

UNIVERSITY OF PITTSBURGH POLICY CS 02 (formerly 07-14-01)

CATEGORY: Community Standard
SUBJECT: Consensual Relationships
EFFECTIVE DATE: March 29, 2017
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PAGE(S): 4

I. PURPOSE

This document establishes the policy pertaining to the University's approach to consensual romantic or sexual relationships. This policy has been established in an effort to ensure that the University's educational and work environment is based on professional relationships in an atmosphere of mutual trust and respect. When individuals involved in a consensual romantic or sexual relationship are in positions of unequal power at the University, or closely work together, there is the potential for a conflict of interest, favoritism, and exploitation. In order to protect the integrity of the University's academic and professional environment, and recognizing the unpredictable nature of human relationships, this policy outlines limitations on consensual romantic, sexual or intimate relationships between faculty, staff, postdoctoral fellows, and students at the University.

As an academic institution, the well-being and safety of our students is a primary concern and this concern will be paramount in administering this policy. Consensual relationships between faculty/staff/postdoctoral fellows and students that commence after the student has enrolled at the University are strongly discouraged and in certain situations, as discussed in more detail below, not permitted. Similarly, consensual relationships between faculty/staff members/postdoctoral fellows who work closely together are usually ill-advised and in certain situations, as discussed in more detail below, not permitted.

II. JURISDICTION

This policy applies to all members of the University community, including all postdoctoral associates and postdoctoral scholars, research associates, faculty, faculty administrators, graduate students engaged in teaching and/or oversight of students, staff, staff administrators and other University officials, whether full- or part-time.

III. DEFINITIONS

Consensual Relationship: Any intimate, romantic, sexual, or marriage relationship willingly undertaken by the parties.

Direct Supervision: Includes, but is not limited to, the following activities: academic instruction, advising, supervising, evaluating, recommending, promoting, allocating resources, making graduate student appointments, employing and other employment actions including directly setting of salary, stipend, benefits or wages, or any disciplinary action.

IV. POLICY

A. CONSENSUAL RELATIONSHIPS WITH STUDENTS INVOLVING DIRECT SUPERVISION

Faculty, postdoctoral fellows, and staff members, and graduate students who teach or supervise other students are not permitted to engage in or solicit Consensual Relationships with students over whom they have Direct Supervision or with whom there is a reasonable likelihood of Direct Supervision.¹ In the event such a situation is imminent or develops, the faculty, postdoctoral fellow, or staff member or graduate student must disclose the existence of the Consensual Relationship immediately to their supervisor (e.g., department chair, dean, or, where appropriate, higher administrative authority.) The supervisor will then ensure that the faculty, postdoctoral fellow, or staff member or graduate student's Direct Supervision of the student is terminated as soon as practicable or avoided. In addition, the supervisor will develop and implement a management plan with the faculty, postdoctoral fellow, or staff member or graduate student to transition supervisory authority and to otherwise assure objective evaluation and supervision and management of potential conflicts. The management plan shall be focused on maintaining an appropriate professional relationship between the parties in the academic environment.

B. CONSENSUAL RELATIONSHIPS WITH STUDENTS NOT INVOLVING DIRECT SUPERVISION

Even in the absence of Direct Supervision the University discourages faculty, postdoctoral fellows, and staff members from soliciting or having Consensual Relationships with undergraduate and graduate students, due to the potential for a significant disruption to the academic and/or professional environment to arise. Examples of significant disruptions include, but are not limited to, faculty, postdoctoral fellows, or staff influencing (or attempting to influence) actions or requirements related to the student because of the relationship, exploiting their professional affiliation with the University to solicit relationships with students, and bringing into the academic setting, personal issues related to relationship. Upon awareness or notification of such a disruption, the supervisor shall investigate to determine whether such a disruption has occurred. A determination that such a disruption has occurred shall constitute a violation of this policy. In addition, the supervisor will meet with the faculty, postdoctoral fellow, or staff member to address the disruption and implement a management plan focused on

¹ This includes but is not limited to advisors, coaches, graduate student teaching assistants, teaching fellows, graduate student researchers, instructors, postdoctoral fellows in a laboratory, thesis committee members, and members of a department's graduate committee. It includes anyone appointed by the University as a teacher, researcher, or academic administrator, including graduate and undergraduate students so appointed.

maintaining an appropriate professional relationship between the parties in the academic environment.

C. CONSENSUAL RELATIONSHIPS BETWEEN EMPLOYEES

Supervisors (including faculty members) are not permitted to engage in or solicit Consensual Relationships with employees over whom they have Direct Supervision. In the event such a situation is imminent, exists or develops, the supervisor must disclose the Consensual Relationship immediately to the appropriate administrator (e.g., department chair, dean, director) responsible for the department/unit. To the extent possible, the administrator will ensure the supervisor's Direct Supervision of the employee is terminated. Regardless of the extent of continued Direct Supervision, the appropriate administrator will develop and implement a management plan with the supervisor to address any remaining supervisory authority issues and to otherwise ensure objective evaluation and supervision and to manage potential conflicts. The management plan shall be focused on maintaining an appropriate professional relationship between the parties in the work environment.

D. POLICY VIOLATION

Persons who violate this policy are subject to a range of sanctions, depending on the facts and circumstances and the application of other policies. Disclosure of the relationship, when the relationship began, and adherence to a management plan are among the circumstances that will be considered in determining whether and which sanctions are appropriate. Violations of this policy will be determined by the appropriate administrator using a preponderance of the evidence standard. A finding of a policy violation and/or disciplinary sanctions may be appealed using appeal mechanisms consistent with the process set forth in Section IV of the Sexual Misconduct Procedure. When applying the appeal mechanism to this policy, the term "Investigator" shall mean the individual who determined there was a violation. Faculty or staff may forfeit the legal and monetary protections of the University's indemnification policy in the event of any legal action that results from such relationships. See Policy 07-06-06, Faculty and Staff Indemnification.

V. **REFERENCES**

Policy 07-06-06, Faculty and Staff Indemnification

Policy 06-05-01, Sexual Misconduct and Discrimination

Procedure 06-05-01, Sexual Misconduct

Employment of Relatives