

# Appendix F: Policy on Consensual Relationships

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## I. Policy Statement

The University of Texas at Austin ("University") is committed to maintaining an academic community (including associated teaching, research, working and athletic environments) free from conflicts of interest, favoritism, and exploitation. This policy addresses romantic relationships and/or sexual interactions that, although consensual, may create actual and perceived conflicts of interests, and create the possibility for exploitation or favoritism.

Except as expressly permitted herein, this policy prohibits consensual relationships between:

- employees (including faculty) or University affiliates ("affiliates") and undergraduate students;
- employees (including faculty) or affiliates and any graduate student whom that individual teaches, manages, supervises, advises, or evaluates in any way;
- Intercollegiate Athletics coaches, affiliates, or athletics employees and student-athletes;
- student employees and any student whom that student employee teaches, manages, supervises, advises, or evaluates in any way; and
- employees (including faculty) and/or affiliates where one teaches, manages, supervises, advises, or evaluates the other in any way, unless the person in the position of greater authority or power notifies appropriate University offices and a mitigation plan (as defined below) is in place.

## II. Reason for Policy

The University recognizes that consenting individuals associated with the University should be free to enter into personal relationships of their choice. At the same time, such relationships must not put at risk the fundamental interest of every member of the University community to participate in University activities free from conflicts of interests, favoritism, and/or exploitation. Romantic relationships between certain categories of individuals affiliated with the University risks undermining the essential educational purpose of the University and can disrupt the workplace and learning environment.

## III. Scope and Audience

This policy applies to all University employees (including faculty), student employees, students, and affiliates. This policy is applicable regardless of the sex/gender of the individual with managerial, supervisory, teaching, evaluation, coaching or advisory authority, and/or the sex/gender of the individual who is managed, supervised, taught, coached, advised, or evaluated in any way.

## IV. Definitions (specific to this policy)

**Coach:** Any person serving in the capacity as an Intercollegiate Athletics head coach, associate head coach,

assistant coach, graduate assistant coach, coaching intern, volunteer coach, or any individual exercising coaching responsibilities.

**Consensual Relationship:** A romantic relationship and/or sexual interaction agreed to by the involved parties.

**Employee:** Except as specifically stated herein, employee includes faculty, classified staff, administrative and professional staff, post-doctoral positions, and employee positions requiring student status.

**Mitigation Plan:** A written plan developed as provided in this policy that mitigates the conflict of interest and the potential for exploitation or the appearance of exploitation or favoritism created by the consensual relationship and which plan is acknowledged and signed by the parties involved.

**Student-Athlete:** Any student (undergraduate or graduate) who is currently participating as a member of an intercollegiate varsity sport sponsored by the University.

**Supervisee:** Any individual whose terms and conditions of employment, student, student-athlete, or affiliate status are controlled or affected by a supervisor, as defined by this policy.

**Supervisor:** An employee (including faculty), student, or affiliate who:

- teaches, manages, supervises, advises, coaches, or evaluates in any way other employees, students, student-athletes, or affiliates; and/or
- has a position of power, control, or the ability to influence decisions with regard to other individuals in the learning, intercollegiate athletics, or working environment of the University.

**University Affiliate:** An individual associated with the University in a capacity other than as a student or employee who has access to University resources through a contractual arrangement or other association that has been reviewed and approved in accordance with guidelines established by Human Resources ("HR"), the Executive Vice President and Provost ("EVPP"), or the Vice President for Research. Examples of a University Affiliate may include, but are not limited to:

- employees of contractors hired to conduct repair work at the University;
- employees of vendors engaged to provide training to University administrators;
- health care providers retained by the University to provide medical services to students/staff;
- volunteers in academic and/or operational units within the University; and
- post-doctoral positions who receive external funding;
- researchers or recent graduates who are self-funded or independently funded, but utilize University facilities to further the University's research endeavors.

Additional information regarding other types of University Affiliates may be found at: <http://www.utexas.edu/business/erp/hrms/help/UniversityAffiliateTypes.php>

## V. Website (for policy)

<https://secure2.compliancebridge.com/utexas/public/getdoc.php?file=3-3050>

## VI. Contacts

### Department of Investigation and Adjudication (DIA)

Phone: 512-471-3701

Website: <https://compliance.utexas.edu/department-investigation-and-adjudication>

Email: [dia@austin.utexas.edu](mailto:dia@austin.utexas.edu)

### University Compliance Services (UCS)

Phone: 512-232-7055

Website: <https://compliance.utexas.edu/>

### Human Resources - Strategic Workforce Solutions

Phone: 512-475-7200 or 512-232-3523

Website: <https://hr.utexas.edu/current/services/>

Email: [hrs.sws@austin.utexas.edu](mailto:hrs.sws@austin.utexas.edu)

### Employee Assistance Program

Address: UTA, Room 2.304, 1616 Guadalupe, Austin, TX 78701

Phone: 512-471-3366

Website: <http://hr.utexas.edu/eap/>

Email: [eap@austin.utexas.edu](mailto:eap@austin.utexas.edu)

