DOWNSTATE
HEALTH SCIENCES UNIVERSITY

Office of Diversity & Inclusion

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College of Medicine
School of Graduate Studies
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www.Downstate.edu/diversity

THE STATE UNIVERSITY OF NEW YORK
DOWNSTATE HEALTH SCIENCES UNIVERSITY
CONSENSUAL RELATIONSHIPS POLICY

I. Policy Statement

The State University of New York Downstate Health Sciences University (hereinafter, "the University" or "Downstate,") is committed to ensuring that our students and employees can learn and work in an environment that is free from nepotism, harassment, exploitation, and conflicts of interest. To achieve this, it is vital that employees maintain professional boundaries with students, and with other employees over whom there is and/or will be supervisory responsibility or the perception of power imbalance.

In many instances, Downstate employees exercise power and authority over students and other employees for whom they have current academic, professional, supervisory responsibility, or where there is an actual or perceived power imbalance. The power imbalance: (a) makes consent within any romantic and/or sexual relationship between an employee and student or between a supervisor and supervisee potentially problematic, as the relationship may impede the real or perceived freedom of the student or supervisee to terminate or alter the relationship; (b) may cause other individuals to believe that there is unequal treatment during or after the relationship; and/or (c) may cause individuals to feel that entering into such a relationship is necessary or assistive in attaining their academic or career goals. Such relationships can damage the credibility or reputation of the employee, the department, Downstate and SUNY as a whole and may expose individuals and Downstate to legal liability.

Non-consensual romantic and/or sexual relationships are always prohibited and may implicate other policies (e.g., Downstate's Sexual Misconduct Policy). Legal consent between the parties will not excuse a violation of this policy.

II. Definitions

For the purposes of this policy:

- **Academic Department or Campus Office** shall mean a department or office devoted to a particular academic discipline or operational area.

- **Academic, Professional, or Supervisory Responsibility** shall encompass: (1) any situation where an Employee has the authority to make, recommend, or impact decisions regarding hiring, termination, promotion, assignment of duties, evaluation, or changes in compensation or benefits for another individual; and (2) any situation where an Employee is responsible for evaluating, teaching, advising, mentoring, coaching, counseling, providing extracurricular oversight, supervision of work or research, and/or employment of a student as a research or teaching assistant, and/or otherwise participating in or influencing votes or decisions that may reward or penalize a student.

- **Employee** shall mean an individual whose primary role within the Downstate community is as a member of the faculty or staff, whether employed full-time, part-time, or volunteer status. Research Foundation employees working at a Downstate operating location, as well as employees of other Downstate affiliated organizations are also considered Employees for the purposes of this policy. The term does not include those who only receive need-based or scholarship financial aid or in-kind provision of housing and board.

- **Management Plan** shall mean a written document that outlines and implements measures to actively reduce, mitigate or eliminate an actual, potential, or perceived conflict of interest. Upon disclosure of a past or current romantic and/or sexual relationship as outlined in this policy, the Vice President for Human Resources and/or the Office of Employee and Labor Relations will prepare a Management Plan in consultation with the involved individuals and appropriate Downstate officials. Downstate reserves the right to determine the final content of the Management Plan, which may include an alternate supervisory structure and/or other arrangements that mitigate the actual, potential or perceived conflict of interest.

- **Professional Student** shall mean an individual whose primary relationship to Downstate is in their role as an enrolled student in any of the University's five colleges. It also includes such individuals in the status of academically-required employment, such as residency, internship, practicum, fellowship and/or equivalent.

- **Student Employee** shall mean a current student or Professional Student who has been appointed to a position designated as student employment, including, but not limited to, Graduate Assistants, Teaching Assistants, Resident Advisors, and Research Project Assistants.

