



Angelo State University
Operating Policy and Procedure

OP 52.64: Consensual Relationships

DATE: December 5, 2019

PURPOSE: Angelo State University (ASU) is committed to maintaining positive work and educational environments free from abuse of authority, favoritism, and conflicts of interest. This Operating Policy/Procedure (OP) addresses dating, amorous, romantic, and/or sexual relationships that, although consensual, may create actual or perceived conflicts of interest or the possibility for unethical, discriminatory, and/or harassing situations disruptive to the ASU community.

REVIEW: This OP will be reviewed in December of odd-numbered years, or as needed, by the ASU director of human resources, System Office of General Counsel, and System Office of Equal Opportunity, with recommended revisions forwarded to the ASU President.

POLICY/PROCEDURE

1. Applicability

- a. *Applicability.* This policy is applicable to all ASU employees.
- b. *Marriage and Familial Relationships.* The employment or supervision of spouses or close relatives is addressed in [OP 52.06](#), Nepotism. This OP does not apply to a consensual relationship between an employee and the employee's spouse.
- c. *Related Policies.* The provisions of this OP are in addition to the requirements of [OP 06.22](#), Conflicts of Interest; [OP 06.05](#), Conduct of University Faculty; [OP 52.10](#), Discipline and Dismissal; [OP 52.02](#) Ethics and Standards of Conduct Policy; and other ASU Operating Policies.

2. Definitions

- a. *Inappropriate Consensual Relationship* means any consensual dating, amorous, romantic, and/or sexual relationship between:
 - i. Any ASU employee (including faculty and staff); and
 - ii. An individual that the employee has responsibility as part of their job duties, or should reasonably anticipate having such responsibility in the future, to teach, instruct, manage, supervise, advise, counsel, oversee, direct, grade, coach, train, treat, or evaluate in any way.
- b. *Employee* means any staff member, including but not limited to, part-time, full-time, temporary, non-benefits eligible, or contracted employees, whether being

paid from ASU funds or not; any faculty member, including but not limited to, non-tenure track, tenure-track, tenured, adjunct, instructors, instructional assistants, teaching assistants, lab assistants, or any other faculty member who provides teaching or instruction to an ASU student whether being paid from ASU funds or not.

3. Policy

- a. *Prohibited Conduct.* The following dating, amorous, romantic, and/or sexual relationships may create actual or perceived conflicts of interest or the possibility for unethical, discriminatory, disruptive, and/or harassing situations, and are therefore prohibited:
 - i. Inappropriate Consensual Relationships, defined in section 2(a), above;
 - ii. Dating, amorous, romantic, and/or sexual relationships between faculty and undergraduate students;
 - iii. Dating, amorous, romantic, and/or sexual relationships between coaches and undergraduate students; and
 - iv. Non-consensual relationships, including but not limited to those addressed in [OP 16.02](#), Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws, and [OP 16.03](#), Sexual Harassment, Sexual Assault, Sexual Misconduct and Title IX Policy and Complaint Procedure.
- b. *Exceptions.* Exceptions may only be granted in writing approved by the Texas Tech University System Office of Equal Opportunity.¹
- c. *Necessary Change in Reporting Structure.* If an Inappropriate Consensual Relationship occurs or is likely to occur, the employee with responsibilities under Section 2.1(b) must consult with the ASU's Director of Human Resources and Director of Title IX Compliance/Title IX Coordinator, who will inform the System Office of Equal Opportunity to determine appropriate action, which will include a plan to manage the conflict or perceived conflict to include changes in reporting structure.

4. Complaints and Discipline

- a. *Complaints.* Complaints regarding prohibited conduct shall be reported to ASU's Director of Title IX Compliance/Title IX Coordinator, who will inform the Director of Human Resources and the System Office of Equal Opportunity. The Director of Human Resources and System Office of Equal Opportunity will determine whether and to what extent an investigation will be conducted and provide a recommendation to the appropriate administrator, as necessary.
- b. *Discipline.* University responses to violations of this OP will vary as appropriate to the fact and circumstances of each case. Any individual who is in violation of

¹ The System [Office of Equal Opportunity](#) can be reached at (806) 742-3627.

this policy is subject to disciplinary action under applicable ASU operating policies and procedures.

5. Retaliation Prohibited

- a. 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.
- b. Retaliation includes, but is not limited to, threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education. If retaliation is found, appropriate disciplinary action will be made in accordance with 4(b) of this OP.