D.4.12.1 (Procedure) Consensual Relationships
Responsible Department: Human Resources
Based on Board Policy: D.4.12 - Consensual Relationships
Approved: 4-28-09
Last Amended: 1-13-10

**Relationships That May Result in Sexual Harassment**

When disparities in authority are present between two individuals involved in a romantic or sexual relationship, what may appear to be a consensual relationship to one of the parties may not in fact be consensual.

Examples of such relationships that might be deemed to be sexual harassment include, but are not limited to:

1. The subordinate party or student feels unwanted pressure to become involved and/or to continue the relationship.
2. The subordinate party or student feels compelled to change behavior and/or job duties because of the relationship.
3. The relationship has the purpose or effect of creating a work or academic environment in which others are negatively affected by the existence of the relationship.

Consensual relationships that involve allegations of sexual harassment shall be handled according to the provisions of the College District sexual harassment policies and procedures (D.4.5, D.4.5.1, F.4.3, and F.4.3.1).

**Relationships That Do Not Contain Clear Elements of Sexual Harassment**

Romantic or sexual relationships between trustees and students, and between employees and their subordinates or students over whom they exercise authority are prohibited whether or not they result in sexual harassment (see Prohibited Relationships).

Such relationships can create problems of actual or perceived conflicts of interest, exploitation, favoritism, bias, and low morale, and these relationships undermine the integrity of the educational, supervisory and evaluation processes.

**Prohibited Relationships**

A prohibited romantic or sexual relationship under this procedure shall be deemed to exist when the relationship is between:

1. A trustee and a student (including work-study students);
2. An employee and a student (including work-study students) when the employee is a student’s instructor, advisor, counselor, tutor, or is otherwise supervisory to or in the direct chain of supervision over the student; or
3. Employees when one employee is in the direct line of authority of the other.

In the event of a factual dispute about whether a relationship between an employee and a student may impact the student, the ultimate finder of fact shall be the Chancellor in consultation with the appropriate college President or Vice Chancellor, the District Ethics and Compliance Officer, and the General Counsel.