



## Ohio Administrative Code

### Rule 3341-5-07 Consensual amorous relationships policy.

Effective: April 21, 2016

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#### (A) Policy statement and purpose

Bowling Green state university (BGSU) promotes an atmosphere of professionalism based on mutual trust and respect. The integrity of interaction among faculty, staff, and students must not be compromised. Consensual amorous relationships between persons having an evaluative, supervisory, or decision-making relationship present an inherent risk of a conflict of interest. The purpose of the consensual amorous relationship policy is to define consensual amorous relationships and to define the circumstances when these relationships are impermissible at BGSU and may subject individuals involved to discipline appropriate to the circumstances.

#### (B) Definitions

##### (1) Adjunct faculty:

A part-time faculty member who provides instructional service to the university, but who is not regularly or continuously on the faculty.

##### (2) BGSU community:

Faculty, adjunct faculty, faculty administrators, staff members, students, and vendors.

##### (3) Consensual amorous relationships:

For purposes of this policy, a consensual amorous relationship is one involving individuals who mutually and consensually understand a relationship to be romantic and/or sexual in nature and where one of the individuals is in an evaluative or supervisory or decision making relationship with the other. The definition of a consensual amorous relationship does not include married persons. Amorous relationships with individuals below the age of eighteen are not considered consensual and



are prohibited.

(4) Evaluative or supervisory authority:

An individual has direct evaluative, supervisory or decision-making authority when that individual is responsible for, or makes or could make contributions to evaluating, assessing, grading, assigning, promoting, disciplining, or otherwise determining the terms, conditions, or benefits of the other participants academic or employment performance, progress, or potential.

Common examples of evaluative or supervisory authority include:

- (a) Assessing academic or research performance;
- (b) Determining academic or research performance;
- (c) Influencing academic or research progress or potential;
- (d) Assessing employment performance;
- (e) Evaluating employment progress;
- (f) Assessing employment potential;
- (g) Determining entitlement to any institutionally conferred right;
- (h) Determining eligibility for any institutionally conferred benefit;
- (i) Providing an opportunity to any institutional conferred right or benefit;
- (j) Overseeing of academic, research, or employment;
- (k) Managing of academic research, or employment; and



(1) Directing co-curricular, athletic, or other institutionally prescribed activities.

(5) Full-time faculty:

All persons holding full-time academic appointment or rank who are not administrators. All persons holding full-time faculty contracts. All persons holding faculty rank who serve as full-time faculty in the university libraries.

(6) Faculty administrators:

The president, the provost, vice presidents (holding faculty rank), associate and assistant deans, associate and assistant vice-provosts and all individuals holding appointments as dean, chair, or director.

(7) Staff members:

Any individual, other than faculty, who is employed by BGSU. This includes classified and administrative staff, or other employees not defined within other sections of this policy.

(8) Students:

Any individuals who are:

(a) Currently enrolled in a credit or non-credit class at one of the colleges or campuses of BGSU;

(b) Matriculated or non-matriculated;

(c) Prospective students (including applicants and accepted applicants).

(9) Vendor:

Any individual who or company or business which contracts with the university to provide goods or services to the university.



(C) Policy

(1) Conduct

Consensual amorous relationships between members of the BGSU community are prohibited when one participant has evaluative, supervisory, or decision-making authority over the other, as such relationships may create an inherent conflict of interest.

An individual in the evaluative, supervisory, or decision-making position is required to disclose any consensual amorous relationship to his or her supervisor. After disclosure, the individual shall cooperate with the supervisor to ameliorate any existing or potential conflict.

(2) Violations

A violation of this policy occurs when an individual with supervisory or evaluative or decision-making authority: (a) allows a consensual amorous relationship to occur or continue without reporting; or (b) fails to disclose or report a consensual amorous relationship; or (c) fails to cooperate in ameliorating any existing or potential conflict associated with a consensual amorous relationship.

Violations of this policy must be reported to the office of human resources or the office of the provost. The offices of human resources or the provost will investigate or review the alleged violation and determine appropriate action. Investigations of violations of this policy, and any discipline that may result, shall be done in accordance with the university policy, procedure, or collective bargaining agreement applicable to the individuals involved. In the case of represented employees, those shall be the collective bargaining agreement. In the case of administrative and classified staff employees, those shall be the employment procedures applicable to those positions, as those may change from time to time. In the case of students, those shall be the student code of conduct as that may change from time to time.

A violation of this policy, including the failure to disclose a consensual amorous relationship as described above, may lead to disciplinary action as appropriate, regardless of how the violation is brought to the university's attention.