

**WASHINGTON STATE UNIVERSITY
EXECUTIVE POLICY MANUAL**

Executive Policy #28

Approved by Board of Regents, May 4, 2007

Policy on Faculty-Student and Supervisor-Subordinate Relationships

INTRODUCTION

Washington State University employees, regardless of position, rank, or professional relationship, may rightfully develop consensual relationships. Washington State University values an environment of inclusion, trust, and respect as beneficial for learning and working. As a matter of sound judgment, faculty, graduate teaching and research assistants, residence hall officers, and other supervisory employees in the University community accept responsibility to avoid any apparent or actual conflict of interest between their professional responsibilities and their personal relationships with students or those whom they supervise, evaluate, or exercise other relationships of power or authority. Romantic and/or sexual relationships between a faculty member and a student, or a supervisor and subordinate, may potentially pose risks to the faculty member, student, supervisor, subordinate, third parties, and unit morale. In such relationships voluntary consent by the student or subordinate is suspect because of the inherently unequal nature of the relationship. A romantic and/or sexual relationship between a faculty member and a student, or a supervisor and subordinate, can lead to a complaint of sexual harassment when the student or subordinate perceives he or she was exploited. In addition, other faculty members, staff members, supervisors, students, or employees may express concerns about undue access or advantage, favoritism, restricted opportunities, or unfavorable treatment as a result of the relationship. These concerns are damaging to the University whether the favoritism is real or perceived. Concerns also arise in cases where the relationship between the faculty member and student, or supervisor and subordinate, remains amicable, as well as in cases that lead to allegations of exploitation. To ensure that the advising, mentoring, evaluation and supervision of students or subordinates is conducted fairly, romantic or sexual relationships between faculty and students, and supervisors and subordinates are prohibited as set forth in this policy. This policy deals only with evaluative and supervisory relationships and not with relationships that fall under the definition of discrimination, sexual harassment, or relationships that may be addressed by the University nepotism policy. (See EP15 and *BPPM* 60.14.)

POLICY

Faculty or anyone in a supervisory role is prohibited from having supervisory responsibility over a student or subordinate with whom he or she is currently having a romantic and/or sexual relationship. Supervisory responsibility includes any supervisory role perceived as a position of power or authority, and is not limited to instruction, research, academic advising, coaching, service on research and thesis (dissertation) committees, assignment of grades, evaluation and recommendation in an institutional capacity for employment, scholarships, fellowships, or awards. Supervision may occur on or off campus, in curricular, cocurricular, or extracurricular activities. Such supervisory responsibilities are prohibited in the case of a current academic or supervisory role, or if the parties may reasonably anticipate that an evaluative role may exist in the near future.

Relationships between individuals in which neither party is in a position to evaluate or supervise the other party are not within the scope of this policy so long as neither party participates in decisions that may reward or penalize the other and so long as such an evaluative relationship is not reasonably anticipated by the parties.

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POLICY (cont.)

Romantic or sexual relationships in which one party is in a position to influence the career of the other, yet the relationship presents no clear or direct evaluative or supervisory conflict, may provide grounds for complaint by third parties when the relationship provides undue access, advantage, or restricts opportunities. Relationships resulting in indirect or inappropriate influence are prohibited. When a supervisory role or position of power and authority is accepted by an individual in an existing consensual relationship with a person who will become subordinate, the roles of the individuals in the supervisory and subordinate positions must be clearly established within the existing administrative structure.

In spite of these warnings, the University recognizes that sometimes such relationships occur. When a romantic and/or sexual relationship occurs or develops between a faculty member and a student, or a supervisor and subordinate, exercising a role in the evaluation or supervision of another individual an inherent conflict of interest arises. The faculty member or supervisor must disclose the relationship to an appropriate supervisor, with faculty or students disclosing the relationship to the appropriate department chair, program director, associate dean, vice-chancellor, or Dean of Students. In each case, the administrative supervisor shall make suitable arrangements for the objective supervision and evaluation of the student or subordinate partner's academic or job performance, and provide for the protection of individual and University interests.

Employees

If a supervisor enters into or engages in a sexual or romantic relationship with a subordinate employee, the supervisor must immediately report the relationship to their appointing authority so that a solution to the conflict of interest may be sought. The means of removing the conflict of interest must be reported to, and approved by the appointing authority within the unit, college, or campus and the appropriate vice president. Alternatives to the conflict of interest may include termination of the consensual relationship or appropriate changes in the supervisory/subordinate work environment.