### Office of the Dean of Students - Student Emergency Services

Phone: 512-471-5017

Website: <http://deanofstudents.utexas.edu/emergency>

Email: [studentemergency@austin.utexas.edu](mailto:studentemergency@austin.utexas.edu)

### UT Counseling and Mental Health Center

Phone: 512-471-3515

Website: <https://cmhc.utexas.edu/>

### Intercollegiate Athletics - Human Resources

Phone: 512-232-1276

Website: <http://texassports.com/HR>

### Office of the Executive Vice President and Provost

Phone: 512-471-4363

Website: <https://provost.utexas.edu/>

## VII. Responsibilities and Procedures

### A. Prohibited Consensual Relationships

The following consensual relationships, even if a single interaction, are prohibited and cannot be mitigated by a mitigation plan.

- a. Considering the potential for exploitation or the appearance of exploitation or favoritism and the inherent differential in authority, the University prohibits any employee (including faculty) or affiliate of the University from engaging in a consensual relationship with any student currently enrolled as an undergraduate at the University.\*

\**Note:* "Employee"; as used in Section VII.A.1 does not include student employees. See Section VII.A.4 below for prohibitions applicable to University student employees. Also, for purposes of this policy, the term "undergraduate" does not include any individual who is considered an undergraduate at the University solely because the individual is taking course(s) through the Staff Educational Benefit offered to University employees.

2. Considering the potential for exploitation or the appearance of exploitation or favoritism and the inherent differential in authority between graduate students and their educators, advisors, supervisors, and others holding positions of authority over them, the University prohibits any employee (including faculty) or affiliate of the University from engaging in a consensual relationship with any graduate student whom they teach, manage, supervise, advise, or evaluate in any way.

3. Considering the potential for exploitation or the appearance of exploitation or favoritism and the inherent differential in authority, the University prohibits consensual relationships between Intercollegiate Athletics coaches, employees, or affiliates, with any student-athlete or student assigned to or associated with Intercollegiate Athletics, such as interns and student employees.

\**Note:* "Employee" as used in Section VII.A.3 does not include student employees except for those who teach, manage, supervise, advise, coach, or evaluate any student-athlete or student assigned to or associated with Intercollegiate Athletics.

4. Considering the potential for exploitation or the appearance of exploitation or favoritism and the inherent differential in authority, the University prohibits any student employee (including resident life advisors/assistants, assistant instructors, teaching assistants, graduate research assistants, etc.) from engaging in a consensual relationship with any student whom they teach, manage, supervise, advise, or evaluate in any way.

### B. Reporting Requirements

1. Considering the potential for exploitation or the appearance of exploitation or favoritism and the inherent differential in authority, the University prohibits consensual relationships between employees (including faculty) and/or affiliates where one teaches, manages, supervises, advises, or evaluates the other in any way unless the person

in the position of greater authority or power notifies appropriate University offices (as detailed in Section VII.B.2.a of this policy) and a mitigation plan is put in place that mitigates the conflict of interest and the potential for exploitation or the appearance of exploitation or favoritism.

2. In the event a consensual relationship exists between employees (including faculty) and/or affiliates, the following steps **must immediately** be followed by the person in the position of greater authority or power:
  - a. report the consensual relationship to the appropriate dean and the EVPP (when the relationship involves a faculty member), and/or the appropriate unit head and HR (when the relationship involves a staff member and/or affiliate);
  - b. report any relationship that currently exists prior to the effective date of this policy to the University offices specified above as soon as possible and cooperate in the development of a mitigation plan as outlined in Section VII.C, below;
  - c. cooperate in the development of a mitigation plan designed to reduce or eliminate the conflict of interest and the potential for exploitation or the appearance of exploitation or favoritism.
- c. If a consensual relationship exists between employees of the University and one of those employees is presented with the opportunity to teach, manage, supervise, advise, or evaluate the other in any way, the existing relationship must be reported by the individual in the position of greater authority or power to the appropriate University offices designated above as soon as possible and prior to the individual accepting a role that would create a conflict of interest and the potential for exploitation or the appearance of exploitation or favoritism, and a mitigation plan must be developed.
- d. Departments and offices that receive reports of consensual relationships as outlined in this policy will notify the applicable VP, Dean, or the EVPP, each of whom will, in turn, notify DIA of the relationship and provide DIA a copy of the mitigation plan for record keeping purposes.

#### C. Mitigation Plan

- a. If the conflict of interest and the potential for exploitation or the appearance of exploitation or favoritism can be successfully mitigated and managed, a written mitigation plan will be produced within ten (10) business days of the report (unless there are reasonable grounds for additional time) by the appropriate chair, dean, and EVPP (when the relationship involves a faculty member) or the appropriate unit head, DIA, and HR (when the relationship involves a staff member and/or University affiliate) in collaboration with both parties to the consensual relationship.

