CDU Policy I.E.00390 Consensual Relationships and Professional Behavior

ISSUING OFFICER: Director of Human Resources

RESPONSIBLE OFFICE: Department of Human Resources

EFFECTIVE DATE: October 29, 2010

REVISED DATE:

SUPERSEDES:

POLICY I.E.00390 Consensual Relationships and Professional Behavior

A. Consensual Relationships

Charles R. Drew University recognizes that two consenting adults should be free to conduct a personal relationship if they wish; however; consensual relationships at the University are strongly discouraged when one of the individuals has evaluative and/or direct supervisory responsibilities over the other, including responsibilities for grading, counseling, and/or other authoritative provisions of academic services. The supervisory/subordinate relation should be guided by professional conduct and fiduciary duty. Supervisory - subordinate romantic or sexual relationships carry a risk of conflict of interest, breach of trust, and abuse of power and therefore must be avoided.

A consensual relationship may cause an appearance of impropriety and lead to third party charges of favoritism and/or negatively impact the productivity and morale of others who observe, and interact with colleagues, co-workers, and students. In turn, this interaction negatively impacts the learning and workplace environment. Such relationships may change with the result that sexual conduct which was once welcome can become unwelcome and harassing.

B. Professional Behavior

In addition to prohibiting conduct that is or may be unlawful as described above, the University also prohibits conduct that may cause harm to its image and/or negatively impacts employees and associated organizations. Such prohibited conduct includes: swearing, profanity and crude language, crude gestures, displays of anger including slamming phones, throwing items, hanging up on people, misuse of email for harmful or punitive purposes, yelling or screaming at others.

This policy also prohibits behavior that, even if welcomed by the involved parties, can be harmful to the University’s image and present problems for employees or guests, including sexual banter and jokes, practical jokes and destructive gossip as examples. This policy also
prohibits acting out in anger, name-calling, or deliberate rude behavior or gossiping for the purpose of damaging the reputation or effectiveness of others.

Employees of the University who violate any of these policies or fail to observe these standards will be subject to disciplinary action, up to and including termination. Contracted service providers who fail to observe these standards may have their contracting relationship revoked.

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8(a)(3) section 158(a)(3) of this title.

**PROCEDURE IE.00390 Consensual Relationships and Professional Behavior**

1. The existence of a power differential should be reported as soon as possible to the Department of Human Resources or other campus official(s) (i.e., Department Chair, Student Affairs, immediate supervisor, faculty member, etc.)

2. This immediate supervisor, in consultation with the Director of Human Resources will immediately make arrangements so that the official determination(s) affecting the terms and conditions of employment, study, or progress in a program of the person(s) involved in the consensual relationship can be carried out under the direction of a competent objective third party(s). This should be carried out in a manner that maintains the highest degree of confidentiality possible.

3. It should also be made clear that the instructor, mentor, tutor, or supervisor should not, thereafter, be allowed to have undirected responsibility for supervising, evaluating, or grading the consensual relationship partner’s performance. This is due to the possibility of residual feelings resulting from the consensual relationship, which could preclude impartiality.

4. Where such relationships cannot be, or are not avoided, this policy mandates the declaration to and intervention by a supervising authority, for the protection of both parties involved in the consensual relationship.

5. Any instructor or supervisor who enters into such a relationship should be aware that liability protection under California statutes may not apply in subsequent actions arising out of consensual relationship situations, where the instructor or supervisor failed to comply with this policy, and that failure to comply with this policy can lead to disciplinary action up to and including dismissal.

**Note:** All instructors, supervisors, students and supervisees should understand that these situations are of concern to Charles R. Drew University. It is the instructors and supervisors, who, by virtue of their specific authority and responsibility, will bear the burden of accountability in such cases. There are substantial risks in an apparently consensual relationship where a power differential exists, even if the conflict of interest issues are resolved, involving potential charges of sexual harassment and/or violations of University policy. Such consensual relationships have the potential for very serious consequences and should be avoided, where possible. Violations of this Code will be considered misconduct on
the part of a faculty member and will be subject to University sanctions up to and including termination of appointment.

Applicability: All Employees and Faculty