

**WORKING DRAFT  
OF SUNY BOT RESOLUTION ON CONSENSUAL RELATIONSHIPS POLICY (CRP)**

---

**Current SUNY Cortland Policy:**

Family relationships and relationships of a romantic and/or sexual nature between a faculty member and a student can present conflict of interest in violation of the New York Public Officers Law. As there may be the perception of favoritism and as such relationships can undermine the trust upon which the educational process depends, ethical principles preclude individuals from evaluating the work or academic performance of those with whom they have these relationships. Since a conflict of interest may exist in such a relationship, the faculty member should notify his or her immediate supervisor so that arrangements can be made to eliminate the conflict.

Family relationships and relationships of a romantic and/or sexual nature between members of the College community other than students can also present a conflict of interest in violation of the New York Public Officers Law whenever one party has any position of power over, or professional responsibility for, the other. As there may be a perception of favoritism and as such relationships are built, ethical principles preclude individuals from evaluating the work of those with whom they have these relationships. The party with the power or status advantage may not officially approve or recommend, or vote on such approval or recommendation of, the appointment, reappointment, promotion, or salary adjustment of the other, nor may that party evaluate the performance of the other.

*Upon adoption of a new CRP, we will need to rewrite and publish a specific nepotism policy statement to ensure that the continued prohibition of family relationship conflicts of interest are also clearly stated and published – might take the form of the above with the removal of references to CR's.*

---

**Resolution items for new policy (pertinent section of resolution pasted here):**

Resolved that on or before March 1, 2019, each SUNY campus and System Administration shall individually develop, with input from appropriate members of their workplace and campus communities, including local governance, a sexual or romantic relationship policy which shall be widely disseminated to their respective communities, and which will, at a minimum:

- Apply to all faculty, students and staff (campuses shall further define whether students who are also employees are categorized for purposes of the policy as a student or staff);
- Prohibit any sexual or romantic relationships between faculty or staff members and students if there is a current supervisory relationship, or if the student's course of

study requires the academic or professional supervision of the faculty member, unless the relationship is disclosed and supervision terminated in accordance with the policy;

- Require for sexual or romantic relationships between faculty or staff where there is a supervisory or reporting relationship between the participants that each employee inform an appropriate campus entity (which may be a supervisor, or the Director of Human Resources or equivalent, or, at the campuses' option, the Title IX Officer or Coordinator) of such relationship;
- Require that for sexual or romantic relationships in the workforce (including for student-teaching assistants or graduate student teachers) alternative supervisory roles 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;
- Make allowances for pre-existing relationships or marriages provided that the relationship is reported as required herein and that alternative supervisory relationships be established; and
- Require that discipline be imposed for any individual failing to follow the terms of the policy, up to and including termination; and, be it further

Resolved that each SUNY campus and System Administration should consider a prohibition against any sexual or romantic relationships between faculty or staff and undergraduate students with input from appropriate members of their workforce and communities, including local governance, and report its opinions on such prohibition to the Chancellor or designee by January 2, 2019; and be it further

---

## **Draft New Policy Statement following resolutions requests for consideration**

### **PURPOSE**

The State University of New York College at Cortland (SUNY Cortland) is committed to ensuring an academic community dedicated to diverse learning experiences. Students grow as engaged citizens with a strong social conscience fostered by outstanding teaching, scholarship and service. The foundation for achieving our mission is that our students, faculty, and staff can learn and work in an environment that is free from nepotism, all forms of harassment, intimidation, exploitation, and conflicts of interest.

SUNY Cortland values integrity; has high personal and professional standards; has committed to making decisions, plans and taking action with a focus on students' academic, and personal success; and makes academic excellence a priority. In order to achieve this, it is vital that employees maintain professional boundaries with students, and with employees over whom there is or will be a supervisory relationship or other imbalance of authority, power or influence.

This makes consent within any sexual, intimate, or romantic relationship between a supervisor and employee, or between a faculty member and 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 perceive unequal treatment 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. Inherent power differentials exist even where there is no direct teaching or supervision of students.

### **POLICY STATEMENT**

SUNY Cortland prohibits romantic and/or sexual relationships between faculty or others in a position of authority over students (as defined in this policy), or relationships between faculty and staff whenever the relationship requires one to exercise power and authority over the other.

### **DEFINITIONS – apply to terms used within this policy:**

- Faculty: An academic employee with a title of academic, or qualified academic rank. This includes, but is not limited to the following titles: lecturer, instructor, assistant professor, associate professor, professor, librarian, associate librarian, senior assistant librarian, assistant librarian, and those title also **predicated** by visiting or adjunct.
- Staff: All other non-student members of the college community who are paid for services rendered to the College, those who are affiliated or volunteer with the college in a capacity that provides them coverage under the Public Officers Law. Examples include but are not limited to volunteer coaching staff, visiting scholars, and contributing service instructor.
- Position of Authority: Any position that exercises, or has the ability to exercise, academic or professional authority over students, faculty, or staff including, but no limited to: course delivery and assessment, principal investigator on a research project or grant, an evaluative or recommending committee member, supervisor (including of a student employee or work-study), member of an athlete's coaching staff, residential life staff member in student's living quarters, a director or coordinator of a degree program or other, hiring, promotion, salary determinations, evaluations, renewal and/or continuing employment decisions, etc. This list is not all inclusive, for clarification please contact the Human Resources Office.
- Undergraduate Student: An individual whose primary relationship to the campus is as a matriculated or non-matriculated student in a Bachelor level program. This designation begins at payment of deposit to enroll or equivalent and continues through completion of all academic requirements and graduation. This definition excludes any employee who is also taking a course non-matriculated and not as part of an academic program.

