

STAFF RELATIONSHIP POLICY

I. Definitions

- “Amorous Relationships” exist when individuals mutually and consensually understand a relationship to be romantic and/or sexual in nature.
- “Supervisor” is defined as anyone who has the delegated authority to hire, promote, discipline, evaluate, grade or direct faculty, staff or students.
- “Abuse of Power” is defined as the improper use of authority by someone who has that authority because he or she holds a position of authority.
- “Close relative” means a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, niece, nephew, first cousin, corresponding in-law, “step” relation or any member of the employee’s household.
- “Conflict of Interest” is defined as a situation that has the potential to undermine the impartiality of a person because of the possibility of a clash between the person's self-interest and professional interest or public interest.
- “Power differential” is best defined as the inherently greater or enhanced power and influence between two employees in which one must trust in the knowledge and abide by the direction of the other, or where one may affect the terms and conditions of the other’s employment.

- II. The Indian River School District acknowledges its responsibility to provide clear direction to employees about the professional risks associated with consensual amorous and/or sexual relationships in which a power differential between the parties exists.

It is not the District’s desire to discourage friendship among employees; however, consensual amorous and/or sexual relationships may at some point lead to complications and significant difficulties for all concerned – the employee, the supervisor, and the school district. Therefore, consenting amorous and/or sexual relationships between supervisors and their subordinates are forbidden.

The District recognizes that it cannot regulate such personal decisions but views them as reason for concern for the following reasons:

Abuse of Power

Individuals entering into consensual amorous and/or sexual relationships involving a power differential must recognize that (i) the reasons for entering such a relationship may be a function of the power differential; (ii) where power differentials exist, even in seemingly consensual relationships, consent is typically **not** a defense if a complaint of sexual harassment or retaliation is brought; and (iii) the individual in the relationship with greater power will bear the burden of accountability.

Conflict of Interest

Conflicts of interest, either actual or perceived, may arise in connection with consensual amorous and/or sexual relationships between supervisors and subordinates possibly leading to actual or perceived favoritism and/or sexual harassment. Similarly, conflicts of interest, either actual or perceived, may arise when a supervisor supervises a close relative. A close relative may work in the

same building or program as a supervisor, but a close relative shall not supervise, review, discipline, or assess a close relative.

III. Reporting Requirement

Whenever a power differential or a conflict of interest exists, or may exist, in the context of a consensual amorous and/or sexual relationship, the individual with the power or status advantage is obligated to promptly disclose the existence of the relationship to his/her immediate supervisor or to the Director of Personnel. The subordinate may make the disclosure as well but is not required to do so.

Employees who may in the future be required to directly or indirectly supervise an employee for whom they had a previous relationship as described herein, and believes it may not be in his/her or the District's best interest, shall immediately notify the Director of Personnel. The subordinate may make the disclosure as well but is not required to do so.

This policy shall apply without regard to the gender and/or sexual orientation of the employees in a relationship of the kind described herein. Employees who are legally married, or united by civil union, prior to the implementation of this policy do not need to report on their current marriage or union.

IV. Actions, Consequences of Non-Compliance and/or Failure to Cooperate

Individuals with the power status advantage involved in a consensual amorous and/or sexual relationship or a conflict of interest who fail to report such a relationship as stipulated in "Reporting Requirement" shall be subject to disciplinary action.

Employees who enter into a consensual amorous and/or sexual relationship with a subordinate must realize that if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to prove immunity on grounds of mutual consent where a power differential exists.

Employees who are subjects of sexual harassment complaints should expect any investigation, in general, to be unsympathetic to a defense based upon consent when the facts establish that a professional power differential relationship did exist between the two parties.

The Superintendent and/or his/her designee shall re-assign one and/or both of the employees in an existing relationship or a conflict of interest to eliminate or mitigate a situation whose consequences might prove detrimental to the District or to either party in the relationship.

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