**Consensual Relationships UPPS No. 04.04.39**

**Issue No. 5**

**Effective Date: 02/23/2024**

**Next Review Date: 10/01/2028 (E4Y)**

**Sr. Reviewer: Associate Vice President Human Resources**

**POLICY STATEMENT**

*Texas State University is committed to creating and maintaining a work and educational community in which all members are respected, appreciated, and valued.*

1. **SCOPE**

* 1. It is the policy of Texas State University that employees with direct teaching, supervisory, advisory, or evaluative responsibility over other employees, students, or student employees recognize and respect the ethical and professional boundaries that must exist in such situations. While relationships between consenting adults are a personal matter, they can create potential conflicts in the workplace and in the educational setting, which could result in a breach of professional ethics. Such relationships also have the potential for exploitation of an employee, student, or student employee and can possibly create professional or academic disadvantages for third parties. It is the expectation that all employees conduct themselves in a professional manner that is reflective of the values set forth by Texas State and The Texas State University System (TSUS). This policy applies to all faculty, staff, students, volunteers, and contractors of Texas State.

**02.** **DEFINITIONS**

02.01 Conflict of Interest – Even when there is no actual conflict of interest, a potential conflict of interest or an appearance of impropriety may arise when an individual with the authority and the responsibility to evaluate the work or performance of an employee, student, or student employee initiates, acquiesces to, or engages in an intimate romantic or sexual relationship with that employee, student, or student employee.

02.02 Consensual Relationship – a mutually acceptable, romantic or sexual relationship between a university employee as a supervising, advising, evaluating, authority and a subordinate individual.

**03. PROHIBITION OF CONSENSUAL RELATIONSHIP**

03.01 Consensual relationships are prohibited between faculty and students enrolled in a course taught by the faculty member, or whose academic work (including work as a teaching assistant) is supervised by the faculty member.

03.02 Consensual relationships are prohibited between staff and students where the staff member, who as part of their job duties, supervises, manages, advises, or otherwise has authority or control over a student or student employee.

**04.** **PROCEDURES FOR REPORTING AND FAILURE TO COOPERATE**

04.01 Individuals in positions of authority involved in a consensual relationship with a subordinate must immediately disclose the relationship to their immediate supervisor who will then consult with Employee Relations to develop a management plan. The subordinate person is also encouraged to disclose the relationship; however, disclosure by the subordinate person does not relieve the employee in the position of authority of the duty to report immediately. Failure of the individual in the position of authority to report the consensual relationship immediately may result in disciplinary action up to and including termination.

04.02 A supervisor who is notified, or becomes aware, of a consensual relationship must consult with Employee Relations immediately to develop a management plan. Information on Employee Relations consultations can be found on the [Human Resources website](https://www.hr.txst.edu/employee-relations/services.html).

04.03 Employees in the position of authority in a consensual relationship must fully cooperate in efforts to eliminate any conflict of interest or appearance of impropriety and are subject to disciplinary action up to and including termination for violation of this policy. The university will not presume that the relationship was consensual if the subordinate party complains of sexual misconduct related to an undisclosed relationship. Allegations of sexual misconduct will be investigated according to the [TSUS Sexual Misconduct](https://www.tsus.edu/about-tsus/policies.html) policy.

04.04 To report a potential violation of this policy please contact the [Office of Equal Opportunity and Title IX](https://compliance.txst.edu/).

**05.** **QUESTIONS REGARDING THIS POLICY**

05.01 Human Resources will respond to faculty, staff, volunteers, or contractors with questions regarding this policy. The dean of students will respond to students with questions about this policy.

**06.** **REVIEWERS OF THIS UPPS**

06.01   Reviewers of this UPPS include the following:

Position Date

Director, Office of Equal Opportunity October 1 E4Y

and Title IX

TSUS Office of General Counsel October 1 E4Y

Dean of Students October 1 E4Y

Associate Vice President for October 1 E4Y

Human Resources

Associate Vice President of October 1 E4Y

Institutional Compliance and

Ethics

Chair, Faculty Senate October 1 E4Y

Chair, Staff Council October 1 E4Y

**07.** **CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Associate Vice President of Human Resources; senior reviewer of this UPPS

Executive Vice President of Operations and Chief Financial Officer

President