CONSENSUAL RELATIONSHIPS POLICY

General Policy Statement

This policy addresses relationships that, although consensual, may impair the effective operation of The University of Texas Health Science Center at San Antonio (university). For situations involving spousal or other family relationships, please refer to Section 4.5.15 of the Handbook of Operating Procedures (HOP) “Appointment of Relatives (Nepotism) Policy”.

1. The University of Texas Health Science Center at San Antonio (university) is committed to maintaining learning and work environments as free as possible from conflicts of interest and favoritism. The university 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 the university; some romantic, dating and/or sexual relationships, although consensual, do create conflicts of interests. This policy addresses those consensual relationships.

2. It is the policy of the university that individuals with teaching, supervisory, advisory, or evaluative responsibility over other employees, residents, postdoctoral research fellows, clinical fellows, students and/or student employees must recognize and respect the ethical and professional boundaries that exist in such situations. Such relationships also have the potential to exploit a subordinate individual and to professionally or academically disadvantage third parties. This policy is applicable regardless of the gender of the University employee with supervisory teaching, evaluation or advisory authority and/or the gender of the employee, student or student employee who is directly or indirectly supervised, taught, evaluated, or advised by the supervisory employee.

3. The university prohibits consensual relationships between an individual with supervisory, teaching, evaluation or advisory authority and an employee, resident, postdoctoral research fellow, clinical fellow, student and/or student employee who is directly or indirectly supervised, taught, evaluated or advised by
that individual, unless the relationship has been disclosed and a plan to mitigate any conflict has been approved by the Vice President for Human Resources or designee (for staff) or the appropriate Dean or designee (for faculty, students, and academic trainees) and documented in writing. The Vice President, Academic, Faculty, and Student Affairs is available for consultation at the request of the Dean. The disclosure of a consensual relationship must occur prior to the commencement of the relationship or, if the relationship exists, with as much advance notice as possible prior to the supervisor accepting supervisory authority. The teacher, supervisor or advisor is responsible for disclosure and cooperation in making alternative arrangements for the supervision, evaluation, teaching, grading, or advising of the subordinate individual, in order to develop approved management strategies to safeguard a subordinate from potential exploitation or professional or academic disadvantage.

### Procedures

1. **Reporting Requirements:** In the event that a consensual relationship exists or begins to develop, the individual in the supervisory, teaching or advisory position shall immediately notify the Vice President for Human Resources or designee (for staff) or the appropriate Dean or designee or the Vice President for Academic, Faculty, and Student Affairs (for faculty, students, and academic trainees) of the relationship and cooperate in making the arrangements necessary to resolve the conflict of interest or eliminate the appearance of impropriety. The senior administrator (Vice President or Dean) may consult with the university’s Chief Legal Officer as needed, in making appropriate arrangements and in implementing any mitigation plan.

While the burden of notification lies with the individual in the supervisory, teaching or advisory position, the other party involved in the consensual relationship may also disclose the relationship's existence to the appropriate office or his or her supervisor:
a. students may report such relationships to the student affairs office in their respective schools;

b. residents may report such relationships to the Office of Graduate Medical Education;

c. postdoctoral research fellows may report such relationships to the Office of Postdoctoral Affairs; and

d. employees may report such relationships to their direct supervisor. The university will not tolerate retaliation or threat of retaliation against those who make such disclosures.

Examples of consensual relationships include, but are not limited to:

- A faculty member and a student who is enrolled in the faculty member's course, who is enrolled in a program for which a course taught by the faculty member is a requirement, who is an advisee of the faculty member, or whose academic work is being supervised, directly or indirectly, by the faculty member.

- An employee and a student if the employee is in a position to evaluate or otherwise influence, directly or indirectly, the student’s education, employment, or participation in other university programs or activities.

- A supervisor and an employee under the person’s direct or indirect supervision; division/department chair/head and a faculty member in the same division/department or an administrator and an employee in an office/department under that administrator’s direction.

- A tenured faculty member and an untenured faculty member if the tenured faculty member participates in peer recommendations about the untenured faculty member.

The individual in the supervisory, teaching or advisory position
must immediately collaborate to attempt to manage the conflict of interest. This individual, in consultation with the Vice President for Human Resources or designee (for staff) or the appropriate Dean or designee or the Vice President for Academic, Faculty, and Student Affairs (for faculty, students, and academic trainees), shall take immediate steps to alter the conditions that create the conflict of interest and/or the appearance of impropriety caused by the relationship. In most instances, that will be accomplished by providing an alternative means for the supervision, teaching, advising, and/or evaluation of the subordinate individual. The university official with supervisory responsibility for the individuals involved shall consult with the Vice President for Human Resources or designee or the Vice President for Academic, Faculty and Student Affairs to reduce any such mitigation plan to writing and ensure that is understood, signed and complied with by all parties.

