

## Handbook of Operating Procedures

### CONSENSUAL RELATIONSHIPS

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#### A. Purpose

The University of Texas Rio Grande Valley (UTRGV) is committed to maintaining learning and work environments as free as possible from conflicts of interest and favoritism. UTRGV recognizes that two consenting adults should be free to conduct a personal relationship if they so wish when the relationship does not interfere with the goals and policies of UTRGV; however, some romantic, dating, or sexual relationships, although consensual, do create conflicts of interests. This policy addresses those consensual relationships.

#### B. Persons Affected

This policy applies to all UTRGV administrators, faculty, staff, and students. This policy is applicable regardless of the gender of the UTRGV employee with supervisory teaching, evaluation, or advisory authority or the gender of the employee, student, or student employee who is directly or indirectly supervised, taught, evaluated, or advised by the supervisory employee.

#### C. Definitions

1. Consensual Relationship – a romantic, dating, or sexual relationship agreed to by the parties involved.
2. Direct authority – The authority vested in an individual as a result of the individual's 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.
3. 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.
4. Management plan – A written plan developed as provided in this policy that mitigates the conflict and is acknowledged and signed by both parties.
5. Supervisor – A UTRGV faculty member or employee who has direct or indirect supervisory, teaching, evaluation or advisory authority over an employee or student.
6. Supervisee – Any person whose terms and conditions of employment or student status are directly or indirectly controlled or affected by a supervisor.

#### **D. Policy**

The following consensual relationships, even if a single event, are prohibited:

1. A consensual relationship between a supervisor (as defined in this policy and is defined as including faculty members) and supervisee regardless of whether the supervisory relationship is direct or indirect, unless the supervisor discloses the relationship in advance and a management plan is in effect; or
2. A consensual relationship between a coach or athletic staff and any student athlete or student assigned to or associated with the athletics department, such as interns and student employees, unless waived by the President or designee for good cause.

Retaliation of any kind against anyone for reporting a consensual relationship or for participating in any proceeding under this policy is prohibited.

#### **E. Procedures**

##### *1. Reporting Requirements*

- a. The supervisor must report a consensual relationship as described in Section D.1 to the Dean/Director level administrator, or if there is not such an administrator, the appropriate Vice President and the Chief Human Resources Officer. The supervisor must make the report before entering into the relationship or, if the relationship exists, with as much advance notice as possible before the supervisor accepts supervisory authority.
- b. The individuals receiving the report must immediately collaborate to attempt to manage the conflict of interest. If management of the conflict is not possible, the relationship is prohibited.

##### *2. Management Plan*

- a. If the conflict can be managed, Chief Human Resources Officer will provide a management plan to the supervisor within five (5) business days of the report unless there are reasonable grounds for additional time. A consensual relationship may not exist until the management plan is in effect.
- b. A management plan will:
  - i. provide an alternative means for the supervision, teaching, advising, evaluation of the supervisee or otherwise mitigate the conflict;
  - ii. give priority to the interest of the subordinate individual;
  - iii. be written;

- iv. be acknowledged and signed by the parties to the relationship; and
- v. be maintained by the Office of Human Resources.

3. *Reporting Alleged Violations*

- a. Violations of this policy should be reported to the Chief Human Resources Officer.
- b. An individual in a supervisory role over a supervisor who is notified of or becomes aware of an alleged violation of this policy must immediately report the information to the Chief Human Resources Officer.

4. *Investigation and Discipline*

- a. The matter will be investigated and if a policy violation occurred, UTRGV may take disciplinary action, up to and including termination or non-reappointment. If there is a complaint of sexual harassment about a relationship covered by this policy, and the relationship has not been disclosed and a management plan implemented, the burden shall be on the supervisor to explain the failure to comply with this policy and such failure will be a factor in determining whether the relationship was consensual and free of sexual harassment.
- b. Disciplinary action will be handled under UTRGV's policies for discipline and dismissal of faculty or employees depending on the supervisor's status.

5. *Campus Culture*

The Chief Human Resources Officer is responsible for the following:

- a. Disseminating this policy; developing annual workshops or presentations for faculty member, employees, and students that educate the campus community about this policy;
- b. In coordination with the Provost:
  - i. appointing respected faculty and staff members to promote the institutional stance against inappropriate employee/student relationships and to lead UTRGV's effort to maintain this culture;
  - ii. organizing meetings of campus administrators, faculty leadership and student leadership to discuss the importance of establishing a climate in which consensual relationships between employees and students are unacceptable;
  - iii. providing instruction to students during orientation to reinforce (a) the student's responsibility in avoiding consensual relationships, and (b) helping students understand the collateral damage that can result when such relationships occur.

6. *Counseling*

Confidential counseling services are available to employees through the Employee Assistance Program (800) 346-3549 and to students through the UTRGV Counseling and Psychological Services at University Center 109 in the Edinburg Campus, (956) 665-2574 or at Cortez Hall 237 in the Brownsville Campus, (956) 882-7641.

**F. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)**

University of Texas Systemwide Policy, UTS 184 Consensual Relationships

University of Texas System Regents' *Rules and Regulations*, Rule 30105

**G. Dates Reviewed or Amended**

Reviewed and amended (non-substantive: updated responsible executive) - May 2, 2022.