WESTMINSTER COLLEGE

INTERIM POLICY ON CONSENSUAL RELATIONSHIPS

Effective Date: August 19, 2016

Table of Contents

I. STATEMENT OF POLICY .................................................................2
II. TO WHOM THIS POLICY APPLIES ..........................................2
III. DEFINITIONS ..................................................................................2
IV. PROHIBITED CONDUCT UNDER THIS POLICY ..................3
    A. PROHIBITED CONDUCT .........................................................3
    B. DISCOURAGED CONDUCT REQUIRING DISCLOSURE ..............3
    C. PRE-EXISTING RELATIONSHIPS .............................................3
V. APPLICABLE PROCEDURES UNDER THIS POLICY ...............3
VI. RESPONSIBLE ADMINISTRATORS .................................................4
VII. DISCIPLINARY SANCTIONS ......................................................4
VIII. RELATED POLICIES ...............................................................4
IX. HISTORY ....................................................................................4
X. SIGNATURE, TITLE AND DATE OF APPROVAL .......................4
APPENDIX A ....................................................................................5
I. STATEMENT OF POLICY

Westminster College encourages the development of collegial and professional relationships among all members of the College community and is committed to a learning and work environment of civility and respect. Between certain categories of individuals at the College, faculty-student and employee-student romantic and/or sexual attention, interaction, or relationships, even mutually-consenting ones, undermine the fundamental educational purpose of the institution, disrupt the workplace and learning environment, and are prohibited.

Westminster College prohibits staff members from entering into romantic and/or sexual relationships with students over which they have evaluative responsibility as a supervisor or athletic coach even when both parties have consented to the relationship. Romantic and/or sexual relationships between staff and students over which they do not have evaluative responsibility, or pre-existing relationships among staff and students are permitted provided that disclosures are made as required under this policy.

Employees found to have violated this policy may be disciplined up to and including termination from employment. Employees who choose to engage in a consensual relationship with a student may not be defended or indemnified by the College if difficulties in the relationship arise including, but not limited to, student claims of sexual harassment against the College or employee.

II. TO WHOM THIS POLICY APPLIES

This policy applies to all employees of Westminster College. Nothing in this policy replaces the College’s policies on prohibited discrimination, harassment, and retaliation or other College policies that may be triggered by conduct or relationships covered by this policy.

III. DEFINITIONS

1. Consensual Relationship - A romantic and/or sexual relationship to which both parties have given their consent.

2. Employee - Employee includes all faculty and staff who are employed by the College

3. Evaluative responsibility exists when:
   a) A student is enrolled in a faculty member’s course;
   b) A faculty member oversees the student’s research or training;
   c) A faculty member supervises a student-employee or work study student;
   d) A faculty member is the student’s academic advisor;
   e) A staff member oversees the work performance of another staff member or a student-employee; or
   f) A coach, assistant coach, or trainer oversees the training and/or performance of a student athlete.

4. Faculty – Full -time, part-time, and adjunct faculty and instructors of the College
5. Staff – Full-time and part-time staff including Resident Advisors.

6. Student - Refers to students who are currently registered or enrolled for credit- or non-credit-bearing coursework.

7. Student-employee – A student who is an employee of the College and not staff.

8. Supervisor – A staff member who directly oversees the work performance of a staff member or student.

9. Supervisee – A staff member whose work is overseen by a supervisor.

IV. PROHIBITED CONDUCT UNDER THIS POLICY

A. PROHIBITED CONDUCT

It is prohibited conduct for any employee of the College to propose or enter into a relationship with a student over which they have evaluative responsibility as an instructor, supervisor, academic advisor, or athletic coach, even when both parties have consented to the relationship.

B. DISCOURAGED CONDUCT REQUIRING DISCLOSURE

College employees are strongly discouraged from proposing or entering into relationships with students who are not enrolled in their courses or over which they do not have evaluative responsibility. Such relationships, should they develop, must be disclosed as required by applicable procedures.

C. PRE-EXISTING RELATIONSHIPS

The College recognizes that consensual sexual/romantic relationships may exist prior to the time a student is placed in a situation where an employee must supervise, evaluate, advise, or oversee the student. Such a relationship is considered a pre-existing sexual/romantic relationship if it has been in existence at any time within the six months immediately preceding the placement. Such relationships must be disclosed as required by applicable procedures.

