

Policy EI-PO6

Consensual Relationships

Contents

- I. Title
 - II. Policy
 - III. Definitions
 - IV. Relevant Federal and State Statutes
 - V. Relevant UT System Policies, Procedures and Forms
 - VI. Who Should Know
 - VII. UT Arlington Office(s) Responsible for Policy
 - VIII. Dates Approved or Amended
 - IX. Contact Information
-

I. **Title**

Consensual Relationships

II. **Policy**

A. **Policy Statement**

The University is committed to the principle that its personnel shall carry out their duties in an objective and ethical fashion and in an atmosphere in which conflicts of interest are avoided or identified and mitigated. The University recognizes that two consenting adults should be free to conduct a personal relationship if they so wish when these relationships do not interfere with the goals and policies of the University. Consensual relationships in which one party in a position of direct authority or indirect authority over another with whom he or she has a consensual relationship is considered to be a conflict of interest. Therefore, a consensual relationship between an instructor and a student or between a supervisor and a supervisee is prohibited unless the relationship has been disclosed and any conflict mitigated as described herein. Where mitigation is not possible a consensual relationship is prohibited.

Notwithstanding the above, consensual relationships between a coach/athletic staff and a student are strictly prohibited and may not be mitigated where the coach/athletic staff has direct or indirect authority over a student. Likewise, consensual relationships between senior administration, including deans, and students are strictly prohibited and may not be mitigated, regardless of direct or indirect authority.

All instructors and supervisors should understand that consensual relationships are of concern to the University and the UT System. It is the instructors and supervisors, who, by virtue of their authority and responsibility, will bear the burden of accountability in such cases. There are substantial risks in an apparently consensual relationship where authority over another exists, even if the conflict of interest issues are mitigated, involving potential charges of sexual harassment and/or violations of University policy. Such consensual relationships have the potential for very serious consequences and should be avoided, where possible.

Where such consensual relationships cannot be, or are not avoided, this Policy mandates the declaration to and intervention by a supervising authority, for the protection of both parties involved in the consensual relationship. Any instructor or supervisor who enters into such a relationship should be aware that liability protection under Texas statutes may not apply in subsequent actions arising out of consensual relationship situations, where the instructor or supervisor failed to comply with this Policy, and that failure to comply with this Policy can lead to disciplinary action up to and including dismissal.

B. Reporting Responsibility

In the event that a consensual relationship exists or begins to develop, the instructor or supervisor shall immediately notify his or her immediate supervisor of the relationship and cooperate with the supervisor in making the arrangements necessary to resolve the conflict of interest as required herein.

C. Immediate Supervisor Responsibility

A supervisor who is notified, or becomes aware of, a consensual relationship shall immediately notify the Vice President of Human Resources and in consultation therewith shall take immediate steps to mitigate the conditions that create the conflict of interest and/or the appearance of impropriety caused by the relationship.

The instructor or supervisor will not be allowed to have undirected responsibility for supervising, evaluating, or grading the consensual relationship partner's performance. This is due to the possibility of residual feelings resulting from the consensual relationship which could preclude impartiality.

D. Mitigation

Mitigation is accomplished by providing an alternative means for the supervision, teaching, advising, and/or evaluation of the subordinate employee, student or student-employee. Mitigation should be carried out in a manner that maintains the highest degree of confidentiality possible. Any mitigation steps should look first to the best interests of the student or subordinate employee. Mitigation should only be implemented when it does not cause harm to a student or subordinate employee. Any mitigation plan must be reduced to writing by the supervisor with overall supervisory responsibility for individuals involved and signed by both parties. It must be clear that the agreement is fully understood and agreed to by all parties. A copy of the mitigation plan will be maintained by the supervisor and the Office of Equal Opportunity Services.

