

7/13/09 Draft	Florida Gulf Coast University Policy Manual	Policy: (Not assigned yet)
	TITLE: CONSENSUAL RELATIONSHIP POLICY AND PROCEDURE	Responsible Executive: President Responsible Office: Office of Institutional Equity and Compliance
POLICY STATEMENT:	<p>The University is committed to providing and maintaining a working and learning environment that is fulfilling and equitable for all members of the University community. Implicit in the University's commitment is that all community members conduct themselves in an ethical manner in their interactions and relationships with each other. To accomplish the University's goals, relationships between students, faculty and staff must be based on integrity, respect and trust. Also, any consensual relationship between community members that calls these principles into question interferes with the University's mission.</p>	
REASON FOR POLICY:	<p>The purpose of this policy is to set forth expectations for University community members regarding consensual relationships. It prescribes actions required to remove conflicts of interest and avoid adverse effects on third parties, and further specifies the situations where consensual relationships are prohibited.</p>	
POLICY:	<p>Consensual relationships between individuals of unequal authority, where the person of greater authority directly supervises or has the ability to impact either the employment or education of the other, have the potential of resulting in the following:</p> <ul style="list-style-type: none"> (a) A conflict of interest (see Conflict of Interest under Regulation FGCU-PR1.003 (4)(d), see also Chapter 112, Florida Statutes); (b) An abuse of authority or trust; (c) Behavior which shows favoritism, bias or unfair treatment; (d) Perception or allegations that the relationship was the result of 	

	<p>coercion or exploitation;</p> <p>(e) Allegations of sexual harassment either during the relationship or after it ceases; and</p> <p>(f) Other allegations of inappropriate conduct.</p> <p>Unwelcomed behavior, though not a violation of this policy, may be a violation of the University's Non-Discrimination and Anti-Harassment Regulation(FGCU-PR 1.003) and may be addresses pursuant to the University's corresponding Complaint and Procedure No. 1.006.</p>
<p>PROCEDURES:</p>	<p>(1) Prohibited Consensual Relationships.</p> <p>Any employee with supervisory, instructional or educational responsibilities is prohibited from engaging in an amorous, dating, intimate or sexual relationship with a student or employee whom he/she instructs, evaluates, supervises, advises, or over whom he/she is in a position to exercise authority such that it would impact their educational or work performance. Engaging in prohibited activity may result in separation from the University.</p> <p>(2) Required Disclosure of Consensual Relationships.</p> <p>(a) Any employee with supervisory, instructional or educational responsibilities, who as of the date of this policy, is involved in a dating, amorous, intimate or sexual relationship <i>where there is a direct authority relationship</i> between individuals must immediately disclose the existence of their relationship <i>in writing</i> to their immediate supervisor (e.g., Chair, Director, Dean, Vice President) or, if necessary, the next higher level supervisor.</p> <p>(b) Any employee with supervisory, instructional or educational responsibilities who is involved in a dating, amorous, intimate or sexual relationship <i>where no direct authority previously existed, but as a result of hiring, reassignment or restructuring of a department or unit is placed in a direct authority relationship</i> with the person with whom they have a relationship covered by this policy, must disclose the existence of such relationship in writing to their immediate supervisor (e.g., Chair, Director, Dean, Vice President) or, if necessary, the next higher level supervisor.</p> <p>(3) Responsibilities of Persons Receiving Disclosure.</p>

The University will manage any potential conflict of interest created by a consensual relationship where direct authority or the ability to impact the work performance of the other individual exists. In each situation, the person to whom the potential conflict of interest was reported (i.e., Chair, Director, Dean, Vice President) will review the facts, on a case by case basis with confidentiality to the fullest extent possible. The University will seek to ensure the integrity of both the work and educational environment and may explore, to the extent possible:

- (a) Whether the reported amorous, intimate, or sexual relationship is consensual, and whether a conflict of interest exists;
- (b) The supervising and/or subordinate employee's responsibilities under University policy;
- (c) The employment or academic decisions made by the employee about the subordinate employee or student before such decisions become final;
- (d) Removing the supervising administrator or employee from any evaluative decision concerning the other individual or removing an advisor from his/her involvement with an advisee;
- (e) Depending on the facts, relocating an employee to another supervisory area, or enlisting a third party in decision making;
- (f) Placing one or both of the employees on administrative leave, with or without pay, until a suitable option is available to address the conflict of interest;
- (g) If no suitable option exists to address the conflict of interest, the resulting action may be separating one or both employees from their employment with the University; and/or
- (h) Other action that the appropriate administrators believe resolves the actual or reported conflict of interest.

(4) Violations of this Policy.

Any member of the University community who violates this policy is subject to disciplinary action, up to and including separation from the University.

HISTORY:	New.
APPENDICES:	There are no appendices.

APPROVED

President

Date

DRAFT

Who is the Executive responsible for the accuracy of the information in the policy?

Name: Cheryl Seals-Gonzalez
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Phone: 239-590-7406
Job Title: Director of the Office of Institutional Equity & Compliance

Impact(s):

Will there be a major impact of the policy? (Financial or Personnel) If so, please describe: No

Will the policy impact or be impacted by any of the following?

- University Regulations
- Federal Regulations
- Tax Laws
- General Public
- State Laws
- Union contracts
- Existing Policy
- Existing Procedures
- Existing Forms
- Proposed Policy does not impact any of the above

Describe the impact on any items that are checked.

What are the risks of not establishing this policy?

If this policy impacts another division, have you communicated with that division?
If so, what is the result?

Responsible Executive Approval:

Name

Date