

# Stanford

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## 1.7.2 CONSENSUAL SEXUAL OR ROMANTIC RELATIONSHIPS IN THE WORKPLACE AND EDUCATIONAL SETTING

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This policy highlights the risks in sexual or romantic relationships in the Stanford workplace or academic setting between individuals in inherently unequal positions; prohibits certain relationships between teachers and students; and requires recusal (from supervision and evaluation) and notification in other relationships.

### Authority:

Approved by the President.

### Applicability:

Applies to all students, faculty, staff, and others who participate in Stanford programs and activities.

## 1. In General

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions, and parties in such a relationship assume those risks. In the university context, such positions include (but are not limited to) teacher and student, supervisor and employee, senior faculty and junior faculty, mentor and trainee, adviser and advisee, teaching assistant and student, principal investigator and postdoctoral scholar or research assistant, coach and athlete, attending physician and resident or fellow, and individuals who supervise the day-to-day student living environment and their students.

Because of the potential for conflict of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided. Further, these relationships are often less consensual than the individual whose position confers power or authority believes. In addition, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a sexual or romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct.

Such relationships may also have unintended, adverse effects on the climate of an academic program or work unit, thereby impairing the learning or working environment for others – both during such a relationship and after any break-up. Relationships in which one party is in a position to evaluate the work or influence the career of the other may provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities, or simply creates a perception of these problems. Additionally, even when a relationship ends, there may be bias (even if unintentional) for or against the former partner, or there could be an ongoing impression of such bias; in other words, the effects of a romantic or sexual relationship can extend beyond the relationship itself.

**For all of these reasons, sexual or romantic relationships--whether regarded as consensual or otherwise--between individuals in inherently unequal positions should in general be avoided and in many circumstances are strictly prohibited by this policy.** Since these relationships can occur in multiple

contexts on campus, this policy addresses certain contexts specifically. However, the policy covers all sexual and romantic relationships involving individuals in unequal positions, even if not addressed explicitly in what follows.

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## 2. With Students

At a university, the role of the teacher is multifaceted, including serving as intellectual guide, mentor, role model and advisor. This role is at the heart of the University's educational mission and its integrity must be maintained. The teacher's influence and authority can extend far beyond the classroom and into the future, affecting the academic progress and careers of our students.

Accordingly, the University expects teachers to maintain interactions with students free from influences that may interfere with the learning and personal development experiences to which students are entitled. In this context, teachers include those who are entrusted by Stanford to teach, supervise, mentor and coach students, including faculty and consulting faculty of all ranks, lecturers, academic advisors, and principal investigators. The specific policies on teachers outlined below do not apply to Stanford students (undergraduates, graduates and post-doctoral scholars) who may at times take on the role of teachers or teaching assistants, policies for whom are addressed in a separate section.

As a general proposition, the University believes that a sexual or romantic relationship between a teacher and a student – even where consensual and whether or not the student is subject to supervision or evaluation by the teacher – is inconsistent with the proper role of the teacher. Not only can these relationships harm the educational environment for the individual student involved, they also undermine the educational environment for other students. Furthermore, such relationships may expose the teacher to charges of misconduct and create a potential liability, not only for the teacher, but also for the University if it is determined that laws against sexual harassment or discrimination have been violated.

Consequently, the University has established the following parameters regarding sexual or romantic relationships with Stanford students:

**First**, because of the relative youth of undergraduates and their particular vulnerability in such relationships, **sexual or romantic relationships between teachers and undergraduate students are prohibited** – regardless of current or future academic or supervisory responsibilities for that student.

**Second**, whenever a teacher has had, or in the future might reasonably be expected to have, academic responsibility over any student, such relationships are prohibited. This includes, for example, any faculty member who teaches in a graduate student's department, program or division. Conversely, no teacher shall exercise academic responsibility over a student with whom he or she has previously had a sexual or romantic relationship. "Academic responsibility" includes (but is not limited to) teaching, grading, mentoring, advising on or evaluating research or other academic activity, participating in decisions regarding funding or other resources, clinical supervision, and recommending for admissions, employment, fellowships or awards. In this context, students include graduate and professional school students, postdoctoral scholars, and clinical residents or fellows.

**Third**, certain staff roles (including deans and other senior administrators, coaches, supervisors of student employees, Residence Deans and Fellows, as well as others who mentor, advise or have authority over students) also have broad influence on or authority over students and their experience at Stanford. For this reason, **sexual or romantic relationships between such staff members and undergraduate students are prohibited**

. Similarly, relationships between staff members and other students over whom the staff member has had or is likely in the future to have such influence or authority are prohibited.

