

	Florida Gulf Coast University Policy Manual	Policy: 1.007
	Consensual Relationship Policy and Procedure	Responsible Executive: President Responsible Office: Office of Institutional Equity and Compliance

I. POLICY STATEMENT

Florida Gulf Coast University is committed to providing and maintaining a working and learning environment that is fulfilling and equitable for all members of the University community. Implicit in the University’s commitment is that all community members conduct themselves in an ethical manner in their interactions and relationships with each other. To accomplish the University’s goals, relationships between faculty, staff, students, volunteers and contractors must be based on integrity, respect and trust. Any consensual relationship between community members that calls these principles into question interferes with the University’s mission.

II. REASON FOR POLICY

The purpose of this policy is to set forth expectations for University community members regarding consensual relationships. It prescribes actions required to remove conflicts of interest, avoid adverse effects on third parties and further specifies the situations where consensual relationships are prohibited.

III. DEFINITION OF TERMS

- A. *Faculty*: All those charged with academic instruction, including all ranks, academic advisors, adjuncts and others who have a role in educating, supervising or advising students in university programs and disciplines.
- B. *Intimate*: Any form of sensual expression between individuals.
- C. *Students*: All those enrolled full-time or part-time in any course, program of study or discipline.
- D. *Supervisor*: Anyone who oversees, instructs, advises, directs or evaluates the employment or educational progress of faculty, staff, students, volunteers and/or contractors.

IV. POLICY AND PROCEDURE

- A. Consensual relationships between individuals of unequal authority have the potential of resulting in the following:
1. A conflict of interest (see Non-Discrimination and Anti-Harassment Regulation FGCU-PR1.003 (4)(d), Nepotism Regulation FGCU-PR5.010, and Chapter 112, Florida Statutes);
 2. An abuse of authority and/or trust;
 3. Behavior which shows favoritism, bias or unfair treatment;
 4. Perception or allegations that the relationship was the result of coercion, exploitation or harassment;
 5. Allegations of sexual harassment; and
 6. Other allegations of inappropriate conduct.
- B. Unwelcomed behavior, though not a violation of this policy, may be a violation of the University's Non-Discrimination and Anti-Harassment Regulation (FGCU-PR1.003) and may be addressed pursuant to the University's corresponding Complaint Policy and Procedure (Policy Number 1.006).
- C. Prohibited Consensual Relationships.

Any employee with supervisory responsibilities is prohibited from engaging in an undisclosed amorous, dating, intimate or sexual relationship with an employee, student, volunteer or contractor whom he/she supervises. Consistent with University regulations, engaging in such misconduct may result in disciplinary action up to and including separation from the University. Disciplinary action for affected employees covered by a Collective Bargaining Agreement will be addressed pursuant to the appropriate provisions therein.

D. Required Disclosure of Prohibited Consensual Relationships.

Consistent with FGCU-PR1.003(3), it is the employee in the supervisory position who has the responsibility to disclose the conflict created by the relationship.

1. Any employee with supervisory responsibilities who, as of the date of this policy, is involved in a dating, amorous, intimate or sexual relationship with a subordinate individual must immediately disclose the existence of a conflict of interest to his/her immediate supervisor (e.g., Chair, Director, Dean, Vice President) or, if necessary, the next higher level supervisor. Such disclosure must also request a resolution to the conflict the relationship creates.

2. A conflict of interest may be created when, as a result of hiring, promotion, reassignment or restructuring of a department or unit, an employee is placed in a direct supervisory role with the person with whom they have a relationship. As a consequence, the supervising employee must disclose in writing, the existence of a conflict of interest to his/her immediate supervisor (e.g., Chair, Director, Dean, Vice President) or, if necessary, the next higher level supervisor. Such disclosure must also request a resolution to the conflict the relationship creates.
3. The University has determined that there is an inherent conflict of interest when a faculty member and a student simultaneously maintain both an educational relationship and a consensual dating, amorous, intimate or sexual relationship. Therefore, the University prohibits simultaneous participation in both roles. If a conflict exists, it is the responsibility of the faculty to take immediate steps including, if necessary, consultation with the appropriate Dean, to ensure an appropriate resolution.

E. Responsibilities of Persons Receiving Disclosure.

The University will manage any conflicts of interest created by a consensual relationship between a supervisor and a subordinate individual. In each situation, the person to whom the potential conflict of interest was reported (i.e., Chair, Director, Dean, Vice President) will review the facts on a case-by-case basis with confidentiality to the extent provided by law. The University will seek to ensure the integrity of both the employment and educational environment and may explore, to the extent possible:

1. Whether the reported amorous, intimate, or sexual relationship is consensual, and whether a conflict of interest exists;
2. The supervisor's and the subordinate individual's University functions;
3. The employment or academic decisions made by the supervising employee about the subordinate individual before such decisions become final;
4. The need to remove the supervising employee from any decision-making authority concerning the other individual;
5. The relocating of an employee to another supervisory area, or enlisting the assistance of a third party in resolving the conflict of interest;
6. Placing one or both of the employees on administrative leave, with or without pay, until a suitable option is available to address the conflict of interest;
7. Whether, to address the conflict of interest, it may be necessary to separate one or both employees from their employment with the University; and/or

8. Other action(s) that the appropriate administrator(s) determines resolves the conflict of interest.

F. Violations of this Policy.

Any employee who violates this policy is subject to disciplinary action, up to and including separation from the University. Any discipline to be taken shall be in accordance with applicable University Regulations as well as the terms of any applicable Collective Bargaining Agreement.

V. HISTORY

New 09/25/09

VI. APPENDICES

Disclosure of Conflict of Interest Form

APPROVED

*s/Wilson G. Bradshaw

September 25, 2009

President

Date

**Note: This policy reflects changes to the formatting only. No changes have been made to the text.*



DISCLOSURE OF CONFLICT OF INTEREST

TO: _____
Supervisor

FROM: _____
Printed Name & Signature

DATE: _____

RE: **Disclosure of Conflict of Interest**

By submission of this form, I am reporting a conflict of interest and the need for a resolution of the conflict.

Please contact me for a meeting regarding the potential resolution(s) available.

Supervisor's Resolution of Conflict:	FOR OFFICE USE ONLY

<i>Signature & Date</i>	