

Romantic and/or Sexual Relations

1. What relationships or behaviors are really prohibited?

Teachers (faculty, instructors, staff, GAs, undergraduate TAs) are prohibited from engaging in romantic and/or sexual relationships with students in their classes.

Faculty, staff, or instructors, as well as faculty from other universities or individuals from industry are prohibited from engaging in romantic and/or sexual relationships with students upon whose thesis, dissertation, program, or candidacy exam committees they sit; or over whom they exercise significant academic or career determining authority.

Coaches (staff, GAs, volunteers) are prohibited from engaging in romantic and/or sexual relationships with students that they coach.

Faculty, staff, and student employees are prohibited from engaging in romantic and/or sexual relationships with students that they advise.

Attending physicians are prohibited from engaging in romantic and/or sexual relationships with medical residents, medical interns, and medical fellows, and other learners or trainees over whom they exercise significant academic or career determining authority.

Faculty, staff, instructors, GAs, or graduate students are prohibited from engaging in romantic and/or sexual relationships with individuals with whom they are engaged in counseling relationships, as is specified by counseling codes of ethics.

Faculty, staff, instructors, graduate students, undergraduate students, and volunteers are prohibited from engaging in romantic and/or sexual relationships with any individual as defined in their field-specific codes of ethics or professional responsibility.

Faculty members may not serve as graduate school representatives (candidacy exam, dissertation defense) for students with whom they are engaged in a romantic and/or sexual relationship.

Supervisors (faculty, staff, and student) are prohibited from engaging in romantic or sexual relationships with employees that they supervise (direct reports).

2. What is a power differential?

An imbalance of power where one individual occupies a position of authority over another and by virtue of this authority can significantly impact a person's academic or work environment. An individual need not occupy a direct position of organizational authority over an individual (e.g. supervisor to direct report, teacher to student) for there to be a power differential. Power is present in supervisor-employee, teacher-student, tenured-non-tenured relationships. It can also derive from differences in gender balance of a group, length of time with the department or university, relative status in a field of scholarship, age variances, etc. For example, it could be that an individual has been in her/his position or academic program for ten years

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and the other individual just started last week; this can present a power differential. Or, of 20 staff, 19 are female and one is male; this can present a power differential.

Individuals entering into a consensual relationship in which a power differential exists must recognize that the reasons for entering, maintaining, or terminating such a relationship may be a function of the power differential. According to the American Association of University Professors, “The respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, makes voluntary consent by the student suspect.”

An imbalance of power is inherent in the teacher-student relationship, as well as the relationship between a student and a staff member. The student may defer to the teacher or staff person as an expert, a respected figure whose authority is unassailable. This power imbalance can be further exacerbated by the existence of other factors such as race, gender, sexual orientation, international student/scholar status, command of the English language, and previous sexual victimization.¹

3. What does institutional power mean?

Institutional power means that one individual occupies a position of authority over another individual such that she or he can exercise institutional power over the other. This institutional power can manifest through the ability to make or significantly influence such decisions as:

- Admission to or matriculation through an academic program
- Assignment of grades, determining pass/fail status in the candidacy exam or dissertation defense
- Selection, termination, evaluation, compensation, promotion, or tenure in the employment setting
- Approval of sick leave, vacation leave, or overtime hours
- Permission to take classes during the work day
- Assignment of resources necessary to do one’s job
- Etc.

4. What are acceptable alternative arrangements?

Acceptable alternative arrangements can be made by working with one’s supervisor, chair/director, or dean/vice president. The arrangements must alleviate any actual or perceived conflicts of interest or potential conflicts of interest. The arrangements may include altering supervisory or reporting lines; moving a student to another section of the same class; having the teacher switch class sections with another teacher; appointing a different individual to serve on a thesis, dissertation, program, or evaluative committee; moving the individual to another position of the same or comparable status and duties; or establishing alternative means of evaluation of academic or work performance; among other options. Having acceptable alternative arrangements made is not an entitlement and if the department determines they are not feasible, the relationship must cease.

