

# Procedure: 4.3.2p.2. (III.L.2)

## Consensual Relationships

**Revised:** September 15, 2010.

**Last Reviewed:** September 20, 2022; and September 15, 2010.

**Adopted:** September 15, 2010.



### I. PURPOSE:

The Technical College System of Georgia (TCSG) is committed to maintaining a learning and work environment in its System Office and Technical Colleges that are as free as possible from conflicts of interests and favoritism.

In situations where an employee uses their position of authority to persuade another employee or a student to enter a non-consensual relationship, the harm to that person (i.e., the subordinate party) and the TCSG is clear. This behavior can also subject TCSG and the employee (i.e., superior party) to liability risk. Therefore, any complaint in response to such actions will be investigated in conjunction with the TCSG Procedure governing Unlawful Harassment or Student Unlawful Harassment.

Even in those instances in which the relationship is consensual, there is significant potential for harm when there is a power difference between the involved parties, e.g., supervisor and subordinate, faculty member and student, academic advisor and advisee, etc. Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power or position.

A supervisor's consensual relationship with a subordinate or a faculty member's consensual relationship with their student is likely to interfere with the supervisor's/faculty member's ability to act and make decisions fairly and objectively, without favoritism. Moreover, even if the supervisor/faculty member can avoid bias in these actions, others in the workplace or learning environment are likely to see themselves as less favored and, therefore, disadvantaged by the relationship. In particular, voluntary consent by a student or an employee (in such a relationship) is difficult to determine with any degree of certainty, given the fundamental power differential in the relationship. As such, these relationships may be less consensual than the individual whose position confers power believes, and, as such, the faculty or staff member bears a particular burden of accountability in any such involvement.

Additionally, consensual relationships may provide the basis for complaints by others outside the relationship when the relationship in question appears to give undue access or advantage to the participating student or subordinate staff member and/or, which may

restrict opportunities or create a hostile or unacceptable work or academic environment for others outside the relationship.

For these reasons, the TCSG expressly prohibits consensual relationships between a faculty or staff member and any student that they instructs, advises, supervises, or evaluates; a supervisor and any employee they directly or indirectly supervises or manages within all work units(s) under their span of control (i.e., line of authority); or any Technical College employee and a dually enrolled high school student.

By establishing these policy parameters, TCSG hopes to avoid the problems or situations referenced above and insulate students and employees from the potential consequences of an inappropriate subordinate/superior party relationship.

Further, TCSG hopes to ensure that all members of the TCSG community are treated with dignity and respect without regard to factors that are not relevant to that person's assigned duties and responsibilities and work performance or student's academic achievement.

## **II. RELATED AUTHORITY:**

O.C.G.A. § 20-4-11 – Powers of Board.

O.C.G.A. § 20-4-14 – TCSG Established; Powers and Duties.

## **III. APPLICABILITY**

All work units and Technical Colleges are associated with the Technical College System of Georgia.

## **IV. DEFINITIONS**

**Advise:** a collaborative process designed to assist students in clarifying career objectives and, through the development of and progress through an educational plan (i.e., an academic program of study), better equip them to be successful students and meet career and academic objectives. Advising incorporates appropriate guidance on course selections, review of academic progress, and referral to college resources and technologies available to students.

**Conflict of Interest:** in the context of this policy, a conflict of interest or an appearance of a conflict of interest is created when an individual evaluates, supervises, or has decision-making power/authority affecting another individual (i.e., a fellow employee, student, or student employee) with whom they has an intimate, romantic, and/or sexual relationship. Relationships of this nature, even if consensual, may be viewed as exploitative or coercive and may negatively impact the integrity of the work or learning environment.

**Consensual Relationship:** involvement in a mutually acceptable (i.e., consenting) romantic, dating, and/or sexual relationship.

**Employee:** anyone employed by the Technical College System of Georgia in a full-time or part-time capacity.

**Evaluation:** in the context of a faculty/student relationship, to assess, determine, or influence a student's academic performance, progress or potential. In the context of employment, it includes, but is not limited to, activities associated with establishing performance expectations and coaching and assessing or participating in assessing a subordinate's performance.

**Faculty:** any employee directly responsible for academic instruction to evaluate and advise students or who may directly or indirectly influence a student's academic progress, performance, entitlement, or eligibility for any associated academic opportunity.

**Immediate Supervisor:** a supervisor who establishes performance expectations, and coaches, develops and assesses the performance of a subordinate employee.

