

Policies on Consensual Relationships and Employment of Relatives

Policy on Supervisor-Employee Consensual Relationships

1. For purposes of this policy:

- a “Supervisor” is any College faculty member, staff member, or appointee who oversees, directs or evaluates the work of others.
- an “Employee” is anyone employed by the College as a faculty member or staff member, including a post-doctoral fellow or student employee, and any holder of a College appointment.
- “Dean” means the Dean of Dartmouth Medical School, the Thayer School of Engineering, or the Tuck School of Business, as the case may be, or, for the Faculty of Arts and Science, the responsible divisional dean.

2. Dartmouth College is committed to maintaining a fair and professional work environment in which faculty and staff members carry out their responsibilities in an atmosphere free of conflicts of interest. Where a College Supervisor uses a position of authority to induce an Employee to enter into a *non-consensual* romantic or sexual relationship, the Supervisor’s conduct violates law and College policy and can subject both the Supervisor and the College to legal liability. Even where the relationship is *consensual*, however, the conduct of a romantic or sexual relationship between a Supervisor and a subordinate Employee may raise issues of conflict of interest, abuse of authority, or favoritism, with potential to adversely impact not only the subordinate Employee involved in the relationship but other Employees who may see themselves as disadvantaged by the romantic relationship. Moreover, because of the real or perceived power imbalance that may exist, such a relationship may also raise questions about the mutuality of consent. Such situations may cast doubt on the objectivity and fairness of the workplace, damage workplace morale, and place the College in a legally vulnerable position.

3. For these reasons, except as provided below, no College Supervisor should participate in the hiring, promotion, supervision, or evaluation, or in the setting of wages or salaries, for any College Employee with whom the Supervisor has or has had a romantic or sexual relationship.

4. With specific regard to hiring, situations may arise in which one party to a romantic or sexual relationship seeks a position supervised by the other party. (Because of the College’s small size and rural location, this situation is more likely to arise at Dartmouth than at larger institutions in urban areas.) In some instances, academic or administrative considerations may make it desirable that one party be allowed to work in a setting supervised by the other, subject to appropriate conflict management procedures. Accordingly, no Supervisor should hire a person with whom he or she has or has had a romantic or sexual relationship unless (a) the hiring has been approved in advance by the responsible Dean or Vice President, (b) the Dean or Vice President has determined that procedures to avoid or reasonably manage conflicts of interest are

feasible, and (c) such procedures have been put into place. Such procedures should ordinarily include arrangements to exclude the Supervisor from decisions concerning promotion, setting of wages or salaries, evaluation, or promotion of the other party to the relationship. For example, when a Supervisor has responsibility for supervising an Employee with whom he has a romantic relationship, the Dean or Vice President may, if feasible, arrange for an administrator *senior* to the Supervisor to perform these functions.

5. In unusual circumstances, responsible superiors, in their discretion, may permit departures from this policy provided that procedures designed to minimize the risk of conflicts of interest are feasible and are put into place. For example, a College Employee may be a candidate for a position that would involve supervision of someone with whom that Employee has or has had a romantic or sexual relationship. In all such cases, the candidate should disclose the relationship to the hiring officer in advance so that the conflict issues can be addressed.

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6. If, notwithstanding this policy, a relationship prohibited by this policy develops, the Supervisor should immediately disclose it to his or her superior, who should take steps to address any conflict of interest posed by the relationship. Violation or failure to promptly disclose and correct violation of this policy is grounds for disciplinary action.

7. This policy should be interpreted in accordance with its objective of avoiding even the appearance of unfairness in the workplace. Even where particular situations are not prohibited by this policy, Supervisors should avoid relationships that would cause observers to question the Supervisor's ethics or professional judgment. Supervisors are urged, in doubtful cases, to consult with their respective superiors, Deans, or Vice Presidents. Questions about this policy may also be directed to the Provost and the Offices of the General Counsel, Human Resources, and Institutional Diversity and Equity.

