

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Consensual Relationships

**Regulation and Procedure
Number: URP: 01.230**

**Policy Owner: Academic Affairs, Finance and
Administration, and Student Life**

POLICY STATEMENT

Texas Woman's University ("TWU") recognizes that consenting individuals associated with TWU should be free to enter into personal relationships if the relationship does not interfere with TWU's goals and policies. Consensual Relationships must not put at risk the fundamental interest of every member of the TWU community to participate in TWU activities free from conflicts of interests, favoritism, and/or exploitation. Romantic relationships between certain categories of individuals affiliated with TWU risks undermining the essential educational purpose of TWU and can disrupt the workplace and learning environment. Absolute prohibitions on certain relationships are necessary to eliminate the potential for exploitation or the appearance of exploitation or favoritism, and the inherent power differentials.

APPLICABILITY

This policy applies to all TWU Employees (including faculty), Student Employees, Students, and University Affiliates. This policy is applicable regardless of the sex/gender of the individual with managerial supervision; or 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.

DEFINITIONS

1. "Coach" means any person serving as an Intercollegiate Athletics head coach, associate head coach, assistant coach, graduate assistant coach, coaching intern, volunteer coach, or any individual exercising coaching responsibilities.
2. "Consensual Relationship" means an amorous, romantic relationship or sexual interaction agreed to by the involved parties.
3. "Employee" means administrators, faculty, classified staff, administrative and professional staff, post-doctoral positions, and employee positions requiring Student status.

4. "Mitigation Plan" means 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.
5. "Student" means any individual who has accepted an offer of admission to TWU; has an open academic program; is taking courses at TWU, either full-time or part-time and pursuing undergraduate, graduate, or professional studies; is auditing a class; or has any other continuing relationship with TWU. This includes new students at orientation, individuals not currently enrolled but who are still seeking a degree from TWU, dual credit students, non-degree seeking students, individuals who have completed coursework but are awaiting conferral of a degree, and any other individual enrolled in a course offered by TWU. For the purposes of this Policy, an individual who allegedly provided false information or omitted information on an application shall be considered a student. Generally speaking, academic programs undergraduate students close after one year of non-enrollment and academic programs for graduate students close after two years of non-enrollment.
6. "University Affiliate" means any individual associated with TWU in a capacity other than as a Student or Employee who has access to TWU resources through a contractual arrangement or other association. This includes the following individuals:
 - a. Contractors and Vendors: an individual, business, or governmental entity that has a fully executed contract to provide goods or services to TWU. This includes employees of contractors or vendors and independent contractors.
 - b. Employee of a Governmental Agency: an individual employed by a federal or Texas state agency.
 - c. Employee of a TWU-Affiliated Institution: an individual who works for organizations that are tightly aligned with the University.
 - d. Pre-Employment Individual: an individual who will be hired by the University and the hiring department has sponsored their access to TWU resources.
 - e. Other University Affiliate: any individual who does not fit into any other category and needs access to TWU resources.

REGULATION AND PROCEDURE

I. Nepotism

This policy is not intended to apply to marriages. Refer to URP 05.215: Nepotism-Employment of Relatives for regulations and prohibitions of those relationships.

II. Prohibited Relationships

The following Consensual Relationships, even if a single interaction, are prohibited and cannot be mitigated by a Mitigation Plan:

- A. Employees or University Affiliates engaging in a Consensual Relationship with any Student currently enrolled as an undergraduate at TWU, whom they teach, manage, supervise, advise, or evaluate in any way;
- B. Employees or University Affiliates engaging in a Consensual Relationship with any Student currently enrolled as a graduate Student at TWU, whom they teach, manage, supervise, advise, or evaluate in any way;
- C. Coaches, Employees, or University Affiliates, engaging in a Consensual Relationship with any currently enrolled Student and assigned to or associated with Intercollegiate Athletics, such as interns and Student Employees; and
- D. Student Employees (including resident life advisors/assistants, assistant instructors, teaching assistants, graduate research assistants, etc.) engaging in a Consensual Relationship with any currently enrolled Student during the time period they teach, manage, supervise, advise, or evaluate the Student in any way.

