Sexual and Romantic Relationships Policy

I. Summary

Suffolk County Community College ("College") is committed to providing a learning and working environment for its faculty, staff, and students that is free of discrimination, harassment, exploitation, favoritism, and conflicts of interest. To fulfill this obligation and commitment, it is vital that College employees maintain appropriate professional boundaries with students and with employees over whom there is or will be a supervisory relationship or other imbalance of authority, power or influence. The College has established this Sexual and Romantic Relationships Policy to support all members of the College community in maintaining a learning and working environment that is characterized by professional and ethical conduct.

II. Reason for Policy/Purpose

The College encourages the development of mentoring and collegial relationships exemplified by professional and ethical behavior that is free from any discriminatory, intimidating, or harassing actions. These relationships help to provide an environment of mutual respect in which faculty and staff serve as role models and mentors, facilitating students' intellectual and personal growth.

In the academic context, sexual harassment often involves the inappropriate personal attention by an individual who is in a position to exercise professional power over another individual. This could be an instructor who determines a student's grade or who can otherwise affect the student's academic performance or professional future; or a tenured chair whose evaluation of a junior colleague can affect the latter's professional life. Sexual harassment can also occur between persons of the same College status. An example would be persistent personal attention from one colleague to another in the face of repeated rejection of such attention. Both types of harassment are unacceptable. They seriously undermine the atmosphere of trust essential to the academic enterprise.

When College faculty and staff exercise power and authority over other College faculty, staff and students, whether due to current supervisory, evaluative, academic, or other professional authority, or perceived influence or control over an educational or work experience, a power imbalance is created, which may impede the real or perceived freedom of the faculty, student, or employee not to enter into a sexual or romantic relationship or to terminate or alter that sexual or romantic relationship. This makes consent within any sexual or romantic relationship between a supervisor and employee or between an employee and a student, when a power imbalance is present, problematic. A sexual or romantic relationship under these conditions may also result in a loss of objectivity and create a conflict of interest in any evaluative, supervisory, academic, or other professional role. Moreover, that relationship may cause individuals outside of the relationship to believe that they are treated in an unequal manner during such a relationship or after it terminates, or it may cause individuals to feel that entering into such a relationship is necessary or beneficial in attaining their academic or career goals. Relationships such as these can negatively impact the credibility or reputation of the employee, the department, or the College, and may expose individuals or the College to liability.

Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students or staff there is an element of power. Inherent power differentials may exist between employees and students even where there is no direct teaching or supervision of students. It is incumbent upon those with authority not to abuse, nor to seem to abuse, the power with which they are entrusted. As members of a community characterized by multiple formal and informal hierarchies, it is incumbent upon each of us to be aware of and sensitive to the ways in which we exercise power and influence and to be judicious in our relationships with others.

III. Definitions

College Employee: An individual employed by Suffolk County Community College, whether as a faculty member, staff member, or administrator, and inclusive of individuals employed on adjunct or part-time status. For purposes of this policy, "College employee" also includes individuals employed by the Suffolk Community College Association, Inc. ("Association"), including coaches; however, the term "College employee" does not include student employees. For purposes of this policy, the term "College employee" also includes an individual who volunteers with or provides services to the College or the Association in an unpaid capacity (including as an intern) that places them in a supervisory or other professional relationship with respect to employees and/or students at the College, including but not limited to volunteer coaches and volunteer student activity/club advisors.

Student Employee: A student at the College who is also employed by the College or the Association.

Coach: An individual serving in the capacity of a coach, assistant coach, volunteer coach, or an individual otherwise exercising coaching responsibilities with respect to a College athletic team.

Student: A person either enrolled in or auditing credit or non-credit courses at the College, on either a full-time or part-time basis. Persons who have either applied for, or been notified of, their acceptance for admission shall also fall under the definition of "student." Status as a "student" continues through completion of all academic requirements and graduation.

Student-Athlete: A student participating as a member of a College-sponsored athletic team or sport, including club sports and intramurals.

Sexual or Romantic Relationship: A dating or romantic relationship and/or sexual interaction agreed to by the involved parties. Non-consensual relationships are always prohibited by College policy.

IV. Scope and Applicability

This policy applies College-wide to all College employees and students. This policy also applies to other members of the College community, such as employees of the Suffolk Community College Association, Inc. and volunteers with a role at the College that place them in a supervisory or other professional relationship with respect to employees and/or students at the College that this policy seeks to address.

This policy addresses sexual and romantic relationships, agreed to by the parties involved, that have a dynamic that involves a power imbalance. Non-consensual relationships are always prohibited by College policy. The College has other policies that address discrimination, harassment, sexual misconduct, conflicts of interest, and nepotism. Please refer to Section VII of this policy for cross-references to those other policies.

