



## Applicability

This policy applies to all faculty and staff employees of Brandeis University. This policy applies to consensual romantic, dating, and sexual relationships between employees (faculty and staff) and students; and employees with other employees. This policy does not replace or limit university policies on prohibited discrimination, harassment, and retaliation or other policies that may be triggered by conduct or relationships covered in this policy.

Student-to-student relations are governed by the student handbook, *Rights and Responsibilities*, which can be found on the website of the Department of Student Rights and Community Standards.

## Introduction

Brandeis University is committed to maintaining a fair and professional academic, work, and athletic environment in which members of the faculty and staff carry out their responsibilities in a way that is both respectful to those over whom they have authority and conducive to the development of a just and flourishing academic community. A sexual or romantic relationship between a faculty or a staff member and a person with whom they have professional responsibility (i.e., as a teacher, advisor, evaluator, or supervisor) is inherently problematic. With professional responsibility comes power. It is incumbent on faculty and staff members not to abuse, or seem to abuse, the power with which they are entrusted. In order to avoid potential conflicts of interest, favoritism, exploitation, harassment or breaches of professional standards, the university prohibits romantic or sexual relationships even when consensual where there is supervision, direction or control between the parties.

## Policy Statement on Consensual Relationships Between Employees and Undergraduate Students

No employee\* shall pursue, have, or maintain a Consensual Relationship with any currently enrolled undergraduate student including relationships that occur when the University is not in session or when a student is on leave. If a change in employment or academic circumstances causes an employee in a pre-existing marriage or Consensual Relationship to come into conflict with this policy (see examples in the next paragraph), this is required to be immediately disclosed to the relevant Dean or VP for Human Resources who will initiate a Management Plan consistent with this policy.

Examples of circumstances that may arise include:

- an employee is in a Consensual Relationship with someone who applies for and becomes accepted as an undergraduate student
- an undergraduate student is in a Consensual Relationship with someone who becomes an employee (e.g., graduate teaching assistant, faculty, or staff position) at Brandeis

If circumstances same or similar to the above are disclosed immediately, there will not be a finding of policy violation. While such Consensual Relationships are normally prohibited by this policy, a Management Plan will be pursued rather than requiring the dissolution of the relationship. The Dean or VP for Human Resources may take measures to prevent the deprivation of educational or employment opportunities for the undergraduate student, and will have the authority, in consultation with the Office of Equal Opportunity, to make reasonable exceptions to normal academic rules and policies as warranted by the circumstances.

\*Except as set forth below, graduate student and undergraduate student employees are exempt from this specific policy section. Consensual Relationships between undergraduate students and other

undergraduate students, including undergraduate student employees, are neither discouraged nor prohibited unless a party to the relationship Exercises Authority as defined elsewhere in this policy. Consensual Relationships between graduate students, including graduate student employees, and other students, including undergraduate students are neither discouraged nor prohibited unless there is an Instructor relationship or a party Exercises Authority as defined elsewhere in this policy.

### **Definitions** (For purposes of this policy)

- **Consensual Relationships** – includes any intimate, romantic, dating, or sexual relationship, or sexual conduct, to which both parties have given consent.
- **Instructor** – any faculty member (regardless of rank or permanent or visiting status), post-doctoral fellow or associate who supervises or evaluates students. Student teaching assistants and teaching fellows are also considered to be “Instructors” with respect to students over whom they have academic responsibility.
- **Staff Member with supervisory or academic responsibility** – any person who is not an Instructor but who has authority over students, including deans of any rank, athletic coaches, advisers and directors of student organizations and residential living, others who advise, mentor or evaluate students; and those who can positively or negatively influence the financial or operating environment of an individual student.
- **Employee** – anyone—faculty, staff, or student—employed by Brandeis University.
- **Exercise(s) Authority** – the ability to directly impact another individual’s academic or professional status or their development. Examples include but are not limited to evaluating, providing oversight, assigning work, supervising, academic advising, mentoring, coaching, counseling, providing extracurricular oversight, providing references and/or otherwise participating in or influencing votes or decisions that may reward or penalize.
- **Management Plan** – a plan to be arranged according to the individual circumstances, with the outcome being to remove any ability of one individual to exercise authority over the other. It could involve assisting one of the individuals to change to a similar position elsewhere in the University, if available, or removing exercise of authority in that instance by having someone else designated as a substitute for supervision, advising, etc.

### **Policy Statement on Other Relationships**

#### ***Undergraduate or Graduate Teaching Assistants***

An undergraduate or graduate student may be assigned as a teaching assistant for a course which, due to a pre-existing Consensual Relationship, may cause the individuals in the relationship to come into conflict with this policy. Immediate disclosure is required by the individual with the exercise of authority, so that a Management Plan can be implemented such as reassignment of the teaching assistant.

