

HIGHLAND COMMUNITY COLLEGE
GENERAL PERSONNEL POLICY

SUBJECT: Consensual Relationship Policy

BOARD OF TRUSTEE APPROVAL: 09/25/2024

EFFECTIVE DATE: 09/25/2024

Highland Community College is committed to maintaining an academic community free from conflicts of interest, favoritism, and exploitation. A romantic or sexual relationship that may be appropriate in other circumstances is inappropriate in the academic community if one party is in a position of evaluative or supervisory authority over the other (such as in the examples provided below). These relationships may be less consensual than perceived by the party whose position confers evaluative or supervisory authority over the other party. Similarly, the relationship may be viewed in different ways by each of the parties, particularly in retrospect. Even when both parties have initially consented to romantic or sexual activity, such activity may later be unwelcomed. Consensual romantic or sexual relationships where evaluative or supervisory authority is present may also violate standards of professionalism and/or professional ethics. Further, these relationships may lead to actual or perceived bias or favoritism.

Prohibited conduct. An employee shall not maintain, engage in, or be involved in a consensual romantic or sexual relationship with anyone, including other employees or students over whom the employee has evaluative or supervisory authority, or with vendors if the employee manages or influences the contract with the vendor.

Definitions. The following definitions apply for purposes of this policy:

Employee - Any staff member including, but not limited to, part-time, full-time, temporary, non-benefits eligible, contracted employees, members of the Board of Trustees, independent contractors or vendors serving in roles traditionally held by employees who are required to abide by College policies, or student workers whether being paid from College funds or not; any faculty member including, but not limited to, non-tenure track, tenure-track, tenured, adjunct, instructors, instructional assistants, teaching assistants, lab assistants, or any other faculty member who provides teaching or instruction to a College student whether being paid from College funds or not; or any volunteer whose volunteer role involves College evaluative or supervisory authority over employees and/or students.

Evaluative or supervisory authority is present when an employee is tasked with, as to the other relationship party and in the context of College academic, extra-curricular, or employment responsibilities: evaluating; supervising; overseeing; hiring or defining the specific individual's job duties; providing academic advising; formally mentoring; coaching; counseling, instructing, or training; and/or otherwise participating in or influencing employment, academic, or extracurricular decisions that may reward or penalize the other party.

Consensual romantic or sexual relationship is present when two or more participants were, or are, engaged in a romantic, intimate, or sexual manner, with the consent of all involved.

Examples of prohibited relationships - This list includes, but is not limited to, the following:

- Housing supervisor and student
- Coach and student athlete
- Faculty member and student
- Scholarship sponsor and student scholarship recipient
- Two student employees where one supervises the other at work
- Staff supervisor and direct report
- Administrator and faculty/staff within the administrator's reporting line
- A Board member and an employee

Consensual relationships where no evaluative or supervisory authority is present. Highland Community College does not wish to interfere with private choices regarding personal relationships when the context of authority between parties is not present; and so long as the relationship does not affect the employee's effectiveness in fulfilling professional obligations. In these cases, appropriate measures should still be taken to avoid conflicts of interest from occurring. For example, if an employee has a consensual romantic relationship with another College employee or student who is not within the employee's evaluative or supervisory authority, then each party must refrain from participating in or influencing decisions that may reward or penalize the other, such as grading, providing merit raises, promotion, etc.

Pre-existing consensual romantic or sexual relationships where evaluative or supervisory authority later arises. For consensual romantic or sexual relationships that exist prior to the time that either party is placed in a situation of evaluative or supervisory authority, once that authority is foreseeable, the employee(s) involved shall disclose and take immediate measures to avoid the conflict or appearance of conflict (such as by avoiding participating in or influencing academic, extra-curricular, or employment decisions, etc.).

This includes situations where a consensual romantic or sexual relationship has ended within the three years before the authority arose. In cases where the relationship ended more than three years in the past, employees should disclose the relationship where circumstances suggest the potential for the appearance of conflict and are reminded that all employees must always follow applicable College ethical and conflict of interest policies.

Disclosing consensual romantic or sexual relationships where evaluative or supervisory authority is present. Employees should avoid allowing consensual romantic or sexual relationships from developing with anyone over whom the employee has evaluative or supervisory authority. If such a relationship exists (including between married or formerly married individuals), the employee must immediately disclose the relationship to the employee's supervisor and to Human Resources; the employee must also immediately cease exercising any authority over the other party to the relationship.

The Director for Human Resources, in consultation with the President and other appropriate College officials (including, as needed, academic officials) will develop, implement, and administer an appropriate response as determined by the College.

Exceptions. Exceptions to this policy are at the discretion of the Board of Trustees upon recommendation of the President. For example, if one of the related parties is uniquely qualified to work for the other based on qualifications for a position and performs work in direct support of teaching or coaching, the President may recommend to the Board of Trustees that they permit the related persons to continue to work together, provided that an appropriate management plan is developed, implemented, and administered, as described above.

Violations. If a violation of this policy is known or suspected, the College encourages prompt reporting.

A violation of this policy (including but not limited to conflicts of interest, failure to disclose, or failure to abide by a management plan), regardless of the manner in which the violation is brought to the attention of the College, may lead to disciplinary action as appropriate, up to and including termination of employment or dismissal from the College.

Complaint Procedures. When a party to a consensual romantic or sexual relationship in which evaluative or supervisory authority exists has a complaint related to the relationship and alleged violation of college policy:

- When the relationship is between two employees, the complainant may contact their supervisor, Title IX Coordinator, and/or Human Resources to initiate the complaint and Human Resources will review and determine the appropriate steps for investigation and resolution.
- When the relationship is between an employee and a student, the complainant may contact Human Resources and/or the Title IX Coordinator to initiate the complaint and the Title IX Coordinator will then determine the appropriate steps for investigation and resolution.

Administrative leave. As in other cases of alleged violations of college policy, the College may at any time during or after an investigation of a violation of this policy, or of a complaint regarding a consensual romantic or sexual relationship where evaluative or supervisory authority is present, place an employee alleged to violate College policy on paid or unpaid administrative leave.