



Policy Title: **Employee-Student Relationship Policy**

Policy Number: PS 5

Purpose of Policy: To prohibit intimate or sexual relationships between employees and students.

Applies to: All Employees (including Faculty, Staff, and Student-Employees)

Policy Statement:

- I. **Prohibited Relationships:** Relationships of an intimate or sexual nature between University employees and University students, consensual or otherwise, are deemed unprofessional and are prohibited subject to the exceptions below. Sexual relationships that might be appropriate in other circumstances are always inappropriate when they occur between any instructor, officer, or employee of the University and any student. Further, such relationships may have the effect of undermining the atmosphere of trust on which the educational process depends. Implicit in the idea of professionalism is the recognition by those in a position of authority that in his/her relationships with students there is always an element of power. It is incumbent upon those with authority not to abuse, nor to seemingly abuse, the power with which they are entrusted. Even when both parties have consented to the development of such a relationship; it is the instructor, officer, or other employee who, by virtue of his or her special responsibility, will be held accountable for violations of this policy.
- A. **Application to Student-Employees.** University Students who are also employed on campus are not exempt from this prohibition and may be subject to a violation for consensual relationships with other students whom they instruct, supervise, evaluate, or whose student records they access in their employment role. Recognizing the realities of student life, student employees are not always prohibited from consensual relationships with other students, so long as the student employee's job roles do not put him/her in a position of power or professional responsibility over the other student. In evaluating a report under this section, the University will consider the student employee's job duties, employment responsibilities, access to student records, and professional/academic relationship with the student in determining whether a violation has occurred.
- B. **Relationships that Predate Student Status:** The prohibition on employee-student relationships is not intended to restrict spouses or partners of current University employees from enrolling as students so long as the intimate relationship is consensual and predates the student's enrollment. An employee whose spouse or partner enrolls as a student will not be charged with a violation for a consensual relationship with his/her spouse or partner, but may still be subject to other violations for alleged prohibited conduct (*e.g.*, while an employee whose spouse enrolls as a

student will not be punished for a consensual relationship violation, s/he may be subject to other violations in response to reports such as dating or domestic violence within the scope of the Title IX Policy). For purposes of this policy, “consent” or “consensual” has the same meaning as “consent” as defined in the Title IX Policy.

II. Relationship to the Title IX Policy.

- A.** Regardless of other language in this policy notwithstanding, Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), as defined in the Sexual Harassment Policy, will be governed exclusively by the Title IX Policy (University Policy Statement 4) and processes stated therein.
- B.** Conduct that is initially raised through a formal complaint under the Title IX Policy may also be addressed under this policy, in the institution’s discretion, when: (1) the conduct, or some part of it, may amount to a violation of this policy regardless of whether it meets the definition of Sexual Harassment under the Title IX Policy; (2) the formal complaint, or some part of it, has been dismissed under the Title IX Policy; or (3) a final determination of a formal complaint has been made under the Title IX Policy and separate or additional action may be necessary to enforce this policy.

III. Reports; Responsible Department.

- A.** Reports of alleged violations of this policy may be submitted to Human Resources.
- B.** Human Resources is responsible for investigating reports, making determinations of violations, and imposing appropriate discipline or sanctions for violations of this policy by employees.

IV. Violations; Sanctions.

- A.** Human Resources is responsible for determining violations of this policy and for providing written notice of the finding and any sanctions imposed.
- B.** The following sanctions may be imposed for violations of this policy. In each case, the sanction(s) to be imposed will be determined by examining the nature and severity of the violation. The cumulative effect of an individual’s prior violations and the individual’s prior disciplinary records may also be considered in determining the appropriate sanction.
 - 1. A requirement not to repeat or continue the prohibited conduct;
 - 2. Reprimand or warning;
 - 3. A no-contact directive;
 - 4. Reassignment or a requirement to change or modify job position or duties;
 - 5. Probation;
 - 6. Suspension from employment;
 - 7. Termination of employment with the University;
 - 8. With respect to employees, any of the disciplinary actions identified in the Bellevue University Employee Handbook; and/or
 - 9. Any other reasonable punitive or disciplinary measure.

V. Appeals.

- A. An individual subject to a determination of violation under this policy may appeal the decision based on the basis of one or more of the grounds listed below. The appeal must be in writing, and must be filed Human Resources not later than ten (10) calendar days after the date of the decision. The appeal will be considered only if based upon one of the following grounds:
1. Procedural irregularity that affected the outcome of the matter;
 2. New evidence that was not reasonably available at the time the decision was made, that could affect the outcome of the matter; and/or
 3. The assigned Human Resources staff who made the determination of violation had a conflict of interest or bias for or against the employee that affected the outcome of the matter.
- B. The Appeal Officer will be designated by the President. Postponement of any sanctions pending review by the Appeal Officer is at the discretion of the Appeal Officer.
- C. Review by the Appeal Officer will be limited to a review of the evidence reviewed and considered by the assigned Human Resources staff who made the determination of violation. Opportunity for the appealing individual to personally discuss the matter with the Appeal Officer shall be at the discretion of the Appeal Officer.
- D. The Appeal Officer shall send the decision on the appeal in writing.
- E. The decision of the Appeal Officer shall be final and not subject to further appeal.

Supporting Documentation: Title IX Policy, Bellevue University Employee Handbook, Bellevue University Faculty Handbook

Keywords: employee, intimate relationship, sexual relationship, consensual relationship, report, violation, sanction, appeal

Responsible Office: Office of the President
Contact Information: 402-557-7002

Approved by: Dr. Mary Hawkins, President

Effective Date: August 14, 2020

Review Cycle and Dates: This policy statement is new.

APPROVED:

/signed/
Dr. Mary Hawkins, Bellevue University President

08/14/2020
Date