

# SOUTHWESTERN

## LAW SCHOOL Los Angeles, CA

### Intimate and Familial Relationships Policy

**Administrative policy approved August 24, 2023. Effective immediately.**

**Revision history:** Administrative review and substantive edits performed in August 2023; edits made in September 2024.

**Previous title:** Policy Statement on Consensual Relationships

**Related policies:** Sexual Misconduct Policy; Policy to Prevent Discrimination, Harassment, and Retaliation

**Scheduled review date:** May 2025

#### **A. Intimate Relationships at Southwestern**

Southwestern prohibits intimate relationships where one individual has direct supervisory or evaluative authority over the other individual. In addition, Southwestern prohibits all intimate relationships between a faculty member (whether full-time, visiting, adjunct, or if still teaching, emeritus) and a student who is currently enrolled in a course taught by the faculty member. Southwestern, through the Human Resources Office, reserves the right to develop a conflict management plan for an intimate relationship that is not prohibited under this policy but may raise a conflict-of-interest concern.

**“Intimate relationship”** means any consenting relationship of a sexual, amorous, dating, or romantic nature. A relationship's nature, not the duration, determines whether it is an intimate relationship.

**“Supervisory or evaluative authority”** means the power to control or influence another person’s employment, academic advancement, or co-curricular or extracurricular participation, including but not limited to hiring, work conditions, compensation, promotion, discipline, termination or discharge, admission, grades, assignments, supervision of research, recommendations, or participating in co-curricular or extracurricular programs.

**B. Relationships between Currently Enrolled Students and Employees or Coaches**

Faculty members are prohibited from entering into an intimate relationship with a student who is currently enrolled in a course taught by the faculty member. Staff members or coaches are prohibited from entering into an intimate relationship with a currently enrolled student over whom they have supervisory or evaluative authority or with whom they have been assigned to work. The institutional power imbalance in such relationships can lead to perceived or actual conflicts of interest, abuses of authority, biased treatment, or favoritism. These potential issues can damage the learning and work environment and distract from student and employee growth and well-being.

**C. Relationships between Currently Enrolled Students and Teaching Assistants, Dean's Fellows, and Peer Mentors**

Southwestern prohibits a Teaching Assistant, Dean's Fellow, or Peer Mentor from entering an intimate relationship with a currently enrolled student over whom they have supervisory or evaluative authority or with whom they have been assigned to work. This prohibition extends to other students who have a supervisory or evaluative relationship over another currently enrolled student; examples include students who are assigned to coach an advocacy or Honors Program team and board members of Honors Programs (e.g., Moot Court, Negotiation Honors, Law Review, Law Journal, TAHP).

If an intimate relationship exists before the individuals are assigned to work together, the person with supervisory or evaluative authority must immediately disclose the relationship to the Associate Dean for Student Services and request reassignment.

Violating this provision will result in immediate dismissal of the Teaching Assistant, Dean's Fellow, or Peer Mentor from their current and all other similar positions for at least one academic year. Southwestern may also impose other consequences described in Section I.

**D. Relationships Involving Supervisory or Evaluative Authority**

Faculty and staff are prohibited from entering into an intimate relationship with any other Southwestern employee over whom they have direct supervisory or evaluative authority. Individuals in supervisory or evaluative roles can affect the academic and employment careers of those in subordinate positions and can have access to sensitive information. Relationships between individuals with supervisory or evaluative authority and employees in a subordinate role can lead to perceived or actual conflicts of interest, abuses of authority, biased treatment, or favoritism.

**E. Intimate Relationships and Harassment**

An intimate relationship that was initially consensual does not insulate either individual from a claim of harassment or sexual misconduct, nor does it guarantee that the relationship will remain consensual. Southwestern's procedures regarding harassment

and sexual misconduct are discussed in the [Sexual Misconduct Policy](#) and the [Policy to Prevent Discrimination, Harassment, and Retaliation](#).

#### **F. Familial Relationships**

The potential for a conflict or perceived conflict exists when an employee has supervisory or evaluative authority over a relative. A "relative" includes an employee's spouse, partner, child, grandchild, or other person connected to the employee by blood, adoption, or legal guardianship. The employee must actively seek to avoid situations in which a perceived or actual conflict may exist involving a relative. When an employee's relative becomes an employee at Southwestern, the current employee must disclose that fact to Human Resources as soon as possible.

An employee may not have supervisory or evaluative authority over a relative. An employee is also prohibited from seeking or attempting to influence a relative's job or academic advancement, directly or indirectly. Southwestern reserves the right to adjust an employee's assignment or job duties to negate or minimize potential, actual, or perceived conflict issues.

A student whose relative is a faculty member cannot enroll in that faculty member's course or seek any special advantage or privilege based upon that relationship. Southwestern reserves the right to develop a conflict management plan if a student wishes to join an honors program that the faculty member directs or coaches. Southwestern may change a student's class schedule or preclude a student's participation in any program or activity in which Southwestern cannot avoid an actual or perceived conflict.

#### **G. Developing Conflict Management Plans**

Where a familial relationship or prohibited intimate relationship exists, including relationships that pre-date this policy, Southwestern may develop a written plan to avoid or minimize potential conflicts of interest. Southwestern may periodically review and update conflict management plans according to the unique circumstances of each case.

#### **H. Disclosure Requirement**

When a prohibited intimate or familial relationship exists either before or after the effective date of this Policy, the individual with supervisory or evaluative authority is required to disclose the relationship to the Dean's Office (faculty), the Administrative Services Office (staff), or the Student Services Office (students). Failing to report the relationship may constitute a separate basis for discipline. The individual with supervisory authority must cooperate with the designated office in developing and implementing a written plan to avoid or minimize any conflict of interest resulting from the intimate or familial relationship. Southwestern recommends disclosure of intimate relationships that are not prohibited under this policy to manage actual or perceived bias or conflicts of interest.

When a prohibited intimate or familial relationship involves a faculty member, the faculty member must disclose the relationship to the Dean's Office, and Southwestern reserves the right to make the changes described in Section F above to avoid an actual or perceived conflict.

To avoid doubt, in addition to required disclosure by the individual with supervisory or evaluative authority or the faculty member, the other individual involved in the intimate or familial relationship may choose to disclose the existence of the relationship.

**I. Consequences of Violating This Policy**

If any individual violates the terms of this policy, Southwestern may take disciplinary action in accordance with procedures outlined in relevant handbooks, policies, or contracts. Any disciplinary action will be commensurate with the nature of the violation and will consider factors and circumstances relevant to the specific case. Disciplinary action for violations of this policy can include but are not limited to, written warnings, loss of privileges, change of course schedule, adjustment to the organizational reporting structure, mandatory training or counseling, probation, suspension, demotion, exclusion, expulsion, discharge, and termination of employment, including revocation of tenure and long-term contracts.

Southwestern reserves the right to take disciplinary action instead of, or in addition to, developing a conflict management plan.

**J. Confidentiality**

Information disclosed in compliance with this policy will be regarded as confidential and only disclosed in accordance with applicable law.

**K. Policy Revisions**

Southwestern expressly reserves the right to change or modify any aspect of this policy at any time, with or without notice.