III. Exceptions to Prohibited Relationships for Pre-Existing Relationships

If a Consensual Relationship exists prior to the Student, Student Employee, Coach, or University Affiliates' association with TWU or the conflict of interest described above, the person in the position of greater authority or power, or presented with the opportunity to be in a position of greater authority or power, shall report the pre-existing Consensual Relationship in accordance with this Policy's Reporting Requirements and development of a Mitigation Plan.

IV. Other Relationships

TWU prohibits Consensual Relationships between Employees and/or University 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 the appropriate dean, supervisor, and/or administrative office, in accordance with the reporting requirements detailed below, 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.

V. Reporting Requirements

A. In the event a Consensual Relationship exists between Employees and/or University Affiliates, the following steps **must immediately** be followed by the person in the position of greater authority or power:

1. Report the Consensual Relationship to the appropriate dean and the Executive Vice President for Academic Affairs and Provost (when the relationship involves a faculty member), and/or the appropriate administrative unit head and Office of Human Resources (when the relationship involves a staff member and/or University Affiliate);
2. Report any relationship that currently exists prior to the effective date of this policy to the TWU offices specified above as soon as possible and cooperate in the development of a Mitigation Plan; and
3. 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.

B. If a Consensual Relationship exists between TWU Employees 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 TWU 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.

VI. 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 reported relationship (unless there are reasonable grounds for additional time) by the Executive Vice President for Academic Affairs and Provost or designee (when the relationship involves a faculty member) or the Chief Human Resources Officer or designee (when the relationship involves a staff member and/or University Affiliate) in collaboration with both parties to the Consensual Relationship.

B. 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.

C. A Mitigation Plan created under this policy will:

1. Provide an alternative means for managing, supervising, teaching, evaluating and/or advising of the supervisee or otherwise mitigate the conflict;
2. Give priority to the interest of the supervisee;
3. Be in writing and signed by both parties to the Consensual Relationship; and
4. Be reassessed on an annual basis (or sooner if circumstances warrant) by the parties, and the applicable department/unit for necessary modification.

VII. Reporting and Investigation Alleged Violations

A. Reporting Alleged Violations

An Employee or University Affiliate who is notified, or becomes aware of an alleged violation of this policy has an obligation to report it timely. Violations of this policy should be reported to the Executive Vice President for Academic Affairs and Provost or his or her designee (when the relationship involves a faculty member) or the Director of Human Resources or his or her designee (when the relationship involves a staff member and/or University Affiliate).

B. Investigation of Alleged Violations

1. Alleged violations of this policy, including concerns of conflicts of interests, favoritism, and/or exploitation will be investigated by the Office of Human Resources or the Title IX Coordinator, as appropriate.
2. Complaints of sexual misconduct relating to a relationship covered by this policy shall be reported to the Title IX Coordinator to

be handled consistent with TWU's URP 01.225: Prohibition on Sexual Misconduct.

C. Disciplinary Actions

Violations of this policy will be handled according to URP 05.600: Staff Standards of Conduct and Disciplinary Process and URP 02.330: Faculty Standards of Conduct Corrective Action Guidelines.

VIII. Safe Harbor

- A. It is critical that TWU receive notification of Consensual Relationships covered by this policy to prevent conflicts of interest, favoritism, and exploitation. Unreported Consensual Relationships could pose a significant risk to the TWU 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 TWU 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 a violation of this policy.
- B. This safe harbor provision does not apply to potential violations of TWU's URP 01.225: Prohibition of Sexual Misconduct.

IX. 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 threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education. TWU 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 the Office of Human Resources

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

[URP 05.215: Nepotism-Employment of Relatives](#)

[URP 01.225: Prohibition of Sexual Misconduct](#)

[URP 05.600: Staff Standards of Conduct and Disciplinary Process](#)

[URP 02.330: Faculty Standards of Conduct Corrective Action Guidelines](#)

FORMS AND TOOLS

None

<p>Publication Date:</p> <p>Next Review:</p>
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