

NORTH COUNTRY COMMUNITY COLLEGE

The State University of New York

POLICY: Consensual Romantic Relationships
DRAFTED: November 27, 2018 via SUNY Admin
ADOPTED: February 8, 2019

I. POLICY STATEMENT

North Country Community College (NCCC) is committed to ensuring that our students, faculty, and staff can learn and work in an environment that is free from nepotism, harassment, exploitation, and conflicts of interest. NCCC is also committed to promoting fairness in grading, evaluation, and career opportunities. In order to achieve this, it is vital that faculty and staff maintain professional boundaries with students, and with employees over whom there is or will be a supervisory relationship.

NCCC faculty and staff members exercise power and authority over NCCC students and employees for whom they have current supervisory, instructional, or other professional responsibility which creates a power imbalance. This makes consent within any sexual, intimate, or romantic relationship between a supervisor and employee or between a faculty or staff member and a student problematic, and may impede the real or perceived freedom of the student or employee to terminate or alter the relationship. Further, it may cause individuals outside of that relationship to believe that they are treated in an unequal manner during such a relationship or after it terminates, or it may cause individuals to feel that entering into such a relationship is necessary or assistive in attaining their academic or career goals. Such a relationship may damage the credibility or reputation of the employee, the department or unit, or the campus as a whole and may expose individuals or the institution to legal action and liability.

In the academic context, amorous relationships that might be appropriate in other circumstances have inherent dangers when they occur between faculty and students. Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students and staff there is an element of power. Because inherent power differentials exist where there is no direct teaching or supervision of students, NCCC faculty and staff are prohibited from entering into romantic, intimate, and/or sexual relationships with students regardless of department or relationship and are prohibited from entering into romantic, intimate, and/or sexual relationships with any student in their academic department. There is a presumption against romantic, intimate, and/or sexual relationships between employees where there is a current supervisory imbalance, and such relationships must be reported to determine if an alternative supervisory structure is possible. Non-consensual relationships are always prohibited and may implicate other policies or laws.

II. SCOPE

This policy governs all faculty, staff (full time, part time, and adjunct) and students (full time and part time). Failure to comply with the policy may result in discipline up to and including termination.

III. POLICY

A. Students:

NCCC faculty and staff are prohibited from engaging in any sexual or romantic relationship if there is an existing supervisory, evaluation or instructional relationship, unless the relationship is disclosed and supervision, evaluation, or instruction is terminated in accordance with the policy.

B. Employees in a Supervisory Relationship:

NCCC faculty and staff are prohibited from supervising any employee with whom they are engaged in a romantic, intimate, and/or sexual relationship. Faculty and staff who seek to enter into a romantic, intimate, and/or sexual relationship with any employee for whom they provide supervision must notify their direct supervisor and the Director of Human Resources or designee. The Director of Human Resources or designee shall notify the Area Supervisor, or equivalent, overseeing the relevant division. Initial disclosure must occur within two (2) business days of commencement of the romantic, intimate, and/or sexual relationships. The employee's supervisor, in concert with the Director of Human Resources or designee, and the Area Supervisor or equivalent shall determine whether an alternative supervisory structure can be created to ensure that supervisors in a consensual romantic or sexual relationship with an employee be removed from any evaluation of the employee, and from any activity or decision that may appear to reward, penalize, or otherwise affect the employment status of the employee is possible and, if so, shall direct the employees to the alternative supervisory structure. Even if the relationship concludes (whether amicably or not), the covered employee may never supervise the other employee.

C. Pre-Existing Relationships:

Relationships and marriages between faculty, staff, and/or students that pre-date enrollment as a student or hire as a faculty or staff member are permissible provided that the relationship is disclosed to the faculty or staff member's direct supervisor and to the Director of Human Resources or designee. Disclosure must occur within two (2) business days of enrollment or hire so that an alternative supervisory structure may be reviewed. Failure to timely notify appropriate staff can subject the faculty or staff member to discipline up to and including termination.

D. Student Employees:

Students also serving as employees shall be categorized as staff.

IV. REPORTS AND INVESTIGATION:

Reports of violations of this policy may be brought to the Director of Human Resources or their designee. Faculty and staff who are Responsible Employees under Title IX must report violations of this policy to the Title IX Coordinator or their designee, within two (2) business days after learning of the violation.

Monitoring the status of alternative supervision is the responsibility of the direct supervisor and the Director of Human Resources or designee. All documentation under this policy shall be maintained in the Human Resources Office.

Retaliation for making a report or participating in a process under this policy is prohibited and may result in discipline up to and including termination. Legal consent between the parties shall not be a defense to a violation under this policy. NCCC prohibits an individual from knowingly filing a false complaint or making misrepresentations of sexual misconduct. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct. If an investigation results in a finding that a person who has accused another of sexual misconduct has acted maliciously or has recklessly made false accusations, the reporting party will be subject to appropriate sanction. It is important to note that due process considerations may limit the ability to investigate or resolve anonymous complaints.