



Ohio Administrative Code

Rule 3339-3-28 Consensual amorous relationships.

Effective: November 1, 2021

(A) What is prohibited

Subject to the limited exceptions outlined here, all Miami faculty members are prohibited from pursuing or engaging in an amorous relationship with any Miami undergraduate students.

Miami graduate assistants are prohibited from pursuing or engaging in an amorous relationship with any Miami undergraduate student enrolled in their courses or over whom they have other University responsibility or authority, wherein the graduate assistant has the power or authority to alter or influence the conditions of the student's participation in the university's educational programs or activities. This specifically includes supervision in a lab or tutoring site.

Staff are prohibited from pursuing or engaging in an amorous relationship with any Miami graduate or undergraduate student over whom they have university supervisory responsibility or authority, wherein the staff member has the power or authority to alter or influence the conditions of the student's participation in the university's educational programs or activities. This specifically includes student employment, coaching, athletic training, and advisors to student organizations.

"Pursuit" means seeking a date or romantic relationship, making romantic or sexual comments to a student that a reasonable person would perceive as having intent toward such a relationship, or to seek out an amorous personal relationship. Mere presence or activity on an online dating application is not evidence of pursuit of amorous relationships prohibited under this policy.

"Student" refers to persons who have been admitted to the university (beginning at their orientation) and continuing during academic terms for which they are enrolled, and during breaks between academic periods including university holidays and vacations, and during periods of suspension. A person is no longer deemed a student when they have completed their degree program and graduated, are not seeking re-enrollment, or following one semester of having not been enrolled.



Relationships in violation of this policy should not be pursued or engaged in while the student is enrolled or the faculty or staff member is employed by Miami university.

Note that sexual harassment is covered by a different policy-the Sexual Misconduct Protocol-and is defined as unwelcome conduct on the basis of sex, including gender, gender identity, or expression, or sexual orientation, that is sufficiently severe and pervasive to adversely impact a term or condition of a person's ability to participate in the university's educational programs or activities. Sexual harassment includes conduct that unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive working learning, or living environment.

(B) Exceptions

Relationships that exist prior to employment or enrollment at Miami will generally be exempted from this Rule. This includes Miami employees whose partners enroll in classes at Miami.

(C) Process for reporting exceptions and violations and enforcing consequences

(1) Requesting and reporting exceptions

Relationships that exist prior to employment or enrollment at Miami should be reported by the employee when employment or enrollment begins and on the required ethics questionnaire. When partners of Miami employees enroll in classes, this should be reported via the required ethics questionnaire.

If an employee begins a relationship that is allowed by the above policy (for example, a faculty member begins dating a graduate student outside their department over whom they have no supervisory responsibility) or is already in such an allowable relationship, they should report the relationship to their supervisor and the appropriate personnel office to ensure any conflicts in reporting or supervision can be addressed. These relationships, barring any unusual conflicts, will be exempted from this policy.

When existing or developing and allowable relationships are reported, a central purpose of the reporting is to ensure that no immediate conflicts exist or come to exist in teaching or other



supervisory roles.

Employees should be aware for their own protection that what appears at the time to be consensual behavior may later be perceived by one of the parties to be sexual harassment. Thus, those disclosing pre-existing or allowable amorous relationships should be aware that disclosing a relationship does not change the power differential or protect from future accusations of sexual harassment or misconduct. In the event of a charge of sexual harassment arising from such circumstances, the university will in general be unsympathetic to a defense based upon consent when the facts establish that a faculty-student or staff-student power differential existed within the relationship.

(2) Reporting potential violations of this Rule

Anyone seeking to report a violation of this Rule may make an anonymous ethicspoint report, contact human resources or academic personnel services, use the office of equity and equal opportunity incident reporting form, and/or contact a supervisor such as the department chair or area supervisor of the person who is believed to have violated this Rule.

All reports will initially be reviewed by the office of equity and equal opportunity to ensure that reported actions do not violate sexual misconduct policies. Sexual harassment or sexual misconduct will be handled as the policies and laws governing such violations dictate. If the sexual misconduct policies do not apply, the matter will be referred to the employee's department chair, dean, or supervisor.

Actions that violate this Rule will be treated in the first instance as an opportunity for education, following the existing guidelines for disciplinary action for each category of employee, as linked below. Note that for faculty members, chairs are charged with initially advising their faculty regarding policy violations; "If problems identified by the department chair are not resolved following one or more personal meetings, and/or written communications, then the chair may issue a written summary, which will be placed in the faculty member's personnel file, along with any response from the faculty member." In combination with the first-line education described above, the policies linked below constitute, in effect, progressive disciplinary procedures intended to curtail the behavior and protect all involved.