Policy on Instructor-Student and Staff-Student Consensual Relationships

Introduction

1. For purposes of this policy:
 - an "Instructor" is any faculty member (regardless of rank or permanent or visiting status), post-doctoral fellow or associate who supervises or evaluates students. Undergraduate and graduate student teaching assistants also are considered "Instructors" with respect to students over whom they have academic responsibility (see paragraph 5).
 - a "Staff member" is any person who is not an Instructor but who has authority over students, including deans of any rank, athletic coaches, advisers and directors of student organizations, and others who advise, mentor or evaluate students.
2. The integrity of the educational process depends upon the maintenance of a professional relationship between Instructors and Staff members, on the one hand, and the students whom

they supervise or advise, on the other. Where an Instructor or Staff member uses a position of authority to induce a student to enter into a *non-consensual* romantic or sexual relationship, the Instructor's or Staff member's conduct violates law and College policy and can subject both the individual and the College to legal liability. Even where the relationship is *consensual*, however, the conduct of a romantic or sexual relationship between an Instructor or Staff member and a student he or she supervises or advises may raise issues of conflict of interest or abuse of authority, with potential to adversely impact not only the student involved in the relationship but other students as well. Such situations may diminish confidence in the College and place it in a legally vulnerable position. For these reasons, the College has adopted this policy concerning Instructor-student and Staff-student consensual relationships.

3. This policy should be interpreted in accordance with its objective of preserving the integrity of the educational process. Even where particular situations are not prohibited by this policy, Instructors and Staff members should avoid relationships that would cause observers to question the Instructor's or Staff member's professional judgment. Instructors and Staff members are urged, in doubtful cases, to consult with their respective department chairs, deans (or their designees), or supervisors. Students are urged to consult with their respective deans. Questions about this policy may also be directed to the Provost, the Office of the General Counsel, and the Office of Institutional Diversity and Equity.

4. If, notwithstanding this policy, a relationship prohibited by this policy develops, the Instructor or Staff member should immediately disclose it to his or her chair or supervisor, who should take steps to address any conflict of interest posed by the relationship. Violation or failure to promptly disclose and correct violation of this policy is grounds for disciplinary action.

Instructor-Student Relationships

5. The pedagogical relationship between Instructor and student must be protected from influences or activities that can interfere with learning and objective evaluation. Accordingly, no Instructor shall enter into a romantic or sexual relationship with a student over whom that Instructor has academic responsibility or is likely to have academic responsibility in the future (for example, because of that student's intended major), regardless of whether the relationship would be consensual. Conversely, no Instructor shall exercise academic responsibility over a student with whom the Instructor has or has had a romantic or sexual relationship, regardless of whether the relationship is or was consensual. For purposes of this paragraph 5, "Instructor" includes an undergraduate or graduate student who is serving as a teaching assistant.

6. In addition, because of the heightened risk of a real or perceived power imbalance where undergraduate students are involved, no Instructor shall have a romantic or sexual relationship with a Dartmouth undergraduate, regardless of whether the Instructor has or is likely to have academic responsibility over the student.

Staff-Student Relationships

7. Staff members working in the student life area and other areas are often called upon to work closely with and advise students with respect to students' personal lives. Objectivity and trust are essential. Staff members in such positions cannot perform their duties effectively if they become romantically or sexually involved with students who they are responsible for advising or mentoring. Accordingly, no Staff member shall have a romantic or sexual relationship, regardless of whether the relationship is consensual, with a student for whom that Staff member has advising, mentoring, evaluation, or student organization management responsibility. Similarly, no Staff member shall exercise such responsibility with respect to a student with whom that Staff member has had a romantic or sexual relationship in the past, regardless of whether the relationship was consensual.

8. Even where a Staff member does not have direct responsibility for a student as described above, romantic or sexual relationships between Staff members and students in the same school or division should generally be avoided, and schools or divisions may wish to supplement this policy as appropriate for their circumstances. For example, under a policy adopted by the Dean of the College Office in 1993, employees working in that Office may not engage in romantic or sexual relationships with current undergraduates regardless of the Staff members' specific job responsibilities.

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9. In unusual circumstances, responsible deans (or divisional deans, in the Faculty of Arts and Sciences), in their discretion, may permit departures from this policy provided that appropriate conflict management procedures, such as transfer of evaluation responsibility, are feasible and are put into place. For example, where a student's academic program requires a course that is taught only by the student's spouse or partner, the dean may, in his or her discretion, allow the student to take the course so long as the conflict has been disclosed and arrangements have been made for a person other than the spouse/partner Instructor to evaluate and grade the student's work, provided such arrangements are feasible for the particular course involved.

Employment of Relatives / Nepotism

As in the case of parties involved in consensual romantic or sexual relationships, addressed above, employees should not hire or directly supervise family members, or participate in institutional decisions concerning family members, unless (a) the hiring has been approved in advance by the responsible Dean or Vice President, (b) the Dean or Vice President has determined that procedures to avoid or reasonably manage conflicts of interest are feasible, and (c) such procedures have been put into place.