When a preexisting sexual or romantic relationship between a university employee and a student is prohibited by this policy – or if a relationship not previously prohibited becomes prohibited due to a change in circumstances – the employee must both **recuse** himself or herself from any supervisory or academic responsibility over the student, and **notify** his or her supervisor, department chair or dean about the situation so that adequate alternative supervisory or evaluative arrangements can be put in place. This obligation to recuse and notify exists for past as well as for current relationships. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy. The university understands that sexual or romantic relationships are often private in nature and the university treats such information sensitively and (to the extent practicable) confidentially.

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### **3. Between Students (Student Teachers, Teaching Assistants and Graders)**

Many existing policies govern student responsibilities towards each other. The current policy applies when undergraduate or graduate students or post-doctoral scholars are serving in the teaching role as teachers, TAs, graders or research supervisors. The policy does not prohibit students from having consensual sexual or romantic relationships with fellow students. However, if such a relationship exists between a student teacher and a student in a setting for which the student teacher is serving in this capacity, s/he shall not exercise any evaluative or teaching function for that student. **Furthermore, the student teacher must recuse himself or herself and notify his or her supervisor so that alternative evaluative, oversight or teaching arrangements can be put in place.** This obligation to recuse and notify exists for past as well as for current relationships. Failure to notify and recuse in this situation will be subject to discipline under the Fundamental Standard. The university understands that sexual or romantic relationships are often private in nature and the university treats such information sensitively and (to the extent practicable) confidentially.

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### **4. In Other Contexts**

Consensual sexual or romantic relationships between adult employees (including faculty) are not in general prohibited by this policy. However, relationships between employees in which one has direct or indirect authority over the other are always potentially problematic. This includes not only relationships between supervisors and their staff, but also between senior faculty and junior faculty, faculty and both academic and non-academic staff, and so forth.

Where such a relationship develops, the person in the position of greater authority or power must **recuse** him/herself to ensure that he/she does not exercise any supervisory or evaluative function over the other person in the relationship. Where such recusal is required, the recusing party must also **notify** his/her supervisor, department chair, dean or human resources manager, so that person can ensure adequate alternative supervisory or evaluative arrangements are put in place. Such notification is always required where recusal is required. This obligation to recuse and notify exists for past as well as for current relationships. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy. The university understands that sexual or romantic relationships are often private in nature and the

university treats such information sensitively and (to the extent practicable) confidentially.

The University has the option to take any action necessary to insure compliance with the spirit of this policy, including transferring either or both employees to minimize disruption of the work group.

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## 5. Additional Matters

If there is any doubt whether a relationship falls within this policy, individuals should disclose the facts and seek guidance rather than fail to disclose. Questions may be addressed to your supervisor or cognizant dean or to the Sexual Harassment Policy Office, or in confidence to the University Ombuds or the School of Medicine Ombuds. In those rare situations where it is programmatically infeasible to provide alternative supervision, academic responsibility and/or evaluation, the cognizant dean, director or supervisor must approve all (as applicable) academic responsibility, evaluative and compensation actions.

Employees who engage in sexual or romantic relationships with a student or other employee contrary to the guidance, prohibitions and requirements provided in the policy are subject to disciplinary action up to and including dismissal, depending on the nature of and context for the violation. They will also be held accountable for any adverse consequences that result from those relationships.

Stanford's policy with regard to employment of related persons can be found in the Administrative Guide 2.1.2.2c and is excerpted here:

*Employment by a related person in any position (e.g. regular staff, faculty, other teaching, temporary, casual, third party, etc.) within an organizational unit can occur only with the approval of the responsible Vice Provost, Vice President (or similar level equivalent to the highest administrative person within the organizational unit), or his/her designee. Under no circumstances may a supervisor hire or approve any compensation action for any employee to whom the supervisor is related. An individual may not supervise, evaluate the job performance, or approve compensation for any individual with whom the supervisor is related.*

*Even when the criteria discussed here are met, employment of a related person in any position within the organization must have the approval of the local human resources office, in addition to the approval of the hiring manager's supervisor, including faculty supervisors.*

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## 6. Policy Review and Evaluation

This policy was originally part of the Sexual Harassment policy, which went into effect on October 6, 1993, and was amended November 30, 1995, May 30, 2002, August 30, 2012 and June 11, 2013. Its revision and conversion to a separate policy was made on December 6, 2013 and updated on January 21, 2014. Comments or suggestions should be made to the Provost.

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