Likewise, if a student affairs office, the Office of Graduate Medical Education or the Office of Postdoctoral Affairs is notified, or otherwise becomes aware, of a consensual relationship as defined by this policy, the office shall notify the appropriate Dean or designee and take immediate steps to alter the conditions that create the conflict of interest and/or appearance of impropriety caused by the relationship.

2. **Failure to Report**: The person who is in the position of relative authority in a consensual relationship, as defined by this policy, may be subject to disciplinary action in accordance with applicable university policies, if he or she enters into or persists in a consensual relationship without reporting it or fails to cooperate in efforts to eliminate the conflict of interest or appearance of impropriety. In the event that a complaint of sexual harassment or sexual misconduct is brought by the subordinate party regarding an unreported relationship, the burden will be on the person in a position of relative authority 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.
3. **Management Plan:** The Vice President for Human Resources or designee (for staff) or the appropriate Dean or designee or Vice President for Academic Faculty and Student Affairs (for faculty, students, and academic trainees) will provide a management plan template to the supervisor within seven (7) business days of the report unless there are reasonable grounds for additional time. The management plan will:

   a. provide an alternative means for the supervision, teaching, advising, evaluation of the supervisee or otherwise mitigate the conflict;

   b. give priority to the interest of the subordinate individual;

   c. be written;

   d. be acknowledged and signed by the parties to the relationship; and

   e. be maintained by the Office of Human Resources (for staff) and the Office of Academic Faculty and Student Affairs (for faculty, students, and academic trainees).

4. **Reporting Alleged Violations:** Violations of this policy should be reported to the Vice President for Human Resources or designee (for staff) and the appropriate Dean or the Office of Academic Faculty and Student Affairs (for faculty, students, and academic trainees). 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 Vice President for Human Resources or appropriate designee (for staff) or the appropriate Dean or the Office of Academic Faculty and Student Affairs (for faculty, students, and academic trainees). 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 Vice President for Human Resources or appropriate designee (for staff) or the appropriate Dean or the Office of Academic Faculty
and Student Affairs (for faculty, students, and academic trainees). The university will not tolerate retaliation or threat of retaliation against those who make such disclosures.

5. **Investigation and Discipline**: The matter will be investigated and if a policy violation occurred, the University may take disciplinary action.

If there is a complaint of sexual harassment about a relationship, 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. Disciplinary action will be handled under the University’s policies for discipline and dismissal of faculty or employees depending on the supervisor’s status. Cases such as this may also be referred to the Title IX Director and/or EEOC personnel.

6. **Retaliation Prohibited**. Retaliation of any kind against anyone for reporting a consensual relationship or for participating in any proceeding pursuant to this Policy is prohibited.

7. **Counseling**. Confidential counseling services are available to employees through the Employee Assistance Program and to students through the Student Counseling Center.

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**Definitions**

**CONFLICT OF INTEREST/APPEARANCE OF IMPROPRIETY**: arises when individuals with the authority and the responsibility to evaluate the work or performance of an employee resident, postdoctoral research fellow, clinical fellow, student or student employee initiate, acquiesce or engage in an intimate romantic, dating and/or sexual relationship with that individual.

**CONSENSUAL RELATIONSHIP**: a romantic, dating, and/or sexual relationship agreed to by the parties involved; a mutually acceptable, romantic, dating and/or sexual relationship between an individual with...
supervisory, teaching, evaluation or advisory authority and an employee, resident, postdoctoral research fellow, clinical fellow, student and/or student employee who is directly or indirectly supervised, taught, evaluated or advised by that individual. A single event can constitute a consensual relationship.

**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.

**MANAGEMENT PLAN:** A written plan developed as provided in this policy that mitigates the conflict and is acknowledged and signed by both parties.

**SUPERVISION:** the exercise of direct or indirect authority or responsibility with regard to appointment, reappointment, promotion, managing performance, work or academic assignments, salary administration, termination or other terms and conditions of employment or education.

**SUPERVISOR:** A University faculty member or employee who has direct or indirect supervisory, teaching, evaluation or advisory authority over an employee or student.
SUPervisee: Any person whose terms and conditions of employment or student status are directly or indirectly controlled or affected by a supervisor.

**Relevant Statues & UTHSCSA Policies**

- University of Texas System Systemwide Policy, UTS 184 Consensual Relationships
- University of Texas System Regents’ Rules and Regulations, Rule 30105

**Contact Information**

- Office of Human Resources
  210-567-2600
- Office of Academic Faculty and Student Affairs
  210-567-2004