

# Regulations of Florida A&M University



## 10.112 Consensual Relationships.

### 1. In General

(a) Consensual sexual relationships between supervisors and employee, faculty-student, employee-student, do not violate laws prohibiting sex-based discrimination. However, such relationships are a concern because of the significant risk, ethical and administrative problems that can be posed when there is an institutional power difference between the parties involved, as between a supervisor and employee, employee and student, faculty and student, senior faculty and junior faculty, mentor and trainee, coach and athlete or academic advisor or counselor and advisee or counselee, and the individuals who supervise the day-to-day living environment and student residents. Because of the conflict or the potential for conflict of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of the supervision, education and evaluation provided. They can lead to a complaint of sexual harassment when the student or employee feels that she or he has been exploited; thus being less consensual than the individual whose position confers power or authority believes. As a matter of sound judgment and professional ethics, all employees have a responsibility to avoid any apparent or actual conflict of interest between their professional responsibilities and personal relationships with students or other employees.

(b) As to students, the integrity of the teacher-student relationship is the foundation of the University's educational mission. This relationship vests considerable trust in the teacher, who, in turn, bears authority and accountability as a mentor, educator and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between teacher and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Consequently, the University prohibits a sexual or romantic relationship between a teacher and student, even where

consensual, if the faculty member has direct supervisory or evaluative responsibilities over the student.

(c) Likewise, the University prohibits sexual or romantic relationships between employees and students and between supervisors and their employees.

(d) Through this policy, Florida A & M University asserts its right to protect the integrity of its operations from conflicts of interest, disruptions in its academic and employment environments that can arise from consensual sexual activity involving members of the University community, and to protect persons from the kind of injury that either a subordinate or superior party to such a relationship can suffer. Most of all, this policy seeks to ensure that each member of the Florida A & M University community is treated with dignity and without regard to any factors that are not relevant to the person's work.

(e) For such relationships, recusal is required, the recusing party must also notify his or her supervisor, department chair or dean, so that such chair, dean or supervisor can exercise his or her responsibility to evaluate the adequacy of the alternative supervisory or evaluative arrangements to be put in place.

## **2. Failure to Comply**

A failure to comply with the recusal and notification requirements is a violation of this policy, and therefore grounds for discipline commensurate with the severity of the offense, up to and including termination of employment.

## **3. Sexual Harassment Complaints**

Non-consensual situations or sexual harassment are covered under the University's policy on Sexual Harassment, as provided in Regulation 10.103.

## **4. Delegation of Authority**

The President or the President's designee shall establish further policies and procedures, including such recusal and notification requirements, to implement this policy.

*Specific Authority 1001.74(4) FS; Law Implemented 1001.74(19), 1001.75(3) FS; History – New 12-1-05; Amended \_\_\_\_.*