



## **PROCEDURES TO IMPLEMENT CSU EXECUTIVE ORDER 1096 – CONSENSUAL RELATIONSHIPS**

### **PREVAILING POLICY REQUIREMENT**

The California State University's Executive Order 1096 prohibits consensual relationships which meet certain conditions. The prohibition is defined as follows:

*Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. While sexual and/or romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking subject to this policy.*

*A CSU Employee shall not enter into a consensual relationship with a Student or Employee over whom s/he exercises or influences direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. In the event such a relationship already exists, each Campus shall develop a procedure to reassign such authority to avoid violations of this policy.*

The following are the procedures SF State has adopted to implement this policy. The procedures will be reviewed and updated on an annual basis. The next review date will occur no later than June 30<sup>th</sup>, 2017.

### **NOTICE TO CAMPUS COMMUNITY**

At least once annually, the Title IX Coordinator or designee (hereafter referred to as "Title IX Coordinator") shall be responsible to disseminate information to all SF State employees regarding their responsibilities under Executive Orders 1095, 1096 and 1097. These notices shall include information about consensual relationships.

### **PROCESSES FOR DISCLOSURE OF APPLICABLE CONSENSUAL RELATIONSHIPS**

Employees who are in a current consensual relationship or contemplating entering a consensual relationship as defined above are responsible to disclose this relationship to the Title IX Coordinator. The form to be used for such disclosures (see attachment) is available at <http://titleix.sfsu.edu>. Additionally, 3<sup>rd</sup> parties may also report consensual relationships which they believe fall under the purview of EO 1096. To ensure the integrity of the reporting process, anonymous reporting is discouraged.

Please note that failure to disclose a consensual relationship which potentially falls under behavior prohibited by EO 1096 may result in discipline that is administered in a manner consistent with applicable collective bargaining agreements, CSU policies, and legal requirements.

## **REVIEW & RESOLUTION OF REPORTED RELATIONSHIPS**

Upon receiving a disclosure of a consensual relationship, a committee comprised of the Title IX Coordinator, the AVP for Human Resources, the Dean for Faculty Affairs, and the Equity Programs & Compliance Manager will review the relationship and determine if it falls under the purview of EO 1096. If so, then viable strategies for mitigating the concerning influence or authority will be identified. *The goal of this review in all cases will be to assist with preservation of the relationship.*

Further, while the aspects of each situation may be unique, purposeful effort will be made to ensure that strategies identified and instituted are consistent. Equity Programs & Compliance will also strive to maintain the confidentiality and dignity of all individuals who are participants in a consensual relationship. This procedure recognizes that other existing University policies (e.g., *Nepotism - Practice Directive 101*; see [http://hr.sfsu.edu/Labor\\_Compliance\\_ProfDev/emp\\_relations/hr\\_Directives/P101](http://hr.sfsu.edu/Labor_Compliance_ProfDev/emp_relations/hr_Directives/P101)) may also address the same consensual relationship in question. Those policies do not preclude disclosure to the Title IX Coordinator; however, resolutions instituted under other policies or procedures may suffice for purposes of resolving conflicts under EO 1096.

Once strategies have been identified, they will be conveyed in writing to the responsible MPP or MPPs overseeing the units impacted by the consensual relationship. The identified strategies will be documented, and the MPP will be responsible to implement and monitor, as well as notify the Title IX Coordinator if additional conflicts of interest are identified. Should the relationship status change, notice to the Title IX Coordinator should be provided as soon as possible and any strategies reevaluated for reversal or refinement, etc.

In those very rare instances where the influence or authority cannot be mitigated through administrative interventions, the Title IX Coordinator will work with both parties in the consensual relationship to resolve the conflict of interest. Some positions on campus, by the nature of their associated duties and scope of responsibility, may constitute positions in which the incumbent should never engage in a consensual relationship while employed with SF State; MPPs who oversee such positions should engage in proactive consultation with current or incoming incumbents to mitigate any potential violations of EO 1096.

## **DOCUMENTATION**

All documentation regarding consensual relationships disclosed and their resolution shall be maintained by the Title IX Coordinator. *In accordance with applicable federal and state laws, as well as university policies, every reasonable effort will be made to ensure the confidentiality and privacy of these records.*

Drafted March 3, 2016

Revised March 24, 2016

Reviewed by Equity Programs & Compliance Leadership Team March 28, 2016

Finalized April 1, 2016

Corrected April 4, 2016



**CONSENSUAL RELATIONSHIP DISCLOSURE FORM**

**\*CONFIDENTIAL\***

Name of person submitting the form: \_\_\_\_\_

- Are you the:    \_\_\_ employee involved in a consensual relationship
- \_\_\_ student involved in a consensual relationship:    \_\_\_ undergraduate           \_\_\_ graduate
- \_\_\_ 3rd party witness to the consensual relationship, not the MPP or supervisor
- \_\_\_ MPP or supervisor of the unit where a consensual relationship has been identified/suspected
- \_\_\_ Other – please describe: \_\_\_\_\_

Please identify the individuals involved in the consensual relationship along with the affiliation (student, staff, faculty, etc.) with SF State, and position, if applicable and if known:

**INDIVIDUAL ONE – PLEASE LIST THE INDIVIDUAL WITH THE AUTHORITY/INFLUENCE FIRST:**

Name: \_\_\_\_\_ Affiliation: \_\_\_\_\_

Position (if applicable): \_\_\_\_\_

**INDIVIDUAL TWO:**

Name: \_\_\_\_\_ Affiliation: \_\_\_\_\_

Position (if applicable): \_\_\_\_\_

Briefly describe the nature of the academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence that exists between these individuals.

Briefly indicate the level of significance of this authority or influence. For example, is this short-term or long-term in nature? Are decisions about academic performance or hiring/promotion/compensation involved?

\*Please refer to CSU Executive Order 1096 for additional info: <http://calstate.edu/eo/EO-1096-rev-10-5-16.html>\*

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FOR USE BY EQUITY PROGRAMS & COMPLIANCE OFFICE ONLY

Date received: \_\_\_\_\_ Date reviewed: \_\_\_\_\_

Situation \_\_\_\_\_ *does* \_\_\_\_\_ *does not* meet definition of prohibited consensual relationship as defined by EO 1096.

*If it does, please complete below:*

Strategies identified for amelioration or resolution:

Responsible MPP: \_\_\_\_\_

Cabinet Area/Division/Department/Unit: \_\_\_\_\_ Date written notice to MPP: \_\_\_\_\_

Follow up actions required, if any:

Reviewed by Title IX Coordinator or designee:

\_\_\_\_\_  
Signature – Title IX Coordinator

\_\_\_\_\_  
Date

NOTES:

Please attach any relevant documentation to this form.

All documentation shall be maintained in strictest confidence by Equity Programs & Compliance for a period of at least 10 years.