

Fraternization and Consensual Relationships

Standards of Conduct

EWU Policy 901-03

Effective: December 7, 2018

Authority: EWU Board of Trustees

Proponent: University President

Purpose: This policy pertains to intimate, sexual or romantic relationships between supervisors and employees, and between employees and students of Eastern Washington University. It prescribes requirements and procedures for eliminating conflicts of interest associated with consensual relationships and for responding to violations of this policy.

History: This policy revises and supersedes the previous version dated June 30, 2017. Revisions to this policy were approved by the Board of Trustees on December 7, 2018.

Applicability: This policy pertains to all employees and students of Eastern Washington University.

1. INTRODUCTION

1-1. Purpose

Eastern Washington University is committed to providing a living, learning, and working environment that encourages professional relationships free of favoritism, abuses of power, and conflicts of interest.

University employees and students have an obligation to promote the university's interests by fostering an atmosphere of mutual trust and respect within the university community.

The intent of this policy is to support the university's mission and interests by eliminating situations where there exists a supervisory or evaluative function between persons who are involved in, have been involved in, or are pursuing an intimate, sexual or romantic relationship, whether casual or serious, short-term or long-term

This policy does not apply to relationships involving a married couple or registered domestic partners. Such relationships are governed by EWU Policy 901-05, Nepotism.

1-2. Risks and Responsibilities

Inherent to their positions, all university employees accept responsibility to avoid any apparent or actual conflict of interest between their professional responsibilities and their personal relationships.

Intimate, romantic and/or sexual relationships between employees and students or between supervisors and subordinates pose potential risks to the parties involved, other people, and the university. In romantic and/or sexual relationships, voluntary consent by the student or subordinate is suspect because of the inherent power differential between the two parties.

A romantic and/or sexual relationship between an employee and a student or between a supervisor and a subordinate can lead to a complaint of sexual harassment

if the student or subordinate perceives he or she was exploited.

In addition, other employees or students may express concerns about undue access or advantage, favoritism, restricted opportunities, or unfavorable treatment as a result of the relationship. These concerns are damaging to the university whether the favoritism is real or perceived.

To ensure that the advising, mentoring, teaching, evaluation and supervision of students or subordinates is conducted fairly, intimate, romantic or sexual relationships are prohibited as set forth in this policy.

1-3. Reporting Violations

Any person who is aware of a violation or suspects a violation of this policy is encouraged to notify an appropriate university official (e.g. department chair, college dean, dean of students, vice president, etc) or the Human Resources Office.

2. POLICY

2-1. Employee/Student Relationships

University employees are prohibited from having authority over a student with whom they have had, are currently having, or are pursuing an intimate, romantic and/or sexual relationship. Such supervisory or evaluative responsibilities are prohibited in the case of a current academic or supervisory role, or if it is reasonable to anticipate that a supervisory or evaluative role may exist in the future. Students and employees should be aware that pursuing or engaging in an intimate, sexual, or romantic relationship between a student and employee will limit the employee's ability to teach, mentor, advise, direct work, employ, and promote the career of the student involved in the relationship with the employee.

Supervisory or evaluative responsibility includes any supervisory or evaluative role perceived as a position of

power or authority. Examples include, but are not limited to, instruction, research, academic advising, coaching, service on research and thesis committees, assignment of grades, evaluation and recommendation in an institutional capacity for employment, scholarships, fellowships, or awards, and supervision of student employees. This prohibition also applies to relationships between undergraduate teaching assistants or graduate assistants/associates and students in the classrooms or courses they support, as well as relationships between residence hall employees and students in the residence halls they support. Supervision may occur on or off campus, in curricular, co-curricular, or extracurricular activities.

Intimate, romantic or sexual relationships in which one party is in a position to influence the career of the other, yet the relationship presents no clear or direct evaluative or supervisory conflict, may also violate this policy. Relationships resulting in inappropriate influence, directly or indirectly, on a party's career are prohibited.

EWU also prohibits all employees from sharing a bedroom within a lodging facility or tent with a student, other than a spouse or child, on a university-sponsored trip.