- b. If the mitigation plan is not agreed to by all parties to the plan, resolution of the disagreement will be handled through consultation with the appropriate vice president of the individual(s) opposing the plan and DIA. In the case of a relationship involving individual(s) associated with Intercollegiate Athletics, the consultation will involve the Office of the Senior Vice President and Chief Financial Officer and DIA.
- c. If the conflict of interest and potential for exploitation or the appearance of exploitation or favoritism created by the consensual relationship cannot be successfully mitigated and managed, then the consensual relationship is prohibited.
- d. The mitigation plan will:
  - a. provide an alternative means for managing, supervising, teaching, evaluating and/or advising of the supervisee or otherwise mitigate the conflict;
  - b. give priority to the interest of the supervisee;
  - c. be in writing and signed by both parties to the consensual relationship;
  - d. provide notice of [HOP 3-3031 - Prohibition of Sexual Assault, Interpersonal Violence, Stalking, Sexual Harassment, and Sex Discrimination](#); and
  - e. be reassessed on an annual basis (or sooner if circumstances warrant) by the parties, and the applicable department/unit for necessary modification.

#### D. Exemptions

Exemptions to any of these provisions will be considered on a case-by-case basis and will be approved by the Associate Vice President for Investigation and Adjudication, with input from the supervisor(s) of the individual(s) involved.

Questions about the application or effect of this policy to an existing or potential relationship should be directed to DIA, HR and/or the EVPP. This policy is not intended to apply to marriage relationships. Refer to [HOP 5-1260 - Employment of Close Relatives \(Nepotism\)](#), for information concerning these types of relationships.

#### E. Reporting Alleged Violations

An employee (including faculty) or affiliate who is notified, or becomes aware of, an alleged violation of this policy has an obligation to report it timely. [Report Here](#)

#### F. Investigation and Discipline

- a. Alleged violations of this policy, including concerns of conflicts of interests, favoritism, and/or exploitation will be investigated by DIA in

collaboration with the Office of the Vice President for Legal Affairs.

- b. If there is a complaint of sexual harassment/sexual misconduct relating to a relationship covered by this policy, and the relationship has not been disclosed and no Mitigation Plan is in place, the responsibility will be on the person in the position of greater authority or power to explain the failure to comply with this policy. Such failure will be a factor in determining whether the relationship was consensual and free of sexual harassment/misconduct.
- c. Disciplinary action against faculty and staff will be handled under the University's policies for discipline and dismissal of faculty and staff. Disciplinary actions may include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension, and dismissal. Affiliates in violation of this policy may be disciplined as appropriate under the circumstances.

#### G. Safe Harbor

It is critical the University receive notification of consensual relationships covered by this policy so as to prevent conflicts of interest, favoritism, and exploitation. Unreported consensual relationships pose a significant risk to the University community. With this in mind, if the person in the consensual relationship who is in the position of greater authority or power **immediately notifies** appropriate University offices of the development of a consensual relationship covered by this policy and cooperates to mitigate the effects of the consensual relationship, then a conduct/discipline investigation may not be pursued. Unreported consensual relationships will be considered more severe violations of this policy.

*\*Note:* This safe harbor provision does not apply to potential violations of HOP 3-3031 - Prohibition of Sexual Assault, Interpersonal Violence, Stalking, Sexual Harassment, and Sex Discrimination.

#### H. Retaliation Prohibited

Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education. The University will take appropriate steps to assure a person who in good faith reports, complains about, or participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with DIA and/or UCS.

#### I. Counseling

Confidential counseling services are available to employees through the Employee Assistance Program at 512-471-3366 and to students through the UT Counseling and Mental Health Center at 512-471-3515.

#### VIII. Forms and Tools

The Department of Investigation and Adjudication: [File a Complaint with DIA](#)

University Compliance Services: [Compliance and Ethics Hotline](#)

For a mitigation plan template, contact  
DIA: [dia@austin.utexas.edu](mailto:dia@austin.utexas.edu)

#### IX. Frequently Asked Questions

None

#### X. Related Information

[University Affiliates](#)

[HOP 3-3031](#) Prohibition of Sexual Assault, Interpersonal Violence, Stalking, Sexual Harassment, and Sex Discrimination

For Employees - [Employee Assistance Program](#)

For Students - [UT Counseling and Mental Health Center](#)

[UTS184](#) Consensual Relationships

Regents' *Rules and Regulations*, [Rule 30105](#) Sexual Harassment, Sexual Misconduct, and Consensual Relationships

[HOP 3-1022](#) Protection from Retaliation for Suspected Misconduct Reporting (Whistleblower)

[HOP 5-1260](#) Employment of Close Relatives (Nepotism)

#### XI. History

Revision date: January 3, 2017

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Previously PM 4.110, HOP 4.A.2

Policy Website: *Handbook of Operating Procedures*, 3-3050