

## 8. POLICY ON PROHIBITED RELATIONSHIPS

- **BETWEEN STUDENTS AND INSTRUCTIONAL STAFF (INCLUDING FACULTY) AND**
- **BETWEEN EMPLOYEES (INSTRUCTIONAL STAFF OR STAFF) WHERE ONE EMPLOYEE EXERCISES SUPERVISION OR EVALUATION OVER THE OTHER**

This policy was passed by the faculty on May 9, 1997 and modified on March 21, 2014.

### a. Summary

- Romantic or sexual relationships between instructional staff members (including faculty) and students<sup>1</sup> are prohibited.
- Romantic or sexual relationships between employees (instructional staff or staff) where one employee exercises supervision or evaluation over the other are prohibited.<sup>2</sup>

### b. Descriptions

Romantic or sexual relationships between (a) instructional staff members (including faculty) and students, or (b) employees (instructional staff or staff) when one of the participants is in an evaluative or supervisory position over the other can present serious ethical concerns about issues such as the validity of consent, conflicts of interest between personal and professional concerns, and unfair treatment of others. Power imbalances between individuals holding different positions at the College complicate such relationships. These relationships have the potential for negative reverberations that affect not only the individual participants, but also third parties and the climate of the community as a whole, and thus can undermine the trust and integrity that are essential to teaching, learning, and working at the College. The primary objective of Swarthmore College in addressing the topic of consensual relations is to maintain the integrity of the academic process and to maintain a positive work environment.

Although a consensual relationship may not necessarily constitute sexual harassment, a relationship may give rise to claims of sexual harassment when:

- i. the relationship creates a hostile and intimidating work or learning environment, or
- ii. the relationship ends, and one of the parties continues behavior which the other party has made clear is now unwelcome.

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<sup>1</sup> In the policy, "students" refers to all individuals who have matriculated at Swarthmore, Haverford or Bryn Mawr Colleges, who continue to make progress towards a degree from one of these institutions, but have not yet graduated, and any other individual enrolled in Swarthmore courses.

<sup>2</sup> Individuals in a long-term relationship are sometimes employed within the same academic department, and one of them may be asked to serve as Chair of the department or in a different administrative capacity. This policy does not prohibit this service or the relationship. In these cases, the individuals must remove themselves from any activity or evaluation that may reward or punish the other individual, and assure that the Provost is aware of the relationship.

Claims that a relationship has been consensual are unlikely to protect individuals from charges of sexual harassment, nor will they guarantee a successful defense if charges are made. Faculty, instructional staff, and supervisors should keep in mind that a student or subordinate's initial consent does not preclude a charge of sexual harassment in the future. When power differentials exist, charges of sexual harassment will be difficult to refute on the grounds of mutual consent.

### **c. Relationships between Students and Instructional Staff (including Faculty)**

Romantic or sexual relationships between instructional staff members (including faculty) and students are particularly susceptible to exploitation and are therefore prohibited. The respect and trust essential to a meaningful intellectual relationship, as well as the power exercised by the teacher in giving praise or blame, grades, recommendations for further study or employment, make voluntary consent by the student suspect, given the fundamentally asymmetric nature of the relationship. Such a relationship may place the student in a vulnerable position and may endanger the impartiality of the teacher, thus creating a problematic learning environment for other students.

Given these general concerns about romantic or sexual relationships between faculty or instructional staff members and students, the College prohibits involvement of a faculty or instructional staff member in such a relationship with a student. An instructional staff or faculty member's failure to adhere to this standard constitutes unprofessional conduct that may fall within the definition of "serious shortcomings" and can lead to termination (see section III-A-13).

### **d. Relationships between Employees, Including Instructional Staff and Staff**

Instructional staff who are involved in a romantic or sexual relationship with another employee must remove themselves from any activity or evaluation that may reward or punish the other individual. In addition, having removed themselves from an evaluative position, the relationship in question must be disclosed to the Provost. Either party should consult the appropriate senior staff member to determine a procedure that will best maintain the integrity of the evaluative or supervisory process. Faculty and instructional staff members should be aware that even if they are not currently in an evaluative or supervisory position over a particular individual, they may be in such a position at a future date. Failure to respect these standards may constitute unprofessional conduct.

### **e. Options for resolution**

Complaints alleging a violation of this policy may be initiated by any individual, including either party in the prohibited relationship, or a third party. *The College may also initiate action on its own accord.* If a complaint is raised, there will be no presumption that the relationship was welcome to the student or subordinate employee.

The Provost or designee will conduct a prompt and equitable investigation and take appropriate remedial or disciplinary action. Where the complaint also involves behavior that may constitute

sexual harassment, the complaint will be referred to the Title IX Coordinator for resolution under the Interim Sexual Assault and Harassment Policy.