



Responsible Officers: Executive Director of Global Diversity & Inclusion, Vice Provost for Academic Personnel & Leadership Development, Associate VP for Human Resources

Responsible Offices: Office of Equity & Compliance, Human Resources, and Office of Academic Affairs

CONSENSUAL RELATIONSHIPS POLICY

I. Policy Statement

Portland State University recognizes that relationships between consenting adults in unequal positions of power within the University give rise to unique and challenging concerns that must be managed with great care. Portland State University encourages individuals to avoid such relationships. Such relationships, even without any formal power differential, may create real or perceived favoritism or bias that skews institutional priorities and that renders the more powerful party and the institution vulnerable to later allegations of sexual harassment. In particular, relationships between faculty and students with whom faculty have an academic or evaluative relationship are fraught with the potential for exploitation, given the respect and trust accorded a professor by a student. When such consensual relationships do occur, the University is committed to ensuring that these relationships are disclosed; that the more powerful party is aware of institutional responsibilities and the duty to avoid apparent or actual conflicts of interest, favoritism, or bias; and that safeguards are put in place to protect the University and both parties.

II. Purpose/Reason for Policy

This policy addresses consensual relationships between adults with unequal positions of power at Portland State University to ensure that the parties to the relationship understand that they are responsible for disclosing their relationship and participating proactively and cooperatively in a plan to eliminate any actual, potential, or perceived conflict of interest or any adverse effects on third parties resulting from the consensual relationship.

The University's Prohibited Discrimination and Harassment Policy is the applicable policy to address any concerns of sexual harassment, including non-consensual relationships.

III. Applicability

This policy applies to all students (including undergraduate and graduate), employees (faculty and staff, including student employees), and applicants for employment or admission.

IV. Definitions

Consensual Relationships: Consensual relationships are relationships that are intimate, romantic or sexual in nature, legal within the state of Oregon, in which both parties are willing participants, and in which there is a power differential, as defined below. A relationship falls within this definition even if one or both of the participants consider it to be casual, informal, temporary, or episodic.

Unequal Power/Power Differential: Unequal power or a power differential is the actual, potential, or perceived imbalance of power that exists in a relationship when one of the parties either directly or indirectly supervises the other, has an evaluative role over the other, or controls resources of the other, such that the more powerful party may exert influence over the less powerful party's terms and conditions of employment, educational experiences, resources, opportunities or participation in services, activities, or programs. An imbalance of power may be inherent, due to the positions of the individuals involved, or it may be episodic, such that it arises only in a particular situation. Accordingly, a power differential may exist even between nominal peers who meet these criteria.

Examples: An imbalance of power exists in, but is not limited to, the following relationships: professor/instructor and student where the professor serves in an academic or evaluative capacity concerning the student; tenured faculty and fixed-term faculty in the same department, where departmental rules create a power differential; resident assistant and resident; advisor and advisee; Department Chair and departmental faculty member; supervisor and supervisee; physician/dentist and nurse/hygienist/assistant; and coach/train and student athlete.

Interpretation: It is difficult, if not impossible, to provide examples that cover all possible situations in which a power differential may arise. This definition is to be interpreted broadly, keeping foremost in mind the risks and harms that this policy seeks to avoid.

Retaliation: Retaliation means any adverse treatment (beyond a petty slight or trivial annoyance) that is taken because a person has opposed an act or practice, made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing concerning protected rights. Retaliation also means coercing, intimidating, threatening, interfering, or discriminating against any person for the purpose of interfering with any protected right or because the other person has exercised a protected right or aided or encouraged another person to exercise a protected right.

V. Policy / Procedures

1.0 Policy. The University strictly requires participants in a consensual relationship to disclose the consensual relationship as described below and to participate proactively and cooperatively in measures designed to eliminate the actual, potential, or perceived conflict of interest or any adverse effects likely to arise from the consensual relationship.

