



VCU

Employee-Student Consensual Relationships

Policy Type: Administrative

Responsible Office: Office of the Provost

Initial Policy Approved: 11/16/2006

Current Revision Approved: 02/04/2016

Policy Statement and Purpose

Virginia Commonwealth University is committed to maintaining learning and work environments free from conflict of interest, exploitation, or favoritism. Employees, whether faculty or staff, shall not engage in consensual relations with students whenever the employee has a "position of authority" with respect to the student in any context, including but not limited to teaching, advising, training, providing recommendations for, evaluating, supervising, mentoring, or in the context of any student employment situation regardless of full or part-time status, for example as part of laboratory or other graduate assistant responsibilities, as part of clinical service or learning, or in the context of supervised graduate student teaching activities.

Students look to their faculty/instructors or clinical or work supervisors for guidance and depend upon them for assessment, advancement, and advice. The existence of such relationships casts doubt on the objectivity of any supervision and evaluation provided. The integrity of the University's educational mission is promoted by professionalism that derives from mutual trust and respect in instructor-student relationships. Similarly, the University is committed to the principle of protecting the integrity and objectivity of its employees in the performance of their University duties. It is therefore fundamental to the University's overall mission that the professional responsibilities of its faculty and staff be carried out in an atmosphere that is free of conflicts of interest that compromise these principles.

In cases where one person uses a position of authority to induce another person to enter into a romantic and/or sexual relationship, the likely harm to the induced person and to the institution is clear. Even in cases where the relationship is deemed "consensual" by the involved parties, significant potential for harm remains when there is a power differential between them. There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions of power (such as instructor and student, supervisor and employee). Clear examples of cases of power differential are romantic and/or sexual relationships between a faculty member/instructor and a student, an academic advisor and advisee, or a supervisor and a student worker. Such relationships create obvious dangers for abuse of authority and conflict of interest whether actual, potential, and apparent. Such relationships may be less consensual than the individual whose position confers power believes. Such relationships can be perceived in different ways by each of the parties to it, especially in retrospect.

Relationships between an employee in a position of authority and a student also have the potential for other adverse consequences, including the filing of charges of sexual harassment and/or retaliation if one party to the relationship wishes to terminate the relationship over the other party's objection. The initially perceived consensual nature of the relationship can ultimately be seen as inherently suspect due to the fundamental asymmetry of power in the relationship, and it thus may be difficult to establish consent as a defense to such a charge. Further, even when both parties consented at the outset to a romantic involvement, this past consent does not remove grounds for or preclude a charge or subsequent finding of sexual harassment based upon subsequent unwelcome conduct. When such relationships falter, a student or trainee's university learning or work environment can be adversely affected resulting in possible Title IX violations under federal law. Such relationships can also adversely affect the learning or work environment in a manner that harms or injures others.

This policy is directed specifically to employee-student relationships and recognizes that both employees and students bear responsibility to avoid such situations and conflicts of interest. It is incumbent upon both employees and students to avoid becoming involved in relationships in violation of this policy and to promptly disclose, as noted in the procedures below, any such relationships so that appropriate actions can be taken to address inherent conflicts of interests and power imbalances that easily arise out of such relationships in the learning and work environment of the university.

Multiple Roles

There are occasions when an individual, initially classified as student, faculty or staff in his or her primary role, will take on another role at the University. For example, if a staff member is enrolled in a course, the staff member will be considered a student for purposes of this policy with respect to any relationship with the instructor of the course. A graduate student teaching a course is considered a faculty member in the context of any relationship with a student in the course.

Any romantic and/or sexual relationship(s) between a faculty member/instructor and a student continues to be prohibited even after a student has completed the faculty member/instructor's course as long as the student remains in the status of student at the university. This prohibition is in recognition of a faculty member's position of authority at the University and their attendant responsibilities which include teaching, research, service, advising, training, mentoring, and evaluation. These duties are wholly incompatible with any such relationship.

Discipline and Non-Retaliation

Noncompliance with this policy may result in disciplinary action up to and including termination of the responsible employee. The responsible Vice President and/or VCU Human Resources Director shall promptly investigate all alleged violations of this policy and implement appropriate disciplinary action where violations have been found.

VCU supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

Student must also comply with this policy, making appropriate efforts to avoid prohibited relationships (and the conflicts of interest and other harms inherent in them) and to timely report and/or take other required actions as outlined herein.

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Who Should Know This Policy

All employees and students are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

Definitions

Consensual Relationships

Romantic and/or sexual relationships willingly undertaken by the parties.

Employee

A person, faculty or staff, who holds a full-time, part-time, permanent or temporary position at Virginia Commonwealth University. Includes, but is not limited to, administrative, professional, teaching, research, and clinical faculty; adjunct faculty; graduate assistants; postdoctoral fellows; classified staff; and hourly employees.

Faculty

Faculty appointments (full-time and permanent part-time) include: Instructional (teaching and research) faculty; Administrative and/or Professional faculty; Term and Adjunct faculty; Special faculty appointments, such as Visiting, Eminent Scholar, Emeriti and Affiliate faculty; and graduate teaching assistants.

Position of Authority

References and includes, but is not limited to, situations in which an employee is responsible for teaching, evaluating, supervising, advising, training, or providing recommendations for a student as part of a school program or employment situation; or is in a position to influence any of these activities or processes conducted by others.

Staff

Any person hired by the University as an hourly or classified staff member.

Contacts

The Office of the Provost and the Office of Human Resources are responsible for interpreting and managing this policy. The Office of the Provost is responsible for obtaining approval for any revisions as required by the policy *Creating and Maintaining Policies and Procedures* through the appropriate governance structures. Please direct policy questions to the Office of the Vice Provost for Academic and Faculty Affairs.

