

POLICY #5.63

SUBJECT: Restrictions on Faculty/Staff Relationships with Subordinate Employees and Students

I. PURPOSE

This Policy defines and restricts amorous relationships between employees and their subordinate employees and students. The University implements this Policy in compliance with the *Utah Governmental Immunity Act* and USHE R842 on the same topic.

II. REFERENCES

- A. Southern Utah University [Policy 5.18 Nepotism](#)
- B. Southern Utah University [Policy 5.27 Non-Discrimination / Anti-Harassment](#)
- C. Southern Utah University [Policy 5.60 Sexual Misconduct](#)
- D. Utah Code [§ 63G-7-301 Utah Governmental Immunity Act – Waivers of immunity](#)
- E. Utah Code [§ 76-5-404.1 Offenses Against the Person – Sexual abuse of a minor](#)
- F. Utah System of Higher Education [Policy R842 Restrictions on Faculty/Staff Relationships with Students](#)

III. DEFINITIONS

- A. Educational Opportunities: A student's admission to the University or programs within the University; receipt of financial aid; assessment of academic performance; placement in academic opportunities such as internships, assistantships; and graduation.
- B. Sexual Conduct: Any sexual relationship or sharing any sexually explicit or lewd communication, image, or photograph. 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 or as pedagogical requirements for specific classes such as health, science, art, behavioral science, etc.

- C. Special Trust Employee: A University employee who by reason of their employment position is able to:
 - 1. Exercise undue influence over a student and adversely impact that student's Educational Opportunities or attempting to enroll or enrolled at the University (see below, Subordinate Students), or
 - 2. Has authority or control over another employee's duties, performance or working conditions and could adversely impact the employee's work conditions or duties (see below, Subordinate Employees).
 - D. Subordinate Employees: Employees whose job duties, performance, or working conditions are under the authority or control of a Special Trust Employee and could be adversely impacted by the actions or conduct of the Special Trust Employee.
 - E. Subordinate Students: University students or applicants whose Educational Opportunities could be adversely impacted by a Special Trust Employee.
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IV. POLICY

- A. This Policy applies to all employees of the University.
- B. Special Trust Employees shall not engage in Sexual Conduct with Subordinate Students or Subordinate Employees. The purpose of this restriction is to prohibit the abuse of power by Special Trust Employees and the exploitation of Subordinate Students or Employees.
- C. All Special Trust Employees engaging or intending to engage in Sexual Conduct with a Subordinate Student or Employee shall immediately disclose the relationship to their direct supervisors. Failure to do so will result in disciplinary action, up to and including termination.
 - 1. Where a Special Trust Employee is a relative or a household member of the Subordinate Employee or Student, as defined in SUU [Policy 5.18](#), the provisions of SUU [Policy 5.18](#) will control.
- D. Supervisors who receive such reports or who otherwise become aware of such relationships may consult with Human Resources, and work with the relevant parties to remove the subordinate relationship. If the subordinate relationship cannot be removed or otherwise appropriately managed, and the Special Trust Employee also does not end and/or refuse to engage in the Sexual Conduct with the Subordinate Employee or Student, the Special Trust Employee shall be subject to discipline, up to and including termination.
- E. Any violation of this Policy is separate and distinct from violations under SUU [Policies 5.27](#) and [5.60](#). To learn more about those standards and requirements

and/or to report sex discrimination or sexual harassment, please see SUU [Policies 5.27](#) and [5.60](#).

- F. Violations of this Policy are subject to disciplinary action, up to and including termination.

V. RELEVANT FORMS/LINKS

N/A

VI. QUESTIONS/RESPONSIBLE OFFICE

The responsible office for this Policy is the [Vice President for Finance](#). Questions about this Policy should be directed to supervisors or [Human Resources](#), as applicable.

VII. POLICY ADOPTION AND AMENDMENT DATES

Date Approved: October 18, 2021 [temporary authorization]; January 21, 2022 [full authorization]

Amended: N/A