

1.27 CONSENSUAL SEXUAL OR ROMANTIC RELATIONSHIPS POLICY

1.0 Reason for Policy

Saint Louis University is committed to providing a safe, equitable, and respectful learning and work environment for all members of our community. Sexual or romantic relationships between members of the University community in unequal positions of power or authority can undermine this commitment and raise significant legal, administrative, and ethical risks.

There are many ways problems can arise when members of the University community in unequal positions of power engage in a sexual or romantic relationship. When one person in such a relationship has the ability or authority to grade, advance, promote, recommend, or otherwise influence the employment or academic status of the other, there is the possibility that what appears to be a consensual relationship may not be so. Some recipients of sexual advances may fear that refusal will result in loss of an employment or academic benefit, and thus enter into such a relationship even though it is, in fact, unwelcome. Such situations may constitute sexual harassment, which is illegal. In other instances where the consensual relationship between unequal persons may not necessarily constitute sexual harassment, an inherent conflict of interest may give rise to the perception by others that there is preferential treatment or bias in decisions that favorably impact the individual in that consensual relationship. These perceptions undermine the spirit of trust and mutual respect that is important to the University culture.

This policy strives to provide an environment that is free from inequality, favoritism, or sexual harassment within the context of consensual sexual or romantic relationships between members of the Saint Louis University community when there is a disparity of power with an individual over whom one has Direct Authority.

2.0 Policy Statement

Relationships between Faculty and/or Staff

No faculty or staff member shall enter into a consensual sexual or romantic relationship with another faculty or staff member over whom they have Direct Authority. Conversely, no faculty or staff member shall exercise Direct Authority over any other faculty or staff member with whom they have, or previously had, a sexual or romantic relationship.

If such a situation preexists or arises, it will not be considered a violation of this policy if the party in the position of greater authority promptly recuses themselves from any role with Direct Authority over the other party, and discloses the relationship to the Office of Institutional Equity and Diversity. If the Office of Institutional Equity and Diversity determines that a simple recusal will eliminate the conflict of interest (for instance, recusing oneself from a single tenure committee decision), no further action is required.

In all other cases where simple recusal will not eliminate the conflict of interest (for instance, if one party would be supervising the other on an ongoing basis, or routinely making evaluative decisions affecting the other), the party in the position of greater authority must promptly follow

the Responsibilities procedures set forth in Section 6 of this policy so that any potential conflicts and risks can be managed.

NOTE: Situations such as marital unions and partnerships are governed by the University's Employment of Relatives Policy.

Relationships between Faculty/Staff and Students

No faculty or staff member shall enter into a consensual sexual or romantic relationship with a student over whom that faculty or staff member has Direct Authority. Conversely, no faculty or staff member shall exercise Direct Authority over a student with whom the faculty or staff member has, or previously had, a sexual or romantic relationship.

Additionally, no student serving in a teaching or evaluative role for a specific course (for instance, as a teaching assistant or graduate assistant) shall enter into a consensual sexual or romantic relationship with any student currently enrolled in that course. Conversely, no student serving in a teaching or evaluative role for a specific course shall exercise academic authority over any student in that course with whom they have, or previously had, a sexual or romantic relationship.

Further, no faculty member shall enter into or engage in a consensual sexual or romantic relationship with a student who is enrolled in any academic program (for instance, J.D. or M.D.) or department in which the faculty member participates.

If any of the above situations preexist or arise, the party in the position of greater authority must promptly recuse themselves from any role with Direct Authority over the student, extending until such time as the student ceases to be in that academic program at the University. In addition, the party in the position of greater authority must promptly follow the Responsibilities procedures set forth in Section 6 of this policy so that any potential conflicts and risks can be managed.

NOTE: As it relates to students who are not serving in a teaching or evaluative role for a specific academic course (for instance, students serving in a Direct Authority capacity over students in residential facilities on campus, tutorial services, or other extracurricular programs or activities), the student in the position of greater authority must promptly notify the Program Director about the existence of a current or previous sexual or romantic relationship with the other student so that any potential conflicts can be managed. If the Program Director determines that a simple recusal or reassignment will eliminate the conflict of interest, no additional action is required.

Special Considerations Regarding Undergraduate Students

The legal, administrative, and ethical concerns expressed in this policy apply with particular enforcement to the prohibition of consensual sexual or romantic relationships between faculty/staff and undergraduate students. Because of the heightened risk of a real or perceived power imbalance between faculty/staff and undergraduate students, no faculty or staff member shall engage in a sexual or romantic relationship with any student currently enrolled as an undergraduate at Saint Louis University, regardless of whether the faculty or staff member exercises academic or other authority over that student.

The Office of Institutional Equity and Diversity, in consultation with relevant University entities, may allow exceptions to this section of the policy regarding undergraduate students in limited appropriate circumstances (for instance, a non-traditional undergraduate student who takes no classes in the same department as the faculty member).

3.0 Scope

This policy applies to all University faculty, staff, students, and volunteers, including SLU-Madrid.

4.0 Procedures

When a disclosure is made pursuant to the responsibilities outlined in this policy, the Office of Institutional Equity and Diversity, in consultation with other appropriate University entities such as the Office of General Counsel, Human Resources, or leadership at the college, school, divisional, or departmental level, will determine how to eliminate or minimize the conflict of interest and disruption of the academic or work environment.

Those individuals who carry out this policy, including those to whom disclosures are made and those involved in developing or implementing conflict management plans, shall do so in a manner that respects the privacy of the parties involved to the greatest extent possible and shall share information only to the extent necessary to provide a safe, equitable, and respectful academic and work environment for all members of the Saint Louis University community.

Those who wish to file a complaint regarding a violation of this policy may contact the Office of Institutional Equity and Diversity.

