



**I. 4.2.4 Consensual Relationships**

Chapter 4 - General Personnel	Original Effective Date: March 2016
Section: 4.2 Employee/Student Relations	Date Last Reviewed: December 2024
Responsible Entity: Senior Vice President and Chief Human Resources Officer and Vice President Academic, Faculty and Student Affairs	Date Last Revised: December 2024

**II. Purpose**

To address relationships that, although consensual, may impair effective operations of The University of Texas Health Science Center at San Antonio, also known as UT Health San Antonio.

**III. Scope**

This policy applies to all faculty, staff, students, residents, healthcare providers, researchers, or any other individual providing services on behalf of UT Health San Antonio.

**IV. Policy**

**A. General Policy Statement**

UT Health San Antonio is committed to maintaining learning and work environments as free as possible from conflicts of interest and perceptions or evidence of favoritism. UT Health San Antonio 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 health science center; some romantic, dating and/or sexual relationships, although consensual, do create conflicts of interest. This policy addresses those consensual relationships.

It is the policy of UT Health San Antonio 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 employee with supervisory teaching, evaluation, or advisory authority and/or the gender of the employee, student or student employee who

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is directly or indirectly supervised, taught, evaluated, or advised by the supervisory employee.

1. UT Health San Antonio 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 senior vice president and chief human resources officer or designee (for staff) or the appropriate dean or designee (for faculty, students, and academic trainees) and documented in writing. The dean or designee is encouraged to consult with the vice president for academic, faculty and student affairs in the development of a management plan. Examples of consensual relationships include, but are not limited to:
  - a. 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.
  - b. 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.
  - c. 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.
  - d. A tenured faculty member and an untenured faculty member if the tenured faculty member participates in peer recommendations about the untenured faculty member.
2. 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.
3. The individual in the position of higher direct or indirect authority, supervision, or advisory role is responsible for making the disclosure as outlined in section B. Reporting Requirements and is expected to cooperate 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 advantage or disadvantage to others in the academic or workplace environment.

#### B. Procedures

##### 1. Reporting Requirements

- a. 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 senior vice president and chief human resources officer or designee (for staff) or the appropriate dean or designee or the vice president for academic,

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faculty, and student affairs (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 health science center's chief legal officer as needed, in making appropriate arrangements and in implementing any mitigation plan.

- b. 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. UT Health San Antonio will not tolerate retaliation or threat of retaliation against those who make such disclosures.
  - i. Students may report such relationships to the student affairs office in their respective schools;
  - ii. Residents may report such relationships to the Office of Graduate Medical Education;
  - iii. Postdoctoral research fellows may report such relationships to the Office of Postdoctoral Affairs; and
  - iv. Employees may report such relationships to the Office of Human Resources.
- c. 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 senior vice president and chief human resources officer or their 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.
- d. The UT Health San Antonio official with supervisory responsibility for the individuals involved shall consult with the senior vice president and chief human resources officer or their 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. A documented and signed plan will be kept on file by the Office of Human Resources and the Office of Academic, Faculty and Student Affairs.
- e. 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

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The person who is in the position of direct or indirect authority in a consensual relationship, as defined by this policy, may be subject to disciplinary action in accordance with applicable UT Health San Antonio policies, if the individual 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 direct or indirect authority to explain the failure to comply with this policy and such failure may be evaluated as evidence in a Title IX Grievance Process or Alternative Grievance Process in accordance with the University's Sexual Misconduct policy.

#### 3. Management Plan

The senior vice president and chief human resources officer or their 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 appropriate dean's office as well as the Office of Academic Faculty and Student Affairs (for faculty, students, and academic trainees).
- f. This management plan does not circumvent promotion and transfer policies for open positions. Individuals wishing to change roles must apply for positions as do other employees.
- g. Considerations must be made for checks and balances protocols related to management of funding, potential implications for salary and performance decisions and oversight for others within the department that may benefit or be impacted related to salary or performance decisions.

#### 4. Reporting Alleged Violations

- a. Violations of this policy should be reported to the senior vice president and chief human resources officer or their designee (for staff) and the appropriate dean or the Office of Academic, Faculty and Student Affairs (for faculty, students, and academic trainees).
- 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 senior vice president and chief human resources officer or

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their designee (for staff) or the appropriate dean or the Office of Academic, Faculty and Student Affairs (for faculty, students, and academic trainees).

- c. UT Health San Antonio will not tolerate retaliation or threat of retaliation against those who make such disclosures.

#### 5. Investigation and Discipline

- a. The matter will be investigated and if a policy violation occurred, disciplinary action may be taken up to and including termination or removal from a leadership role.
- b. 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.
- c. Disciplinary action will be handled under UT Health San Antonio'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](#).

### V. Definitions

When used in this document, the following words have the meaning set forth below unless the context requires a different meaning.

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 their position

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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 condition of employment or education.

Supervisor - A UT Health San Antonio 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

#### **VI. Related References**

[IHOP 4.2.2 Sexual Misconduct Policy](#)

[IHOP 4.5.15 Appointment of Relatives \(Nepotism\)](#)

[UT System Policy 184, Consensual Relationships](#)

Board of Regents [Rule 30105: Sexual Harassment, Sexual Misconduct, and Consensual Relationships](#)

[Title IX website](#)

#### **VII. Review and Approval History**

The approving authority of this policy is the University Executive Committee.

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Effective Date	Action Taken	Approved By	Effective Date
03/2016	Policy Origination		
12/2024	Policy Revision/Discretionary Edits		