III. Policy

This policy establishes the following parameters regarding consensual sexual and/or romantic relationships, regardless of the duration of the relationship and frequency of interactions between the two parties:

i. **Employees are prohibited from pursuing and/or entering into romantic and/or sexual relationships with:**

   a. **any Student in their Academic Department or Campus Office;**

b. **any student over whom they have academic, professional, supervisory responsibility, evaluative/instructional relationship or where there is an actual or perceived power imbalance, even if that role is through a different Academic Department, or Campus Office. In cases where the aforementioned prohibited relationship pre-dates the adoption of the instant policy is disclosed, Downstate's Department of Human Resources will review these relationships on a case-by-case basis and reserves the right to terminate the applicable supervisory, evaluative, or instructional responsibilities.**

ii. **Employees are prohibited from pursuing and/or entering into romantic and/or sexual relationship with any other Employee over whom they have a current Academic, Professional, Supervisory Responsibility, or where there is a perceived or actual power imbalance.**

iii. **Student Employees are prohibited from entering into romantic and/or sexual relationships with Students or Professional Students over whom they have a current academic, professional, supervisory responsibility, or where there is an actual or perceived power imbalance.** *For example, Student Employees may not enter into romantic and/or sexual relationship with other students who are under the Student Employee's direct supervision, such as in a class for which the Student Employee is a Graduate Assistant, or in a residence hall/complex at which the Student Employee is a Resident Assistant.*

The parameters in this section apply regardless of the age of the involved individuals. Pursuing or entering into a romantic and/or sexual relationship that is prohibited under this policy will subject the Employee or Student Employee to discipline, up to and including termination.

IV. Required Disclosures for Current and Past Relationships

Current or past romantic and/or sexual relationships, as described in this section, must be appropriately disclosed to the Vice President for Human Resources and/or the Office of Employee and Labor Relations. It is the responsibility of the Employee or Student Employee to make the disclosure. For Employees in a consensual romantic/sexual relationship, alternative supervisory roles must be created to ensure that supervisors in a relationship with an employee be removed from evaluating the employee and from any activity or decision that appears to reward, penalize, or otherwise affect the employment status of the employee. Similarly, for Student Employees in romantic/sexual relationships with another student over whom the Student Employee has Academic, Professional, or Supervisory Responsibility, alternative supervisory, evaluative, or instructional roles must be created to ensure that Student Employee in a relationship with a student be removed from evaluating the student and from any activity or decision that appears to reward, penalize, or otherwise affect the educational status of the student. Failure to timely disclose the current or past romantic and/or sexual relationship to the Vice President of Human Resources and/or the Office of Employee and Labor Relations will subject the Employee or Student Employee to

discipline up to and including termination. In such matters the Supervisor or Faculty Member will be held accountable for violating this policy.[1]

- **Employee and Student:** *Romantic and/or sexual relationships between an Employee and a Student that pre-dates the Student's enrollment are permissible provided that the relationship is appropriately disclosed to the Vice President for Human Resources and/or The Office of Employee and Labor Relations and a Management Plan is implemented.*[2] *Disclosure must occur within five (5) business days of enrollment, or within five (5) business days following the date the Employee first knew or reasonably should have known of the student's enrollment, regardless of whether the romantic and/or sexual relationship is ongoing or has already ended.*

- **Employee and Student in the same Academic Department or Campus Office:** *Romantic and/or sexual relationships between an Employee and a Student in the same Academic Department or Campus Office that pre-dates the Student's entry into the Academic Department or Campus Office are permissible provided that the relationship is appropriately disclosed to the Vice President for Human Resources and/or the Office of Employee and Labor Relations and a Management Plan is implemented. Disclosure must occur within five (5) business days of the Student's entry into the Academic Department or Campus Office, or within five (5) business days following the date the Employee first knew or reasonably should have known of the Student's entry into the Academic Department or Campus Office. Disclosure is required regardless of whether the romantic and/or sexual relationship is ongoing or has already ended.*

