



UNIVERSITY POLICY

Consensual Relationships

Policy Type: Institutional Wide
Responsible Office: Human Resources
Effective Date: June 1, 2007
Revision Date:

POLICY STATEMENT

Intimate relationships to which both parties consent, but in which there is an evaluative, advisory, supervisory, or reporting relationship between the parties, pose special problems for the University. These relationships give rise to the potential for or the appearance of impropriety, a conflict of interest, favoritism, or bias. They may also undermine the real or perceived integrity of the evaluation or supervision given. An additional issue that may arise due to the reporting and/or evaluative nature of the relationship and the power differential inherent therein, is the potential for such relationships to become exploitive or cause actual harm to one of the parties. This may occur both during the relationship and after it ends. This type of relationship may also harm or injure others in the academic or work environment, providing grounds for complaints by third parties when that relationship gives undue access or advantage, restricts opportunities, or creates the perception that any of these problems exist. Moreover, although the individual who occupies a power or authority position may honestly believe that a relationship is consensual, that is often not the case.

Due to the imbalance of power, conflicting interests, and the perceptions of unfair advantage, the student's 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, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties consent to a relationship at its outset, such prior consent does not preclude a later complaint based upon subsequent unwelcome or inappropriate conduct.

Anyone who enters into a consensual relationship, as defined above, must realize that if a charge of sexual harassment or other wrongdoing is subsequently filed, the University may be charged with liability because of the nature of the alleged wrongdoer's position. A defense on grounds of mutual consent is problematic. The University does not wish to assume such liability and it is unfair to request that it do so. In the event a legal matter or proceeding arises out of an individual's participation in a consensual relationship, the University cannot be expected to defend an individual who entered into such relationship and who is accused of wrongdoing. That individual will be responsible for defending him/herself and will be expected to bear all of his/her own expenses in such defense, including, but not limited to, attorneys' fees and other costs. Accordingly, such individual will be personally and solely liable for his/her defense.

For the reasons outlined in this policy, the University prohibits consensual relationships as defined above. Notwithstanding this general rule, the University acknowledges that some "consensual relationships" may be acceptable, in view of the specific circumstances of same. For example, if a faculty member is married to or in a committed relationship with another individual, but one of the individuals has an evaluative, advisory, supervisory, or reporting role in regard to the other, the couple should report this relationship and their respective roles to the University so that the University can determine whether any changes in the evaluative, advisory, supervisory, or reporting role should be made, or whether other individuals should share or assume such role. In such a case: (a) a staff member should report the relationship to his/her Division Vice President; and (b) a faculty member should report the relationship to his/her Dean or to the Provost.

- A violation of this policy may result in disciplinary action, up to and including termination of employment.

REASON FOR POLICY

The educational mission of the University is promoted by professionalism at all times in faculty-student, staff-student, and supervisor-supervisee relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty or staff that compromise an atmosphere of trust undermine professionalism and hinder fulfillment of the University's educational mission.

ENTITIES AFFECTED BY THIS POLICY

Institutional Wide

POLICY APPROVAL

Human Resources

CONTACTS

Human Resources
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DEFINITIONS

Consensual Relationship	A consensual relationship, for purposes of this policy, is defined as: A consensual romantic and/or sexual relationship between two individuals, one of whom has an evaluative, advisory, supervisory, or reporting role in regard to the other.
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PROCEDURES

If an individual is advised of an alleged violation of this policy, or if he/she independently observes conduct which may be prohibited by this policy, he/she may report the matter as follows:

- A staff member may report the matter to: (1) his/her immediate supervisor; (2) his/her department head; or (3) the Human Resources Management & Development Department ("Human Resources").
- A faculty member may report the matter to: (1) his/her Department Chairperson; (2) the Dean or Associate Dean; (3) the Provost; or (4) Human Resources.

Charges of sexual harassment that may be reported by one individual against another with whom he/she has previously involved in a consensual relationship will be investigated in accordance with the process and procedures outlined in the Anti-Harassment Policy.

To ensure protection from retaliation and to ensure an appropriate and objective review of a reported violation, under no circumstances will the individual who conducts the review, or who has any direct or

indirect control over the review, be subject to the supervisor authority of the person whose conduct is being reviewed.

A copy of this policy is provided to all faculty and staff new hires during orientation. A copy of this policy is available in print in Human Resources and online at the HR website www.butler.edu/hr. A summary of this policy shall be provided in University faculty and staff handbooks and may appear in other publications prepared by Human Resources. Questions regarding this policy may be directed to your department head, vice president, college dean, or a representative of Human Resources.

HISTORY/REVISION DATES

Issue Date:

Amended Date: July 2, 2019