



Conflicts of Interest Specific to Consensual Relationships

Approved By: President	Related Policies: SOU Sexual Harassment Policy; OAR 580-022-0055; Report and Recommendations of Board-Appointed Subcommittee on Sexual Harassment and Consensual Relationships, OAR 580-022-0055; OUS Nepotism Policy
Date Approved: February 5, 2006	Contact Officer: Associate Vice President for Human Resources
Revised:	Policy Custodian: Vice President for Finance and Administration
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A. Purpose

The educational mission of Southern Oregon University is founded on the integrity of the professional relationships among employees and students. Professional integrity fosters an environment of honesty, mutual trust, and respect in which the principles of fairness and objectivity are honored.

Within this trusting environment, romantic or sexual relationships between employees and between employees and students, in which an inherent power differential exists, create potential conflicts of interest.

Because of the potential for conflicts of interest, consensual relationships may undermine the real or perceived integrity of any supervision and evaluation provided. Trust and respect are diminished when those in positions of authority abuse or *appear to abuse* their power or *appear to favor* a student or employee based on a personal relationship. As a result, inappropriate consensual relationships can undermine the fulfillment of the University's educational mission.

Examples of Potential Conflicts of Interest

Faculty-student—Faculty members exercise power over students, whether in giving them praise or criticism, evaluating them, making recommendations for their future employment, or in conferring any other benefits on them. Romantic or sexual relationships between faculty members and students create conflicts of interest when the faculty members have any professional responsibility for the students. Consent by the student in such a relationship is regarded as questionable due to the fundamentally unequal nature of the relationship. Moreover, other students and faculty may be affected by such behavior because it places the faculty member in a position to favor or advance one student's interest at the expense of others.

Faculty-faculty—Faculty members may exercise power over their colleagues whether in giving them praise or criticism, evaluating them, or in conferring any other University benefits on them. Romantic or sexual relationships between faculty members may create inherent conflicts of interest when faculty members exercise any professional responsibility for their colleagues. Moreover, other faculty members may be affected by such behavior because it places a faculty member in a position to favor or advance another colleague at the expense of others. Nepotism is not addressed in this policy.

Staff-student—A consensual relationship between a non-faculty employee and a student creates a conflict of interest when the employee has responsibility for evaluating, promoting or disciplining the student, or in conferring any other University benefits on the student. The consent of the relationship

is questionable due to the unbalanced nature of the relationship. Additionally, other students may be adversely affected by the relationship.

Employee–employee—A consensual relationship between any two employees creates a conflict of interest when one person in the relationship has responsibility for evaluating, promoting or disciplining the other, or in conferring any other University benefits on the other. The consent of the relationship is questionable due to the unbalanced nature of the relationship. Additionally, other co-workers may be adversely affected by the relationship.

B. Definitions

1. **Employee:** An individual, such as faculty, staff, and student employee, who provides services for compensation to Southern Oregon University and whose duties are under the control of the University.
2. **Consensual Relationship:** Relationships that are romantic, amorous, or sexual in nature, legal in the State of Oregon, in which both parties are willing participants and in which no inherent power differential, perceived or real, exists.
3. **Consensual Relationship with an Inherent Power Differential:** A romantic, amorous, or sexual relationship between willing participants one of whom is a University employee with supervisory, teaching, evaluation or advisory authority and the other of whom is either an employee or a student who is in a real or perceived subordinated position to that employee.
4. **Conflict of Interest (*as related to consensual relationships*):** Impropriety that occurs when an employee with an inherent power differential engages in a consensual relationship with another employee or student.

C. Policy

1. This policy broadly identifies consensual relationship issues and identifies the procedures to be followed by employees and students when inherent power differentials affect those relationships. This policy does not address nepotism. The OUS policy for nepotism is OAR 580-022-0055.
2. SOU recognizes that adults are free to conduct consenting relationships. However, SOU requires that consensual relationships between employees and between employees and students must avoid any real or perceived conflicts of interest.
3. Therefore, employees who engage in consensual relationships with other employees or with students may become the target of complaints of bias or unfairness if any member of the University community perceives that a conflict of interest has developed because of a consensual relationship. The University is obligated to investigate these complaints and act on its findings.
4. Types of relationships covered by this policy are those that:
 - a. are consensual and,
 - b. are romantic, amorous, or sexual in nature and,
 - c. develop between two employees or between an employee and a student, one of whom has actual or perceived power or authority over the other.
5. Consensual relationships between two employees in different departments or an employee and student between whom no inherent power differential exists are not subject to this policy.

