



I. Policy Title
Amorous Relationships

II. Policy Purpose and Statement

Fort Valley State University is committed to maintaining an academic community (including associated teaching, research, working and athletic environments) free from conflicts of interest, favoritism, and sexual misconduct. The Board of Regents of the University System of Georgia (BoR) recognizes the importance of professional obligations of employees and affiliates, to that end, BoR Sexual Misconduct, Amorous Relations and Ethics policies further expound on these obligations.

III. Policy Application and Effective Date

- a. This policy applies to all employees, students and affiliates.
- b. This policy is effective August 1, 2018.

IV. Definitions

- a. **Amorous Relationship:** A romantic relationship and/or sexual interaction agreed to by the involved parties.
- b. **Employee:** Except as specifically stated herein, employee includes faculty, classified staff, administrative and professional staff, post-doctoral positions, and employee positions requiring student status.
- c. **Privileged Employees:** Individuals employed by FVSU to whom a complainant or alleged victim may talk in confidence, as provided by law. Disclosure to these employees will not automatically trigger an investigation against the complainant's or alleged victim's wishes. Privileged Employees include those providing counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers) or as otherwise provided by applicable law. Exceptions to confidentiality exist where the conduct involves suspected abuse of a minor (in Georgia, under the age of 18) or otherwise provided by law, such as imminent threat of serious harm.
- d. **Responsible Employees:** Those employees who must promptly and fully report complaints of or information regarding sexual misconduct to the Coordinator. Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority who is not a Confidential Employee or Privileged Employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders).
- e. **Supervisee:** Any individual whose terms and conditions of employment, whose student or student-athlete status, or whose affiliate status are controlled or affected by a supervisor, as defined by this policy.
- f. **Supervisor:** An employee (including faculty), student, or affiliate who: teaches, manages, supervises, advises, coaches, or evaluates in any way other employees, students, camp participants, student-athletes, or affiliates; and/or has a position of power, control, or the ability to influence decisions with regard to other individuals in the living, learning, athletics, student life or working environment of the University.
- g. **University Affiliate:** An individual associated with the University in a capacity other than as a student or employee who has access to University resources through a contractual arrangement or other association that has been reviewed and approved.

Examples of a University Affiliate may include, but are not limited to:

- employees of contractors hired to conduct repair work at the University;
- employees of vendors engaged to provide training to University administrators;
- health care providers retained by the University to provide medical services to students/staff;
- volunteers in academic and/or operational units within the University; and
- post-doctoral positions who receive external funding;
- researchers or recent graduates who are self-funded or independently funded, but utilize University's facilities to further the University's research endeavors;
- Members of any University affiliated board.

V. Policy

This policy addresses actual or the pursuit of amorous, romantic relationships and/or sexual interactions that, even if both parties appear to have consented, may create actual and perceived breaches of professional obligations, conflicts of interests, and create the possibility for sexual misconduct or favoritism. A person is deemed incapable of consent when he or she is less than 16 years old, an individual with an intellectual disability, or an individual that suffers from mental illness, mentally incapacitation, physical helplessness or is under the care of custody of a state or local agency pursuant to a court order.

This policy prohibits actual or the pursuit of amorous relationships between:

- employees or affiliates and any student or employee whom that individual teaches, manages, supervises, advises, or evaluates in any way;
- employees or affiliates and any student or employee whom that individual maintains a position of power over such that a reasonably prudent person could question the consensual nature of the relationship, such as a relationship between a University police officer or Cabinet member and a student;
- Athletics coaches, affiliates, or athletics employees and student-athletes;
- student employees and any student whom that student employee teaches, manages, supervises, advises, or evaluates in any way; and
- employees (including faculty) and/or affiliates where one teaches, manages, supervises, advises, or evaluates the other in any way, unless the person in the position of greater authority or power notifies appropriate University offices and a mitigation plan (as defined below) is in place.

This policy is applicable regardless of the sex/gender of the individual with managerial, supervisory, teaching, evaluation, coaching or advisory authority, and/or the sex/gender of the individual who is managed, supervised, taught, coached, advised, or evaluated in any way.

This prohibition also includes, but is not limited to, employees or affiliates providing or engaging with students and their receipt of mentoring, advising, or tutoring services, or their participation in student clubs, student publications, student affairs projects and initiatives, enrollment management and/or other campus-related functions, programs, and activities.

This policy is not intended to preclude couples from working together *as long as there are no supervisory or evaluative oversight duties.*

VI. Process/Procedures

Anyone with a current or past involvement in an amorous relationship with someone that is, or could be determined by a reasonably prudent person to be, forbidden by this policy, must immediately disclose the relationship to the appropriate supervisor including the Office of Human Resources and the Director of Contracts and Compliance. Under the advisement of the Office of Human Resources and Director of Contracts and Compliance, the supervisor/dean will take the appropriate steps to ensure compliance under this policy.

If a situation arise in which parties who are or have been involved in any amorous relationship comes into a position in which they would be called upon to manage, supervise, review, advise, recommend, teach or evaluate one another, the individual in authority must immediately recuse himself or herself and promptly report this fact to his or her supervisor. The supervisor, in consultation with the Office of Human Resources and Director of

Contracts and Compliance, will then make the appropriate arrangements to mitigate the situation in a manner deemed acceptable to the University.

If a responsible employee or mandatory reporter is aware of such relationship, they must immediately report the relationship to the Office of Human Resources and the Director of Contracts and Compliance.

Disciplinary Actions for Violation of Consensual Amorous Relationship Policy

All available sanctions shall be considered for violations under this policy, including, but not limited to, dismissal from the University and cancellation of contractual obligations.

A responsible employee or mandatory reporter who fails to promptly report an otherwise prohibited amorous relationship to the appropriate individual, as articulated in this policy, is in violation of University policy and is subject to disciplinary action, up to and including termination.

Filing a Complaint

Complaints alleging a violation of this policy are to be brought to the attention of Office of Human Resources or Office of Legal Affairs and Risk Management.

VII. Forms

N/A

VIII. Appendices

N/A

IX. Related Resources

USG Amorous Relation Policy: https://www.usg.edu/hr/manual/amorous_relationships

USG Ethics Policy: https://www.usg.edu/organizational_effectiveness/ethics_compliance/ethics_policy

USG Sexual Misconduct Policy: <https://www.usg.edu/policymanual/section6/C2655/>

FVSU Sexual Harassment Policy: <http://fvsu.edu/wp-content/uploads/2015/01/Sexual-Harassment-Policy.pdf>

FVSU Sexual Misconduct Policy: <http://www.fvsu.edu/wp-content/uploads/2016/02/Sexual-Misconduct-2017-6-8.pdf>

RAINN: <https://apps.rainn.org/policy/policy-crime-definitions-export.cfm?state=Georgia&group=9>

X. Responsible Party

Questions regarding this policy should be directed to:

Job Title: Director of Contracts and Compliance

Department: Legal Affairs and Risk Management

Phone: 478-825-4284

Email: terrellp@fvsu.edu

Fax: 478-822-7163