

No. 4320
SECTION: PERSONNEL
TITLE: EMPLOYEE AND SUPERVISOR
CONSENSUAL ROMANTIC
RELATIONSHIPS

ADOPTED: 9/21/10
READOPTED: 1/29/14; 11/15/16
REVISED:

OXFORD AREA SCHOOL DISTRICT

Purpose

The Board strives to provide a safe positive working climate for its employees. Therefore, it shall be the policy of the district to maintain an employment environment in which personal relationships that may be perceived as conflicts of interest are discouraged and, when necessary, are addressed in an appropriate manner. The objective of this policy is to advance the district's commitment to hiring the best qualified persons available for district positions and to ensure that personnel management decisions are made based upon individual merit and not consensual romantic relationships, which can not only lead to potential legal conflicts but can degrade staff morale, can arouse public distrust, and is an obstacle to teamwork, effectiveness and quality performance.

Romantic and/or sexual relationships between school personnel and administrators or between supervisors and subordinate employees have the potential for adverse consequences, including the filing of charges of harassment. Even where the relationship is consensual, there is a significant potential for harm when there is a power difference between the parties involved. Given the fundamentally asymmetric nature of the relationship where one party has power and authority over another, the apparent consensual nature of the relationship is inherently suspect. However, even when both parties have consented to a romantic relationship, there may be perceptions of conflicts of interest or unfair treatment of others by others. Such perceptions undermine the atmosphere of trust essential to the educational process or the employment relationship.

While the school district normally has no interest in private romantic or sexual relationships between individuals, the school district has adopted a consensual relationship policy outlined for the following reasons: to avoid the types of problems outlined above, to protect individuals from the type of injury that either a subordinate or superior individual to such relationship can incur, to protect the integrity of the learning and work environment and evaluation process, and to provide information and guidance to employees of the school district. This policy addresses consensual relations only. Therefore, it is the purpose of this policy that, whenever possible, no employee of the School District shall be retained in any position where the employee has direct or indirect supervisory responsibility for, or is supervised directly or indirectly by, a person with whom he/she is currently involved in a romantic relationship. An employee should be aware that entering into a consensual romantic relationship with another employee that exercises direct supervision over the employee creates the potential for risk to both parties. In particular, such a relationship will limit that

supervisor/employee's ability to direct work or promote that employee's career and creates conflicts of interest and perceptions of undue advantage.

Definitions

The following definitions apply to the interpretation and implementation of this policy:

Romantic relationship - Any dating, romantic, sexual, or marriage relationship willingly undertaken by the parties.

Supervisory Functions - include, but are not limited to mentoring, overseeing, directing, examining, grading, advising, supervising, evaluating, recommending, promoting, employing and other employment actions including any disciplinary actions, including suspension, monitoring or reporting on job performance, enforcing compliance with workplace rules and policies, tracking absences of time worked, approving professional development, and making assessments, reports, recommendations or decisions regarding personnel actions.

Immediate Supervisor - with respect to an employee, the person who performs supervisory functions regarding that employee at the supervisory level. Where such supervisory functions are performed at the first level by different persons with respect to the same employee, all persons performing one (1) or more of such supervisory functions with respect to that employee are considered to be an immediate supervisor.

Second-Level Supervisor - with respect to an employee, a person who is an immediate supervisor of that employee's immediate supervisor, and/or a person who reviews, recommends or takes further action, at the next supervisory level above the immediate supervisor, or supervisory functions or personnel actions regarding that employee.

Management Team Member - any central office administrator or member of the Act 93 administrative group.

Personnel Actions - includes, but is not limited to, employment decisions and actions such as hiring; dismissal; demotion; suspension or furlough; discipline; commendation; granting or denial of leave or time off; assignment or scheduling of work; changes in job classification, title or duties; promotion or other advancement; performance evaluations or ratings;

performance or employment development; approval or denial of attendance at or payment for conferences or employee development programs; and actions or determinations of a similar nature affecting wages, hours, conditions of employment or eligibility for employment or advancement.

Policy

A school district employee shall not engage in, and is prohibited from consensual relationships with another employee whenever one employee has direct supervision with respect to the other employee. Should a consensual relationship exist prior to the beginning of the period of direct supervision, or develop, or appear likely to develop, while an employee is, or would be in the position of direct supervision over another employee, the employee exercising direct supervision shall immediately report such

relationship to his or her immediate supervisor and steps to avoid and/or terminate the position of direct supervision shall be taken. Avoidance or termination includes but is not limited to the subordinate employee not accepting such position; another appropriate employee assuming the position of direct supervision; or transfer of the subordinate employee to another position not directly supervised by the other employee.

Even when no position of direct supervision exists, an employee who engages in a romantic or sexual relationship with another employee must promptly disclose the existence of the relationship to the Superintendent within three (3) workdays if there exists reasonable possibility that a conflict of interests may arise. Relationships, in which a conflict of interest exists or is likely to arise, may later develop into conflicts of interest that are prohibited. Once the relationship is disclosed, the Superintendent will evaluate the situation to determine whether an actual conflict of interest exists or is likely to arise and will develop a management plan to address the potential conflict of interest. An employee has the professional and ethical responsibility to remove himself or herself from any decisions that may reward or penalize the other employee involved and otherwise comply with this policy.

Any revised supervisory arrangements as outlined herein must be documented and reported to the Board.

Except as specifically set forth above, a person's consensual romantic relationship with a district employee shall not otherwise disqualify that person from employment or assignment in the district, and such persons may be recommended for employment or assignment based upon their individual merit and qualifications.

School District responses to violations of this policy will vary as appropriate to the facts and circumstances of each case and persons in violation of this policy shall be subject to sanctions ranging from verbal warnings to dismissal or terminations. The school district reserves the right to take disciplinary action against employees who make false allegations of unreported consensual relationships. This policy is not intended to intrude on the privacy of employees of the school district but is intended primarily to be instructive and corrective.