

## CONSENSUAL RELATIONSHIP POLICY – FAQ

The purpose of the Consensual Relationship Policy is to promote a working and learning environment that is free of bias, exploitation, and conflicts of interest that otherwise undermine the real and perceived integrity of grading, evaluations, and other career opportunities. The policy can be found at the following link: <https://www.albany.edu/risk-management/policy/consensual-relationships-new>

To this end, the Office of Employee Relations developed this frequently asked questions list as a quick reference guide for employees who are subject to the Consensual Relationships Policy. Please note, the [Consensual Relationships Policy](#) is the governing document.

If you have any questions regarding this policy, its interpretation, or enforcement, please contact Employee Relations at [EmpRelations@albany.edu](mailto:EmpRelations@albany.edu).

Covered employees must send any and all reports to [EmpRelations@albany.edu](mailto:EmpRelations@albany.edu), or may report by phone by contacting (518) 437-4700.

### **I. GENERAL QUESTIONS**

#### To whom does the policy apply?

All University staff and personnel, whether employed in full-time, part-time, or in volunteer status, including classified civil service, unclassified civil service, as well as those student and graduate student employees who are on state payroll.

The policy does **NOT** apply to student assistants or those students who are on the college work-study payroll.

#### When does the policy apply?

Professional staff\* or other University personnel\* are prohibited from entering into a romantic relationship with any student who is under the sphere of influence of the University faculty or staff member including grading, supervision, or other academic evaluation. In addition, Professional staff and other University personnel are prohibited from supervising any employee with whom they are currently engaged or were previously engaged in a romantic relationship. For past or pre-existing romantic relationships between both employees and students or employees and other employees, the current or past relationship should be reported as soon as the individuals know that a supervisory, instructional, sphere of influence or professional relationship exists or will exist.

#### How do I know if I or my romantic partner are within the “sphere of influence”?

An individual is considered to be within the “sphere of influence” if they have authority to **impact** any educational, evaluative, or employment related decisions regarding:

\* Please refer to Section VIII for definitions and further clarification.

1. Grading;
2. Hiring;
3. Termination;
4. Appointment;
5. Reappointment;
6. Promotion;
7. Assignment of duties; or
8. Evaluation or changes in a student or employee's academic standing, compensation, or degree or career opportunities.

### Who must report?

Both individuals should report the relationship, in writing, as soon as possible to ensure compliance with the policy. Reports may be submitted via email to Employee Relations at [emrelations@albany.edu](mailto:emrelations@albany.edu) or alternatively, in person to Employee Relations, located in the Office of Human Resources Management on the 3<sup>rd</sup> floor of the University Administration Building.

### Who must be notified?

The employee must notify their direct supervisor or department/unit head **AND** notify Employee Relations, as noted above.

### What if a pre-existing relationship\* has ended?

Employees who are in the direct line of supervision or sphere of influence of the person with whom they previously had a romantic relationship **must still report the past relationship** so that an alternative supervisory or academic structure may be assessed by Human Resources, Employee Relations or the appropriate academic department.

The conclusion of the relationship—amicably or otherwise—does not change the requirement of reporting the past relationship or the need to arrange an alternative supervisory or academic assignment.

### I am an employee in a pre-existing relationship with a student. What are my obligations under the policy?

Professional staff\* or other University personnel\* are required to report the romantic relationship, in writing as noted above, and recuse themselves from:

1. Any evaluation of the student; **AND**
2. From any activity or decision which may appear to reward, penalize, or otherwise affect the student or student employee; **AND**
3. To take all appropriate action to minimize any potential preferential or adverse consequences to the student or other members of the University community.

\* Please refer to Section VIII for definitions and further clarification.

## II. SPHERE OF INFLUENCE

Do I need to report a romantic relationship if there is no sphere of influence over a student or direct supervisory relationship?

The University strongly discourages any romantic relationship between an employee and a student under any circumstances. With regard to employees, if there is no direct supervisory professional relationship, between you and the other individual, then there is no prohibition against a romantic relationship and no obligation to report the relationship.

What if the individual I am in a relationship with is still within the “sphere of influence” over personnel decisions related to my employment?

Under such circumstances, professional staff and other University personnel must notify Employee Relations, in writing, so that they may be recused from any personnel decisions regarding the other individual.

## III. STUDENTS WHO ARE ON STATE PAYROLL (PART-TIME LECTURERS, ADJUNCT FACULTY MEMBERS, GAs, TAs, RAs)

I am a student on state payroll (other than work study), how does the policy apply to me?

