

---

## CONSENSUAL RELATIONSHIPS POLICY

---

**PURPOSE:** To establish a policy governing the supervision or evaluation of employees and students where a consensual relationship exists between the parties.

### **I. Policy Statement**

Intimate relationships to which both parties consent, but in which there is a reporting or evaluative relationship between the two parties, pose special problems for the University and must be addressed.

- These relationships give rise to the potential for conflict of interest, favoritism, and bias and therefore undermine the real or perceived integrity of the evaluation or supervision given.
- Due to the reporting and evaluative nature of the relationship and the uneven power inherent therein, it is possible that such relationships could become exploitive.
- These relationships may harm or injure others in the academic or work environment, providing grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities, or creates the perception of these problems. These relationships may be less consensual than the individual whose position confers power or authority believes. Due to the imbalance of power, conflicting interests, and perceptions of unfair advantage, the student or employee's actual freedom of choice may be greatly diminished. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct.
- Anyone who enters into a romantic or sexual relationship where a professional power differential exists must realize that if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to sustain a defense on grounds of mutual consent. In addition, since such activity is already beyond the course and scope of employment, Idaho law may preclude the university from defending and indemnifying an employee in such circumstances. In other words, the employee involved may be personally liable.

For the reasons outlined in this policy statement, the University strongly discourages these relationships.

### **II. SCOPE**

In the University context, intimate relationships between individuals in specific positions are of concern. These positions include, but are not limited to, teacher and student, supervisor and employee, senior faculty and junior faculty, mentor and trainee, advisor and advisee, teaching assistant and student, coach and athlete, and the individuals who supervise the day-to-day living environment and student residents.

### **III. DEFINITIONS**

For the purposes of this policy, a consensual relationship is a mutually acceptable, romantic and/or sexual relationship between a University employee with supervisory, teaching, evaluation or advisory authority and an employee, student, and/or student employee who is directly supervised, taught, or advised by that

employee.

#### **IV. RESPONSIBILITY**

- A. **Accountability:** Where such a relationship exists, the person in the position of greater authority, power or influence will bear the primary burden of accountability and must ensure that he or she does not exercise any supervisory or evaluative function over the other person in the relationship.
- B. **Recusal and notification requirements:** Where such recusal is required, the recusing party must also notify his or her supervisor, department head or dean, so that those persons may exercise their responsibility to evaluate the adequacy of the alternative supervisory or evaluative arrangements to be put in place. Failure to comply with these recusal and notification requirements is a violation of this policy and therefore grounds for discipline.