



Jamestown Community College
Policies and Procedures

Policy Title	Consensual and Non-Consensual Relationship	Policy Number	103
Section	Human Resources	Approval Date	9/18/2018
Subsection	Employee Expectations/Code of Conduct	Effective Date	9/18/2018
Responsible Office	Human Resources	Review Date	

1.0 Purpose

1.1 To ensure that our students, faculty and staff can learn and work in an environment that is free from nepotism, harassment, exploitation, and conflicts of interest, as well as, to promote fairness in grading, evaluation and career opportunities.

1.2 To ensure that faculty and staff maintain professional boundaries with students, and with employees over whom there is, or will be, a supervisory relationship.

2.0 Policy

2.1 Members of the college community are prohibited from developing a romantic or sexual relationship with a person over whom they are in a position of direct, indirect, or implied power.

2.2 Members of the college community are prohibited from being in a position of direct, indirect, or implied power over someone with whom they have a current romantic or sexual relationship. This includes, but is not limited to, persons whom one teaches, advises, coaches, counsels, mentors, evaluates, or supervises in any way.

2.3 Individuals in positions of authority shall not make sexual overtures to students or employees whom they supervise or over whom they have another form of power. If a student or subordinate employee makes such overtures to a JCC employee who is in a position of power over the student or employee, the employee in the position of power must not allow a romantic relationship to develop.

2.4 Violation of this policy by an employee will result in disciplinary action consistent with the terms and conditions of the appropriate labor contract or personnel policies.

2.5 Legal consent between the parties shall not be a defense to a violation under this policy.

2.6 Retaliation against anyone for making a report under this policy is prohibited and may result in discipline, up to and including termination.

2.7 JCC prohibits an individual from knowingly filing a false complaint or making misrepresentations of sexual misconduct.

3.0 Procedures

3.1 Any employee who is engaged in a romantic, intimate and/or sexual relationship with a student or an employee over whom there is direct, indirect, or implied power must report the relationship to the Human Resources office within two (2) business days of commencement of the romantic, intimate and/or sexual relationship.

3.2 Employees in a Supervisory Relationship

3.2.1 If full severance of the professional relationship at the college would create undue hardship for the employee(s) and/or the institution, special arrangements may be made to allow the employee(s) to continue employment.

3.2.2 The employees' supervisor(s), in concert with the Director of Human Resources and the divisional Vice President(s), shall determine whether an alternative supervisory structure is possible and, if so, shall direct the employees to the alternative supervisory structure. Even if the romantic, intimate and/or sexual relationship later ceases (whether amicably or not), the affected employees may never again be employed by the College in a situation where they will be in a supervisor/subordinate relationship with one another.

3.3 Student-Employee Relationship

3.3.1 If full severance of the professional relationship at the college would create undue academic hardship for the student, special arrangements may be made to allow the student to complete the class.

3.3.2 The employee's supervisor, in concert with the Director of Human Resources and the divisional dean, shall determine whether an alternative structure is possible and, if so, shall direct the employee and the student to the alternative structure. For example, responsibility for grading might be shared with another faculty member.

3.4 Pre-existing Relationship

3.4.1 Relationships between an employee and a student, or an employee and a subordinate that pre-date enrollment as a student or hire as staff may be permissible provided that the relationship is disclosed to the faculty or staff member's direct supervisor or division head and the Director of Human Resources.

3.4.2 Disclosure of the relationship must occur within two (2) business days of enrollment or hire. Failure to timely notify appropriate staff can subject the employee to discipline, up to and including termination.

3.5 Reports and Investigation

3.5.1 Reports of violations of this policy may be brought to the campus Director of Human Resources or the Title IX Coordinator.

3.5.2 Faculty and staff who are Responsible Employees under Title IX must report violations of this policy within two (2) business days after learning of the violation. Failure to report violations of this policy may subject employee(s) to discipline.

3.5.3 If an investigation results in a finding that a person who has accused another of sexual misconduct has acted maliciously or has recklessly made false accusations, the reporting party will be subject to appropriate discipline or sanctions.

4.0 Definitions

5.0 References