Those students who are GSEU or UUP-represented employees remain covered by the prohibition against entering romantic relationships with any student within their sphere of influence.

**However**, they are **NOT** covered by the general prohibition against romantic relationships with graduate or professional students in their own department where there is no sphere of influence by the student employee over the other student.

## IV. UNIVERSITY POLICE OFFICERS

When are University Police Officers deemed to have a “professional responsibility”\*?

1. Any time the officer is on duty; or
2. When the officer is directly involved in:
  - a. An ongoing investigation in which the student is a target, witness, person of interest or subject of an investigation, criminal matter, inquiry, or campus administrative action, or

\* Please refer to Section VIII for definitions and further clarification.

- b. when the member is involved in an open case or action in which the student or other staff is either the plaintiff/complainant/defendant or potential plaintiff/complainant/defendant.

## V. HEALTH CARE PROFESSIONALS

### I am a health care professional, how does the policy apply to me?

Health care professionals working in a campus student health services/wellness center are prohibited from commencing a romantic relationship **with a student for whom they are providing direct patient medical care.**

Health care providers are also prohibited from providing direct patient medical care to a student **with whom they have had or are having** a consensual romantic relationship **unless it is an emergency and no other health care provider is available on campus.**

## VI. UNIVERSITY EMPLOYEES LIVING ON CAMPUS

### I am a resident hall staff member, how does the policy apply to me?

Residence hall staff are prohibited from having romantic relationships with students living in the residential area(s) they supervise or oversee.

### As an employee living on campus, am I included in the prohibition against intimate activity on campus?

If you are a **UUP-represented employee** who:

1. Lives in campus-provided housing either as a term and condition of their employment (e.g. **residence hall staff**); **OR**
2. Lives in student housing (e.g. as a student or as the spouse or domestic partner of a current student);

then there is **NO** prohibition against on-campus intimate activity in your assigned residence between you and those for whom you have **NO** current sphere of influence, supervisory, instructional or other professional responsibility.

## VII. INTIMATE ACTIVITY

### Is “intimate activity” allowed on campus?

Most employees covered by this policy are prohibited from engaging in intimate activity while on duty or on campus.

Additionally, a special prohibition applies to **University Police Officers** such that they are prohibited from engaging in intimate activity while in uniform.

\* Please refer to Section VIII for definitions and further clarification.

### Are there any exceptions for those employees who live on campus?

If you are a UUP-represented employee who:

3. Lives in campus-provided housing either as a term and condition of their employment (e.g. **residence hall staff**); **OR**
4. Lives in student housing (e.g. as a student or as the spouse or domestic partner of a current student);

then there is **NO** prohibition against on-campus intimate activity in your assigned residence between you and those for whom you have **NO** current sphere of influence, supervisory, instructional or other professional responsibility.

## **VIII. DEFINITIONS\***

### Who is considered “Professional Staff”?

Those in the unclassified service, including:

1. Academic employees;
2. Professional employees; and
3. Management/Confidential employees.

### Who is considered “Other University Personnel”?

Any person with an employment relationship with the University that is not covered by the definition of professional staff.

This would include all employees in the **classified service** pursuant to New York State Civil Service laws, rules and regulations as well as **student and graduate student employees on state payroll**.

This does **NOT** include student assistants or those students on the college **work study** payroll.

### What is a “Supervisory Relationship”?

A relationship in which a supervisor has direct authority over an employee to make, recommend, or impact decisions regarding:

1. Hiring;
2. Termination;
3. Appointment;
4. Reappointment;
5. Promotion;

\* Please refer to Section VIII for definitions and further clarification.

6. Assignment of duties;
7. Evaluation; **OR**
8. Changes in compensation or benefits.

What is “Professional Responsibility” and when does it apply?

Professional responsibility occurs between an employee (professional staff or other college personnel) and a student (either undergraduate or graduate).

Professional responsibility arises when an employee has a **job related duty** that can impact the student’s educational or professional career, specifically, where they have **decision-making authority** that may impact student learning, life or welfare.

What is a “Pre-Existing Relationship”?

A pre-existing relationship is a romantic relationship that commenced prior to:

1. One’s enrollment as a student at the University;
2. The existence of a sphere of influence, supervisory, instructional or other professional relationship between the parties; or
3. One’s employment with the University.

There is no prohibition against maintaining the pre-existing relationship but the relationship must be reported to the employee’s supervisor and Employee Relations and a supervisory or sphere of influence change made, as appropriately determined by Employee Relations.