favorable treatment is implicitly contingent on engaging in a consensual sexual or romantic relationship.

For these reasons, CSB and SJU strongly discourage faculty involvement in a consensual sexual or romantic relationship with a student, and, in particular, for whom the faculty member has academic responsibility. CSB and SJU also strongly discourage faculty involvement with a staff member over whom the faculty member has supervisory responsibility. Recognizing that despite this discouragement by the College and University, consenting adults may become involved in a consensual sexual or romantic relationship, it is important that steps be taken to mitigate the real and/or apparent conflict of interest and other issues that are created.

II. POLICY STATEMENT

It is the policy of CSB and SJU that a faculty member involved in a romantic or sexual relationship, either with a student for whom the faculty member has academic responsibility or with a staff member over whom the faculty member has supervisory responsibility, must promptly report the relationship to his or her department chair, who must, in turn, report the relationship to the Provost. If the faculty member involved in the relationship is the department chair, she/he must report the relationship to the Provost.

Upon receiving notice from the faculty member, the department chair in consultation with the Provost, or the Provost if the department chair is the involved party, must make arrangements for an alternative evaluation mechanism and if necessary, such other additional arrangements

as are prudent under the circumstances, for the faculty member and the student or staff member.

The faculty member is obliged to fully cooperate with the department chair and Provost in making these mitigating arrangements. Such arrangements made in response to the existence of a consensual romantic or sexual relationship will not be undertaken for the purpose of adversely affecting the rank, pay, benefits or professional opportunities of the faculty member. The arrangements will be undertaken with the intent of minimizing or avoiding, to the extent reasonably possible, adverse effects on the educational opportunities of the student or the employment of a staff member.

Failure to promptly report the existence of a romantic or sexual relationship described above is a violation of this policy, and the faculty member will be subject to disciplinary action as outlined in Section 2.13.6 of the Faculty Handbook.

In addition to this policy, faculty members involved in a romantic and/or sexual relationship with a student or a staff member must fully comply with the Joint Sexual Misconduct Policy.

A staff member or student who becomes involved in a consensual relationship with a faculty member and who has concerns about a power differential or the effect of ending the relationship is encouraged to consult with the Faculty/Staff Human Rights Officer or Student Human Rights Officer. Faculty members with similar concerns may also consult with the Faculty/Staff Human Rights Officer or Student Human Rights Officer.

A faculty member who becomes involved in a consensual romantic or sexual relationship with a faculty colleague should consult the **POLICY ON CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS BETWEEN FACULTY MEMBERS** (located in Appendix B in Part II of the Faculty Handbook).

III. DEFINITIONS

For purposes of this policy:

- **Romantic relationships** include relationships in which amorous or romantic feelings exist without physical intimacy and which, when acted upon by the faculty member exceed the reasonable boundaries of an educational, professional or supervisory relationship.
- **Sexual relationships** include relationships involving intimate physical contact of a sexual nature.
- **Consensual** means involving or based on mutual consent. Consent is defined in the Sexual Misconduct Policy.
- **Academic responsibility** for students includes any activity which results in academic or educational reward, opportunity, or penalty including but not limited to: teaching, grading, advising, coaching, supervising research, moderating an internship, supervising institutionally sponsored travel and making recommendations for College and/or University employment or awards.
- **Supervisory responsibility** for a staff member includes any activity which results in employment related rewards, opportunities, or penalties including, but is not limited to, the following activities: conducting or contributing to performance appraisals or rank and

tenure reviews, determining or contributing to the determination of a person's employment status, job description, rank, salary, fringe benefits, or recommending for or influencing the determination of institutional funding, distinguished service awards, or discipline for deficient service.

- **Faculty** refers to a person employed by CSB or SJU in a faculty appointment.
- **Student** refers to any person enrolled in CSB or SJU, undergraduate or graduate.
- **Staff** refers to a person employed by CSB or SJU in an administrative or support staff appointment.

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By Boards March, 2008

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