

## **10/AS/16/FAC – Consensual Relationships & Power Disparity Policy**

- Be it Resolved: In their relationships with students and other members of the campus community, 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; and be it further
- Resolved: That extensive guidance and policy on these matters is provided by the Chancellor's Office Executive Order 1096 (Rev. 6/23/2015), "Systemwide *Policy* Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties, and Systemwide *Procedure* for Addressing Such Complaints by Employees and Third Parties"; and be it further
- Resolved: That the attached Policy revises the current Power Disparity Policy, incorporates the scope and nature of EO 1096, and clearly refers to EO 1096 as system policy and procedure; and be it further
- Resolved: That the revised Consensual Relationships & Power Disparity Policy be placed in the Faculty Handbook upon approval by the President.

### **Rationale:**

The previous Power Disparity policy was limited in scope to advise against consensual relationships between faculty members and those over whom they exercise supervisory, evaluative, or other authority, and to prevent misuse or abuse of power when such relationships exist. The recent Chancellor's Office Executive Order 1096 (June 2015) provides comprehensive policy regarding this set of issues, as well as process for making and responding to complaints when undesirable or prohibited behavior occurs.

This revised policy summarizes the scope of EO 1096 with regard to consensual relationships and potential power disparity, and also clearly indicates to faculty members where system policy and procedure for the range of concerns covered by EO 1096 can be found.

## **Consensual Relationships<sup>1</sup> & Power Disparity Policy**

**PURPOSE:** *This policy addresses Chancellor's Office Executive Order 1096, which prohibits Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties, and provides procedure for addressing complaints regarding such behavior. The intent of this policy is to provide a clear summary of the Executive Order's primary points as they relate to consensual relationships and power disparity among faculty, staff, and students. The full text of EO 1096 can be found at <https://www.calstate.edu/eo/EO-1096-rev-6-23-15.html>.*

All individuals have the right to participate fully in CSU Stanislaus programs and activities free from Discrimination, Harassment, and Retaliation. CSU Stanislaus prohibits Harassment of any kind, including Sexual Harassment, as well as Sexual Misconduct, Dating and Domestic Violence, and Stalking. Such behavior violates University policy and may also violate state or federal law.

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 consensual relationships between members of the CSU Stanislaus community must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific sexual activity is Sexual Misconduct and constitutes a violation of this policy, and of EO 1096 (see below) regardless of whether or not the sexual activity violates any civil or criminal law.

In light of the power exercised by a professor, staff or administrator in an academic or evaluative role and the recognition of a significant power differential in such relationships, any consensual relationship renders all parties vulnerable to possible later allegations of harassment or misconduct.

Consequently, a CSU Stanislaus employee shall not enter into a consensual relationship with a student or employee over whom s/he exercises or influences direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. The campus shall develop procedures to address the power differential in cases where a consensual relationship already exists.

This prohibition does not limit the right of an employee to make a recommendation on personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or MPP/confidential personnel plan.

For complete policy and procedure information (including definition of terms) regarding Discrimination, Harassment, and similar actions and complaints, please see CSU Executive Order 1096, *Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct*,

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<sup>1</sup> The term "consensual relationship" means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship, and while sexual and/or romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking, as defined by CSU Executive Order 1096.

*Dating and Domestic Violence, and Stalking against Employees and Third Parties and System wide Procedure for Addressing Such Complaints by Employees and Third Parties*, available online at <https://www.calstate.edu/eo/EO-1096-rev-6-23-15.html>.

**If you experience discrimination, harassment or threatening behavior, please contact any of the following administrators:**

**Associate Vice President, Human Resources**

**Associate Vice President, Faculty Affairs**

**Dean of Students**

**Please do not hesitate to call 911 if you feel your safety or the safety of others could be in immediate danger. University Police Officers are on call and patrolling the campus 24 hours per day, 7 days per week.**

Approved by the Academic Senate on 10/18/2016

Approved by President Ellen Junn on 12/2/2016