

# HCCC Board Policy

**TITLE:** Consensual/Romantic Relationship Policy

**POLICY #:** HR 18-21

**DATE OF BOARD OF TRUSTEES APPROVAL:** April 25, 2019

**RESOLUTION #:** 18-21

**POLICY STATEMENT:** Herkimer College is committed to protecting the safety and well-being of its students and staff and maintaining educational and working environments that are free from discrimination and harassment. To that end the College recognizes that there may be times when faculty or staff may exercise power and authority over other faculty, staff, or students, whether due to current supervisory, instructional, or other professional responsibility, or perceived influence or control over an educational or work experience, a power imbalance is created, which may impede the real or perceived freedom of the faculty, staff, or student not to enter into a sexual or romantic relationship or to terminate or alter that sexual or romantic relationship. A sexual or romantic relationship under these conditions may result in a loss of objectivity and create a conflict of interest in any evaluative, supervisory, instructional, or other professional role.

As such, Herkimer College prohibits any sexual or romantic relationship when there is an existing supervisory, evaluative, or instructional relationship, or a foreseeable, future supervisory, evaluative or instructional relationship between individuals.

Herkimer College will make allowances for current relationships pre-dating this policy. However, if such an *existing* relationship exists, those individuals are required to immediately report the relationship to their appropriate Associate Dean, the Provost, or to the Director of Human Resources. The College will then need to arrange alternate supervisory roles to ensure that supervisors in a consensual romantic or sexual relationship with a subordinate be removed from any evaluation of the subordinate, and from any activity or decision that may appear to reward, penalize, or otherwise affect the status of that subordinate.

Please note that any employees who fail to follow the terms of this policy will face disciplinary measures up to and including termination.

**BACKGROUND:** On March 19, 2018 the SUNY Office of the General Counsel sent a communication to all SUNY campuses regarding the decision by the SUNY Board of

Trustees that all SUNY campuses will “widely disseminate to their campus communities a consensual relationship policy which will:

- Apply to all faculty and staff engaged in relationships with students or other campus faculty or staff where there is an actual or perceived power imbalance because of supervisory roles of participants in the relationship;
- Prohibit consensual relationships between faculty and students where there is a direct supervisory relationship, or where the student’s course of study requires the academic or professional supervision of the faculty member;
- Require for faculty relationships where there is a direct supervisory relationship that the faculty member in the supervisory role inform his or her divisional supervisors and the Director of Human Resources or equivalent of such relationship so that alternative supervision can be arranged;
- Require that for relationships in the campus workforce there be alternative supervisory roles to ensure that supervisors in a consensual relationship with an employee be removed from any evaluation of the employee, and from any activity or decisions 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 reporting of the relationship and 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.”