¹ Report to The President’s Council on Women from the Work Group Examining the University’s Policy on Consensual Relations between Faculty and Students. January 11, 2005. Available online at hr.osu.edu/policy/resources/115report.pdf.

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Other academic alternatives might be:

- Delay the relationship until after the student has completed your class.
- Identify a comparable class taught in another department (e.g. a research methods course taught in the College of Food, Agricultural, and Environmental Sciences that is comparable to one taught in the College of Education and Human Ecology) and allow the student to apply for permission to substitute the course.
- Arrange an independent study with another qualified professor or practitioner, from Ohio State, the immediate community, or another university.
- Arrange for the individual to be graded and guided by an equally qualified colleague at another university.

Be creative – the bottom line is that the conflict of interest must be removed by whatever reasonable means can be identified, without denying or degrading the student’s experience. Although we encourage departments to be supportive in making alternative acceptable arrangements, they are not required to invest additional resources to do so. Such arrangements are not an entitlement. If acceptable alternative arrangements cannot be made, the relationship must cease.

5. Who has a duty to act regarding sexual harassment in general?

Any Human Resource Professional (HRP), supervisor, chair/director, or faculty member who becomes aware of information that would lead a reasonable person to believe that sexual harassment has occurred must notify the Office of Human Resources, Organization and Human Resource Consulting, by ensuring that a Discrimination/Harassment Complaint Form or other appropriate documentation is filed within five working days of becoming aware of the information. The Complaint Form/documentation will initiate collaboration between the Office of Human Resources, Organization and Human Resource Consulting and the unit HRP to determine how to proceed with resolving the complaint. Failure to exercise reasonable care by appropriately referring and addressing these complaints may result in personal as well as institutional liability.

6. Who has a duty to act regarding prohibited relationships?

- Any individual who begins a prohibited relationship must notify their supervisor and cooperate in making alternative acceptable arrangements.
- Any HRP, faculty or staff supervisor, chair/director, or dean/VP who becomes aware of a prohibited relationship must seek to ascertain that an acceptable alternative arrangement has been made.
- Any HRP, faculty or staff supervisor, chair/director, or dean/VP who becomes aware of a prohibited relationship for which alternative acceptable arrangements have not been made must report the relationship to the Office of Human Resources. This is the case even across departments, colleges, or vice presidential units.

7. What about current prohibited relationships? Do I have to notify my supervisor?

Yes. Individuals who are currently in a prohibited relationship must immediately notify their supervisors and cooperate in making alternative acceptable arrangements.

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8. What about past prohibited relationships? Do I have to notify my supervisor?

Past prohibited relationships, in effect and ended before the effective date of this policy (July 1, 2006), must be disclosed only when they create conflicts of interest in the present or future.

9. Why are these relationships a conflict of interest?

A conflict of interest is a real or seeming incompatibility between one's private interests and one's public or professional duties. The ability to make objective decisions is compromised if there is a romantic and/or sexual relationship between two individuals who have a reporting or evaluative relationship. Other students, employees (faculty, staff, students), or volunteers may be affected because it places the authority figure in a position to favor or advance one individual's interest at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors.

10. How will same-sex sexual and/or romantic relationships be handled?

These relationships should be handled in the same manner as opposite-sex sexual and/or romantic relationships are handled. Care should be taken not to discriminate against same-sex couples in any way, as the University's Affirmative Action, EEO, and Non-discrimination policy prohibits discrimination based upon sexual orientation, among other categories. Individuals involved in same-sex sexual and/or romantic relationships who have concerns about disclosing and making alternative acceptable arrangements based upon fear of discrimination should contact the Office of Human Resources, Organization and Human Resource Consulting, 614-292-2800.

