

## Compliance

All members of the university community are expected to comply with the Consensual Relationship Policy. When relationships covered by this policy develop, the person with greater supervisory responsibility is responsible. Potential noncompliance with the policy should be reported by supervisors, department chairs, deans, or other responsible persons, to the appropriate designated administrator (see back of brochure) who will investigate the allegation.

Persons in violation of this policy shall be subject to sanctions ranging from verbal warnings to termination, as provided by applicable university policies. The university reserves the right to discipline members of the university community who make false allegations of unreported consensual relationships. No complaint will be considered "false" solely because it cannot be corroborated.

The Office of Inclusion, Diversity and Equal Opportunity will issue a campus-wide annual reminder of the Consensual Relationships Policy. The Office of the Provost will request Management Plans at the start of the fall semester noting that all new, updated or static Plans should be submitted to the Office of the Provost by October 1 each year.

## DESIGNATED ADMINISTRATORS WHO CAN HELP ME WITH A MANAGEMENT PLAN

### *Faculty Members:*

Faculty Diversity Officer, 216.368.4299  
and/or your department chair, division chief or dean

### *For Staff Members:*

Office of Employee Relations, 216.368.2458  
and/or your direct administrative supervisor

### *For Students:*

Office of Student Affairs, 216.368.2020  
and/or your direct supervisor



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# CONSENSUAL RELATIONSHIP POLICY

## *What is it?*

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## *What relationships are covered?*

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## *Where do I go for assistance?*

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## *What Do We Mean by 'Consensual Relationship'?*

Case Western Reserve University is a community that values an environment of inclusion, trust, and respect as beneficial for the working and learning environment of faculty, staff and students. Given the amount of time we all spend together on campus, it is inevitable that romantic or sexual relationships will occur. All relationships must be consensual; but, even if these relationships are consensual, they raise serious concerns about the validity of the consent, conflicts of interest, and preferential treatment. In an effort to address these concerns the university created the Consensual Relationship Policy detailed in this brochure. The entire policy may be read in section XIII of the Faculty Handbook and in the Human Resources Policy Manual, no. I-10.

The purpose of the policy is to:

- Give everyone the opportunity for a positive academic and work experience at Case Western Reserve University;
- Raise awareness about relationships that may detract from a positive academic and work experience;
- Provide a process for managing work-related aspects of relationships;
- Inform all members of the university community that they are required to abide by the university Consensual Relationship Policy.

## *The Policy*

The University considers sexual relationships between faculty and their students and between supervisors and their employees, even if deemed to be mutually consenting relationships, to be a basic violation of professional ethics and responsibility when one party has any professional responsibility for the other's academic or job performance or professional future. Such relationships are expressly prohibited unless both parties create and implement a Management Plan.

University employees—who are involved romantically or sexually with someone for whom they have a real or implied supervisory responsibility must report this relationship to the designated administrators (see back of brochure).

### **Examples of relationships that would require a management plan:**

1. Between a supervisor and his/her supervised employee;
2. Between a faculty member and his/her student, which includes graduate students;
3. Between a supervising staff or student (including but not limited to a graduate student, teaching assistant or resident assistant) and his/her student;
4. Between a senior faculty member and a junior faculty member supervised by the senior faculty member.

### **Married couples**

Married couples are covered by the anti-nepotism policy contained in Chapter 4, section VIII of the Faculty Handbook and the Human Resources Policy Manual I-13, Relationships in the Workplace, but if either party has a supervisory relationship with a spouse/partner, they must comply with a Management Plan.

### **Consent and Claims of Sexual Harassment**

Consent may be difficult to assess, deemed impossible, and construed as coercive. Relationships covered by the Consensual Relationships Policy could result in claims of sexual harassment. Members of the university community who participate in such relationships should know that they risk being accused of sexual harassment. Consent is not a defense in a sexual harassment proceeding if the facts establish that a real and/or implied power differential existed within the relationship.

## *The Management Plan*

The Management Plan is the primary tool for complying with the university's Consensual Relationship Policy. It is a written plan, to which both parties must commit, establishing how they will compensate for any inequity in their professional or academic interactions. The Management Plan will be reviewed for acceptability prior to implementation by the Provost, the designated administrator and the relevant dean/supervisor. Copies of implemented plans are retained by the Office of the Provost and the designated administrators (see back of brochure). A campus-wide request for Management Plans will be distributed electronically by the Office of the Provost at the beginning of the fall semester noting that all Management Plans, new, updated or static, should be submitted to the Office of the Provost by October 1 each year.

Examples (not a definitive list) of structures that could be reflected in a Management Plan:

- Reporting relationships
- Performance evaluations
- Resource distribution
- Discretionary spending allocations
- Course assignments
- Advisor/advisee assignments
- Dissertation committee assignments
- Promotion and tenure review

If a satisfactory Management Plan cannot be created, it will be necessary to end either the personal or the supervisory professional relationship.

***Compliance information is on the back, left-hand flap of this brochure.***