Consensual Relationship Policy

I. Definitions:

The following terms are used in this policy.

Term	Definition
Department or Unit	An academic department or unit or a professional department or unit.
Academic Department or Unit	Department or unit devoted to a particular academic discipline or operational area.
Professional Department or Unit	Department or unit devoted to providing professional services to students. This includes, but is not limited to, dining services, facilities services, student life/activities, financial aid, registrar, bursar, career services, library services, residential life, athletics, academic advisement, disability services, counseling services, health center, information technology, and safety, security and Police.
Other College Personnel	Any person with an employment relationship with the college that is not covered by the definition of professional staff. This would include all employees in the classified service pursuant to New York State Civil Service laws, rules and regulations as well as student and graduate student employees on the state payroll.
Professional Responsibility	For the purposes of this policy only, professional staff and other college personnel shall be deemed to have professional responsibility to an undergraduate student or graduate student when that person has a job related duty that can impact the student's educational or professional career; specifically, where they have decision-making authority that may impact student learning, student life or student welfare, they have professional responsibility. In addition, a University Police Officer shall be deemed to have a professional responsibility at any time that they are on duty, or when the member is directly involved in an ongoing investigation in which the student is a target, witness, person of interest or subject of an investigation, criminal matter, inquiry, or campus administrative action, or when the member is involved in an open case or action in which the student or other staff is either the plaintiff/complainant/defendant or potential plaintiff/complainant/defendant. A health care professional working in a campus student health services/wellness center shall not commence a romantic relationship with a student for whom they are providing

	direct patient medical care. In addition, such health care provider shall not provide direct patient medical care to a student with whom they have had or are having a consensual romantic relationship (unless it is an emergency and no other health care provider is available on campus).
Professional Staff	All persons occupying positions designated by the Chancellor as being in the unclassified service. This includes academic employees, professional employees, and management/confidential employees. See Policies of the Board of Trustees, Article II, Definitions.
Romantic Relationship	An intimate, sexual and/or any other type of amorous encounter or relationship, whether casual or serious, short-term or long-term. Such a relationship exists in a marriage, a domestic partnership, or outside of marriage or domestic partnership between two persons who have a sexual union or who engage in a romantic partnering or courtship that may or may not have been consummated sexually.
Student	An individual who is either an undergraduate or graduate student.
Undergraduate Student	An individual whose primary relationship to the campus is in their role as a matriculated or non-matriculated student in an Associate or Bachelor level program, including certificates and other traditional and non-traditional academic programs. This definition does not include employees who are taking a non-matriculated course that is not part of an academic program. Status begins at payment of deposit to enroll or equivalent and continues through completion of all academic requirements and graduation. This applies regardless of the age of the Undergraduate Student and age of the faculty or staff member.
Graduate or Professional Student	An individual whose primary relationship to the campus is in their role as an enrolled or non-matriculated student in a Masters, Doctoral, post Bachelor Certificate or Professional level program. It also includes such individuals in the status of academically-required employment, such as residency, internship, practicum, fellowship and equivalent. Depending on employment status, this group of students may also be covered employees as professional staff or other college personnel.
Supervisory Relationship	A relationship in which an employee has the authority to make, recommend, or impact decisions regarding hiring, termination, appointment, reappointment, promotion, assignment of duties, evaluation, or changes in compensation or benefits for another individual.

II. Policy Statement:

The State University of New York is committed to ensuring that our students, faculty, and staff can learn and work in an environment that is free from nepotism, harassment, exploitation, and conflicts of interest. SUNY is also committed to promoting fairness in grading, evaluation, and career opportunities. In order to achieve this, it is vital that all college personnel maintain professional boundaries with students, and with employees over whom there is or will be a supervisory relationship.

SUNY professional staff and other college personnel exercise power and authority over SUNY students and employees for whom they have current supervisory, instructional, or other professional responsibility, which creates a power imbalance. This makes consent within any romantic relationship between a supervisor and employee or between a professional staff or other college personnel and a student problematic and may impede the real or perceived freedom of the student or employee to terminate or

alter the relationship. Further, it may cause individuals outside of that relationship to believe that they are treated in an unequal manner during such a relationship or after it terminates, or it may cause individuals to feel that entering such a relationship is necessary or assistive in attaining their academic or career goals. Such a relationship may damage the credibility or reputation of the student, employee, the department or unit, the campus and University as a whole and may expose individuals or the institution to legal action and liability.

In the academic context, romantic relationships that might be appropriate in other circumstances have inherent dangers when they occur between professional staff or other college personnel and students. Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students and employees there is an element of power.

Because inherent power differentials exist, professional staff or other college personnel are prohibited from entering romantic relationships with students for whom such staff or personnel have current supervisory, instructional or other professional responsibility.

Consensual romantic relationships between professional staff or other college personnel and any students for whom such staff or personnel have no current supervisory, instructional or other professional responsibility are strongly discouraged. It is understood that any intimate activity between SUNY professional staff/other college personnel and another employee or a student/graduate student shall never take place while the SUNY professional staff/other college personnel is on duty or on campus. In regard to SUNY Police, such relations shall also never occur while the officer is in uniform.

In the case of pre-existing relationships, professional staff or other college personnel shall be required to recuse themselves from any evaluation of the student and from any activity or decision which may appear to reward, penalize, or otherwise affect the student or student employee and to otherwise take appropriate action to minimize any potential preferential or adverse consequences to the student or other members of the College community.

