



# University of New Haven

## *Human Resources Policy*

<b>Policy / Procedure Title</b>	<b>Applicability/ Scope</b>	<b>Purpose</b>	<b>Revision/Issue Date(s)</b>	<b>Responsible Party</b>	<b>Page(s)</b>
Prohibited Relationships Policy & Procedure	All Employees, Students & Vendors	To clarify which relationships are prohibited by the University in order to maintain a professional and ethical learning and work environment	7/1/22	Associate VP Human Resources & Organizational Development	5

Any relationship (as defined below) between faculty-student, staff-student, and supervisor-employee are of significant concern to the University because of the legal, ethical, and administrative issues they raise. Faculty and staff members are in positions of authority over students and can exercise that power in many ways, whether it is evaluating and grading students work or making recommendations for employment or graduate school. A similar power imbalance exists between a supervisor and subordinate because the supervisor has the authority to evaluate and rate an employee's performance, as well as promote, demote or discipline a subordinate.

This inherent power differential commonly create conflicts of interest and lead to claims of favoritism, exploitation, bias, abuse of power and/or sexual harassment. These relationships disrupt the workplace and learning environment and undermine the integrity and reputation of the University and its employees. All employees of the University have a responsibility to avoid any conflict of interest between their professional duties and personal relationships with students or other employees. This policy sets forth the rules and guidelines regarding relationships defined as prohibited in the workplace and the consequences associated with violating this policy.

## Definitions

- **Relationship** is an intimate, sexual, and/or any other type of amorous encounter or relationship, whether casual or serious, short-term or long-term.
- **Faculty** means all faculty members including but not limited to tenure-track, non-tenure track, adjuncts, PIR's, lecturers, part-time and full time faculty.
- **Staff** means full-time or part-time Academic and Administrative employees, individuals who exert significant influence and authority over students such as coaches, including student employees such as residential life staff and orientation leaders. Also, all employees covered by a collective bargaining agreement, as well as hourly, per-diem and temporary employees, are covered by this policy. Staff does **not** include student-employees whose primary relationship with the University is that of student with the noted exceptions above.
- **Student** is any person enrolled as a part-time or full-time undergraduate or graduate student in any of the University's academic programs.
- **Students in Positions of Authority** who are serving as a teaching assistant in a course or serving as a research assistant and supervising other student in research. In addition, non-academic student employees such as residential life staff or orientations leaders.
- **Vendors** -- Anyone who provide goods and/or services to the University, including internship/CO-OP providers.

---

## Policy Standards and Procedures

### A. **Prohibited Relationships within Instructional/Student Context**

The power difference inherent in the faculty-student or staff-student relationship means that any relationship between a faculty or staff member and a student (as further defined below) is inherently dangerous to the work environment and is therefore prohibited. Faculty and staff who engage in such relationships should recognize that they might unexpectedly be placed in a position of responsibility for the student's instruction or evaluation. In the event of a charge of Sexual Harassment arising from such circumstances, a defense based upon consent, when the facts establish that faculty-student or staff-student power differential existed within the relationship, will be considered a violation of the policy, with consequences.

#### 1) **Undergraduate and Graduate Students**

All faculty and staff are prohibited from pursuing or engaging in any relationship with undergraduate or graduate students.

#### 2) **Students in Position of Authority**

Relationships between a student in a position of authority (undergraduate or graduate) over another student are prohibited. Supervising students currently or previously engaged in a prohibited relationship with another student are proscribed from serving in a position of authority over that student. Students should also recognize that they might unexpectedly be placed in a position of responsibility for another student's instruction, behavioral expectations, or evaluation.

#### 3) **Pre-Existing Relationships with Any Student**

The University recognizes that a relationship may exist prior to the time a student enrolls at the University. The current or prior existence of such a relationship must be disclosed to the Vice President of Human Resources, the Dean of Students, and the Dean of the College by the employee.

All faculty and staff currently or previously engaged in an relationship with a student are prohibited from the following unless effective steps have been taken in conjunction with the Vice President of HR and/or the applicable Dean to eliminate any potential conflict of interest in accordance with this Policy: teaching; formal mentoring or advising; supervising research; exercising responsibility for grades, honors or degrees; considering disciplinary action involving a student; or employing a student in any capacity-including, but not limited to, student employment and internships, work study, or as a research or teaching assistant. Similarly, all graduate students currently or previously engaged in a relationship with another student are prohibited from serving in a position of authority over such students.

#### **4) If a Prohibited Relationship Occurs with Any Student**

If a faculty member, staff member, or student becomes involved in a prohibited relationship with a student in violation of this Policy, the faculty member, staff member, or student must disclose the relationship immediately to the Dean of Students, the Dean of the College and the Vice President of Human Resources. In addition to the prohibited relationship itself, a faculty, staff or student's failure to report the existence of a prohibited relationship with a student is also a violation of this policy. Immediate self-reporting will be considered a factor in a resolution of a violation of this policy.