V. Policy and Procedures

A. Relationships between College Employees and Students

Students have the right to pursue their academic and professional goals in an environment free from favoritism, unfair treatment, discrimination, harassment, coercion, or bias. The College expects a high level of professionalism and ethical conduct of all College employees. Sexual or romantic relationships between a College employee and a student may present a conflict of interest in violation of the College's Code of Professional Ethics. Codes of ethics for many professions prohibit the initiation of sexual or romantic relationships where instructor/student, supervisor/employee, and professional/client relationships exist. The College's policy mirrors those professional standards and models for students the expectations for professional relationships they can expect to encounter at the College and after graduation.

College employees are prohibited from soliciting, entering into, or engaging in a sexual or romantic relationship with any student:

- Over whom the employee has current supervisory, evaluative, academic, or other professional authority, whether direct or indirect, inclusive of the period during which grade grievances or other appeals may be filed/adjudicated (See the College's Course Grade Grievance Procedure).
- Over whom the employee should reasonably expect to have future supervisory, evaluative, academic, or other professional authority, whether direct or indirect.
- Where the employee works in Athletics or serves as a coach, and the student is a student-athlete or is known by the coach to be seeking to become a student-athlete.
- Whom the employee advises, counsels, or mentors at the College;
- Where the employee works in a student support capacity, such as in Admissions, Counseling, Registrar, Financial Aid, Public Safety, Student Health Services, Campus Activities, Tutoring, Testing, Career Services, Student Affairs, Academic Affairs; and
- Where the employee is otherwise in a capacity to make decisions or recommendations as to the student in connection with the student's education or opportunities at the College.

Any College employee who has, or has had, a sexual or romantic relationship with a student is prohibited from exercising supervisory, evaluative, academic, or other professional authority over that student. Supervisory, evaluative, academic, or professional authority includes, for example, situations where the employee teaches; grades; supervises the research or academic program/department/course of study of; supervises the internship/practical learning experience of; advises; counsels; coaches; provides a College service to; or otherwise makes decisions or recommendations as to the student at the College.

College employees are strongly discouraged from soliciting or entering into a sexual or romantic relationship with any student, regardless of department, program, or campus affiliation. The "consensual" nature of such a relationship does not preclude an individual from making a complaint that this policy or another College policy has been violated by such a relationship. Consent is affirmative and can be withdrawn at any time.

Pre-existing Relationships:
Sexual or romantic relationships between a College employee and student that pre-date enrollment as a student, hiring/assignment as an employee in the implicated position of authority, or the effective date of this policy are not prohibited by this policy, provided the employee discloses the existence of the relationship to one of the Civil Rights Compliance Officers identified in Section VI of this policy, and appropriate mitigating measures are agreed to by the employee.

Sexual or romantic relationships that are initiated entirely outside and separate from the College environment, such as where an employee meets an individual outside the College before that individual is known by the employee to be a student at the College, are not prohibited by this policy, provided the employee discloses the existence of the relationship to one of the Civil Rights Compliance Officers identified in Section VI of this policy, and appropriate mitigating measures are agreed to by the employee.

It is the responsibility of the employee, not the student, to disclose a pre-existing relationship as soon as it is known that the relationship is covered by this policy (i.e. upon hiring or assignment to a position that places the employee in a position of authority, upon discovery that the partner is a student, etc.), and to cooperate in the development and implementation of mitigating measures. The Civil Rights Compliance Officer, in consultation with appropriate College, campus, and/or department leadership, will identify necessary measures that appropriately mitigate the potential conflict of interest and impact on the educational experience of the employee's partner and/or other students.

Section V(E) of this policy governs reports and investigations of violations of this policy.

B. Relationships between Student Employees and Students

Student employees are prohibited from soliciting, entering into, or engaging in a sexual or romantic relationship with any student they supervise, manage, teach/tutor, grade, advise, or evaluate in any way in their capacity as a student employee. Sexual or romantic relationships between a student employee and student that pre-date the partner's enrollment as a student, the student employee's hiring/assignment as a student employee in the implicated position of authority, or the effective date of this policy are not prohibited by this policy, provided the student employee discloses the existence of the relationship to one of the Civil Rights Compliance Officers identified in Section VI of this policy, and appropriate mitigating measures are agreed to by the student employee.

C. Relationships between College Employees

College employees are prohibited from supervising, managing, or evaluating, whether directly or indirectly, any employee with whom they are engaged in a sexual or romantic relationship. Employees in a consensual sexual or romantic relationship with another employee must remove themselves from any supervision, management, or evaluation of the other employee and from any

activity or decision that may appear to reward, penalize, or otherwise affect the employment status of the employee.