Faculty

It shall constitute unprofessional conduct for a faculty member to engage in a romantic or sexual relationship with a student, staff member, or faculty member if the faculty member supervises or evaluates (including recommending other employment, advancement, academic or professional progress) the subordinate individual. If such a relationship exists, the supervising faculty shall immediately report the relationship to the department chair, program director, dean or chancellor with the intent of seeking alternative classes, advisors, or supervision. A written plan to resolve the conflict of interest developed by the faculty member, the academic administrator (in most cases, the department chair), and the head of the academic unit (e.g. dean, director, chancellor or equivalent) must be approved by the Office of the Provost. If no alternatives can be identified, the romantic or sexual relationship must be discontinued until the faculty member no longer exercises supervisory responsibility for the student, staff, or faculty member.

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Violations

Sanctions will not ordinarily be imposed when developing romantic and sexual relationships are promptly self-reported and measures are taken to remove the conflict of interest, so long as the relationship is not alleged by one of the parties to be nonconsensual or discriminatory. If the relationship is alleged to be nonconsensual or discriminatory, the matter shall be referred to the Office of Civil Rights Compliance and Investigation.

Persons, who have not self-reported and are determined to have violated this policy shall be subject to sanctions imposed using the applicable University policies and handbooks (e.g., the *WSU Faculty Manual*, the *Administrative Professional Handbook*, WAC 357-40, applicable collective bargaining agreements, and for students the *WSU Standards of Conduct for Students*, WAC 504-26). Sanctions for faculty members will be identified in consultation with the Vice Provost for Faculty Affairs. Sanctions for administrative professionals, staff, and other employees will be identified in consultation with the appointing authority and Human Resource Services. Sanctions may include: mandatory training or counseling, transfer or reassignment, verbal or written warning, censure, demotion, reduction in pay, withholding of pay increases, denial of professional or retraining leave, withholding of promotion, suspension, summary suspension, or dismissal.

The chosen sanction will be proportional to the severity of the offense as judged by the totality of the circumstances of the incident (the nature, frequency, intensity, location, context, method of discovery, and duration of the alleged behavior). The chosen sanctions will be adequately severe to reasonably deter and assure prevention of future offenses. The sanctions imposed will be described to the parties involved in the relationship. The violation of policy and the imposed sanctions will also be reported in the annual review and/or tenure and promotional file of the persons violating the policy.

Retaliation Prohibited

No one shall suffer penalty or retaliation, including any actions that may dissuade a reasonable person from making or supporting a charge, for reporting a relationship that violates this policy. Retaliation against any person for bringing forward or participating in the investigation of a complaint under this policy forms independent grounds for taking appropriate disciplinary action.

Retaliation has occurred when a student or an employee suffers a negative action after he or she makes a report of discrimination or sexual harassment, assists someone else with a complaint, or participates in discrimination or sexual harassment prevention activities. For students, negative actions can include being assigned an undeserved low or failing grade on any academic assignment, an undeserved poor academic or employment reference or denial of a reference, and/or reduction or negative influence on University employment or financial aid. For employees, negative actions can include demotion, suspension, denial of promotion, poor evaluation, punitive scheduling, unfavorable position reassignment, withholding of deserved support for promotion or tenure, assigning undesirable or inadequate space, punitive work assignments, or dismissal—any adverse employment decision or treatment that would likely dissuade a reasonable worker from making or supporting an allegation of discrimination or sexual harassment.

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Malicious and Frivolous Allegations Prohibited

The University will discipline members of the University community who knowingly make false allegations of prohibited faculty-student or supervisor-subordinate relationships. No complaint will be considered malicious or frivolous solely because it cannot be corroborated.

RELATED POLICIES

- Policy Prohibiting Discrimination and Sexual Harassment, EP15
- Nepotism, *BPPM* 60.14

NOTE: Nonconsensual relationships are addressed in the University's sexual harassment policy. Marital and family relationships are addressed in the University's nepotism policy.

ADDITIONAL RESOURCES

Concerns regarding violations of this policy involving faculty or students should be addressed to the Office of the University Ombudsman or Provost.

- University Ombudsman
Wilson Hall, Room 2
Pullman, WA 99164-4002
509-335-1195 ombudsman.wsu.edu
- Office of the Provost
French Administration, Room 436
Pullman, WA 99164-1046
509-335-5581 provost.wsu.edu

Concerns regarding violation of this policy involving other employees should be reported to Human Resource Services.

- Human Resource Services
French Administration, Room 139
Pullman, WA 99164-1014
509-335-4521 hrs.wsu.edu/
- Regional Human Resource Services
Spokane: 509-358-7566
Tri-Cities: 509-372-7302
Vancouver: 360-546-9587
- Office of Civil Rights Compliance and Investigation
French Administration Building 225
Pullman, WA 99164-1022
509-335-8288 crci.wsu.edu

For resources concerning sexual harassment or other forms of discrimination, please see the Policy Prohibiting Discrimination and Sexual Harassment, EP15.