

Section 3 Human Resources Policies and Student Policies	05/02/14 -Originated
Section 3.2 Equal Employment & Affirmative Action Student Services and Activities	-Reviewed w/ changes -Reviewed w/o changes
Policy 3.2.5 Consensual Relationships Policy	05/12/14 -Effective Human Resources/ Student Services -Author

Consensual Relationships

Policy

The University of Texas Medical Branch at Galveston (“UTMB” or “University”) considers a consensual romantic, dating, and/or sexual relationship between a University employee with supervisory teaching, evaluation or advisory authority and an employee, student or student employee who is directly supervised, taught, evaluated, or advised by such employees to be a prohibited conflict of interest. Such relationships must be reported immediately (within three business days of the beginning of the relationship) to the supervisor(s) of the person(s) involved in the prohibited relationship in order to determine whether the conflict of interest can be mitigated.

Complaints concerning consensual relationships by non-participating individuals will be treated as third-party sexual harassment or sexual misconduct complaints.

This policy is not intended to discourage the interaction of faculty and students and supervisors and employees where it is appropriate and ethical; however, it is intended to clarify that romantic, dating and/or sexual relationships often create situations that lead to sexual harassment, conflicts of interest, favoritism, and low morale. Therefore, such relationships that cannot be properly mitigated are prohibited and subject to disciplinary action, including dismissal.

Applicability

This policy applies to all University administrators, faculty, staff, and students. 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 supervised, taught, evaluated, or advised by the supervisory employee.

Reporting and Mitigation of Conflict of Interest Process

Both the University employee with supervisory teaching, evaluation or advisory authority and the employee, student or student employee who is directly supervised, taught, evaluated, or advised by such employee have an obligation to immediately report (within three business days of the beginning of the relationship) the consensual romantic, dating, and/or sexual relationship in order to determine whether the conflict of interest can be mitigated.

However, the ultimate burden of immediately reporting (within three business days of the beginning of the relationship) the consensual romantic, dating, and/or sexual relationship is on the University employee with supervisory teaching, evaluation or advisory authority. Specifically, the University employee with supervisory teaching, evaluation or advisory authority must report the consensual romantic, dating, and/or sexual relationship to his or her

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Reporting and Mitigation of Conflict of Interest Process, continued

supervisor.

Thereafter, the supervisor must immediately begin the mitigation of conflict of interest process by contacting UTMB’s Human Resources – Employee Relations Department and/or UTMB’s Office of Institutional Compliance. Failure or delay by a supervisor to initiate the mitigation of conflict of interest process will result in disciplinary action, including dismissal.

UTMB’s Human Resources - Employee Relations Department, UTMB’s Office of Institutional Compliance, and the University official with overall supervisory responsibility for the individuals involved will evaluate whether mitigation of the conflict of interest is possible. Mitigation should only be implemented when it does not cause further harm to the employee, student or student employee who is directly supervised, taught, evaluated, or advised.

When it is determined that mitigation of the conflict of interest is possible, a mitigation plan must be documented, in writing, and approved by UTMB’s Human Resources – Employee Relations Department, UTMB’s Office of Institutional Compliance, and the University official with overall supervisory responsibility for individuals involved. The approved mitigation plan will be maintained by UTMB’s Human Resources – Employee Relations Department.

When it is determined that mitigation of the conflict of interest is not possible, the consensual romantic, dating, and/or sexual relationship will be strictly prohibited. Individuals who continue to engage in such conduct, without an approved mitigation plan, will be subjected to disciplinary action. An employee found to be in violation of this policy shall be subjected to disciplinary action, including dismissal. A student found to be in violation of this policy may be subjected to disciplinary action, including suspension or expulsion.

Complaints Concerning Consensual Relations

Complaints about suspected violations of this policy should be reported to the supervisor(s) of the individuals involved in the prohibited relationship.

Alternatively, complaints about suspected violations of this policy should be reported to UTMB’s Human Resources – Employee Relations Department (for employees) or UTMB’s Office of Title IX Compliance (for students).

Retaliation

An administrator, faculty member, student, or employee who retaliates in any way against an individual who has brought a complaint pursuant to this policy or against an individual who has participated in an investigation of such a complaint is subject to disciplinary action, including dismissal.

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**False
Complaints**

Any person who knowingly and intentionally files a false complaint under this policy is subject to disciplinary action, up to and including dismissal from the University.

References

IHOP 7.1.11 Student Sexual Misconduct, Sexual Harassment, and Sexual Assault
IHOP 3.2.4 Sexual Harassment and Misconduct