2.0 Required Reporting of the Consensual Relationship:

- 2.1 Required Reporting by those involved in the Consensual Relationship.** All parties to a consensual relationship are responsible for disclosing the relationship to their supervisors (i.e., Dean, Department Chair, professor in charge of the course, etc.) or to the Office of Human Resources or the Office of Academic Affairs. Because of their positions of power and responsibility, the more powerful party has the primary responsibility for reporting the consensual relationship. Reporting should occur immediately and in all cases before the more powerful party makes any education-related or employment-related decision likely to affect the less powerful party. Parties who have had a relationship that was intimate, romantic, or sexual in nature that has since ended should consider whether the previous relationship has the potential to cause a conflict and disclose accordingly.
- 2.2 Required Reporting by the Supervisor to Whom the Consensual Relationship is Disclosed.** If a supervisor receives a disclosure of a consensual relationship, he or she must share that information promptly with the Vice Provost for Academic Personnel and Leadership in the Office of Academic Affairs or the Associate Vice President for Human Resources.
- 2.3 Making Arrangements to Avoid Conflicts of Interest.** After the disclosure of a consensual relationship, the parties to the consensual relationship shall meet promptly with their supervisor(s), and with OAA and/or Human Resources as appropriate. The parties have a duty to work proactively and cooperatively to implement measures that will eliminate the actual, potential, or perceived conflict of interest or any adverse effects likely to arise from the consensual relationship. Such measures will generally include transferring supervision of a party to another supervisor or faculty member, transferring responsibility for decisions that affect the less powerful party's educational experience or the terms and conditions of employment, and/or taking steps to ensure that the relationship does not affect a party's status, resources or ability to participate in services, activities, or programs. It is generally more appropriate to transfer supervisory responsibility over the less powerful party to an individual at the same level or a higher level of authority than the more powerful party, rather than to a person at a lower level of authority than the more powerful party.
- 2.4 Confidentiality.** All parties should be mindful of confidentiality, but the measures to be implemented should be disclosed to the extent necessary to eliminate the actual, potential, or perceived conflict of interest.
- 3.0 Consultation.** Individuals with questions or concerns regarding reporting requirements or other questions regarding this policy should contact the Vice Provost for Academic Personnel and Leadership, Associate Vice President for Human Resource or the Executive Director of the Office of Global Diversity & Inclusion.
- 4.0 Complaints and Investigations.** The University encourages and expects individuals to report violations of this policy or concerns that appropriate corrective measures have not been taken.

4.1 Failure to Report and Failure to Comply. The Office of Equity & Compliance is responsible for conducting a neutral, prompt and thorough investigation of allegations of failure to report consensual relationships and of failure to implement or comply with the measures required to address the actual, potential or perceived conflict of interest arising from the relationship. Individuals should direct reports of such violations to the Office of Equity & Compliance by contacting the Executive Director of the Office of Global Diversity & Inclusion or by completing and submitting an online complaint form.

4.2 Concerns Regarding Adequacy of Measures. A person with questions or concerns regarding the adequacy of the measures that are implemented to address an actual, potential or perceived conflict of interest arising from a disclosed consensual relationship should bring those concerns to the attention of the relevant supervisor(s), the Office of Human Resources or the Office of Academic Affairs.

5.0 Non-Retaliation. No person shall retaliate against an individual for reporting a consensual relationship; filing a complaint; participating in an investigation; participating in resolution of a complaint; implementing measures that will eliminate the actual, potential, or perceived conflict of interest or any adverse effects on third parties resulting from the consensual relationship; or any other activity protected under this policy, regardless of the outcome of any concern or complaint.

Any act of retaliation or reprisal violates this policy and will be treated as a separate matter. Anyone found to have retaliated against someone making use of this policy will be subject to corrective actions, up to and including severance of any relationship with the University.

6.0 Corrective Action. Failure to comply with the reporting requirements of this policy or to comply with the ameliorative measures implemented to address the actual, potential or perceived conflict of interest can lead to disciplinary action, up to and including dismissal, in accordance with established University policies and procedures, collective bargaining agreements and the Student Code of Conduct. A more powerful party who enters into a consensual relationship and fails to comply with this policy should be aware that such action may constitute “malfeasance in office or willful or wanton neglect of duty.” In such a case, the party would not be entitled to defense or indemnification by the University in any subsequent action or demand arising from or related to the relationship.

VI. Links To Related Forms

To file an online complaint regarding alleged violations of the Consensual Relationships Policy and/or retaliation [click here](#).

VII. Links to Related Policies, Procedures, and Information

[Prohibited Discrimination & Harassment Policy \(including Sexual Harassment\)](#)

[Consensual Relationships Frequently Asked Questions](#)

VIII. Contacts

Human Resources

Suite 518, Market Center Building, 1600 SW 4th Avenue
Telephone: (503) 725-4926 / TTY: (503) 725-6503 E-mail: askhrc@pdx.edu.

Office of Academic Affairs (OAA)

Suite 650, Market Center Building, 1600 SW 4th Avenue
Telephone: (503) 725-3422 E-mail: provost@pdx.edu

Global Diversity & Inclusion - Office of Equity & Compliance (OEC)

Suite 830, Market Center Building, 1600 SW 4th Avenue
Telephone: (503) 725-5919 E-mail: diversity@pdx.edu.

IX. Policy Adoption/Reaffirmation/Revision Approvals

Approved



PORTLAND STATE UNIVERSITY PRESIDENT

Date 7/1/14

Approved



PORTLAND STATE UNIVERSITY GENERAL COUNSEL

Date 7/1/14

X. History/Revision Dates

Adoption Date: July 1, 2014

Policy History: This policy supersedes PSU's previous (undated) Policy Concerning Consensual Relationships

Pursuant to Section 170 Chapter 768 2013 Oregon Laws, effective July 1, 2014, this policy supersedes the Oregon University System Consensual Relationships Policy adopted by the State Board of Higher Education on September 9, 2005.

Next Review Date: July 1, 2019