Employees who seek to enter into a sexual or romantic relationship with another employee they supervise, manage, or evaluate should be cognizant of the inherent power differential present, even where both parties consent to the relationship. In the employment context, supervisory, evaluative, or management authority means the authority to make or impact decisions on an employee's terms conditions, or privileges of employment, such as hiring, termination, promotion, schedule, assignment of duties, evaluation, or changes in compensation or benefits.

Employees who seek to enter into or who have entered into a sexual or romantic relationship with an employee they supervise, manage, or evaluate must contact one of the Civil Rights Compliance Officers identified in Section VI of this policy as soon as practicable to disclose the relationship. It is the responsibility of the employee in the supervisory/management/evaluative role to disclose the relationship, whether new or pre-existing, as soon as possible, and to cooperate in the development and implementation of mitigating measures. The Civil Rights Compliance Officer, in consultation with appropriate College, campus, and/or department leadership, will identify necessary measures that appropriately mitigate the potential conflict of interest and impact on the work environment of the supervising employee's partner and/or other employees. Section V(E) of this policy governs reports and investigations of violations of this policy.

D. Exceptions

It is anticipated that the provisions made for pre-existing relationships will mitigate the need for exceptions to this policy, but it is recognized that exceptions may be necessary or appropriate on a case-by-case basis so that this policy does not operate to limit a student's educational opportunities or to otherwise work against the College's mission and goals. Individuals with questions or concerns about a relationship that may be covered by this policy or the need for an exception to a provision in this policy should contact the individual(s) identified in Section VI of this policy.

E. Reports, Complaints, and Investigation

Reports or complaints of violations of this policy should be made to either of the Civil Rights Compliance Officers identified in Section VI of this policy. Retaliation against a person who, in good faith, reports a violation of this policy or who assists/participates in any manner under this policy, is strictly prohibited and may result in disciplinary action.

The College will investigate the complaint in accordance with the College's Title IX / Education Law Article 129B policies (see www.sunysuffolk.edu/titleix), the College's Equal Opportunity / Anti-Discrimination Policy (see www.sunysuffolk.edu/nondiscrimination), or other College policy, as applicable. If an employee is determined to have engaged in prohibited behavior, the employee could be subject to appropriate discipline in accordance with the applicable collective bargaining agreement, up to and including termination, or other appropriate action in accordance with College policy, as warranted by the individual facts of each case.

VI. Responsible Office

Persons with questions about this Policy or who wish to make a complaint that there has been a violation of this Policy can contact:

Civil Rights Compliance Officers	
Christina Vargas Chief Diversity Officer/Title IX Coordinator Ammerman Campus, NFL Bldg., Ste. 230 533 College Road Selden, New York 11784 vargasc@sunysuffolk.edu (631) 451-4950	Dionne Walker-Belgrave, Ed.D. Affirmative Action Officer/Deputy Title IX Coordinator Ammerman Campus, NFL Bldg., Suite 230 533 College Road Selden, New York 11784 walkerd@sunysuffolk.edu (631) 451-4051

VII. Cross-References

Policies:

- Code of Professional Ethics
- Equal Opportunity and Anti-Discrimination Policy
- Nepotism Policy
- Options for Confidentially Disclosing Sexual Violence
- Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases
- Sexual Harassment Policy and Grievance Procedure for Employees
- Sexual Harassment Policy and Grievance Procedure for Students
- Sexual Violence Response Policy
- Student Code of Conduct
- SUNY Uniform Sexual Harassment Response and Prevention Policy Statement
- Whistleblower Policy

Documents and Resources:

- Annual Security Report
- Discrimination / Harassment / Retaliation Complaint Form
- Non-Discrimination Notice
- Student's Bill of Rights
- Title IX Brochure
- Title IX Webpage

VIII. References

- Title IX, Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* (nondiscrimination based on sex in education programs and activities)
- Title VII, Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (nondiscrimination based on sex in employment)
- Equal Pay Act of 1963, Pub. L. 88-38 (codified at 29 U.S.C. § 206(d))

- NYS Executive Law Article 15 (New York State Human Rights Law)
- NYS Education Law Article 129-B (college implementation of sexual assault, dating violence, domestic violence, and stalking prevention and response policies and procedures)
- NYS Labor Law § 201-g (sexual harassment prevention policy requirements for employers)
- SUNY Sexual and Romantic Relationship Policy, Document No. 6506
- SUNY Board of Trustees Resolution re: Sexual Harassment and Consensual Relationship Policy (Oct. 9, 2018)

IX. History/Revision Dates

Adopted: June 20, 2019