

07.05.01 ~~Improper~~ Consensual Relationships

~~Approved April 25, 2018~~

~~Revised August 17, 2018~~

Next Scheduled Review: ~~August 17, 2023~~ April 25, 2023



Regulation Summary

The Texas A&M University System (system) is committed to maintaining work and educational environments that are free from conflicts of interest, favoritism, and abuse of authority. This regulation addresses amorous, romantic, and/or sexual relationships that, although consensual, may create actual or perceived ethical, discriminatory, and/or harassing situations disruptive to the member community.

Definitions

~~Improper~~ ~~e~~Consensual relationship – a mutually agreeable amorous, romantic, and/or sexual relationship ~~between two employees, between an employee and a student at a member institution or agency, or between an employee and a third party; AND in which one of the individuals has one or more of the following: authority over any term or condition of the other individual's employment or academic status; job duties making that individual directly or indirectly responsible for hiring, supervising, evaluating, teaching, coaching, grading or advising the other individual; or providing benefits to or obtaining benefits from the third party, including employment. Relationships not meeting this definition are not covered by this regulation.~~

Employee – an individual holding a full or part-time position of system employment, including graduate assistants. Student worker positions are excluded from this definition.

Student – an individual who is currently enrolled at a system university.

Regulation

1. The employment or supervision of spouses or close relatives is addressed in System Policy 07.05, *Nepotism*. This regulation does not apply to a consensual relationship between an employee and the employee's spouse.

~~12. Improper~~ The consensual relationships covered by Sections 3 and 4 of this regulation are characterized by a difference in actual or perceived power that creates the potential for any of the following:

- (a) a conflict of interest;
- (b) allegations that the relationship resulted from coercion, exploitation and/or harassment; or
- (c) allegations of favoritism and/or unfair treatment.

Prohibited Consensual Relationships

3. Employee/Undergraduate Relationships

A system university employee is prohibited from pursuing or having a consensual relationship with an undergraduate student at that institution. A consensual relationship in violation of this section may result in disciplinary action against the member employee, up to and including dismissal. An employee may request an exemption from the prohibition set forth in this section from the president or designee of the member for whom the employee works. Exemptions may be granted only in exceptional circumstances. Documentation of an exemption will be signed by the president or designee and placed in the employee's personnel file.

4. Individuals Under Employee's Authority or Supervision

Unless alternative arrangements are approved under Sections 4.1 and 4.2, a consensual relationship is prohibited between a member employee and another individual (graduate student, staff, faculty, or third party) who is under the employee's authority or supervision. An individual is under an employee's "authority or supervision" if the employee has one of the following: authority over any term or condition of the other individual's employment or academic status; job duties making the employee directly or indirectly responsible for the other individual's hiring, supervising, evaluating, teaching, coaching, grading, advising, mentoring, or providing benefits to or obtaining benefits from the other individual, including employment. This prohibition applies whether the other individual is an employee, student or third party.

4.12. IfFor an improper consensual relationship covered by this sectionexists, the employeeindividual with the hiring, supervisory, evaluative, teaching, coaching, grading or advisory responsibilities, or the employee providing benefits to or obtaining benefits from the third party, must promptly notify their immediate supervisor of the relationship and engage in a discussion which results inof alternative arrangements for hiring, supervising, evaluating, teaching, coaching, grading, advising, mentoring, or providing benefits to or obtaining benefits from the other individual.

An employee's failure to promptly self-report a consensual relationship under this section or a consensual relationship under this section that is not remedied through approved alternative arrangements may result in disciplinary action up to and including dismissal.

4.2 Documentation of the alternative arrangements will be signed by each affected employee and placed in their personnel file. The individual's immediate supervisor must ensure that the issue is promptly reported in writing to the member chief executive officer. The member retains the right to determine if alternative arrangements are possible and, if so, which ~~one~~ arrangement(s) is selected.

~~3. An employee's failure to promptly self-report the improper consensual relationship as required by Section 2, or an improper consensual relationship that is not remedied through alternative arrangements, may result in disciplinary action, up to and including dismissal.~~

~~4. The employment or supervision of spouses or close relatives is addressed in System Policy 07.05, Nepotism.~~

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

System Ethics and Compliance Office
(979) 458-6203