(A) Policy Statement

The University seeks to ensure that consensual romantic and/or sexual relationships between and among faculty, staff, students, residents, interns, and fellows do not interfere with the operations of the University or compliance with the law.

(B) Purpose

To explain the University’s position on consensual romantic and/or sexual relationships among and between its faculty, staff, students, residents, interns, and fellows.

(C) Scope

This policy covers all University faculty, staff, students, residents, interns, and fellows.

(D) Policy

1. Romantic and/or sexual relationships between individuals in a supervisory, teaching, evaluation, advising, coaching, or counseling relationship may constitute a conflict of interest. Faculty/Staff and other regular employment appointments within the University of Toledo have an inherent institutional power which can differ in instances involving students. The person in the position of higher institutional authority has the responsibility to eliminate the conflict of interest. The conflict of interest must be eliminated in a way which minimizes potential for harming the person with lower institutional authority.

2. Recognizing the spontaneity with which consensual relationships may develop, the timing of remedial action must demonstrate compliance with the intent of this paragraph.
(3) When the facts establish that an institutional power differential existed within the relationship and an allegation of sexual harassment results, the University will closely scrutinize a defense that the relationship was consensual.

(E) Prohibited relationships

(1) Involving students, residents, interns, and fellows

Romantic and/or sexual relationships are prohibited whenever there are supervisory, teaching, evaluation, advising, coaching, or counseling responsibilities between: 1) administrators, faculty, staff, graduate or undergraduate teaching assistants and students; 2) attending physicians and medical residents, interns, or fellows or 3) medical residents and medical students. Alternative academic and/or supervisory arrangements must be made to avoid being in a prohibited relationship; if alternative arrangements are not feasible, the relationship cannot continue.

(2) Involving employees

Romantic and/or sexual relationships between supervisor and employee are prohibited. No person involved in a romantic and/or sexual relationship will have direct responsibility for evaluating the performance or for making decisions regarding the hiring, promotion, tenure, compensation, discipline, or termination of the other party to the relationship. Supervisors, including faculty supervisors, must take immediate steps to make alternative arrangements regarding their supervisory responsibility for the other party to avoid a conflict of interest. If alternative arrangements are not feasible, the relationship cannot continue.

(F) Alternative arrangements

Alternative arrangements include removing any supervisory, teaching, evaluation, advising, coaching, or mentoring relationships between the person with institutional power and the student or employee. The alternative arrangements should avoid negative consequences for the student or employee. If alternative arrangements are not feasible, the relationship cannot continue.

(G) Important advisory statement on romantic/sexual relationships

Even if the relationship is not prohibited by the above provisions, individuals in positions of power should be aware that romantic or sexual relationships with students or employees pose a legal risk to both the individual and the institution and may result in either disciplinary action up to and including termination or removal.

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions of power. These relationships may be subject to concerns about the validity of consent and unfair treatment of other students or employees. Such relationships can undermine the atmosphere of trust essential to the educational process and the employment relationship. They may, moreover, be less consensual than the individual whose position confers power believes. The apparent consensual nature of the relationship is inherently suspect due to the fundamental asymmetry of power in the relationship and it thus may be difficult to establish consent as a defense to a complaint of sexual harassment. Even when both parties consented at the outset to a romantic or sexual
involvement, this past consent does not remove grounds for or preclude a charge or subsequent finding of sexual harassment based upon subsequent unwelcome conduct.

For all of these reasons, the University discourages all romantic and/or sexual relationships between faculty and students, even when those relationships do not officially violate this policy.

<table>
<thead>
<tr>
<th>Approved by:</th>
<th>Policies Superseded by This Policy:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sharon L. Gaber, Ph.D. President</td>
<td>◦ <em>None</em></td>
</tr>
<tr>
<td>Date</td>
<td>Initial effective date:</td>
</tr>
<tr>
<td></td>
<td>Review/Revision Date:</td>
</tr>
<tr>
<td></td>
<td>Next review date:</td>
</tr>
</tbody>
</table>

*Review/Revision Completed by:*