



Consensual Relationships Policy	
Responsible Official: Chief Operating Officer	Responsible Office: Human Resources

### Policy Purpose

The purpose of this policy is to address one type of conflict of interest, consensual relationships involving students.

### Policy Statement

- I. Scope
  - A. Consensual Relationships
    1. The educational mission of East Tennessee State University (ETSU) requires that the relationship between faculty and students be professional in nature. Similarly, the University is committed to protecting the integrity and objectivity of its staff members in the performance of their duties. ETSU deems it fundamental that every faculty and staff member maintain a professional relationship with every student of the University so that professional responsibilities may be carried out in an atmosphere free of conflicts.
    2. This policy works in conjunction with ETSU's Conflict of Interest Disclosure Review Committee policy ([PPP-72](#)).
    3. This policy applies to sexual or amorous relationships; regardless of who initiates the relationship, the employee is responsible for complying with this policy.
    4. Nothing in this policy should be construed as prohibiting the spouse of a faculty or staff member from enrolling as a student. Nothing in this policy should be construed as prohibiting the spouse of a student from accepting employment as a faculty or staff member.
    5. Complaints concerning sexual harassment directed at a student, faculty, or staff member are resolved under PPP-80, Discrimination and Harassment – Complaint and Investigation Procedure.
      - a. Should an amorous or sexual relationship in violation of this policy lead to a sexual harassment or discrimination charge, the Office of University Compliance investigates and resolves the charge in accordance with PPP-80.

- b. In cases where a reporting party alleges both unwanted sexual behavior and a consensual sexual relationship with an evaluative authority, the two complaints will be considered separate allegations.

B. Undergraduate Students

1. Any sexual or amorous relationship between an undergraduate student and a faculty or staff member is prohibited at East Tennessee State University.

C. Graduate Students

1. Any sexual or amorous relationship between a graduate student and a faculty or staff member with evaluative authority over that student is prohibited at East Tennessee State University.
2. Intimate relationships between a faculty or staff member with evaluative authority over a student create a conflict of interest due to the inherent inequality of power in such situations. Such relationships may also adversely affect faculty, staff, and students who are not direct parties of the relationship itself, leading them to believe there is favoritism even if there is not.

D. Relationships Between Employees

1. Sexual or amorous relationships between faculty members, faculty and staff members, or staff members, where one person exercises evaluative or supervisory authority over the other are prohibited.

E. Past and/or Preexisting Relationships

1. A faculty or staff member who has had a past or preexisting sexual or amorous relationship with a student is prohibited from exercising evaluative authority over that student.

F. Violations of Policy

1. Violations of this policy by employees shall result in disciplinary action, up to and including termination.

## Definitions

Conflict of Interest Disclosure Review Committee	For purposes of this policy, the conflict of interest disclosure review committee refers to the committee formed pursuant to <a href="#">PPP-72</a> .
Employee	Individuals, paid or unpaid, who teach, coach, evaluate, supervise, allocate financial aid to, or guide students' research, including faculty, graduate students with teaching or coaching responsibilities, academic advisors, coaches, residence hall professional staff, and others with an ability to impact student academic/career success.

Evaluative Authority	Any person with authority over a student or subordinate. This includes but is not limited to teaching, examining, advising on or evaluating research or other academic activity, grading, supervision, writing letters of recommendation, award/scholarship recognition, scheduling, grading employment, coaching, training, the ability to affect membership/participation or to provide special consideration or treatment.
Sexual or Amorous Relationship	Any relationship when both parties consent and the relationship is of an intimate or romantic nature, whether that be dating, sexual, or another arrangement.
Student(s)	Individuals who have gained admission to East Tennessee State University; medical residents; postdoctoral fellows; and those serving internships, outreach, practicum experiences, clinicals, and summer programs.

#### Policy History

PPP-80 Discrimination and Harassment – Complaint and Investigation (*Revised 10/3/18*)  
 Consensual Romantic or Sexual Relationship Policy (*Approved by Board of Trustees 6/9/17*)

Effective Date:

Revision Date:

#### Procedure (s)

- I. Reporting Procedure
  - A. Self-Disclosure
    1. When an employee has evaluative authority over a graduate student with whom the employee has or had a sexual or amorous relationship, the employee makes a timely written disclosure. No particular format is required, but the disclosure should adequately describe the pertinent facts and circumstances.
    2. Such disclosure is made to at least one of the following:
      - a. The employee’s supervisor;
      - b. The director or chair of the appropriate department;
      - c. The dean or vice president of the college in which the employee is employed; or
      - d. The conflict of interest disclosure review committee.

3. Resolution of a self-disclosure by an employee:
  - a. Disclosed relationships will be kept private except to the extent necessary to ensure that conflicts of interest and misconduct are avoided.
  - b. Once a self-disclosure has been made, a written report of the disclosure is made to the conflict of interest disclosure review committee chair.
  - c. The conflict of interest disclosure review committee determines whether the consensual relationship policy applies.
  - d. If the policy applies, the conflict of interest disclosure committee develops a management plan, in consultation with the employee, to end the evaluative authority that created the conflict of interest.
  - e. Failure to observe restrictions imposed as a result of a management plan shall result in disciplinary action.
4. Information about employee-student amorous relationships contained in students' education records is subject to the Family Education Rights and Privacy Act (FERPA).

**B. Complaints**

1. Any individual may report a relationship that is prohibited under this policy to the conflict of interest disclosure review committee.
2. Employees are given an opportunity to respond to allegations if a report is made to the conflict of interest disclosure review committee.
3. Retaliation for reporting prohibited relationships is prohibited.

**Procedure History**

Effective Date:

Revision Date:

**Related Form(s)**

**Scope and Applicability**

Check those that apply to this policy.

	Governance
✓	Academic
✓	Students
✓	Employment
	Information Technology
	Health and Safety
	Business and Finance
	Operations and Facilities
	Communications & Marketing
	Advancement

DRAFT