In the employment context, there is a presumption against romantic relationships between employees where there is a current supervisory or authority imbalance. In cases where there is or has been a consensual romantic relationship between two individuals employed by the college, it is important that any sphere of influence or authority by one such employee over another be removed. Where one person is in the direct line of supervision over the other, the supervisor must notify college administration so that alternative arrangements for supervision can be made.

Where neither individual is in the direct line of supervision over the other, but authority exists wherein one individual could impact any employment related decision regarding the other, such as participating in decisions regarding hiring, termination, appointment, reappointment, promotion, assignment of duties, evaluation or changes in compensation or benefits for the other individual, such person must either recuse themselves from the decision-making process or, in the alternative, notify college administration so that they can be removed from the decision making process.

Non-consensual relationships are always prohibited and may implicate other policies or laws.

III. Employee Applicability:

This policy governs professional staff or other college personnel, whether employed fulltime, part-time, or in volunteer status, whether or not they receive monetary compensation. This policy does not apply to undergraduate or graduate student employees on the student assistant or college work study payroll; it does apply to graduate students with appointments as graduate assistants or teaching assistants. Conflicts

of interest and limitations on supervisory relationships by student employees may be covered separately by the Code of Conduct or other policy.

IV. Policy:

A. Undergraduate Students:

SUNY professional staff or other college personnel, are prohibited from entering romantic relationships with any undergraduate students for whom such staff or personnel have current supervisory, instructional, or other professional responsibility.

B. Graduate or Professional Students:

SUNY professional staff or other college personnel are prohibited from entering romantic relationships with any graduate or professional student in their academic department or unit or over whom they have current supervisory, instructional or other professional responsibility.

C. Employees in a Supervisory Role:

SUNY professional staff or other college personnel are prohibited from supervising any employee with whom they are currently engaged or in the past have been engaged in a romantic relationship. Professional staff or other college personnel who enter a romantic relationship with any employee for whom they provide direct line supervision must notify their direct supervisor or department/unit head, and Director of Human Resources or Employee Relations or designee. The employee's supervisor or department/unit head, in concert with the Director of Human Resources or Employee Relations or designee, shall determine whether an alternative supervisory structure is possible and, if so, shall direct the employees to the alternative supervisory structure. The conclusion of the relationship (whether amicably or not), does not change the prohibition stated herein.

There is no prohibition or reporting requirement for SUNY professional staff or other college personnel who enter, are currently engaged in, or in the past have been engaged in romantic relationships with other faculty and staff where there is no direct line supervisory relationship. However, where a romantic relationship exists or has existed, professional staff or other college personnel shall recuse themselves from any personnel decisions regarding the other individual including hiring, termination, appointment, reappointment, promotion, assignment of duties, evaluation or changes in compensation or benefits for the other individual or, in the alternative, notify college administration so that they can removed from the decision-making process.

There are no prohibitions or reporting requirements for consensual social interactions between SUNY professional staff or other college personnel, regardless of supervisory relationships, that are not romantic in nature.

D. Pre-Existing Relationships:

Relationships between professional staff or other college personnel and an undergraduate, graduate/professional student, or employee for whom the employee will have supervisory, instructional, or other professional responsibility that pre-date enrollment as a student, the existence of a supervisory, instructional or professional responsibility, or hire as staff are permissible provided that employee notifies their direct supervisor or department/unit head and the Director of Human Resources or Employee Relations or designee. The supervisor or department/unit head and the Director of Human Resources or Employee Relations or designee will work with the covered individuals to ensure that they are not in a

direct supervisory or instructional relationship (and, if so, will develop a management plan for the employee), but there is no prohibition on maintaining the relationship. Individuals with hiring or admission authority may not be directly responsible for hiring or admitting an employee or student of any level, with whom they are currently engaged or have in the past been engaged in a romantic, intimate, and/or sexual relationship.

V. Reports and Investigation:

While the primary reporting office for violations of this policy is the Office of Human Resources or Employee Relations, reports of violations of this policy may be brought to the campus Title IX Coordinator, the Director of Human Resources or Employee Relations or their designee, or the Office of the Provost.

Monitoring the status of alternative supervision is the responsibility of the Director of Human Resources or Employee Relations or designee. All documentation under this policy shall be maintained in the Office of Human Resources or Employee Relations.

Retaliation for making a report or participating in a process under this policy is prohibited. The University prohibits an individual from knowingly filing a false complaint or making misrepresentations of sexual misconduct. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct. If an investigation results in a finding that a person who has accused another of sexual misconduct has acted maliciously or has recklessly made false accusations, the reporting party will be subject to appropriate sanctions. It is important to note that due process considerations may limit the ability to investigate or resolve anonymous complaints.

VI. Discipline:

Violations of this policy may result in disciplinary charges up to and including termination. Any disciplinary action shall be taken pursuant to the applicable collective bargaining agreement.

VII. Responsibilities:

This policy identifies the following responsibilities as assigned to those cited below.

Role	**Individual/Group**	**Contact Information**
Comply with	All College staff	n/a
Policy Executor(s)	Human Resources	(315) 267-4816

Change History

Date	**Change History**
August 19, 2019	New Policy.

Effective Date: August 19, 2019

Responsible Party: Human Resources

Contact Information: (315) 267-4816