

## CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS

### POLICY SUMMARY

Northern Arizona University prohibits consensual romantic or sexual relationships between Employees and Students, other employees, Affiliates, vendors, and Volunteers where the Employee has, or can reasonably expect to have, an instructional or supervisory relationship, or is in a position of real or perceived authority, influence, or responsibility with regard to the other person. The goal is to prevent harm, disruption, or ethical challenges that may arise from such relationships due to the inherent power differential between the participants. Students who have an employment relationship with the University which puts them in a position of authority will be considered Employees for purpose of this policy. If a prohibited consensual romantic or sexual relationship is attempted or develops, the Employee must immediately disclose and resolve the situation to the University's satisfaction. Retaliating against an individual for reporting or participating in a consensual romantic or sexual relationship investigation or disciplinary process is also prohibited.

### REASON FOR THIS POLICY

Protecting community members and the University's academic, administrative, and operational integrity requires appropriate regulation of consensual romantic or sexual relationships between those who occupy positions of authority and those who operate within their zone of influence.

### ENTITIES AFFECTED BY THIS POLICY

- All University units at all locations

### WHO SHOULD KNOW THIS POLICY

- All prospective and current Students
- All University employees, Affiliates, vendors, and Volunteers

### DEFINITIONS

**Affiliate:** a person who belongs to one of the University's affiliations that have a developed or formal relationship with the University and has been granted "affiliate" status as a result.

**Employee:** for purposes of this policy, all individuals who have an employment relationship with the University including, for example, faculty, researchers, administrators, service professionals, classified staff, post-doctoral scholars, academic professionals, principal investigators, graduate and teaching assistants, supplemental instructors, tutors, advisors, coaches, Student workers, and any other employee, agent, vendor, or Affiliate of the University of any rank or role who as part of their job duties or responsibilities provides instruction or who has or exercises real or perceived authority, influence, or responsibility in regard to a Student or other employee, Affiliate, vendor, or Volunteer. Any individual who receives a tuition waiver or any other form of non-monetary compensation from the University and any Volunteer who as part of their work for the University exercises real or perceived authority, influence, or responsibility over another person are also considered to be Employees for purposes of this policy.

**Student:** for purposes of this policy, all prospective and currently enrolled undergraduate and graduate Students, including Students enrolled in online classes and individuals auditing courses.

**Volunteer:** a person doing work for the University under the direction and control of University officials and are not being paid by anyone for these activities.

## POLICY

### A. Scope and Applicability

This policy applies to consensual romantic or sexual relationships between Employees and Students, other employees, Affiliates, vendors, or Volunteers (collectively referred to hereinafter as “covered persons”) where the Employee has, or can reasonably expect to have, an instructional or supervisory relationship, or is in a position of real or perceived authority, influence, or responsibility with regard to the covered person. If a Student in any type of employment relationship with the University, such as a graduate or teaching assistant, resident assistant, peer mentor or scholar engages in relationship with a person the individual teaches or over whom the individual has real or perceived authority, influence or responsibility as a result of their employment duties or responsibilities, the individual will be considered an Employee for purposes of this policy’s consensual romantic or sexual relationships prohibition and disclosure and conflict management plan requirements.

1. Spousal and Domestic Partner Relationships. The University does not prohibit the employment of married couples or those in domestic partnerships but does regulate such employment to prevent real or perceived conflicts of interest or other potential ethical or administrative problems. In accordance with [Human Resources Policy 1.05](#) and this policy, an Employee may not serve, in either an employment or academic setting, in a position where the Employee would exercise real or perceived authority, influence, or responsibility with regard to their spouse or another person with whom they maintain a relationship that is in essence similar to a legally recognized marriage. Such partners are required to immediately disclose the existence of their marital or comparable relationship and, when warranted, must implement an approved conflict management plan that resolves the situation.

### B. Terminology

In instructional settings, “authority, influence, or responsibility” includes, but is not limited to, evaluating the work of or awarding grades to a Student; serving in any other academic evaluative role such as sitting on a Student’s thesis or dissertation committee; engaging in formal mentoring or advising; supervising research; or determining or influencing the award of financial aid, scholarships, grants, assistantships, internships, externships, or employment opportunities. In employment settings, “authority, influence, or responsibility” includes, but is not limited to, supervising, assigning work to, evaluating the work of, or having the ability to affect an employee’s hiring, advancement opportunities, travel, grants, professional development, or disciplinary decisions. In athletic settings, “authority, influence, or responsibility” includes, but is not limited to, the ability to affect a Student athlete’s eligibility, position, playing time, scholarships, or performance. “Authority, influence, or responsibility” also exists when an Employee possesses keys or other access to an individual’s on-campus residence.

### C. Prohibited Relationships

Where an Employee has, or can reasonably expect to have, an instructional or supervisory relationship or a position of real or perceived authority, influence, or responsibility with regard to a covered person, consensual romantic or sexual relationships between the parties are prohibited. By way of example, consensual romantic or sexual relationships between the following individuals are not allowed (this is not an exhaustive list):

- A supervisor and a subordinate employee;
- A teacher and a Student in the teacher’s class or program;
- A principal investigator and a postdoctoral scholar they supervise;
- A teaching assistant and a Student in the teaching assistant’s class or lab;
- A dean or associate dean and a faculty member within their college or school;
- A faculty, academic, organization, or club advisor and an advisee;
- A coach or athletic trainer and a Student athlete;
- A residence hall director and a resident assistant or resident living in their hall;
- A resident assistant and a resident of their area of responsibility;
- A medical professional and a patient; and
- A counselor and a counselee.