**Line of Authority:** authority extending vertically through one or more organizational levels of supervision or management.

**Reviewing Manager:** A manager charged with reviewing the performance plans and evaluations prepared by lower-level supervisor(s) in their direct line of supervision.

**Student:** anyone enrolled in a full- or part-time capacity in any academic program offered by a Technical College associated with the Technical College System of Georgia, including adult education programs.

**Supervisor:** any employee who oversees, directs, and/or evaluates or participates in the evaluation of the work of others. The term encompasses employees in a management or administrative role in the System Office or a Technical College possessing responsibility for directing the activities of one or more work units.

#### **IV. ATTACHMENTS: N/A**

#### **V. PROCEDURE:**

##### **A. General Provisions: Employment Relationships**

1. No TCSG employee may engage in a consensual relationship with an employee they directly or indirectly supervises. This prohibition extends through all lines of authority and all work unit(s) under the supervisory employee's span of control.
2. No TCSG employee serving in a supervisory capacity may participate in any decision impacting another System Office/Technical College employee's rate of pay, performance evaluation, promotional opportunities, or other employment action if they has had a consensual relationship with the employee as defined by the policy.
3. All employees should be aware that entering into a consensual relationship with their supervisor is contrary to TCSG policy.
4. Suppose a prohibited consensual relationship exists when this policy is enacted. In that case, the supervisory employee must disclose the

relationship to their immediate supervisor or reviewing manager and cooperate in developing arrangements to address the conflict of interest.

5. An immediate supervisor or reviewing manager who is notified or becomes aware of a consensual relationship involving their employees shall take immediate measures to eliminate the conflict of interest or the appearance of a conflict of interest.
6. An employee in a position of authority who enters into or continues a consensual relationship with a subordinate without reporting it or who fails to cooperate in efforts to eliminate the conflict of interest or appearance of impropriety will be subject to disciplinary action up to and including separation from employment.
7. If the subordinate party brings a complaint of harassment or sexual harassment regarding an unreported relationship, there will be no presumption that the relationship was consensual.

**B. General Provisions: Faculty/Staff Member – Student Relationships**

1. No faculty or staff member may engage in a consensual relationship with any student that they instructs or advises (i.e., formal academic advisement) or supervises or evaluates in any manner or capacity.
2. Students, faculty, and staff members should be aware that entering into a consensual relationship is contrary to TCSG policy and limits the faculty or staff member's ability to teach and appropriately mentor, direct the work of, and/or employ the student in a part-time capacity.

The relationship must cease if a prohibited consensual relationship exists when this policy revision is enacted. This may involve the student transferring to another course offering or withdrawing from a course taught by the faculty member in question, initiating a change in the student's primary academic advisor, etc. In such instances, it may be necessary for the faculty/staff member to disclose the relationship to their immediate supervisor or reviewing manager and seek their assistance in remedying the conflict of interest. The good faith reporting of a consensual relationship in conjunction with implementing the revised policy will not constitute a policy violation.

NOTE: Any subsequent complaint generated by a student that the relationship was non-consensual will be investigated under the Student Unlawful Harassment Procedure provisions. Further, there will be no presumption that the relationship was consensual.

3. No faculty member should accept authority for/over a student with whom they has had a prior consensual relationship, including permitting the student to enroll in their class; supervising the student as a work-study, lab assistant, etc.; participating in decisions pertaining to a student's grades, academic honors, degree/diploma/certificate, etc.; or

discussions centered on possible disciplinary action.

4. A faculty or staff member who enters into or continues a prohibited consensual relationship with a student after the effective date of this policy. Revision will be subject to disciplinary action up to and including separation from employment.

**C. General Provisions: Consensual Relationships Outside an Official Supervisory or Evaluative Context**

1. Those consensual relationships between faculty and/or staff members and/or students occurring outside of an official supervisory or evaluative context prohibited by policy may also be problematic for one or both parties and the System Office or Technical College. For example, when participating employees or an employee and a student are in the same general academic area, work unit, or closely aligned work units, a relationship that the involved parties may view as consensual may, nonetheless, give the appearance of a conflict of interest by negatively impacting the integrity of the work or learning environment. Such relationships may also appear to others to be potentially exploitative or coercive; therefore, extreme care should be taken by both parties in the relationship to reduce these likelihoods.
2. In these situations, the faculty or staff member should permanently remove themselves from involvement in any employment or academic-related decision that may reward or penalize the employee or student.

**VI. RECORD RETENTION- N/A**