11. How soon do I need to notify my supervisor that I am in a relationship?

Relationships generally don't come into existence out of the blue; often times they evolve over time. If you feel yourself developing an interest in an individual over whom you have or will almost certainly have supervisory, teaching, evaluation, advising, coaching, or counseling authority, you should think about the extent to which it will be feasible to make acceptable alternative arrangements to entirely avoid the conflict of interest. If this won't be possible, and you decide to pursue a relationship, the relationship will be prohibited at the point that you have authority over the person, that is, at the point at which the conflict of interest manifests. If you start dating, or become intimate with an individual over whom you have such authority, you are required to immediately notify your supervisor and make alternative acceptable arrangements. It is not acceptable to let the relationship go for a few weeks or months before you do so.

12. What are the consequences if a violation occurs?

When a violation of the sexual harassment policy is found, including the "romantic and/or sexual relationships" section, steps will be taken to ensure that the behavior is stopped promptly, or that the relationship is managed appropriately. Appropriate corrective action may range from counseling, written reprimands, suspensions, or other action up to and including dismissal, in accordance with established University rules and procedures. The Office of Human Resources, Organization and Human Resource Consulting will monitor corrective action to ensure compliance.

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In cases involving faculty members, corrective measures may be imposed in accordance with Faculty Rules and Procedures 3335-5-04. For unclassified and classified civil service employees, refer to Human Resources Policy 8.15, Corrective Action and Involuntary Termination. For bargaining unit employees, refer to the appropriate collective bargaining agreement. In cases involving students acting in their employment capacity, measures may be imposed in accordance with Human Resources Policy 10.10, Student Employment; in all other cases, measures may be imposed in accordance with the Code of Student Conduct.

13. What options are there for corrective action with tenured faculty?

There are a range of options when addressing violations of policy with faculty, depending on the nature of the violation and the specific fact pattern. Some actions that may be taken are: letters of reprimand placed in the personnel file; reduction in salary; no annual raise for a period of time; removal from administrative responsibilities; removal of privilege of advising Ph.D. students; removal of supervisory privilege over students, faculty and staff; title change (e.g. removal of named chair); resignation in lieu of detenurization; initiating the 504 (detenurization) process.

14. How should this be communicated to faculty, staff, and students?

Deans and department chairs should cover this policy directly with faculty at the first faculty meeting of the year each year. Faculty and staff leaders should review this policy on an annual basis with supervisors, employees, students, and volunteers who have or supervisory, teaching, evaluation, advisory, coaching, or counseling authority over others. TA coordinators/graduate studies chairs should cover this policy directly with TAs prior to the commencement of teaching responsibilities at least annually.

15. How can I talk with individuals who are upset that they can't be in a relationship with someone who has supervisory, teaching, evaluation, advisory, coaching, or counseling responsibility over them?

Listen for understanding and be sensitive. Explain the policy. Read the final report of the Task Force and talk with the individual about all the potential repercussions of such relationships, to the individual, her/his peers, the person in the position of power, the department, and the institution. Give a copy of the final report of the Task Force to the individual.

- Refer students to additional resources such as Counseling and Consultation Service (614-292-5766), Student Advocacy Center (614-292-1111), or Office of Student Affairs (614-292-9334).
- Refer faculty and staff to the University Faculty and Staff Assistance Program (614-293-2442), Office of Academic Affairs (614-292-5881), or Organization and Human Resource Consulting (614-292-2800).

16. Where can I obtain additional information?

Your questions can be answered by:

- E-mailing the sexual harassment reporting line at sexualharassment@osu.edu
- Contacting Organization and Human Resource Consulting, ohrc@hr.osu.edu, 614-292-2800
- Visiting hr.osu.edu/policy/policy115.pdf Sexual Harassment Policy 1.15
- Visiting hr.osu.edu/hrpubs/guidelinesdiscrim.pdf Guidelines for Investigating Complaints of Discrimination and Harassment

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- Visiting hr.osu.edu/policy/resources/115faq-general.pdf FAQ (General) on Sexual Harassment Policy 1.15
- Visiting hr.osu.edu/policy/resources/115report.pdf Task Force Examining the Policy on Consensual Relationships Report and Recommendations