



V i r g i n i a C o m m o n w e a l t h U n i v e r s i t y

Employee -Student Consensual Relationships

POLICY STATEMENT AND PURPOSE

Virginia Commonwealth University is committed to maintaining learning and work environments as free as possible from conflict of interest, exploitation and favoritism. Therefore, 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 such matters as teaching or in otherwise evaluating, supervising or advising a student as part of a school program or employment situation.

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 an institutional power differential between them. Clear examples of cases of power differential are romantic and/or sexual relationships between an instructor and student, an academic advisor and advisee or an employer and student worker. Among other things, the existence of such relationships may cast doubt on the objectivity of any supervision and evaluation provided.

This policy is directed specifically to employee-student relationships and recognizes that both employees and students bear responsibility to avoid a conflict of interest. The student-teacher relationship represents a special circumstance because maintaining (or preserving) the integrity of this relationship is of fundamental importance to the central mission of the University. Even allegedly “consensual” relationships that occur in the context of educational supervision and evaluation can give rise to serious ethical concerns and present significant conflicts of interest. It is, therefore, incumbent upon both the employee and the student involved in the relationship to disclose the relationship so that appropriate accommodations can be made to remove the conflict of interest.

WHO SHOULD READ THIS POLICY

All faculty, staff and students should read this policy.

Initial Policy Approved:
Revision History:

Last Revised:

RELATED DOCUMENTS

Rules and Procedures of Virginia Commonwealth University
State and Local Government Conflict of Interests Act
State Policy 1.60, Standards of Conduct
University Policy on Administrative and Professional Faculty
University's Prohibition of Sexual Harassment Guidelines
VCU Promotion and Tenure Policy
VCU Rules and Procedures

CONTACTS

The Office of the Provost officially interprets this policy and shall revise or eliminate any or all parts as necessary to meet the changing needs of Virginia Commonwealth University. Please direct policy questions to the Office of the Associate Vice Provost for Academic Affairs.

DEFINITIONS

Consensual Relationships

Romantic and 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, instructional 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; Collateral and Adjunct Faculty; Special faculty appointments, such as Visiting, Eminent Scholar, Emeriti and Affiliate Faculty; and graduate teaching assistants who are engaged in teaching or advising students.

Position of Authority

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

Student

Any person enrolled full-time or part-time in any program of Virginia Commonwealth University and its various schools.

PROCEDURES

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. For example, if a staff member is enrolled in a course, the staff member will be considered a student for purposes of this policy if a consensual relationship develops with the instructor of the course. A graduate student teaching a course is considered a faculty member if a consensual relationship develops with a student in the course.

Acknowledgement of a Consensual Relationship

In the event a consensual relationship exists or develops between an employee having a “position of authority” with respect to a student in the University, despite this policy prohibiting such relationships: a) the employee shall immediately report the relationship in confidence to his or her immediate supervisor; b) the student has the responsibility of reporting the relationship in confidence to the Associate Vice Provost and Dean of Student Affairs or the Associate Dean of Student Affairs; and c) a plan for resolving the conflict of interest must be developed. The supervisor and the Associate Vice Provost and Dean of Student Affairs or Associate Dean of Student Affairs shall make suitable arrangements for the objective evaluation of the student’s academic performance and/or work performance for the protection of individual and University interests. To the extent possible, these discussions and the subsequent plans will be held in confidence.

Failure to Report Noncompliance

A faculty or staff member in a “position of authority” over a student with whom a consensual relationship exists, who fails to report him/herself, will be deemed to have created a conflict of interest and to have violated an ethical obligation owed to students, other employees, colleagues and the University. Similarly, a student who fails to report a consensual relationship with an employee in a “position of authority” may also be subject to sanctions. Credible allegations of a faculty or staff member’s failure to report the existence of a relationship between a student and an employee in a “position of authority” with respect to the student obligates the immediate supervisor to conduct a prompt and thorough inquiry to determine whether there is any validity to the allegation. When it is concluded that a prohibited relationship exists, due to the existence of a “position of authority” as between the employee and the student, the

immediate supervisor shall undertake a resolution to the conflict of interest and may impose sanctions against the employee.

Sanctions

Persons in violation of this policy shall be subject to sanctions ranging from verbal warnings to termination or expulsion from the University depending upon the severity of the offense. Should it be determined that disciplinary action is appropriate, the action to be taken shall be determined in the case of:

- faculty by the Provost and Vice President for Academic Affairs after consultation with the appropriate vice president and/or dean and/or chair,
- staff by the appropriate Vice President, or the President in the event a Vice President or one reporting directly to the President is involved, and
- students by the Provost after consultation with the Vice Provost for Student Affairs and Enrollment Services.

False Allegations

Persons who knowingly make false allegations that an improper relationship exists shall be subject to comparable sanctions.

Resource for Assistance

Staff in the Offices of the Vice Provost for Academic and Faculty Affairs, Associate Vice Provost and Dean of Student Affairs, Associate Dean of Student Affairs and Human Resources are available to assist any party covered by this policy.

Approved by the Board of Visitors on November 16, 2006