- **Employee and/or Professional Student over whom the Employee has Academic, Professional, Supervisory Responsibility, or where there is an actual or perceived power imbalance, even if that role is through a different Academic Department or Campus Office:** *If an Employee is given Academic, Professional, or Supervisory Responsibility for a Student who they are currently engaged or in the past have engaged in a romantic and/or sexual relationship, the Employee must appropriately notify the Vice President for Human Resources and/or the Office of Employee and Labor Relations and a Management Plan will be implemented. Disclosure must occur within five (5) business days of commencement of the Academic, Professional, Supervisory Responsibility, or where there is a perceived or actual power imbalance and is required regardless of whether the romantic and/or sexual relationship is ongoing or has already ended.*

- **Employee and another Employee over whom one Employee (the "Supervising Employee") has Academic, Professional, or Supervisory Responsibility:** *If an Employee is given Academic, Professional, or Supervisory Responsibility for another Employee who they are currently engaged or in the past have engaged in a romantic and/or sexual relationship, where there is a perceived or actual power imbalance, the Supervising Employee must appropriately*

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[1] *In cases involving a Student Employee and a Student, the Student Employee will be held accountable for violating this policy.*

[2] *Employees with admission authority may not be directly responsible for admitting any person with whom they are currently or in the past have engaged in a sexual and/or romantic relationship.*

notify the Vice President for Human Resources and/or the Office of Employee and Labor Relations and a Management Plan will be implemented. Disclosure must occur within five (5) business days of commencement of the Academic, Professional, or Supervisory Responsibility,[3] *and is required regardless of whether the romantic and/or sexual relationship is ongoing or has already ended.*

- **Student Employee and another student over whom the Student Employee has Academic, Professional, or Supervisory Responsibility:** *If a Student Employee is given Academic, Professional, or Supervisory responsibility, for another student who they are currently engaged or in the past have engaged in a romantic and/or sexual relationship (where there is a perceived or actual power balance), the Student Employee must appropriately notify the Vice President for Human Resources and/or the Office of Employee and Labor Relations and a Management Plan will be implemented. Disclosure must occur within five (5) business days of commencement of the Academic, Professional, or Supervisory Responsibility, and is required regardless of whether the romantic and/or sexual relationship is ongoing or has already ended.*

V. Reports and Investigation

Reports of violations of this policy can be reported to the Vice President of Human Resources, the Office of Employee and Labor Relations or the Office of Diversity and Inclusion (Title IX Director). **Downstate Responsible Employees**[4] **are required to immediately report violations of this policy after learning of a potential violation.**

Investigations of violations of this policy will be conducted by the Office of Employee and Labor Relations. All documentation related to Management Plans created under this policy shall be maintained by Downstate's Department of Human Resources and/or the Office of Employee and Labor Relations. Any disclosures of current or past romantic and/or sexual relationships will be treated as privately and sensitively as possible when implementing any necessary Management Plan. All documentation related to investigations conducted under this policy shall be maintained by Downstate's Office of Diversity and Inclusion.

VI. Retaliation

Retaliation against a person who reports a potential violation of this policy, or assists or participates in any manner in this procedure is strictly prohibited and may result in disciplinary action. Retaliation is adverse action that may include, but is not limited to, being discharged, disciplined, discriminated against, or otherwise subject to adverse action because the individual reports a potential violation, provides information, or otherwise assists in any investigation and/or conduct/disciplinary process. Participants

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[3] *Employees with hiring authority may not be directly responsible for hiring any person with whom they are currently in engaged in a sexual and/or romantic relationship.*

[4] *At Downstate, specific employees are designated as responsible employees. Please refer to Downstate's Sexual Misconduct Policy for a list/description of responsible employees.*

who experience retaliation should report the incident to the Downstate officials listed in the Contacts section of this policy.

VII. Contacts

Required disclosures and potential violations of this policy can be reported to the following Campus officials:

- Vice President of Human Resources
- The Office of Employee and Labor Relations
- The Office of Diversity and Inclusion

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