Athletics Department on Amorous Relationships Policy

Accommodations for individuals with disabilities in accessing these policies are available upon request by emailing accessiblepolicy@wcupa.edu

Purpose and Scope

The purposes of this policy are: (1) to provide a safe and healthy environment for student-athletes so that they may reach their full potential as students and as athletes; and (2) to ensure that all coaches and other athletics department staff adhere to ethical practices and do not develop inappropriate relationships with student-athletes, regardless of their age or consent.

Policy Statement and Framework:

Coaches: This policy strictly prohibits amorous relationships between any coach and any student-athlete. Every coach has an ethical obligation to maintain a professional relationship with student-athletes and to place the well-being of student-athletes ahead of the coach’s personal interests. This responsibility includes the duty to provide a safe and healthy environment for the student-athlete to flourish, and to serve as a role model within the confines of a professional relationship. As a result, no amorous relationship between a coach and a student-athlete -regardless of the perception of consent by one or both participants- can exist without jeopardizing the professionalism of the coach-athlete relationship and creating a significant conflict of interest. The respect and trust the student-athlete places in a coach, and the vulnerability of the student athlete in that relationship, make "consent" unreliable in this setting. Conflicts of interest are endemic to amorous relationships between coaches and student-athletes, and the costs to the athlete, the team, the athletics program, and the university, necessitate a strict prohibition on amorous relationships between coaches and student-athletes.
Even when the coach has no direct professional responsibility for that student-athlete, other student-athletes may perceive that the student-athlete who has a sexual relationship with a coach may receive preferential treatment from the coach or the coach’s colleagues. Such relationships are incompatible with the ethical obligations of the coach and the integrity of the athletics program. Accordingly, this prohibition applies to relationships between all coaches and all student-athletes in the intercollegiate athletics program.

With respect to a coach and a student-athlete on that coach’s team, the prohibition on amorous relationships shall remain in effect for two full years after the end of the final academic year in which the student-athlete was a participant on the team. With respect to a coach and a student-athlete not on that coach’s team, the prohibition on amorous relationships shall remain in effect while that student-athlete is a participant in the intercollegiate athletics program.

Other (Non-Coaching) Staff: Amorous relationships between student-athletes and non-coaching staff are problematic when the staff member has supervisory control or authority over that student-athlete. For that reason, any amorous relationship between a student-athlete and a staff member with supervisory control of authority over that student-athlete must be disclosed to the assistant athletic director for program compliance and the athletics director. (If the relationship involves either of those persons, it must be disclosed to the director of the university social equity office and the vice-president for student affairs.) Once the relationship is disclosed, the staff member must be recused, and their responsibility reassigned so that he or she no longer has supervisory control or authority over that student-athlete. Care must be taken to ensure that the recusal and reassignment of responsibility does not negatively affect the student-athlete’s participation or benefits in the athletics or educational programs of the university.
Procedures

Reporting a Violation: Any person may allege a violation of this policy by contacting the assistant athletics director for program compliance or any other senior athletics department staff or, if the person does not feel comfortable making the report to a person within the athletics department, to the director of the university social equity office and/or vice-president for student affairs. Any person receiving such a report must immediately notify the Athletics director. Any coach or staff member with information suggesting a possible violation of the policy must promptly report it to the Athletics director, and the failure to do so will be considered a violation of athletics department policy. (If the report or information implicates the Athletics director in a violation of the policy, it should be directed to the director of the university social equity office and/or vice-president for student affairs instead.)

Investigation: Upon receiving such a report or information, the Athletics director shall immediately notify the director of the university social equity office. Once on notice of a report or information of a possible violation of the policy, the director of the university social equity office shall promptly appoint an investigator outside of the athletics department to conduct a prompt and fair investigation into whether the policy was violated. Such investigation shall include interviews with any coaches, staff, and student-athletes with relevant information, and shall provide any coach or staff member accused of violating the policy with an opportunity to respond to the allegations. In investigating a possible violation of the policy, the standard of proof to be used is whether it is more likely than not that the policy was violated (a “preponderance of the evidence” standard, not the higher standard of proof used in criminal proceedings, “beyond a reasonable doubt”). Using this standard, the investigation will result in a determination of whether the policy was violated.

Coordination of Information Relating to Violations of Other University Policy and/or Criminal Law: If the investigation leads to information suggesting that sexual
harassment may have occurred, it shall be promptly forwarded to the appropriate university officials responsible for enforcing the university sexual harassment policy. If the investigation leads to information suggesting potential criminal conduct, it shall be immediately forwarded to university general counsel, who will determine, consistent with state and local law, whether to notify appropriate law enforcement officials. However, the enforcement of this policy shall not be delayed pending the results of a criminal investigation.

**Disciplinary Action:** If an investigation determines that a coach or staff member has violated the policy, that coach or staff member shall be subject to disciplinary action, up to and including dismissal. The Athletics director, in consultation with the director of social equity, shall determine the disciplinary action to be imposed. Any disciplinary action shall be taken in accordance the applicable university policy.

**Confidentiality:** Complaints, reports and information relating to possible violations of this policy shall be handled as confidentially as possible without jeopardizing the enforcement of the policy, and the ability to conduct a fair investigation, or the safety of student-athletes and other persons connected with the athletics program. Information received in connection with a suspected violation of the policy shall be disseminated only on a "need to know" basis; that is, only when necessary to ensure compliance with the policy and/or to ensure the safety of student-athletes or others who come in contact with the athletics program.

**Retaliation:** Any retaliation for reporting a violation of this policy, or for participating in good faith in any investigation of a violation of this policy, is strictly prohibited. Any persons taking retaliatory action in violation of this policy shall themselves be subject to discipline, up to and including dismissal.

**Definitions**
Coach: Any person serving as a head coach, assistant coach, graduate assistant coach, coaching intern, or volunteer coach in the athletics department.

Staff: Any employee or student serving in the athletics department in an administrative, management, or support capacity, or in any capacity in which they supervise student-athletes or have responsibility for the provision of services or other benefits to student-athletes.

Supervisory control or authority: this includes any responsibility with the potential to affect the student-athlete's participation in the athletics program and includes the provision of direct services and benefits to the student-athlete, such as: training, health services, academic and student life program support, tutoring, counseling, eligibility determinations, program compliance, and control over the student-athlete's team.

Student-Athlete: Any student of the university who is a member of a varsity athletics team as defined by university and NCAA regulations.

Amorous Relationship: Any sexual, romantic, or dating relationship.

Reviewed by: WCU Head Coaches, Athletic Advisory Board

Policy Owner: WCU Faculty Representative

Approved by:
Effective Date: November 16, 2015

Next Review Date: Currently Under Review in response to newly executed Board of Governors Policy 2020-02: Amorous Relationships

History:
Initial Approval: November 16, 2015