2-2. Supervisor/Employee Relationships

Intimate, romantic and/or sexual relationships between supervisors and subordinate employees are prohibited. No person may be appointed, assigned, or otherwise placed into a position that would create a violation of this policy. This includes persons who have been, are presently in, or are pursuing an intimate, romantic, and/or sexual relationship.

Intimate, romantic or sexual relationships in which one party is in a position to influence the career of the other, yet the relationship presents no clear or direct evaluative or supervisory conflict, may also violate this policy. Relationships resulting in indirect or inappropriate influence are prohibited.

2-3. Nonconsensual/Discriminatory Relationships

If a relationship is alleged by one of the parties to be nonconsensual or discriminatory, the matter will be referred to the Title IX Coordinator in accordance with the University's Discrimination, Sexual Harassment and Sexual and Interpersonal Violence policy, EWU Policy 402-01. University members are cautioned that consensual romantic and/or sexual relationships may result in claims of sexual harassment because the voluntariness of the consent may be questionable due to the power differential that exists between employees and students and between supervisors and employees. This inherent power differential makes such relationships vulnerable to exploitation and claims of exploitation.

If a sexual harassment complaint is subsequently filed, the complaint will be investigated regardless of whether the

relationship has, at any point, been characterized as consensual.

3. ADMINISTRATION

3-1. Notification and Recusal

When an intimate, romantic and/or sexual relationship existed, occurs or develops between a university employee and a student or a supervisor and a subordinate, where there also exists a supervisory or evaluative relationship, an inherent conflict of interest arises. Where such a relationship exists, the person in the position of greater authority must:

- a. immediately report the relationship:
 - i. faculty members who have a past or present intimate, romantic or sexual relationship with a student must disclose the relationship, in writing, to the provost; further guidance is contained in the faculty collective bargaining agreement;
 - ii. all other intimate, romantic and/or sexual relationships between a university employee and a student or a supervisor and subordinate must be reported to the employee's supervisor;
- b. recuse themselves of any supervisory or evaluative function over the other person in the relationship; and,
- c. request an alternative arrangement, as described in section 4, by contacting the Human Resources Office.

3-2. Recusal under Other Situations

University employees may, on occasion, find themselves in a position (i.e., search committee, thesis review, awards committee, etc.) in which they could influence academic or employment decisions about a person with whom they have or previously had an intimate, sexual or romantic relationship. In such cases, the employee shall recuse themselves from such decisions and notify their supervisor of the reason for the recusal.

4. ALTERNATIVE ARRANGEMENTS

An alternative arrangement is a plan intended to remove any supervisory, teaching, evaluation, advising, coaching, or counseling responsibilities between the parties previously or currently involved in an intimate, romantic and/or sexual relationship. In each case, the university will seek to make suitable arrangements for the objective supervision and evaluation of the student or subordinate partner's academic or job performance, and provide for the protection of individual and university interests. Alternative arrangements should, to the extent possible, avoid negative impacts on the student/subordinate.

- a. Coordination: The chair, dean, or supervisor shall coordinate development of the alternative arrangement with the Human Resources Office.
- b. Records: Alternative arrangements will be documented and copies provided to the parties involved and to Human Resource Services for inclusion in official personnel file(s).
- c. Periodic Review: The chair, dean, or supervisor shall periodically evaluate the adequacy of alternative arrangements.
- d. Authority: The vice president for the employee(s) involved is the approval authority for alternative arrangements. In cases where the alternative arrangement is not approved, the university will take appropriate personnel action to eliminate the conflict of interest.

5. VIOLATIONS

Eastern Washington University takes all suspected violations of this policy seriously and will respond accordingly. Implementation of an alternative arrangement does not preclude further investigation and/or disciplinary action. Investigations, if necessary, will be carried out in accordance with EWU Guideline 401-01, Investigations, EWU Policy 402-04, Investigations of Employees for Sexual Harassment, Sexual Misconduct, Domestic Violence, Relationship Violence, and Stalking or any other applicable EWU Policy.

5-1. Disciplinary Action

If, after an investigation, the appropriate authority determines that a violation of this policy has occurred, violators will be subject to disciplinary action, up to and including termination of employment, in accordance with any applicable collective bargaining agreements and university policies.

5-2. Criminal Acts

Suspected violations that may also be criminal acts will be referred to University Police for investigation in addition to any investigation under this policy.