- Graduate or Professional Student: An individual whose primary relationship to the campus is as a matriculated or non-matriculated student in a Master's level, post graduate or advanced certificate program. This definition excludes any employee who is also taking a course non-matriculated and not as part of an academic program.
- Academic Department or Campus Unit: Department devoted to a particular academic discipline. Note: individuals with dual appointments have a supervisory relationship (see definition below) with the department chair in both departments.
- Supervisory Relationship: A relationship in which an employee has academic or professional authority over a student or another employee. E.g. the authority to grade, offer academic assessment, make or impact decisions regarding hiring, termination, promotion, assignment of duties, performance evaluation, or changes in compensation or benefits.
  - Included in this definition are employees involved in any committee or faculty governance role which requires that employee to make a recommendation regarding, but not limited to, hiring, renewal, promotion, changes in compensation, assignment of duties, or other terms or conditions of employment.
- Student Employee: An individual whose primary role with the campus is as an undergraduate student or graduate or professional student who is also being employed in a student assistant role, resident assistant, graduate assistant, or serving as a paid or unpaid intern.

## **PROHIBITED RELATIONSHIPS**

### **Undergraduate Students:**

SUNY Cortland faculty and staff are prohibited from entering into romantic, intimate, and/or sexual relationships with Undergraduate Students regardless of department or relationship. Entering into or continuing in such a relationship can subject the faculty or staff member to discipline up to and including termination.

### **Any Graduate or Professional Student in the Same Academic Department or Campus Unit:**

SUNY Cortland faculty and staff are prohibited from entering into romantic, intimate, and/or sexual relationships with any Graduate or Professional Student in their academic department or campus unit or over whom they have academic or other supervisory responsibility, even if in a different academic department or unit. Entering into or continuing in such a relationship can subject the faculty or staff member to discipline up to and including termination.

### **Employees in a Supervisory Relationship:**

SUNY faculty and staff are prohibited from supervising, directly or indirectly in a higher hierarchy of supervision, any employee with whom they are engaged in a romantic, intimate, and/or sexual relationship. Employees 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 or unit head, and the Assistant Vice President for Human Resources as soon as reasonably practicable, preferably within two (2) business days of commencement of the romantic, intimate, and/or sexual relationships. Any questions of timeliness related to official notification shall be subject to review of reasonableness as determined by Human Resources.

Failure to timely notify appropriate staff can subject the faculty or staff member to discipline up to and including termination.

The Assistant Vice President of Human Resources or designee shall notify the Vice President, or equivalent, overseeing the relevant division. The employee's supervisor, in concert with the Assistant Vice President of Human Resources or designee, and divisional Vice President or equivalent shall determine whether an alternative supervisory structure 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.

### **Pre-Existing Relationships:**

Relationships between a faculty or staff and student, or a faculty or staff and supervisee that pre-dates enrollment as a student, or hire, transfer, or re-assignment as a faculty or staff are permissible provided that the relationship is disclosed to the employee's direct supervisor or unit head *and* the Assistant Vice President for Human Resources.

It is the responsibility of the employee in the supervisory role to disclose the relationship as soon as it is known that a potential conflict may exist, which includes but not limited to, participating in any step of the admissions or hiring process. Disclosure shall be made as soon as reasonably practicable, preferably within two (2) business days of enrollment, hire, transfer, re-assignment, or serving in the capacity to review an application for admission or hire. Any questions of timeliness related to official notification shall be subject to review of reasonableness as determined by Human Resources. Failure to timely notify appropriate staff can subject the faculty or staff member to discipline up to and including termination.

### **Student-Employees:**

Students also serving as employees such as graduate assistants and resident assistants are prohibited from entering into romantic, intimate, and/or sexual relationships with undergraduate or graduate students over whom they have a current academic or other supervisory relationship. This prohibition includes relationships with current students who are under direct supervision, such as in a class for which the covered student-employee is a graduate assistant, or who live in the residence hall in which the student-employee is a resident assistant. Relationships between student-employees and undergraduate or graduate students over whom they have a current academic or other supervisory relationship that pre-date the supervisory relationship are permissible provided that the relationship is disclosed to the faculty or staff member's direct supervisor or unit head *and* the Assistant Vice President of Human Resources or designee. Disclosure must occur within two (2) business days of enrollment or hire.

### **REPORTS AND INVESTIGATION:**

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

Monitoring the status of alternative supervision is the responsibility of the Assistant Vice President of Human Resources or designee. All documentation under this policy shall be maintained in the Office of Human Resources.

### **RETALIATION**

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. The College 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 sanctions. It is important to note that due process considerations may limit the ability to investigate or resolve anonymous complaints.