E. Failure to Report or Cooperate

Supervisors or Instructors who enter into or persist in a consensual relationship without immediately reporting, or who fail to cooperate in efforts to eliminate the conflict of interest or appearance of impropriety they present, will be subject to disciplinary action, up to and including termination. In the event that a complaint of sexual harassment or sexual misconduct is brought by the subordinate party regarding an unreported relationship, there will be no presumption that the relationship was consensual in nature.

F. Grievance of Disciplinary Actions

Disciplinary actions imposed for violations of this policy may be grieved or appealed by the individual who is disciplined pursuant to existing University policies and procedures.

G. Campus Culture

To further develop and maintain a campus culture where Consensual Relationships are generally unacceptable and those violating this Policy will be held accountable, the University has adopted recommendations from the [December 12, 2013 Report of the UTS Task Force on Employee/Student Relationship](#). Under the guidance of the Vice President of Human Resources, the University will implement, or continue to implement, the following practices: 1) Develop a clear message regarding the general prohibition of consensual relationships and reinforce this message through campus media and the practices stated herein; 2) The Provost and the Vice President of Human Resources will appoint articulate and respected faculty members and staff who feel passionately about the institutional stance against inappropriate employee/student relationships and who can lead the University's effort to maintain this culture; 3) Campus leaders will meet early and often with faculty and student leadership groups to help these representatives understand the importance and priority of establishing a climate in which consensual relationships between employees and students are unacceptable; 4) Develop annual workshops or presentations for faculty members, employees, and students that enforce this Policy and campus culture; 5) Instruct students during orientation to reinforce (i) the student's responsibility in avoiding consensual relationships, and (ii) helping students understand the collateral damage that can result when such relationships occur.

H. Retaliation Prohibited

Retaliation of any kind against anyone for expressing concerns about a consensual relationship or for participating in any proceeding pursuant to this Policy is prohibited.

I. Nepotism and Non-Consensual Relationships

This policy is not intended to cover nepotism or non-consensual sexual relationships, both of which are covered in separate policies.

III. Definitions

Consensual Relationship: A relationship that is amorous, romantic or sexual in nature, legal within the state of Texas, in which both parties are consenting participants. Such consensual relationships include a single event.

Direct Authority: The authority vested in an individual as a result of his/her immediate position of power over another. Examples include, but are not limited to: supervisor - supervised employee; faculty - enrolled student; faculty committee member - student submitting thesis; faculty mentor - student mentee; coach - coached athlete; Dean - supervised faculty.

Indirect Authority: Authority derived from an informal or indirect relationship which allows for determinations or evaluations affecting the terms and conditions of employment or student status. Examples include, but are not limited to: a student majoring in a particular field who would still be indirectly under the control or influence of a senior professor or individual in the department or school; an employee in the same organizational unit who is under the indirect control of all more senior individuals in the department; a graduate teaching assistant and a non-supervising department faculty member.

Instructor: All full and part time faculty, and any other individual that teaches at the University, who may be a paid or volunteer employee of the University or of any University affiliated, supported or sanctioned program, including academic staff, administrative staff, lecturers, adjuncts, other instructional personnel and undergraduate or graduate students or teaching assistants with teaching, advising, mentoring, or tutorial responsibility, and who are partly or wholly responsible for advising, evaluating or grading students' performance.

Supervisor: Any person who has direct or indirect authority over an employee, or that affects the terms and conditions of employment of another employee.

Supervisee: Any person whose terms and conditions of employment are directly or indirectly controlled or affected by a supervisor.

IV. **Relevant Federal and State Statutes**

None.

V. **Relevant UT System Policies, Procedures and Forms**

[December 12, 2013, Report of the UTS Task Force on Employee/Student Relationships](#)

Sexual Harassment and Sexual Misconduct Policy ([Policy 5-513](#))

VI. **Who Should Know**

All faculty, staff and students at University of Texas Arlington

VII. **UT Arlington Office(s) Responsible for Policy**

Human Resources

VIII. **Dates Approved or Amended**

September 19, 2014

IX. Contact Information

All questions concerning this Policy should be directed to the Office of Human Resources.