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Q: What are the elements of a "professional conduct" policy that address inappropriate staff relationships?

Professional conduct policies are in addition to the organization's or institution's ethics or conflict of interest policy. A professional conduct policy usually addresses sexual harassment, offensive behavior, and inappropriate relationships.

At institutions or organizations that are recipients of federal funds, such conduct is prohibited by Title IX of the Education Amendments of 1972, with a detailed advisory covering the school/organization's obligations available online from the Office of Civil Rights of the Department of Education. Athletics programs are particularly susceptible to policy transgressions. A "must read" for every athletics director is the Hogshead-Makar/Steinbach Marquette Law Review article on this topic, which pays particular attention to the avoidance of such claims. A lawyer or human resources professional should review the content of the policy.

Examples of such policy elements are:

Sexual Harassment. The [name of school/organization] will not tolerate physical or verbal conduct that acts to create a hostile work or program environment, nor will it tolerate sexual harassment of any employee, student, participant or member by a supervisor, fellow employee(s), or by any third party individuals on the school/organization's premises or at sites of events or programs. Under Title VII of the Civil Rights Act and Title IX of the Education Amendments Act of 1972, sexual harassment is illegal sex discrimination. Prohibited acts are sexually abusive jokes, sexually graphic literature, horseplay with sexual overtones, sexual advances, or demands for sexual favors for advancement reasons other than acts that could be construed as harassment.

- **Organizational Climate**. The [CEO/athletics director/executive director), in consultation with the head of Human Resources, shall be responsible for the development and implementation of policies regarding harassment and the creation of an organizational climate in which all individuals feel free to report such incidents.
- **Reporting Harassment**. If any employee, student, participant or member feels he/she is a victim of any form of harassment, that individual must file a signed, written complaint with the [title of

designated employee]. Note: Harassment of any employee, student, participant or member by a third party should not be tolerated. If such individual is subjected to any type of harassment while working on or off the premises that individual should immediately report this to his/her supervisor. This communication may be done verbally, but it must be followed up in writing listing all pertinent details.

- **Investigating Harassment**. All complaints shall be promptly investigated and appropriate action taken to prevent reoccurrence.
- **Confidentiality/Retribution**. All complaints will be treated with confidentiality. No punitive action will be taken against any employee, student, participant or member who files a complaint.
- **Disciplinary Action**. Violations of this policy may lead to discipline up to and including termination.

Offensive Behavior. Behavior that is offensive, intimidating or abusive in nature, especially behavior that relates to such things as an individual's race, color, sex, disability, religion, national origin or sexual orientation are prohibited. These prohibited acts include racially or ethnically degrading statements, sexual advances and proposals or the threat that a refusal of sexual proposals will adversely affect employment or the status of a student, participant or member.

- [insert same subsections as above with regard to Organizational Climate, Reporting, Investigating, Confidentiality/Retribution and Disciplinary Action]

Inappropriate Relationships. Romantic and/or sexual relationships between supervisors and staff members, employees and students, participants or members working or participating in programs under the employee's control compromise the professional integrity of the individuals and the school/organization and are prohibited. Such compromising actions impair the future capacity of its victims to pursue employment, participation and leadership roles. The [name of school/organization] views such relationships between supervisors and fellow employees to be unethical and an abuse of professional status. Specifically, supervisors are prohibited from having romantic and/or sexual intimate, relationships with employees or interns that are working in their immediate area of responsibility. Additionally, all members of the school/organizations's senior management staff, who have decision-making control over all employees, are prohibited from having sexual/ and/or romantic relationships with any school/organization employee, including fellow senior staff or interns.

- [insert same subsections as above with regard to Organizational Climate, Reporting, Investigating, Confidentiality/Retribution and Disciplinary Action]

Several good examples of policies accessible for free online are:

- University of Colorado System Sexual Harassment Policy
- Women's Sports Foundation Position Paper and Policy
- University of Alabama Sexual Harassment Policy
- Massachusetts Commission Against Discrimination Model Policy

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Topics

Staff Building / Diversity

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