V. APPLICABLE PROCEDURES UNDER THIS POLICY

The procedures for disclosing relationships between staff and students over which they do not have evaluative responsibility, or pre-existing relationships among staff and students are detailed in Appendix A: Procedures for Disclosing Permitted Staff Relationships with Students.
The procedures for disclosing relationships between faculty and students who are not enrolled in their courses or over which they do not have evaluative responsibility, or pre-existing relationships among faculty and students are detailed in Appendix B: Procedures for Disclosing Permitted Faculty Relationships with Students.

VI. RESPONSIBLE ADMINISTRATORS

The Executive Director of Human Resources is responsible for enforcing the Policy on Consensual Relationships and its related procedures as it relates to staff.

The provost is responsible for enforcing the Policy on Consensual Relationships and its related procedures as it relates to faculty.

VII. DISCIPLINARY SANCTIONS

Any College employee who fails to comply with their obligations under this policy may be subject to discipline, up to and including termination of employment.

Employees who choose to engage in a consensual relationship with a student may not be defended or indemnified by the College if difficulties in the relationship arise including, but not limited to, student claims of sexual harassment against the College or employee.

VIII. RELATED POLICIES

Policy on Preventing and Addressing Discrimination and Harassment Based on Race, Color, National Origin, Religion, Disability, and Other Protected Categories (Equal Opportunity Policy)

Policy on Sexual Assault, Sexual and Gender-Based Harassment, Gender-Based Discrimination, and Interpersonal Violence (Title IX Policy)

IX. HISTORY

Interim policy adopted August 19, 2016

X. SIGNATURE, TITLE AND DATE OF APPROVAL

Approved: /s/ ______________________________________
Stephen R. Morgan, President

Date Approved: August 19, 2016
WESTMINSTER COLLEGE

PROCEDURES FOR DISCLOSING PERMITTED STAFF RELATIONSHIPS WITH STUDENTS

Table of Contents

II. INTRODUCTION................................................................................................................... 1

III. DISCLOSURE OF PERMITTED STUDENT RELATIONSHIPS WITH STAFF........... 1
  A RELATIONSHIPS BETWEEN STAFF AND STUDENTS WHERE NO EVALUATIVE RESPONSIBILITY ................................................................. 1
  B. PRE-EXISTING RELATIONSHIPS...................................................................................... 2
  C. PRE-EXISTING ATHLETIC COACH-STUDENT RELATIONSHIPS NOT AN EXCEPTION .............................................................................................................................. 2

IV. SANCTIONS....................................................................................................................... 2

I. INTRODUCTION

Westminster College prohibits staff members from entering into romantic and/or sexual relationships with students over which they have evaluative responsibility as a supervisor or athletic coach, even when both parties have consented to the relationship. Romantic and/or sexual relationships between staff and students over which they do not have evaluative responsibility, or pre-existing relationships among staff and students are permitted provided that disclosures are made as set forth in these procedures. ¹

II. DISCLOSURE OF PERMITTED STUDENT RELATIONSHIPS WITH STAFF

A. RELATIONSHIPS BETWEEN STAFF AND STUDENTS WHERE NO EVALUATIVE RESPONSIBILITY

College staff are strongly discouraged from proposing or entering into relationships with students over which they do not have evaluative responsibility. If a staff member permits a romantic or sexual relationship with a student to develop:

¹ These Procedures should be read in conjunction with the Policy. Capitalized terms used and not otherwise defined in these Procedures are defined in the Policy.
a) The staff member must notify the appropriate senior team member of the relationship.
b) The staff member must acknowledge in writing that the College will not provide a defense or indemnification to any action by the student arising from the relationship, including but not limited to student claims of sexual harassment against the College or staff member.

B. PRE-EXISTING RELATIONSHIPS

The College recognizes that consensual sexual/romantic relationships may exist prior to the time a student is placed in a situation where an employee must supervise, evaluate, advise, or oversee the student. Such a relationship is considered a pre-existing sexual/romantic relationship if it has been in existence at any time within the six months immediately preceding the placement.

In the event that a staff member has evaluative responsibility for a student with whom they have a pre-existing sexual/romantic relationship, the following procedures must be followed:

a) The staff member must notify the appropriate senior team member of the relationship.
b) The senior team member will implement measures to ensure that the staff member is not involved with the evaluation, promotion, or determination of salary of the student.

C. PRE-EXISTING ATHLETIC COACH-STUDENT RELATIONSHIPS NOT AN EXCEPTION

Due to the unique nature of coach-student athlete professional relationships, the potential consequences of perceived favoritism, and the potential compromise of a coach’s evaluative capacity, there is no exception for pre-existing consensual sexual/romantic relationships between student athletes and coaches who have evaluative responsibility for them. If an athletic coach wishes to enter into or continue a relationship with a student athlete over which they have evaluative responsibility, they must resign their coaching position.

