

**TEXAS SOUTHERN UNIVERSITY**  
**MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES**

**SECTION: Human Resources**  
**AREA: Employee Relations**

**NUMBER: 02.05.10**

<b>TITLE/SUBJECT: Consensual Relationships</b>
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**I. PURPOSE AND SCOPE**

The purpose of this document is to outline the university's policy on consensual relationships involving employees and students. This document applies to all faculty, staff and students. All Texas Southern University employees and students are required to maintain the highest level of professionalism at all times.

**II. DEFINITIONS**

1. Conflict of Interest: when individuals with the authority and the responsibility to evaluate the work or performance of an employee, student, or student employee initiate, acquiesce to, or engage in an intimate, romantic or sexual relationship with that employee, student, or student employee.
2. Consensual Relationship: a mutually acceptable, romantic, or sexual relationship between a University employee (including a student employee) with supervisory, teaching, evaluation, or advisory authority, and an employee, student, or student employee who is directly supervised, taught, evaluated, or advised by that employee.

**III. RATIONALE**

1. Consensual relationships, as defined in this policy, may potentially create conflicts of interest or appearances of impropriety that impair the integrity of academic and employment decisions. Such relationships also contain the potential for exploitation of the subordinate employee, student, or student employee and the possible professional or academic disadvantage of third parties, and can subject both the University and individuals to the risk of liability.
2. When a consensual relationship involves people who differ in power within the University community, it is of special concern because of the potential for conflict of interest and/or abuse of power. Decisions, which must be made free from bias or favor, come under question when made by a person who has a romantic/sexual relationship with a person who may benefit from or be harmed by the decisions. The mere appearance of bias resulting from a consensual romantic/sexual relationship may seriously disrupt the academic or work environment. Equally important, such relationships have the potential to undermine our sense of community, mutual trust, and support.
3. For these reasons, the University has adopted a policy to prohibit consensual relationships and to place all employees "on notice" that the University views consensual relationships as unwise and of high risk, especially when students are involved.

4. It is the policy of the 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.

#### **IV. PROHIBITED CONDUCT – RELATIONSHIPS AT WORK**

1. Texas Southern University Prohibits:
  - 1.1. consensual relationships between a supervisor and subordinate employee;
  - 1.2. an administrator and a faculty member in a unit under that administrator’s direction; and,
  - 1.3. an administrator and a staff member in a unit under that administrator’s direction.
2. The individual with a supervisory or other decision-making role is presumed to bear the primary responsibility for any negative consequences resulting from his/her relationship. A member of the University community who violates this policy will be subject to disciplinary actions, up to and including termination of employment.

#### **V. RELATIONSHIPS WITH STUDENTS – STAFF EMPLOYEES**

1. When staff members interact with students, staff are in a position of trust and power. These relationships must not jeopardize the effective functioning of the University by the appearance of either favoritism or unfairness in the exercise of professional judgment. In relationships with students, the staff member is expected to be aware of his/her professional responsibilities and to avoid apparent or actual conflict of interest, favoritism or bias.
  - 1.1. Consensual sexual relationships are prohibited between a student and a staff member who is in a position to exercise power or authority over that student. Efforts by staff members to initiate these relationships are also prohibited. Violations of this policy by a staff member are grounds for the disciplinary actions, up to and including termination of employment.
  - 1.2. Consensual sexual relationships between a student and a staff member who is not in a position to exercise direct power or authority over that student may also be inappropriate. Any staff member who engages in such a relationship must accept responsibility for assuring that it does not result in a conflict of interest or raise other issues of professionalism. In cases of doubt, advice and counsel should be sought from the Office of Human Resources.

#### **VI. RELATIONSHIPS WITH STUDENTS - FACULTY**

1. Texas Southern University is committed to maintaining an academic environment in which members of the University community can freely work together, both in and out of the classroom, to further education and research. When members of the faculty and administrative staff are entrusted with advising and teaching students, evaluating students’ papers and course work, and recommending students to other colleagues, they are in a

delicate relationship of trust and power. This relationship must not be jeopardized by the appearance of either favoritism or unfairness in the exercise of professional judgment.

2. In their relationships with students, members of the faculty and administrative staff are expected to be aware of their professional responsibilities and to avoid apparent or actual conflict of interest, favoritism, or bias.

2.1. Consensual sexual relationships are prohibited between a student and any faculty member, teaching assistant, graduate assistant, or administrative staff member who teaches, supervises, evaluates, or otherwise is in a position to exercise power or authority over that student.

2.2. Efforts by members of the faculty, teaching assistants, graduate assistants, or administrative staff members to initiate these relationships are also prohibited. If a prohibited relationship arises, effective steps must be taken to ensure unbiased evaluation or supervision of the student. Violation of this policy may be grounds for disciplinary actions, up to and including termination of employment.

2.3 Consensual sexual relationships between a student and any faculty member, teaching assistant, graduate assistant, or administrative staff member who is not in a position to exercise direct power or authority over that student (e.g. when the student is in a different school or department) may also be inappropriate because of a perception of power or influence. Any faculty member, teaching assistant, graduate assistant, or administrative staff member who engages in such a relationship must accept responsibility for assuring that it does not result in a conflict of interest or raise other issues of professional ethics. In cases of doubt, advice and counsel should be sought from the Dean, department chair, or administrative supervisor.

## **VII. PROCESS**

1. Any member of the University community who has substantial reason to believe that a violation of the Consensual Relationship Policy has occurred is encouraged to contact the Dean or Vice President (or Associate Vice President at the College) supervising the person believed to be in violation of the policy, to express his/her concern and to explain the basis for the concern.
2. The Dean or Vice President (or Associate Vice President at the College) is responsible for taking appropriate action. Any concern about violations at the Dean/Vice President (or Associate Vice President at the College) level or above should be taken to the President, who shall take, or cause to be taken, appropriate action.
3. In the event that a relationship described in Section IV, V, or VI above develops, the faculty member, supervisor or superior administrator involved in the relationship has the obligation to disclose its existence to an immediate supervisor and may seek the assistance of his/her Academic Dean or division Vice President (or the President, if the involved party is an Academic Dean or Vice President) to alter the employment relationship and/or make alternative arrangements for the supervision, evaluation, teaching, grading or advising of the

employee, student or student employee to remove the conflict of interest and/or power differential. However, the University is not obligated to provide such accommodation for those involved in consensual relationships.

4. If no suitable realignment of the supervisory relationship can be agreed upon, then the supervisor or superior administrator involved in the relationships will be held accountable for violation of the University policy prohibiting consensual relationships.
5. Employees in positions of authority who persist in consensual romantic or sexual relationships and fail to cooperate in efforts to eliminate the conflict of interest or appearance of impropriety they present, will be subject to disciplinary action, up to and including termination.

5.1 If the subordinate party complains of sexual harassment or sexual misconduct related to an undisclosed relationship, there will be no presumption that the relationship was consensual. Under these circumstances, complaints of sexual harassment or sexual misconduct will be investigated in accordance with applicable University policies.

**VIII. REVIEW AND RESPONSIBILITY**

Responsible Party: Associate Vice President/CHRO

Review: Every three years, on or before September 1

**APPROVALS**



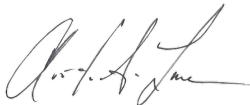
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Responsible Party/Policy Owner



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Vice President



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President

Effective Date 2/1/2018