
**SUBJECT: RESTRICTIONS ON RELATIONSHIPS BETWEEN EMPLOYEES AND STUDENTS
OR OTHER EMPLOYEES**

1.0 PURPOSE

- 1.1. Voluntary consent in amorous relationships where one party has the real or perceived ability to evaluate or influence the educational or employment opportunities of the other is difficult to determine because of the asymmetric nature of the power structure in the relationship.
- 1.2. Because any employee can have a perceived, if not an actual, ability to influence the educational opportunities of a student, amorous relationships between employees and students are discouraged, and in most cases, prohibited. In all cases, employees should guard their own reputation and the reputation of the College. All conduct between employees and students should be above reproach.
- 1.3. Employees should be cautious when engaging in amorous relationships with another employee to ensure that the relationship does not interfere with the meritocratic learning and work environment for which Snow College strives.
- 1.4. This policy is intended to match or exceed the standards restricting relationships with students found in Regent's Policy R842 and will thus be interpreted as matching or more restrictive than that policy.

2.0 DEFINITIONS

- 2.1. Amorous Relationship – Any romantic relationship or sexual conduct outside of a marriage, or an attempt to commence a romantic relationship or sexual conduct.
- 2.2. Romantic Relationship – A relationship between two individuals that is sexual and/or involves a strong attraction towards another person and who mutually and consensually agree to the relationship. This includes a dating relationship.
- 2.3. Sexual conduct – Any intentional touching for sexual gratification (including intentional contact with the breasts, buttocks, groin, or genitals, including touching another with an object or any of these body parts, or making another touch you or themselves), however slight, by any person upon any other person. This definition excludes consensual conduct occurring within a preexisting marital relationship. This includes sharing any sexually explicit or lewd communication, image, or photograph.
 - 2.3.1. Sharing sexually explicit or lewd communication, image or photograph does not include any communication, image, or photograph that faculty shares with students as part of a legitimate academic exercise, such as pedagogical requirements for health, science, literature, or art courses.
- 2.4. Employee – For purposes of this Policy an Employee is any member of the College who is paid by or volunteers for the College including but not limited

to Faculty, Regular Staff, Probationary Staff, Part-time staff, Administration and Adjunct Faculty. Student employees are not considered Employees in this policy unless they are Special Trust Employees under Section 2.8 of this policy or otherwise noted in this policy.

- 2.5. Faculty - A person who is a member of the College's full-time Faculty as defined in Policy.
- 2.6. Adjunct Faculty – A person who is not Faculty but is employed or volunteers to teach classes.
- 2.7. Administration Employee – For purposes of this Policy an Administration Employee is any employee with general, higher level duties at the College. This includes the President, Provost, Associate Provosts, Vice Presidents, Associate Vice Presidents, Assistant Vice Presidents.
- 2.8. Special Trust Employee - An employee of a higher education institution who is in a Position Of Special Trust, as defined in Utah Code 76-5-404.1 with a higher education Student. This includes the following employees at Snow College:
 - 2.8.1. Athletic Managers
 - 2.8.2. Coaches
 - 2.8.3. Counselors
 - 2.8.4. Advisors
 - 2.8.5. Athletic Trainers
 - 2.8.6. Faculty and Adjunct Faculty including Lecturers, Instructors, Assistant Professors, Associate Professors, Professors
 - 2.8.7. Teaching Assistants
 - 2.8.8. Supervisors (including direct supervisors, indirect supervisors in the chain of supervision, and those with significant influence over student employees)
 - 2.8.9. Recreational leaders (including those who work in summer camps)
 - 2.8.10. Any employee with religious leadership outside of the college
 - 2.8.11. Any individual in a position of authority, other than those individuals listed above, which enables the individual to exercise undue influence over a student
- 2.9. Student – Anyone taking, or enrolled in, classes at the college for credit. This includes all concurrent enrollment students.
- 2.10. Educational Opportunities - a student's admission to an institution or programs within an institution; receipt of financial aid; assessment of academic performance (grades); placement in academic opportunities such as internships, assistantships; and graduation.
- 2.11. Subordinate Student - a Student of a higher education institution whose educational opportunities could be adversely impacted by an Employee including those Employees who have academic or other professional responsibilities towards that Student.

- 2.12. Teaching Assistant – A student employed to assist instructors and professors in their teaching, grading, and grade reporting responsibilities.
- 2.13. Evaluative Authority – The perceived or actual ability to impact the outcomes of professional or educational evaluations or opportunities
- 2.14. Marriage -A legal relationship between two persons as defined by and entered into pursuant to state law or an equivalent relationship where two persons are cohabitating; have mutually assumed marital rights, duties, and obligations; and who hold themselves out as in a committed, mutual relationship; and where the Marriage occurred before one or both of the persons became a student or employee of the College.

3.0 POLICY

3.1. Relationships between Employees and Students

- 3.1.1. Nonconsensual sexual conduct and sexual harassment between and Employee and Student is expressly prohibited.
- 3.1.2. The following amorous relationships between employees and students are prohibited:
 - 3.1.2.1. Between special trust employees and subordinate students. This includes Faculty and Adjunct Faculty towards Students in their classes. This includes a prohibition against the sharing of any sexually explicit or lewd communication, image, or photograph, consensual or nonconsensual, between a Special Trust Employee and Subordinate Student.
 - 3.1.2.2. Between Administration Employees and Students
 - 3.1.2.3. Between any student and an employee who has a reasonably perceived influence over the Educational Opportunities of that student, or any employee who has direct or indirect supervisory authority over someone with perceived influence over the Educational Opportunities of that student such as Department Chairs or Deans.
 - 3.1.2.4. Any Sexual Conduct or Amorous Relationship, consensual or nonconsensual, between an Employee and a Student under the age of 18 or otherwise not legally capable of consent.
- 3.1.3. All other Amorous Relationships between employees and students are discouraged. Prior to continuing an Amorous Relationship that preexists this Policy or beginning, engaging in, or reciprocating an Amorous Relationship after enactment of this Policy it must be disclosed in writing to the Human Resources Office. The Human

Resources Office, in consultation with the employee, student, and Title IX office, will develop a written management plan to ensure the relationship is consensual and does not appear to violate policy or state or federal law.

3.1.4. Student employees who abuse their real or reasonably perceived authority to enter into an Amorous Relationship will be terminated, and their case will be referred to the Title IX office for student discipline as well.

3.2. Relationships between employees

3.2.1. No employee may have supervisory or evaluative responsibility over someone with whom that employee is engaged in or was formally engaged in an amorous or married relationship. Consistent with this rule:

3.2.1.1. No employee shall be hired or transferred into a position for which the current manager is, or was, engaged in an amorous or married relationship unless approved by the College President or designee.

3.2.1.2. If two employees wish to begin an amorous or married relationship, and one of those employees has existing supervisory or evaluative authority over the other, the employees must contact Human Resources.

3.3. Any use of actual, or reasonably perceived, authority to willfully exercise undue influence over a student or employee in regards to an amorous or nonconsensual sexual relationship is considered a violation of this policy regardless if it is prohibited elsewhere in this policy.

4.0 ENFORCEMENT

4.1. The college will thoroughly investigate all reports of potential violations of this policy according to procedures established by the Human Resources office.

4.2. Discipline up-to and including termination will be administered if it is determined that a violation of this policy has occurred.

4.2.1. If it is determined that the employee used their position to willfully exercise undue influence over a student or another employee in regards to an amorous relationship, the presumed discipline is termination.