6. ***The Affirmative Action Officers are responsible for the implementation, monitoring and execution of this policy.*** Nothing in this policy precludes any person from filing a formal grievance in accordance with collective bargaining agreements, with the Bureau of Labor and Industries or the Equal Employment Opportunity Commission. If anyone has questions regarding this policy, or concerns as to whether a specific relationship falls under the guidelines of this policy, contact the following Affirmative Action Officers. While they are designated by specific groups, you may contact whichever officer with whom you are most comfortable.

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| ▪ Student | Dean of Students (552-6221) |
| ▪ Faculty member | Associate Provost (552-6114) |
| ▪ Staff member | Associate VP for Human Resources (552-6511) |

7. ***Personal resolution of consensual relationship with an inherent power differential.*** It is expected that an employee who is involved in a consensual relationship with a student or another employee with whom there is an inherent power differential will take personal responsibility for eliminating the conflict of interest by discontinuing the relationship or eliminating the conflict by finding an alternative means for the supervision, teaching, advising, or evaluation of the student or subordinate employee.

8. ***Reporting a personal consensual relationship with an inherent power differential.***

If discontinuing a personal relationship or eliminating the conflict of interest is unachievable, an employee who is involved in a consensual relationship with a student or another employee with whom there is an inherent power differential must report that relationship as follows:

- a. disclose to his or her supervisor (such as the chair, director, dean, or vice president) that a conflict of interest exists between himself/herself and another member of the campus community; and,
- b. eliminate or manage, in consultation and cooperation with the supervisor, the power differential in the relationship to prevent or eliminate a conflict of interest. To reach resolution in most cases of continued consensual relationships with inherent power differentials, alternative means for the supervision, teaching, advising, or evaluation of the subordinate employee or student is required.

9. ***Supervisor's responsibility.*** Supervisors document the disclosure and resolution in a memo. The memo must be signed by the employee with the power differential over the subordinate employee or student. The supervisor keeps the memo in a separate, confidential conflict-of-interest file within the unit for a period of five years to document the relationship for reference.

10. ***Unreported consensual relationship with an inherent power differential.*** Employees in positions of authority who enter into or persist in a consensual relationship that creates a conflict of interest without reporting it, or who fail to cooperate in efforts to eliminate the conflict of interest or appearance of such, may be subject to disciplinary action that could range from verbal warning to termination of employment.

11. ***Reporting third-party consensual relationships with an inherent power differential.***

- a. Persons who wish to express concern regarding actual or potential conflicts of interest between third parties may do so by contacting the third parties' supervisors.
- b. The supervisors of third parties who are alleged to be in a relationship where conflicts of interest exist are authorized to verify if these conflicts are valid. If the supervisor determines that an unreported consensual relationship exists that has an

inherent conflict of interest, the supervisor initiates action to eliminate the conflict of interest. The persons in these unreported relationships may be subject to disciplinary action that could range from a verbal warning to termination of employment.

12. ***Non-consensual relationships.*** If a relationship is proven to be non-consensual or becomes non-consensual and is reported, it may be regarded as potential sexual harassment based on the unwelcome nature of the romantic or sexual conduct. Relationships that are non-consensual are prohibited under the University's Sexual Harassment Policy.
13. ***Training and Assessment.*** Human Resources has responsibility for periodic training of employees and students and for periodic assessment of the effectiveness of campus-wide educational programs and training processes.
14. ***Retaliation.*** It is a violation of this policy to retaliate against any individuals who seek advice or action concerning this policy or to retaliate in any manner against individuals who assist in investigations under this policy. Persons who engage in retaliation are subject to discipline up to and including termination of employment.
15. ***Confidentiality.*** Cases that involve consensual relationships are sensitive and special attention is given to the issue of privacy for all individuals. Information is divulged only on a need-to-know basis.
16. ***Revision.*** This policy may be revised at any time without prior notice. All revisions supersede prior policy and are effective upon approval.