Appendix D

POLICY ON CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS BETWEEN FACULTY AND STUDENTS OR STAFF MEMBERS

Approved by JFA 2/14/08
Approved by Board March, 2008
Amendment to Definitions approved by JFA 4/3/08

I. Policy Rationale
The College of Saint Benedict and Saint John’s University are committed to maintaining a campus environment characterized by professional and ethical behavior. The integrity of the educational mission of the College and University is maintained by promoting appropriate standards of professional conduct among faculty in their dealings with students and staff. In these relationships, members of the faculty are expected to avoid apparent or actual conflicts of interest, favoritism, bias or exploitation. When a faculty member engages in a romantic or sexual relationship with a student or staff member, while he or she also has the authority to evaluate, advise, reward or discipline a student or staff member, a professional responsibility is violated, even if the relationship appears to be consensual.

As the Joint Human Rights Policy of the College and University states, consensual sexual or romantic relationships may also become the basis for a claim of sexual harassment. These relationships are particularly complex when there is a power imbalance between the individuals involved in the relationship which heightens the potential for exploitation and can diminish the subordinate’s freedom of choice. This is especially true in relationships involving students, because the respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, makes voluntary consent by the student particularly suspect. If the student or staff member later feels that the power imbalance makes it difficult for him or her to discontinue the relationship, a charge of sexual harassment may result. Such relationships also affect other members of the campus community adversely. By placing a faculty member in a position to favor or advance the interests of the student or staff member who is a party to the relationship, a perception may be created that obtaining favorable treatment is implicitly contingent on engaging in a consensual sexual or romantic relationship.

For these reasons, the College and University strongly discourages faculty involvement in a consensual sexual or romantic relationship with a student for whom the
A faculty member has a direct academic responsibility or with a staff member over whom the faculty member has direct supervisory responsibility. Recognizing that despite this discouragement by the College and University, consenting adult faculty members, students, faculty colleagues and staff, may become involved in a consensual sexual or romantic relationship, it is important that steps be taken to mitigate the real and/or apparent conflict of interest that is created.

II. Statement of Policy, Procedures & Consequences

Therefore, it is the policy of the College and University that a faculty member involved in a romantic or sexual relationship, either with a student for whom the faculty member has a direct academic responsibility or with a staff member over whom the faculty member has direct supervisory responsibility, must promptly report the relationship to his or her department chair, who must in turn, report the relationship to the academic dean/associate provost. If the faculty member involved in the relationship is the department chair, she/he must report the relationship to the academic dean/associate provost.

Upon receiving notice from the faculty member, the department chair in consultation with the academic dean/associate provost, or the academic dean/associate provost if the department chair is the involved party, must make arrangements for an alternative evaluation mechanism and if necessary, such other additional arrangements as are prudent under the circumstances, for the faculty member and the student or staff member.

The faculty member is obliged to fully cooperate with the department chair and academic dean/associate provost in making these mitigating arrangements. Such arrangements made in response to the existence of a consensual romantic or sexual relationship will not be undertaken for the purpose of adversely affecting the rank, pay, benefits or professional opportunities of the faculty member. Similarly, the arrangements will be undertaken with the intent of minimizing or avoiding, to the extent reasonably possible, adverse affects on the educational opportunities of the student or the employment of a staff member.

Failure to promptly report the existence of a romantic or sexual relationship described above is a violation of this College and University policy and the faculty member will be subject to disciplinary action as outlined in Section 2.13.6 of the Faculty Handbook.

A faculty member who becomes involved in a consensual romantic or sexual relationship with a faculty colleague should consult the POLICY ON CONSENSUAL
ROMANTIC OR SEXUAL RELATIONSHIPS BETWEEN FACULTY MEMBERS located in Appendix C in Part II of the Joint Faculty Handbook.

III. Definitions

For purposes of this policy:

Romantic relationships include relationships in which amorous or romantic feelings exist without physical intimacy and which, when acted upon by the faculty member exceed the reasonable boundaries of what a person of ordinary sensibilities would believe to be educational, professional or supervisory relationship.

Sexual relationships include relationships involving intimate physical contact of a sexual nature.

Amorous has the meaning ascribed to it by the dictionary as being “of or pertaining to (sexual) love.”3

Romantic has the meaning ascribed to it by the dictionary as being “marked chiefly by sexual passion or its gratification.”4

A direct academic responsibility for students includes any activity which results in academic reward or penalty including: teaching, grading, advising, supervising research, moderating an internship, supervising institutionally sponsored travel and making recommendations for College and/or University employment or awards.

A direct supervisory responsibility for a staff member includes any activity which results in employment related rewards or penalties including, but is not limited to, the following activities: conducting or contributing to performance appraisals or rank and tenure reviews, determining or contributing to the determination of a person’s employment status, job description, rank, salary, fringe benefits, or recommending for or influencing the determination of institutional funding, distinguished service awards, or discipline for deficient service.

3 OED SECOND EDITION 1989 Accessed online through the CSB/SJU Library homepage at: http://dictionary.oed.com/cgi/entry/50007379?single=1&query_type=word&queryword=amorous&first=1&max_to_show=10

Faculty includes ranked and term appointment faculty; part time, per-course faculty; staff members whose duties include instruction of students for academic credit and any person who has a “direct academic responsibility” for students.

Students refers to all those registered in any and all educational programs offered by the College/University.

Staff includes any and all employees other than faculty of the College of Saint Benedict and the Order of Saint Benedict, Inc.

Consensual means voluntary agreement. The age at which a person can legally give consent to sexual contact in the state of Minnesota is 18 if the other party to the sexual relationship is in a position of authority over that person. Further, faculty members should bear in mind that consent may be difficult to prove if the student or staff with whom he or she has a relationship subsequently files a claim of sexual harassment.