

 CSN Policy	Consensual Relationships Policy
Category: Human Resources Policies (ADM)	Effective Date: 07/13/2021
<p>MOST RECENT CHANGES</p> <p>Version 1: 1. New Policy</p>	

I. POLICY PURPOSE

This policy prohibits consensual relationships (defined as romantic and/or sexual relationships willingly engaged in by both parties) or exploitative relationships (defined as a relationship where one party takes advantage of another using the imbalance of power to benefit from a person's vulnerabilities) between individuals or others in positions of authority over students or coworkers whenever those relationships have the potential to interfere with an individual's right or ability to pursue academic, training, research or professional interests.

Consensual or exploitive relationships between individuals, where one individual holds evaluative, supervisory, or positional power over another individual in the relationship, can jeopardize the integrity of CSN's commitment to learning and professionalism. Relationships of this nature can linger within the careers of all parties, potentially driving the student away from a discipline or hampering the student's academic and professional progress; and reducing opportunities for advancement for those employed by CSN.

Consensual relationships existing between individuals that currently do not have a professional power imbalance are not prohibited by this policy. However, even in these cases, employees should be aware that power differentials might change in these relationships over time.

II. POLICY STATEMENT

- A. Students - No employee shall have or pursue a consensual or exploitive relationship with any CSN student with whom the employee has a current evaluative or supervisory role. Additionally, employees in an evaluative role or in a position of authority over a student are not to date or engage in any improper fraternization or undue familiarity with the student, regardless of the student's age and/or regardless of whether the student may have consented to such conduct.
- B. Further, to ensure conduct does not result in a harmful or adverse consequence or outcome, any employee in an evaluative role or position of authority over a student should exercise sound judgment if entertaining or socializing with the student outside of the college environment.

Any action by an employee in an evaluative role or position of authority over a student which invites romantic or sexual involvement is considered highly unethical and may result in disciplinary action by the college. Inappropriate and unacceptable behavior may include, but is not limited to, dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student (via phone, e-mail, letters, notes, text messaging, social media etc.) unrelated to coursework or official college matters; giving or accepting rides for non-professional/academic reasons; giving or offering housing; selling or buying anything of more than nominal value; providing alcohol or drugs to students; inappropriate touching; stalking; flirtation, and engaging in sexual contact and/or sexual relations.

- C. Employees - No supervisor shall have or pursue a consensual or exploitive relationship with any employee who reports to the supervisor or over whom the supervisor has the authority and/or responsibility to hire, promote, discipline, evaluate, assign, or direct.

- D. Promptly disclosed relationships in potential violation of this policy will be facilitated on a case-by-case basis by Human Resources, with a focus on protecting the educational and professional opportunities, as well as addressing conflict of interest concerns, for all parties.

III. PROCEDURE

- A. When a potential violation of this policy exists, the parties involved are equally responsible for reporting the relationship to the appropriate supervisor(s), who will notify the Appointing Authority within twenty-four (24) hours upon learning of the relationship.
- i. Any individual uncomfortable reporting direct and credible information to their supervisor, may report such information directly to the Appointing Authority or Human Resources.
 - ii. The Appointing Authority, in consultation with the Office of Institutional Equity and the Chief Human Resources Officer, will decide if an initial inquiry will be conducted by the Office of Human Resources.
- B. If an initial inquiry determines an investigation is warranted, the college will utilize a “preponderance of the evidence” standard in the determination of whether this policy has been violated.
- i. Any such investigation will be conducted by the Office of Human Resources, in consultation with the Offices of Institutional Equity and General Counsel, as warranted.
 - ii. The Chief Human Resources Officer will inform, in writing, the involved college employee(s), the corresponding supervisor(s) and dean(s), and the Appointing Authority of the initiation of an investigation.
 - iii. At the conclusion of the investigation, the Chief Human Resources Officer will inform, in writing, all parties of the results, therein.
 - iv. If a violation of this policy is confirmed, the involved college employee(s) may be subject to progressive appropriate disciplinary procedures up to, and including, termination.
- C. Exceptional circumstances may exist under which the spouse or romantic/consensual partner of a college employee is student at the college. Per this policy, as well as CSN and NSHE policies concerning nepotism, potential violations must be reported in accordance with Section III.A above.
- i. The Chief Human Resources Officer, in consultation with the President and the Appointing Authority, will determine whether exceptional circumstances exist and if administrative measures must be taken to mitigate the impact of the relationship upon the student’s educational experience.
 - ii. When possible, the student in question will be placed in a class taught by another instructor with whom no romantic/consensual relationship exists.
- D. If any current relationship prohibited under this policy existed prior to the professional employment or academic pursuits at CSN, the involved parties shall report the relationship in accordance with Section III.A above, to ensure compliance with this policy.
- E. Any college employee engaging in retaliation against an individual for filing a report under this policy or for cooperating in a corresponding investigation are subject to disciplinary actions for personal misconduct under the appropriate college policies.
- F. Any college employee bringing groundless or malicious accusations under this policy are subject to disciplinary actions for personal misconduct under the appropriate college policies.

IV. AUTHORITY AND CROSS REFERENCE LINKS

CSN Nepotism Policy
NSHE Board of Regents Handbook, Title 4, Chapter 3, Section 7

V. DISCLAIMER

The President has the discretion to suspend or rescind all or any part of this policy or related procedure(s). The President shall notify appropriate CSN personnel, including the Administrative Code Officer and Faculty Senate Chair, of the suspension or rescission.

Questions about this policy should be referred to the CSN General Counsel (general.counsel@csn.edu, 702.651.7488) and/or the Recommending Authority.

VI. SIGNATURES

Recommended by:

/s/ Maria Schellhase
Faculty Senate Chair

6/21/2021
Date

/s/ James R. McCoy
Vice President Academic Affairs

6/23/2021
Date

Reviewed for Legal Sufficiency:

/s/ James Martines
General Counsel

7/1/2021
Date

Approved by:

/s/ Federico Zaragoza
CSN President

7/13/2021
Date

VII. ATTACHMENTS

A. HISTORY

ATTACHMENT A

HISTORY

- **Version 1:**
 - 07/13/2021: Approved by CSN President Federico Zaragoza
 - 07/01/2021: Reviewed by General Counsel (J. Martines)
 - 05/07/2021: Recommended by Senate Chair (M. Schellhase)
 - 05/07/2021: New Policy Submitted by the Ethics Committee (J. Matovina)