

3.22 Conflicts of Interest Arising from Consensual Relationships

Policy Statement: It is the policy of the University that employees with direct teaching, supervisory, advisory or evaluative responsibility over other employees, students and/or student employees recognize and respect the ethical and professional boundaries that must exist in such situations. Consensual relationships can create conflicts of interest 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 liability. Therefore, the University strongly discourages consensual relationships between supervisors and subordinates, teachers and students, and advisors and students. Should such a relationship develop, the faculty member, supervisor or advisor has the obligation to disclose its existence to an immediate supervisor and cooperate in making alternative arrangements for the supervision, evaluation, teaching, grading or advising of the employee, student or student employee.

Scope: This policy applies to all NMSU employees including faculty, staff and student employees.

Definitions: A consensual relationship is a mutually acceptable, romantic and/or sexual relationship.

A conflict of interest arises when an individual with the authority and responsibility to evaluate the work or performance of an employee, student or student employee acquiesces or engages in a consensual relationship with the employee or student.

An employee is defined as any individual, whether paid or not, who is listed and active on the university's Human Resources Management System. This includes all faculty, staff and student employees to include affiliated faculty and associated employees.

Reporting Responsibility: In the event a conflict of interest exists arising from a consensual relationship, the individual in the supervisory, teaching or advisory position shall immediately notify his or her supervisor of the relationship and cooperate with the supervisor in making arrangements necessary to resolve the conflict of interest. Notification of the relationship shall be provided in writing and signed by both parties involved.

Failure to Report or Cooperate: Employees in positions of authority who enter into or continue consensual relationships without reporting them, or who fail to cooperate in efforts to eliminate the conflict of interest resulting from a consensual relationship may be subject to disciplinary action, which may include counseling, letters of warning, reprimand, suspension or termination. In the event that a complaint of sexual harassment or sexual misconduct is reported by the subordinate party regarding an unreported relationship, there will be no presumption that the relationship was consensual in nature.

Grievance of Disciplinary Actions: Disciplinary actions imposed for violations of this policy may be grieved or appealed by the individual who is disciplined pursuant to existing University policies and procedures.

For Assistance: Questions regarding this policy should be directed to the Director of Human Resources.