#### D. Cautions

Romantic or sexual relationships between individuals in different positions of power in academic or employment settings may lead to difficulties for both parties. Such relationships can be harmful, particularly for Students. They are, therefore, best avoided. Employees should be mindful of the continuous possibility that they may be placed in a position of real or perceived authority, influence, or responsibility in regard to a covered person. If this occurs, the Employee must disclose the situation as outlined in this policy. A conflict management plan that resolves the situation to the satisfaction of the University may be required. If warranted, such as in the case of late disclosure, implementation of an acceptable conflict management plan may not, however, prevent a finding that one or both of the parties to the relationship violated this policy. Further, because of the inherent power differential, should an allegation of misconduct arise from the relationship, a defense based upon mutual consent may be unsuccessful if the facts establish that the inherent power differential between the parties prevented or negated freely given consent. Employees should also be aware that past consent does not eliminate grounds for an allegation of misconduct based upon subsequent unwelcome conduct.

#### E. Disclosure

If a prohibited consensual romantic or sexual relationship develops, the Employee in the position of authority, influence, or responsibility is required to disclose its existence immediately to their supervisor or the Equity and Access Office. Supervisors who receive such disclosures are required to report the matter immediately to the Equity and Access Office. If a prohibited consensual romantic or sexual relationship develops between a supervisor and a supervisee, both individuals are required to disclose its existence immediately to the senior Employee's supervisor or the Equity and Access Office. Senior supervisors who receive such disclosures are required to report the matter immediately to the Equity and Access Office. Additionally, as applicable, both individuals shall immediately use the University's electronic reporting system to update their [Conduct, Ethics, Reporting, and Transparency](#) ("e-CERT") form with new information regarding the relationship. Supervisors who are informed of the development of prohibited consensual relationships shall immediately, in consultation with the Equity and Access Office, implement interim measures as appropriate to shield the subordinate person in the relationship from the authority, influence, or responsibility of the person in the position of power. The supervisor shall also make sure that the parties involved are aware of and understand their responsibility to cooperate fully and continually with measures that remedy the situation as outlined in Section F. Disclosure of a prohibited relationship will not prevent a finding that one or both parties to the relationship have violated this policy and are subject to corrective discipline as a result.

#### F. Conflict Management Plans

Employees who develop a consensual romantic or sexual relationship that violates this policy must immediately attempt to remedy the situation to the satisfaction of the University by implementing a mandatory conflict management plan. Such plans must be approved by the relevant supervisor(s) and the Equity and Access Office. To be effective, the conflict management plan must eliminate or foreclose, as appropriate, the Employee's authority, influence, or responsibility over the covered person. Merely terminating the relationship may not be sufficient. A conflict management plan which delegates authority to someone supervised by the Employee in the relationship will not be approved. In some cases, it may not be possible to cure the situation without a change of job duties, a job transfer (which is in no way promised or guaranteed by the University), or termination of employment. Supervisors of individuals who have disclosed the development or existence of a prohibited consensual relationship shall ensure that the situation is properly resolved in accordance with this policy through the implementation of a prohibited consensual relationship conflict management plan or other actions as necessary. Should an individual refuse to properly remedy such a prohibited relationship situation as required, the individual's supervisor shall notify the division's executive leader and the Equity and Access Office. The implementation of an approved conflict management plan may not prevent a finding that one or both of the parties to the relationship violated this policy and are subject to corrective disciplinary action as a result. Failure to abide by an approved prohibited relationship conflict management plan is also subject to corrective disciplinary action up to and including termination.

#### G. Retaliation

Retaliation or retribution of any kind taken against an individual for reporting or participating in an investigation or disciplinary process related to a prohibited consensual romantic or sexual relationship is prohibited. Retaliation constitutes a separate, distinct, and serious violation of this policy and the law. University community

members should immediately report any reasonably suspected, alleged, or apparent retaliation to the Equity and Access Office, which shall promptly review the matter and, as necessary and appropriate, make reasonable and practical efforts to counter any potential or actual retaliation and to protect the individual against whom the retaliation may be directed. Disciplinary action for engaging in or failing to disclose or remedy a prohibited consensual relationship does not constitute retaliation for purposes of this policy.

#### H. Enforcement

Engaging in a prohibited consensual romantic or sexual relationship, failing to disclose or resolve to the University's satisfaction a prohibited consensual romantic or sexual relationship, or retaliating against any individual for reporting or participating in an investigation or disciplinary process related to a prohibited consensual romantic or sexual relationship are all violations of this policy subject to disciplinary action up to and including termination. Employee violations will be investigated and, as appropriate, adjudicated in accordance with applicable Arizona Board of Regents and University employee conduct policies or procedures. The University will determine the scope and extent of such disciplinary action based upon the totality of the circumstances. The Employee in the position of real or perceived authority, influence, or responsibility involved in an unreported or unresolved prohibited consensual relationship with another employee shall bear greater, but not exclusive, responsibility for failing to comply with this policy.

## RESPONSIBILITIES

**Employees, Affiliates, Vendors, and Volunteers**: refrain from participating in prohibited relationships; properly disclose and remedy the situation should they become engaged in such a relationship.

**Equity and Access Office**: receives and responds to reports that an employee has engaged in a prohibited relationship and/or failed or refused to address a prohibited relationship by implementing an appropriately crafted conflict management plan with the approval of their supervisor in accordance with this policy.

**Supervisors**: receive and respond in a timely manner to reports that a prohibited relationship has developed; ensure the development and effective implementation of, and ongoing compliance with, prohibited relationship conflict management plans.

## PROCEDURES

There are no procedures associated with this policy.

## RELATED INFORMATION

### Forms or Tools

[e-CERT Disclosure Form](#)

### Cross-References

[Nondiscrimination and Anti-Harassment](#)

[Human Resources Policy 1.05](#)

### Sources

[Arizona Board of Regents Policy 6-914](#)

## APPENDIX

None.