

Title: Employee Consensual Relationship Policy

Policy Abstract: This document outlines the College policy on employee consensual relationships.

Responsible Office: Human Resources Office

Official: Associate Vice President for Human Resources

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Applies to: All employees at the College

Effective Date: January 1, 2020

Revision Date(s):

Background: Birmingham-Southern College strives to create and maintain a community that enables each person to reach their full potential and lead a life of significance. To do so requires an environment of trust, openness, civility, and respect. As such, the College is firmly committed to a policy of prohibiting behaviors that adversely impact a person's ability to achieve these goals.

The College recognizes that adults, including young adults, may make choices regarding personal relationships. However, a romantic or sexual relationship between a College employee and a student has the potential to jeopardize the student's academic program and the learning environment for other students, and raises serious concerns regarding unequal status and power, validity of consent, conflicts of interest and preferential treatment. Similarly, a romantic or sexual relationship in which an employee has a supervisory or evaluative role over the other party has the potential to jeopardize the subordinate employee's employment, negatively affect the work environment, and raises concerns regarding unequal status and power, validity of consent, conflicts of interest and preferential treatment. Even when both parties have consented at the outset to a romantic, intimate, or sexual relationship, this consent does not eliminate potential conflicts of interest. For these reasons, an employee's professional responsibilities are incompatible with a sexual or romantic relationship with a student or someone over whom they exercise authority. Employees engaging in such relationships put themselves, students, other employees and the College at risk. Any employee who violates this policy is subject to disciplinary action, loss of professional standing with colleagues and students, allegations and charges of sexual harassment, and legal liability.

Definitions: For the purposes of this Policy, the following definitions shall apply:

"Consensual Relationship" refers to any past or present relationship which is romantic, intimate, or sexual in nature and to which both parties consent or consented. This includes dating, engagement, domestic partnership and marriage.

"Student" shall mean and refer to any person applying to the College or currently enrolled, either full-time or part-time, in any course or academic program associated with the College.

"Employee" shall mean and refer to any person currently employed by the College, either full-time or part-time, in any location and in any capacity.

“Exercise(s) Authority” shall mean and refer to evaluating, providing oversight, supervising and/or otherwise participating in or influencing votes or decisions that may reward or penalize an Employee.

“Supervisor” shall mean the individual who performs the Employee’s annual evaluation.

Employee-Student Relationship Policy: All employees are prohibited from taking action to initiate, pursue or engage in a Consensual Relationship with any Student. The prohibition is year-round and applies to usual and customary break periods for Students who intend to continue enrollment at the College

Employee Relationship Policy: All Employees who exercise authority over another employee must immediately report to their applicable Supervisor any Consensual Relationship with a subordinate Employee.

Within fifteen (15) working days of receiving a report of a Consensual Relationship, the employee who exercises authority over the other in the relationship shall consult with his or her Supervisor to develop a plan to manage or eliminate conflicts of interest and mitigate adverse effects on the involved parties and other third parties. This plan shall document in writing the actions to be taken, including one or more of the following actions:

1. Transferring supervisory, decision-making, evaluative, academic, and/or advisory responsibilities;
2. Providing an additional layer of oversight to the supervisory role;
3. Transferring one of the individuals to another position; and/or
4. Taking any other action reasonably necessary to manage or eliminate the actual or potential conflict of interest and/or mitigate adverse effects.

Privacy: Reasonable efforts should be made to preserve privacy for the parties in a Consensual Relationship. Names and pertinent information should be shared only with individuals directly involved in review of these actions and only as reasonably necessary. Reasonable efforts should be made to avoid adversely affecting the employment opportunities of the employees, with particular consideration for the subordinate employee.

Exemptions: The Head of Human Resources may grant exemptions from this policy under reasonable circumstances. A limited exemption will be granted upon application when the spouse or domestic partner of a faculty member enrolls as a Student. The faculty member, however, may not directly advise, teach or Exercise Authority over the faculty member’s spouse or domestic partner. When an exemption is made, the applicable Vice President or Athletic Director overseeing the Employee must notify the Head of Human Resources and make arrangements, if necessary, to minimize any potential conflicts of interest.

Procedures for Investigations and Disciplinary Action: Potential violations of this policy must be reported to the head of Human Resources, who will assess each such situation by holding fact finding conferences and obtaining statements from employees. In any situation in which the head of Human Resources is accused of violating this policy, the Provost or another person designated by the Provost will fulfill the role of the head of Human Resources.

The Head of Human Resources will report findings to the Provost (if the accused is a faculty member) or to the appropriate Vice President or Athletic Director (if the accused is not a faculty member) and make a recommendation concerning further action and disposition of the matter.

After reviewing all the evidence, the Provost or the appropriate Vice President or Athletic Director, in consultation with the head of Human Resources, will make a determination whether reasonable grounds exist to believe that a violation of this policy has occurred. If such grounds are found to exist, the Provost or appropriate Vice President or Athletic Director will take all appropriate action to resolve any violations of this policy and impose appropriate discipline. In any situation in which the Provost or appropriate Vice President or Athletic Director is accused of violating this policy, the President of Birmingham-Southern College will fulfill that role. In any situation in which the President of the College is accused of violating this policy, the head of Human Resources, in consultation with the Chairperson of the Board of Trustees will fulfill that role.

If the Employee disciplined under this Policy is dissatisfied with the action taken by the Provost or Vice President or Athletic Director, such Employee may appeal the decision to a hearing board. If the Employee is a faculty member, the hearing board will consist of a three-member panel of faculty selected by the Provost from a pool of members who have been appointed by the Chair of the Faculty Advisory Committee. If the Employee is a staff member, the Board will consist of three staff members from a pool appointed by the head of Human Resources.

If the Employee disciplined under this policy is dissatisfied with the action taken by the hearing board, such Employee may appeal the decision to the President in writing within 21 days after the hearing board's determination is communicated to the Employee. The other party will have 21 days to respond in writing to the appeal, and the President will make the final determination based upon the record before the hearing board and the written submissions of the Employees involved.

Concurrent Violations: In addition to potential violations of this policy, any concurrent reports, observations or allegations of sexual misconduct or other policy violations by an Employee may, at the discretion of the head of Human Resources and the Provost or appropriate Vice President or Athletic Director, be consolidated and reviewed using the foregoing procedures or the procedures applicable to the other policy violations, for investigation, disciplinary action and appeal.