Policy Specifics and Procedures

Procedures establish required actions and processes to comply with a policy, support compliance with applicable laws and regulations, and mitigate risk.

- Romantic and/or sexual relationships are prohibited between an employee with a position of authority and a student over whom such authority (as defined in this policy) exists.
- If a consensual relationship exists that was developed prior to the existence or development of a position of authority, that position of authority must be terminated and immediate arrangements for the objective evaluation of the student's academic performance and/or work performance that protect the student and the University must be undertaken.
- Making appropriate arrangements means removing any supervisory, teaching, training, evaluation, advising, mentoring, or counseling responsibilities between the employee and the student in a manner that does not damage the academic position, continued training, or situation of the student.
- In order for such arrangements to be made and approved, the employee must promptly disclose any consensual relationship to his or her superior, normally the Chair, Division Head, Dean, or administrative supervisor, and reach an agreement for prompt remediation. Regardless of who might have initiated the consensual relationship, the employee is responsible for complying with this policy and disclosing the consensual relationship.
- Failure to immediately disclose and address the conflicts inherent in a prohibited relationship is a further violation of this policy.
- Supervisors, including faculty supervisors, who obtain information that would lead a reasonable person to believe that a relationship in violation of this policy exists, have a duty to report the violation to the appropriate Chair/Director, or Dean, as applicable, who must in turn report the potential violation to the respective Vice President and the VCU Office of Human Resources, as applicable.
- Any student involved in a relationship prohibited by this policy is expected to report the relationship to the Office of the Dean of Students. The Dean or Associate Dean or designee will work with the student and applicable administrators to make appropriate arrangements for the student's continued education, training, or work activities.

Forms

There are no forms associated with this policy and procedures.

Related Documents

1. VCU Policy: [Rules and Procedures](#) of Virginia Commonwealth University
2. State and Local Government Conflict of Interests Act
 - a. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC0202000003100000000000>
3. State Policy 1.60, *Standards of Conduct*
 - a. http://www.dhrm.virginia.gov/hrpolicy/web/pol1_60print.html
4. VCU Policy: [Administrative and Professional Faculty Holding Administrative Appointments](#)
5. VCU Policy: [Prohibition Against Sexual Harassment](#)
6. VCU Policy: [Faculty Promotion and Tenure Policies and Procedures](#)
7. VCU Code of Conduct <http://www.assurance.vcu.edu/codeofconduct.html>

8. Non-consensual situations are covered under the University's [Prohibition Against Sexual Harassment policy](#).
9. Nepotism and Marital/family relationship issues are addressed under the [VCU Code of Conduct](#).

Revision History

This policy supersedes the following archived policies:

Approved: November 16, 2006, *Employee-Student Consensual Relationships*

Approved: April 13, 2015, *Employee-Student Consensual Relationships-Interim*

FAQs

1. What do I do if I have knowledge of a relationship between a faculty member or other employee with a position of authority and a student?

ANSWER: Report this to your Chair/Director, Dean, or Supervisor as applicable. If you wish to remain anonymous report through the VCU Helpline www.vcu.helpline.com or 1-888-242-6022. When in doubt, report.

2. I taught a student last semester and wish to become involved with the student now. He/she is no longer in my class. Would this be a policy violation?

ANSWER: Yes. Students expect faculty to be available for recommendations or academic mentoring even if a specific class has concluded. Further, unless the student has completed a degree and left VCU, he/she might decide to enroll in one of your classes in the future.

3. I had an affair with a student last summer. The relationship has ended. I noticed he/she has enrolled in my class this semester. Must I disclose the relationship to my department chair?

ANSWER: Yes. A recently ended relationship has considerable potential to affect objective treatment of the student as a learner in your class. Further, the relationship may be over from your perspective, but not his/hers. Allowing the student to remain in your class is fraught with conflict of interest potential. You must disclose so that your Chair can assist the student to move quickly to another equivalent class.

4. I have clinical supervision responsibilities for a program in which four Fellows are currently enrolled in multi-year programs. I am romantically interested in one of them, and I believe he/she is interested in me. Is it possible for me to initiate a relationship with this Fellow if one of my colleagues is willing to take over clinical evaluation of the Fellow in question?

ANSWER: No. Your existing role involves supervision of the Fellow. Developing a relationship presents a conflict of interest and would make fair and objective evaluation of the Fellow's past performance impossible.

5. I teach in the College of Humanities and Sciences. I met a medical student at a recent social event. I am interested in getting to know him/her better. If I reach out to this individual would I be in violation of this policy? If we were to develop a relationship, would this be a policy violation?

ANSWER: Not on the specific facts presented, but all employees must be vigilant in such situations to honestly evaluate the possibilities of a present or future conflict of interest. Here a situation is described in which your faculty role has no overlap with the educational program at another school of VCU in which this individual is enrolled. Nor does there appear to be any potential that he or she would enroll in one of your classes or need or seek recommendations or professional mentoring from you in the future. However, if you do enter into a personal relationship with this individual, you should both be careful to ensure that you do not later assume a position of authority as defined in this policy.

6. I am an undergraduate student who became involved with a faculty member last summer. I was not in the faculty member's class at the time, nor am I taking any classes with the faculty member now. Have I participated in a potential policy violation?

ANSWER: It depends. If the faculty member is in a school or department where you might be taking classes, or might want to, the relationship is very problematic and likely to be seen (or could quickly become) prohibited under this policy. Further, any relationship between a faculty member and an undergraduate student involves an inherent power imbalance and is not one the university condones even if there is no obvious position of authority between the two individuals. You should speak with the Office of the Dean of Students to develop strategies for handling this situation so as to avoid policy problems, and to ensure you have appropriate support and guidance.