### **B. Prohibited Relationships between Supervisors and their Subordinates**

Prohibited relationships between supervisors and their subordinate employees often adversely affect decisions, distort judgment, and undermine workplace morale for all employees, including those not directly engaged in the relationship. Any University employee who participates in supervisory or administrative decisions concerning an employee with whom they have or has had a relationship has a conflict of interest. These types of relationships, specifically those involving spouses and/or individuals who reside together, also may violate this policy.

Accordingly, the University prohibits all faculty and staff from pursuing or engaging in prohibited relationships with employees whom they supervise. No supervisor shall initiate or participate in institutional decisions involving a direct benefit or penalty (employment, retention, promotion, tenure, salary, leave of absence, etc.) to a person with whom that individual has or has had a prohibited relationship. The individual in a position of authority can be held accountable for creating a sexually hostile environment or failing to address a sexually hostile environment and thus should avoid creating or failing to address a situation that adversely impacts the working environment of others.

#### **1) Pre-existing Relationships Between Supervisor and Subordinate**

The University recognizes that a relationship, under this policy would be deemed as prohibited may exist prior to the time an individual is assigned as supervisor. Supervisory, decision-making, oversight, evaluative or advisory relationships for someone with whom there exists or previously has existed a prohibited relationship are banned unless effective steps have been

taken to eliminate any potential conflict of interest in accordance with this Policy. The current or prior existence of such a relationship must be disclosed by the employee in a position of authority prior to accepting supervision of the subordinate to the Vice President of Human Resources. The Vice President of Human Resources will in conjunction with the applicable Dean or Department Head will determine whether the conflict of interest can be eliminated through termination of the situation of authority.

## **2. If a Prohibited Relationship Occurs or has Occurred between a Supervisor and their Subordinate**

If a University employee enters into a prohibited relationship with someone over whom they have supervisory, decision-making, oversight, evaluative, or advisory responsibilities, that employee must disclose the existence of the relationship immediately to their supervisor, who in turn must notify the Vice President of Human Resources. The V.P. of HR will work in conjunction with the Supervisor or Department Head to determine whether the conflict of interest can be eliminated through termination of the situation of authority. In most cases, it will be unlikely that an acceptable resolution to the conflict of interest will be possible. If the conflict of interest cannot be eliminated, the supervisor's employment standing may need to be adjusted. In addition to a prohibited relationship itself, a supervisor's failure to report the existence of the relationship with a subordinate employee is also a violation of this Policy. Immediate self-reporting will be considered a supporting factor in a resolution of a violation of this policy.

### **C. Questions About Disclosure**

If any employee has any doubts as to whether a relationship falls within the guidelines of this policy, they should immediately seek guidance from their supervisor, the Dean of Students or the Human Resources Department. Disclosure may also be directed to the Dean of Students, the V.P of HR, or the University's online portal to report violations anonymously.

### **D. Consequences of Violating This Policy**

Failure to comply with this policy will result in the taking of disciplinary action appropriate to the circumstances, up to and including academic dismissal or termination of employment. Disciplinary measures for Faculty will be administered in accordance with the Faculty Handbook. The discipline of staff employees will be administered in accordance with the Employee Handbook and/or the unionized employee's collective bargaining agreement. All instances of alleged violations will be adjudicated in accordance with the University's Title IX and Sexual Misconduct Policy.

### **E. Claims of Sexual Harassment and Misconduct.**

Any claim of sexual harassment or sexual misconduct must be immediately reported to the University's Title IX Coordinator. The Title IX Coordinator will work with the appropriate members of the University community to make sure the claim is promptly investigated and remedied. Violations of Title IX may lead to disciplinary action up to and including academic dismissal or termination. The Title IX

Coordinator will take immediate and appropriate corrective action based on the findings in each case as outlined in the Faculty Handbook, the Employee Handbook or the appropriate collective bargaining agreement of our unionized employees. Please see key contacts below:

University Title IX Coordinator	Jennifer Cinque, Associate VP Human Resources & Organizational Development <a href="mailto:jcinque@newhaven.edu">jcinque@newhaven.edu</a> , Phone 203-932-7040
Deputy Title IX Coordinator	Ophelie Rowe-Allen, Dean of Students, Chief Student Affairs Officer, <a href="mailto:orallen@newhaven.edu">orallen@newhaven.edu</a> Phone 203-932-7176
Deputy Title IX Coordinator	Robin Salters, Deputy Director of Athletics; PH: 203-932-7022; <a href="mailto:rsalters@ewhaven.edu">rsalters@ewhaven.edu</a>

**F. Vendors, Contractors and Internship/CO-OP Sponsors**

The University expects that its vendors, suppliers and contractors will not engage in any sexual, dating or romantic relationship with its undergraduate and graduate students. If such a relationship exists it must be reported to the University’s Human Resources Office.

**G. Acknowledgement**

The University of New Haven would like to thank and recognize the University of Connecticut for allowing us to model this policy on their Policy Against Discrimination, Harassment and Related Interpersonal Violence.