For employment situations that preexist or arise as the result of a Direct Authority relationship involving a relative, refer to the procedures outlined in Saint Louis University's Employment of Relatives Policy.

Special Considerations regarding Episodic or Temporary Assignments (ETAs)

The University recognizes that circumstances may arise in which an individual is given an episodic or temporary assignment ("ETA") which places that individual in Direct Authority over another individual with whom there currently is, or previously has been, a sexual or romantic relationship. Peer-to-peer or other non-supervisory relationships are provisionally transformed into Direct Authority relationships by virtue of an ETA (for example, a medical resident who has temporary Direct Authority over another medical resident or medical student within the context of a clinical rotation). Every effort should be made to avoid such situations. When this is not feasible, the individual who has been given the ETA must promptly notify the Program Director about the existence of the relationship. The Program Director will review the nature and scope of the ETA, taking into account considerations such as the duration of the ETA and the parameters relative to the ETA-holder's decision-making responsibilities. The Program Director may, at their discretion, in consultation with the Office of Institutional Equity and Diversity, grant an exception to this policy, thereby allowing an individual to perform in an ETA capacity over another individual with whom there currently is, or previously has been, a sexual or romantic relationship.

If concerns are raised regarding the perception of sexual favoritism, bias, or other forms of preferential treatment within the context of an ETA, those matters will be reviewed by the Office of Institutional Equity and Diversity.

5.0 Sanctions

Individuals who fail to comply with this policy and the procedures associated with it may be subject to disciplinary actions guided by the rules, regulations, and policies of Saint Louis University, including but not limited to the University's Staff Performance Management Policy, SLU Faculty Manual (St. Louis Campus), Code of Professional Conduct for

Residents and Fellows, or Student Handbook. Non-compliance with this policy may result in disciplinary action, up to and including separation from the University. Students who violate this policy while acting in a teaching or academic role may be subject to disciplinary action in accordance with the Student Handbook or other relevant University policies.

Failure to provide prompt disclosure to the Office of Institutional Equity and Diversity in accordance with this section will be considered a violation of the policy.

6.0 Responsibilities

As set forth above, this policy requires that situations involving consensual sexual or romantic relationships in which one individual has Direct Authority over another must be disclosed promptly so that any potential conflicts can be managed. Specifically, in these situations, the party in the position of greater authority must notify the University's Office of Institutional Equity and Diversity about the existence of the relationship.

Faculty and staff members are prohibited from engaging in a sexual or romantic relationship with any student currently enrolled as an undergraduate at Saint Louis University, regardless of whether the faculty or staff member exercises academic or other authority over that undergraduate student.

NOTE: The prompt disclosure of a consensual sexual or romantic relationship does not insulate the party with Direct Authority from a claim or finding that the conduct nonetheless violated applicable University policies (e.g., an allegation of sexual harassment or sexual assault under the University's Harassment Policy or Sexual Misconduct Policy.)

7.0 References

University Policies Including But Not Limited to:

Employment of Relatives Policy (<https://www.slu.edu/human-resources/pdfs/policies/employment-of-relatives.pdf>)

Harassment Policy

Sexual Misconduct Policy (<https://www.slu.edu/about/safety/pdfs/sexual-misconduct-policy-version7.0.pdf>)

SLU Faculty Manual (https://www.slu.edu/provost/policies/faculty-manual/faculty-manual_2017.pdf) (St. Louis Campus)

University Resources Including But Not Limited to:

Office of Institutional Equity and Diversity

DuBourg Hall, Room

3221 North Grand Blvd.

(314) 977-3838

Department of Human Resources

Wool Center, 1st Floor

3545 Lindell Blvd.

(314) 977-5847

Office of Professional Oversight

SSM Health Saint Louis University Hospital

3635 Vista Ave.

Desloge Tower, Room T-6417

(314) 577-8933

Department of Public Safety and Emergency Preparedness

Wool Center, Room 114

3545 Lindell Blvd.

Emergencies: (314) 977-3000

General Information: (314) 977-2376

Office of Student Responsibility and Community Standards

Wuller Hall, 2nd Floor North

3711 West Pine Mall

(314) 977-7326

External Resources Including But Not Limited to:

U.S. Department of Education

Office for Civil Rights

Lyndon Baines Johnson Department of Education Building

400 Maryland Avenue, SW

Washington, DC 20202-1100

800-421-3481

OCR@ed.gov

U.S. Department of Justice

Civil Rights Division

950 Pennsylvania Avenue, N.W.

Office of the Assistant Attorney General, Main

Washington, D.C. 20530

(202) 514-4609

U.S. Equal Employment Opportunity Commission

Robert A. Young Federal Building

1222 Spruce St., Rm 8.100

St. Louis, MO 63103

800-669-4000

8.0 Definitions

Direct Authority: refers to the actual or apparent authority one has to supervise, evaluate, counsel, educate, coach, employ, or otherwise make decisions or recommendations regarding the other person in respect to the other person's employment, education, instruction, or participation at

Saint Louis University, or as to that individual's advancement, benefits, or privileges in the educational or employment context.

One may have "Direct Authority" over another in situations including, but not limited to, those in which an individual controls or has influence over the other's employment, assignments, evaluation, recommendation, compensation, discipline, admission, coursework, grading, financial aid, formal mentoring, research funding, extracurricular participation, co-curricular involvement, dissertation supervision, and other forms of control or influence over academic, professional, or other relevant matters or activities.

Faculty: encompasses all faculty members, as outlined in the SLU Faculty Manual (St. Louis Campus).

Staff: includes all University staff members, with the exception of undergraduate student workers whose primary relationship with the University is that of a student.

9.0 History

This new policy replaces the provision in the University's Harassment Policy (version 3.0) regarding consensual amorous relationships that occur within the context of educational or employment supervision and evaluation.