

Consensual Relationships Policy

Intimate, romantic, or sexual relationships have the potential to raise concerns about actual and/or perceived conflicts of interest, abuse of authority, favoritism, and unfair treatment. These relationships can be particularly problematic when one person holds a position of power or authority over another, potentially calling into question whether consent to a relationship was freely given. These relationships may also negatively impact the work and/or learning environment of others. In an effort to address these concerns, Simmons University has developed this Consensual Relationships Policy.

For purposes of this Policy, the term **“employee”** includes all Simmons administrators and staff at all levels, both full-time and part-time, as well as all Simmons faculty, regardless of rank or teaching modality (on-campus or online). It includes all faculty, whether tenured, tenure-track, contract, or adjunct. In this Policy, the term employee generally does not refer to Simmons students who choose to work at Simmons, through a work-study position or otherwise. However, there are a few exceptions noted below where Simmons students holding particular positions may need to take steps to comply with this Policy.

The term **“student”** includes any individual enrolled in a Simmons program that leads to the award of academic credit. This includes students in programs that are on- or off-campus, as well as students in any of Simmons’ online programs.

RELATIONSHIPS BETWEEN EMPLOYEES AND STUDENTS

Undergraduate Students: Simmons University prohibits all intimate, romantic, or sexual relationships between Simmons employees and Simmons undergraduate students.

Graduate Students: Simmons prohibits intimate, romantic, or sexual relationships between Simmons employees and Simmons graduate students when the Simmons employee is (or might reasonably be expected to be) in a position of power or authority over that graduate student. This means Simmons faculty may not engage in an intimate, romantic, or sexual relationship with a graduate student enrolled in any course, academic program or department in which that faculty member teaches, advises, or holds an appointment.

Simmons agrees with the statement of the American Association of University Professors (AAUP) that:

Sexual relations between students and faculty members with whom they also have an academic or evaluative relationship are fraught with the potential for exploitation. The respect and trust accorded a professor by a student, as well as the power exercised by

Office of Human Resources

Policy original adopted: October 2014

Updated: September 2021

the professor in an academic or evaluative role, make voluntary consent by the student suspect. Even when both parties initially have consented, the development of a sexual relationship renders both the faculty member and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between faculty members and students.

In their relationships with students, members of the faculty are expected to be aware of their professional responsibilities and to avoid apparent or actual conflict of interest, favoritism, or bias.

All Simmons employees—faculty and staff—have a responsibility to Simmons students and to the Simmons community to conduct themselves with integrity and in a professional manner at all times. Any Simmons employee who engages in a relationship that violates this Policy is subject to disciplinary action, up to and including loss of employment.

Only in rare circumstances will exceptions be granted upon a written request by the employee.

- It is not a violation of this policy for the spouse or domestic partner of a Simmons employee to enroll at Simmons in a full or part-time capacity, regardless of whether a tuition remission benefit is used. However, the faculty spouse or partner should not be engaged in the evaluation of the academic work of a family member. When an immediate family member is enrolled in the same department as a faculty member, the appropriate Dean shall be notified so that any conflicts can be addressed.
- An exception may be granted when a newly hired staff member has a pre-existing consensual relationship with an undergraduate student. In such a case, the staff member should inform the Human Resources so the University can make a case-by-case determination on whether the relationship is prohibited under this policy. For example, two undergraduate students may be dating, one graduates in May and becomes employed by Simmons shortly thereafter. The other student is not expected to graduate until the following May. This generally will not be considered a violation of this Policy.
- An exception may be granted when an undergraduate student from another area university is hired to work at Simmons through an internship or co-op program. In these instances, the relationship may be permitted but the Simmons employee must not have supervisory authority or other power over the Simmons student.

There may be other reasonable circumstances where a limited exception to this policy will be considered. Such an exception must be granted by the Vice President & Chief People Officer, in consultation with the VP for Student Affairs, the appropriate Dean or manager, or the University's legal office.

Office of Human Resources

Policy original adopted: October 2014

Updated: September 2021

SIMMONS STUDENTS SERVING AS TAs, LABORATORY ASSISTANTS, OR RAS

When Simmons undergraduate or graduate students serve as teaching assistants, laboratory assistants, or resident advisors, certain romantic or sexual relationships with Simmons students could lead to a real or perceived conflict of interest. TAs and lab assistants may not be in a position where they are evaluating or grading the work of an individual with whom they have an intimate, romantic, or sexual relationship and for this reason, any such relationship must be disclosed to the faculty member or administrator to whom the TA or lab assistant reports. The supervisor will then share this information with the Dean of their respective College and will work with the Dean to address the situation.

Resident Advisors should refer to the policies of the Office of Residential Life for guidance on this issue.

RELATIONSHIPS BETWEEN EMPLOYEES

Simmons strongly discourages employees with supervisory or evaluative authority from engaging in intimate, romantic, or sexual relationships with those employees they supervise, evaluate, or over whom they otherwise have direct or indirect influence or authority. Such relationships can compromise professional integrity and may generate claims of unfair treatment by others and/or sexual harassment.

If a hiring, promotion, or change in reporting structure leads to this situation, or if such a relationship develops, the manager or supervisor employee must notify the Vice President or Dean that oversees the employee's department so that the University can ensure unbiased supervision and evaluation of the employee. Failure to report such a relationship is considered a violation of this policy.

Once a relationship is reported, it is the Vice President's or Dean's responsibility to notify HR so the situation can be addressed promptly and confidentially. Circumstances may necessitate a transfer or reassignment of one or more employees to address the conflict, actual or perceived. It is the responsibility of both employees to cooperate in actions taken to eliminate any actual or potential conflicts of interest and to mitigate adverse effects on other employees and/or third parties.

ENFORCEMENT

All violations of this Policy should be reported to HR for investigation and appropriate administrative action, which could include disciplinary action up to and including loss of employment. Retaliation against anyone who reports concerns about consensual relationships is prohibited and constitutes a separate violation of this Policy.

Please note: In the event an employee violates this Policy and the violation makes the employee the subject of a legal complaint, Simmons may decline to assist the individual in legal defense against the allegation(s), and the individual, not Simmons, may bear any costs, fees or monetary obligations associated with legal defense and the outcome of the matter.

Office of Human Resources

Policy original adopted: October 2014

Updated: September 2021