#### ***Employee-Graduate Student Relationships Where Exercise of Authority Exists***

The pedagogical relationship between an Instructor and a graduate student must be protected from influences or activities that can interfere with learning and fair evaluation. Given the inherent power differential, faculty and staff members might not perform their duties effectively if they become romantically or sexually involved with graduate students for whom they are responsible. Accordingly, no Instructor or staff member shall enter into a Consensual Relationship with a graduate student whom they

instruct, evaluate, supervise, advise or over whom the Instructor or staff member is in a position to exercise authority in any way. Similarly, no Instructor or staff member shall exercise authority over a graduate student with whom the Instructor or staff member has had a Consensual Relationship in the past. In the event that marriage or a Consensual Relationship exists such that circumstances would bring an Instructor or staff member into conflict with this policy, the involved Instructor or staff member shall disclose such a relationship immediately to their Dean (if an Instructor) or VP for Human Resources (if a staff member). The Dean or VP for Human Resources will initiate a Management Plan consistent with this policy, including the removal of any exercise of authority between the Instructor or staff member, and the graduate student. The Dean or VP for Human Resources may also take measures to prevent the deprivation of educational or employment opportunities for the graduate student, and will have the authority, in consultation with the Office of Equal Opportunity, to make reasonable exceptions to normal academic rules and policies as warranted by the circumstances.

### ***Faculty, Staff and other Employee Relationships Where Exercise of Authority Exists***

No faculty or staff member shall enter into or continue a Consensual Relationship with any employee (faculty or staff) who reports to them (as a direct supervisor or any level of hierarchy) or over whom the faculty or staff member has the authority and/or responsibility to hire, promote, discipline, evaluate, set salary, assign or direct. If marriage or a Consensual Relationship exists such that circumstances would bring an employee into conflict with this policy, the person in power shall report disclose such a relationship to the relevant Dean (if a faculty member) or VP for Human Resources (if a staff member). The Dean (if a faculty member) or VP for Human Resources (if a staff member) shall initiate a Management Plan consistent with this policy, including the removal of any reporting or similar relationship between the faculty or staff member and the employee. The Dean (if a faculty member) or VP for Human Resources (if a staff member) may also take measures to prevent the deprivation of employment opportunities for the subordinate.

### ***Recruitment of Dual Career Couples***

This policy is not intended to discourage or reduce the university's key talent strategies, such as the recruitment of couples who are in a pre-existing marriage or Consensual Relationship. Such recruitments may place the individuals into positions where Exercise of Authority potentially exists, wherein a Management Plan would be put into place. This is considered a normal recruitment and management process.

### **Policy Violation**

A violation of this policy may result in disciplinary action, up to and including termination of employment. Cases involving faculty will go to the appropriate Dean and will follow Faculty Handbook procedures in Section VII. Dispute Resolution.

### **Required Reporting**

Although it is recognized that the student or subordinate may be a full and willing participant in a Consensual Relationship, all of the responsibility for reporting violations and adhering to this policy and the consequences for violating it fall upon the person in a position of power or authority, rather than on the student or subordinate. Violations of this policy are referred to the appropriate disciplinary procedure based on the status of the employee in the position of power or authority over the other individual. If the person involved in a possible policy violation is an Instructor, the issue must be brought to the attention of the Dean of the appropriate School. If the person involved is a Staff member, the issue must be brought to the attention of the Vice President for Human Resources.

### **The Concept of Immediate Disclosure**

As with examples noted in this policy, there will be circumstances that occur where individuals could enter into conflict with this policy. If immediate disclosure occurs at or before the beginning of those

circumstances, there will generally be no policy violation. If the person involved is an Instructor, disclosure must be brought to the attention of the Dean of the appropriate School; if the person involved is a Staff member, the issue must be brought to the attention of the Vice President for Human Resources.

### **Questions**

If students have concerns or questions about a Consensual Relationship between a student (you or someone else) and an Instructor or Staff member, assistance can be provided for undergraduate students by the Department of Student Rights and Community Standards at 781-736-5070 and for graduate students by the Office of Graduate Student Affairs at 781-736-3546.

If faculty members have concerns or questions, they should consult with their Dean; if staff have questions or concerns, they should consult with their supervisor or Human Resources.

*This policy does not create an employment contract or any right to continued employment at Brandeis University. Brandeis University reserves the right to modify, revoke, suspend, terminate and/or change any and all policies and procedures at any time, with or without notice.*

*Attachment: Q&A document*

*Office of Human Resources  
Revised August 2019*