

System-Wide SUNY Policy Will Require All SUNY Campuses to Develop a Sexual and Romantic Relationship Policy by March 1, 2019

On October 9, 2018, the State University of New York (“SUNY”) Board of Trustees adopted a new resolution imposing new policy requirements with regard to consensual or amorous relationships among faculty, staff, and students. The new SUNY policy requirements come in light of the [recent New York State sexual harassment prevention policy and training requirements and guidelines](#). This system-wide policy now requires that all SUNY campuses develop and disseminate a “Sexual and Romantic Relationship Policy” to their respective campus communities on or before March 1, 2019. The new policy requirements apply to all SUNY campuses, including all state-operated campuses, statutory colleges, and community colleges.

The policy must:

- Apply to all faculty, students, and staff (campuses shall further define whether students who are also employees are categorized for purposes of the policy as a student or staff member);
- Prohibit any sexual or romantic relationships between faculty or staff members and students if there is an existing supervisory, evaluative, or instructional relationship, unless the relationship is disclosed and the supervision, evaluation, or instruction is terminated in accordance with the policy;
- Require that when there is a sexual or romantic relationship between faculty or staff members, where there is a supervisory or reporting relationship between the participants, that each employee inform an appropriate campus entity (which may be a supervisor, or the Director of Human Resources or equivalent, or, at the campus’ option, the Title IX Officer or Coordinator) of such relationship;
- Require that for sexual or romantic relationships in the workforce (including for student teaching assistants or graduate student teachers), alternative supervisory roles be created to ensure that supervisors in a consensual romantic or sexual relationship with an employee are removed from any evaluation of the employee, and from any activity or decision that may appear to reward, penalize, or otherwise affect the employment status of the employee;
- Make allowances for pre-existing relationships or marriages provided that the relationship is reported as required herein, and that alternative supervisory relationships are established; and
- Require that discipline be imposed for any individual failing to follow the terms of the policy, up to and including termination.

A copy of the SUNY policy memorandum can be found [here](#), and the SUNY Board of Trustees Resolution can be found [here](#).

If you have any questions about this Information Memo, please contact [Stephanie H. Fedorka](#), [Theresa E. Rusnak](#), any of the [attorneys](#) in our [Labor and Employment Law Practice](#), or the attorney in the firm with whom you are regularly in contact.



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