III. SANCTIONS

Any staff member who fails to comply with their obligations under this policy may be subject to discipline, up to and including termination of employment. Employees who choose to engage in a consensual relationship with a student may not be defended or indemnified by the College if difficulties in the relationship arise including, but not limited to, student claims of sexual harassment against the College or employee.
WESTMINSTER COLLEGE

PROCEDURES FOR DISCLOSING PERMITTED FACULTY RELATIONSHIPS WITH STUDENTS

Table of Contents

I. INTRODUCTION ................................................................................................................... 1
II. DISCLOSURE OF PERMITTED STUDENT RELATIONSHIPS WITH FACULTY ............ 1
   A. RELATIONSHIPS BETWEEN FACULTY AND STUDENTS WHERE NO EVALUATIVE RESPONSIBILITY ........................................................................................................... 1
   B. PRE-EXISTING RELATIONSHIPS ...................................................................................... 2
III. SANCTIONS ....................................................................................................................... 3
IV. APPEAL OF SANCTIONS ................................................................................................. 3

I. INTRODUCTION

Westminster College prohibits all College faculty from entering into romantic and/or sexual relationships with students over which they have evaluative responsibility as an instructor, supervisor, or academic advisor, even when both parties have consented to the relationship. Romantic and/or sexual relationships between faculty and students who are not enrolled in their courses or over which they do not have evaluative responsibility, or pre-existing relationships among faculty and students are permitted provided that disclosures are made as set forth in these procedures.1

II. DISCLOSURE OF PERMITTED STUDENT RELATIONSHIPS WITH FACULTY

A. RELATIONSHIPS BETWEEN FACULTY AND STUDENTS WHERE NO EVALUATIVE RESPONSIBILITY

College faculty are strongly discouraged from proposing or entering into relationships with students who are not enrolled in their courses or over which they do not have evaluative responsibility. If a faculty member permits a romantic or sexual relationship with a student to develop:

1 These Procedures should be read in conjunction with the Policy. Capitalized terms used and not otherwise defined in these Procedures are defined in the Policy.
a) The faculty member must notify the appropriate dean of the relationship.
b) The faculty member must acknowledge in writing that the College will not provide a defense or indemnification to any action by the student arising from the relationship including but not limited to student claims of sexual harassment against the College or faculty member.

B. PRE-EXISTING RELATIONSHIPS

The College recognizes that consensual sexual/romantic relationships may exist prior to the time a student is placed in a situation where a faculty member must supervise, evaluate, advise, or oversee the student. Such a relationship is considered a pre-existing sexual/romantic relationship if it has been in existence at any time within the six months immediately preceding the placement.

In the event that a faculty member has evaluative responsibility for a student with whom they have a pre-existing sexual/romantic relationship, the following procedures must be followed:

a) The faculty member must notify the appropriate dean of the relationship.
b) If possible, the student should be advised in their course selections or avoid course sections taught by the faculty member with whom the student is having a consensual sexual/romantic relationship.
c) Where a student is working or interning under the supervision of a faculty member with whom the student is having a consensual sexual/romantic relationship, efforts should likewise be made to place that student under the supervision of a different faculty member.
d) In the event it is not possible for the student to avoid the class taught by the faculty member or the supervision of the faculty member, the dean must appoint another faculty member to evaluate the student’s written work, such as essays, research papers, essay tests, care plans, etc.
e) In the event it is not possible for the student to avoid the class taught by the faculty member or the supervision of the faculty member, the dean must appoint another faculty member to evaluate the student’s non-written work or performance such as artistic performances, teaching practice, internships, or clinical practice.
f) When an appropriate faculty member is not available to evaluate the student’s work, the dean will provide the evaluation.
g) Where the student is also an employee of the college, a student employee, or a work study student, the faculty member will remove themselves from the consideration of the student for promotion, recognition, hiring, or determination of salary.
h) Where the student’s academic advisor is a faculty member with whom the student is having a consensual sexual/romantic relationship, the faculty advisor must request that the student be advised by another faculty member.
III. SANCTIONS

Any faculty member who fails to comply with their obligations under this policy may be subject to discipline, up to and including termination of employment. Faculty members who choose to engage in a consensual relationship with a student may not be indemnified by the College if difficulties in the relationships arise including, but not limited to, student claims of sexual harassment against the College or faculty member.

IV. APPEAL OF SANCTIONS

A faculty member whose employment with the College is terminated for failure to comply with this policy may appeal the decision as outlined in section 3.9 of the faculty manual.