Portland State’s Consensual Relationship Policy
Frequently Asked Questions (FAQs)

The complete Consensual Relationship policy is available at [link].

1. **Who does the Consensual Relationship Policy apply to?**
   - The policy applies to all students.
   - The policy also applies to all employees including student employees, faculty of every rank, academic professionals, staff, and administrators.

2. **What is a consensual relationship?**
   Consensual relationships covered by the policy have the following characteristics:
   - They are intimate, romantic or sexual in nature.
   - They are legal within the state of Oregon.
   - Both parties are willing participants.
   - One person has an unequal position of power.

3. **What if the relationship just started or I do not consider it “serious”?**
   A consensual relationship may exist even if one or both partners consider it casual, temporary, or episodic. The policy applies to even a single intimate, sexual, or romantic encounter.

4. **What is a “power differential”?**
   A power differential exists when one person in the relationship is more powerful than another, has the potential to be more powerful than another, or is perceived to be more powerful than another. This imbalance can manifest itself in many different ways. It could affect the less powerful person’s student programs or activities, terms of employment, or access to resources.

5. **How does a “power differential” create a conflict of interest?**
   The more powerful person in a relationship may not be objective in how he or she exercises power, because of the relationship. He or she may treat the other person in the relationship more favorably, or less favorably, or may be perceived to treat the other person more or less favorably than other similarly situated individuals. Different treatment may occur without a conscious decision because the relationship itself makes objectivity difficult.

6. **When does a power differential exist?**
   Although it’s not possible to list all the ways in which a power differential could arise, the following are some examples:
   - A department chair and a departmental faculty member;
   - A tenured faculty member and a tenure-track or fixed-term faculty member in the same department;
• A tenured faculty member and a tenure-track or fixed-term faculty member in different departments where the tenured faculty member sits on the untenured faculty member’s Promotion & Tenure Committee;
• A resident assistant and a resident;
• An advisor and an advisee;
• A teaching/graduate assistant and a student;
• A supervisor and a supervisee;
• A physician/dentist and a nurse/hygienist/assistant;
• A coach/trainer and a student athlete;
• A mentor and a mentee; and
• A student employee who supervises another student employee (including providing work assignments).

7. Does the policy apply if I do not “directly” supervise the other person?
Yes. The policy applies to all consensual relationships, whether or not you supervise the person directly. For example, indirect supervisors can still assign work or project assignments/projects to the other person (e.g., a student employee who indirectly supervises another student employee by giving him or her work projects), or have oversight over the other person (e.g., a doctor who indirectly supervises a nurse).

8. When must I disclose a consensual relationship?
You should report immediately and definitely before the more powerful person makes any education- or employment-related decisions that affect the less powerful person.

9. I am the more powerful person in a consensual relationship. What must I do?
You must immediately disclose the relationship to your supervisor and the Office of Human Resources and work with your supervisor to eliminate the conflict of interest.

10. I am the less powerful person in a consensual relationship. What must I do?
You must immediately disclose the relationship to the supervisor of the person in the more powerful position and the Office of Human Resources. However, because of her/his position of power and responsibility, the more powerful person has the primary responsibility for reporting the consensual relationship.

11. Must I disclose a consensual relationship that occurred in the past?
Consider if this past relationship will create an actual, potential, or perceived conflict of interest. If it will, then you must disclose the relationship.
Possible examples of this situation include:

- you will now be supervising in a new department where one of the employees is someone who you previously dated, or
- you dated a student who was not in one of your classes, but now there is a possibility you will be assigned to her/his dissertation committee.

12. **I am a supervisor. What must I do if my employee discloses a Consensual Relationship?**

You must share the information promptly with your supervisor and the Associate Vice President for Human Resources.

13. **What kinds of arrangements will the University make regarding a consensual relationship?**

What is necessary depends on the individual situation, but some common arrangements include:

- Transferring supervision of the less powerful person to another supervisor or faculty member;
- Asking someone else to make decisions that affect the less powerful person, such as placing a different faculty member on a student’s dissertation committee.

14. **What will happen if I don’t report my consensual relationship?**

Failure to report could lead to disciplinary action, up to and including dismissal of employees or expulsion of students.

A more powerful person who fails to comply with this policy could be considered to have acted with “malfeasance in office or willful or wanton neglect of duty.” In that case, that person would not be entitled to defense or indemnification by Portland State in legal claims regarding the relationship.

15. **Can the University guarantee confidentiality of the information I report?**

No, because of the arrangements necessary to remove the conflict. However, the University will only disclose as much information as necessary to address the conflict of interest.

16. **Can I be retaliated against for making a report?**

The Consensual Relationship Policy prohibits retaliation against anyone who discloses a consensual relationship or reports a violation of the policy. The University will investigate retaliation complaints promptly.

17. **Does this policy address non-consensual relationships?**

No. The Prohibited Discrimination and Harassment Policy addresses non-consensual relationships, including sexual harassment, stalking, intimidation, violence, and/or discrimination (among other things).
18. What if I still have questions? Who can I contact?

- The Vice Provost Academic Personnel and Leadership Development
  Office of Academic Affairs
  Market Center Building (MCB)
  1600 SW 4th Ave, Suite 650
  Telephone: 503-725-3419

- The Associate Vice President for Human Resources
  Office of Human Resources
  Market Center Building (MCB)
  1600 SW 4th Ave, Suite 518
  Telephone: 503-725-2944

- The Executive Director of Global Diversity & Inclusion
  Office of Global Diversity & Inclusion
  Market Center Building (MCB)
  1600 SW 4th Ave, Suite 830
  Telephone: 503-725-4453