

# Standard Practice Guide Policies

## Supervisor-Employee Relationships

201.97

**Applies to:** All faculty, regular and temporary staff, student employees and volunteers

### I. POLICY

This policy applies to Intimate Relationships between Supervisors and Supervisees.

The University of Michigan is a large and complex organization employing tens of thousands of highly valued faculty and staff members. Intimate Relationships may exist between some employees, either prior to the commencement of the employment relationship, or may develop after employment begins. The presence of Intimate Relationships is complicated when those relationships exist or develop between Supervisors and Supervisees.

In addressing Intimate Relationships in the work environment, the University is guided by its core values and principles. Most importantly, the University will maintain a workplace that is inclusive and free from abuse of power, coercion, sexually harassing conduct and favoritism. Such conduct will not be tolerated. With these principles in mind, the following standards of conduct apply to all employees:

1. A Supervisor may not, implicitly or explicitly, initiate or attempt to initiate an Intimate Relationship with a Supervisee over whom they exercise supervisory authority as defined in Section III.A. of this Policy.
2. Recognizing that Intimate Relationships exist or may develop in the workplace that are not initiated by a Supervisor and are free from coercion and abuse of power, immediate disclosure of the relationship by the Supervisor is required. Failure of the Supervisor to disclose an Intimate Relationship is a serious offense and cause for discipline, up to and including dismissal from employment.
3. Upon disclosure, a Management Plan must be initiated, implemented and regularly monitored in accordance with Section V of this Policy.

### II. BACKGROUND

Given the power differential, Intimate Relationships initiated by a Supervisor are at high risk of being unwelcomed and experienced by the Supervisee as sexual harassment, as described by the Sexual and Gender Based Misconduct policy. Supervisors are therefore responsible for understanding how their statements and conduct may reasonably be interpreted by persons who do not share their same level of power.

If there is any doubt whether a relationship is covered by this policy, the Supervisor must disclose the facts and seek guidance. Although encouraged, Supervisees have no obligation to disclose.

### III. POLICY DEFINITIONS

#### A. SUPERVISOR

“Supervisor” is any University employee who hires, fires, oversees, directs or evaluates the work of a Supervisee, directly, indirectly, or functionally, including, but not limited to, executive officers, managers, administrators, directors, principal investigators, physicians, deans, chairs, and faculty with functional supervision. The term

“Supervisor” may also include faculty members in their roles as supervisors of staff, members of tenure or college executive committees, and participants in decisions affecting the careers of other faculty or staff members; or physicians who direct the work of others in an administrative, patient care or training environment. A Supervisor is someone who has the authority to influence the career or employment status of the Supervisee.

#### B. SUPERVISEE

“Supervisee” is anyone employed by the University, including full and part-time faculty and staff or individuals who perform services for the University under the oversight, direction or evaluation of a Supervisor, as defined in Section III.A. of this Policy. Volunteers, temporary employees, and student employees are included.

#### C. INTIMATE RELATIONSHIP

“Intimate Relationship” includes any relationship that may reasonably be described as sexual, romantic, amorous, and/or dating. Physical contact is not a required element of such relationships. An Intimate Relationship may exist on the basis of a single interaction.

#### D. UNIVERSITY

“University” encompasses any campus of the University of Michigan, Michigan Medicine or any University sponsored programs, activities, or services.

### IV. MANDATORY DISCLOSURE

For any Intimate Relationship between a Supervisor and any Supervisee of the Supervisor, the Supervisor must:

- A. Immediately report the Intimate Relationship to their immediate superior, who is responsible for informing the appropriate Higher Level Administrative Authority (e.g. executive officer, dean, director, or their designees); and
- B. cooperate in the development of and agree to abide by a Management Plan.

If a change in employment or academic circumstances causes a Supervisor in a preexisting Intimate Relationship to come into conflict with this policy, the Supervisor must immediately disclose this to their immediate supervisor, in accordance with IV. A, above.

### V. MANAGEMENT AND MONITORING PLANS

A “Management Plan” is a plan arranged according to the individual circumstances, with the outcome being to remove supervision and/or influence over a Supervisee when an Intimate Relationship exists. It might involve (a) assisting one of the individuals to change to a position elsewhere in the University; (b) removing exercise of authority by the Supervisor by having someone else designated as a substitute for supervision, advising, evaluation; (c) recusal from committees or from discreet decisions; or (d) any other arrangements which are reasonable under the circumstances to achieve the purposes of a Management Plan. A written Management Plan will be implemented as soon as administratively feasible.

The Management Plan will:

1. Provide an alternative means for managing, supervising, evaluating and/or advising the Supervisee or otherwise mitigate the potential for exploitation, the appearance of exploitation, favoritism, or the appearance of favoritism or other conflicts of interest;
2. give priority to the interest of the Supervisee;
3. be in writing and signed by both parties to the Intimate Relationship; and
4. be reassessed on an annual basis (or sooner if circumstances warrant) by the parties, and the applicable department/unit for necessary modification.

The Higher Administrative Authority will have ultimate responsibility for preparing and monitoring the Management Plan, and must review and reevaluate the Management Plan at least annually to ensure that it continues to effectively eliminate Supervisory authority, provide for objective evaluation and supervision, and avoid the potential for exploitation, the

appearance of exploitation, favoritism, or the appearance of favoritism or other conflicts of interest.

If the potential for exploitation or favoritism or other conflicts of interest cannot be successfully mitigated and managed, the Intimate Relationship is prohibited or a transition plan to remove/exit the supervisor from the position will be necessary.

#### VI. VIOLATIONS

The obligation to report an Intimate Relationship rests solely with the Supervisor. The obligation to prepare and monitor a Management Plan rests with the Higher Administrative Authority. Failure to comply with this policy will be subject to sanctions, up to and including dismissal from employment, in accordance with the appropriate process.

#### VII. REPORTING AND PROTECTIONS FROM RETALIATION

Any person who reasonably believes a Supervisor is in violation of this policy, is encouraged to report the concern to the Supervisor's Dean or Department Head, to the appropriate Human Resources Office, or through the U-M Compliance Hotline (which allows you to report an issue anonymously if you wish) by calling 1(866) 990-0111 or submitting an online report.

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 report made under this policy is strictly prohibited. Retaliation includes, but is not limited to threats, intimidation, reprisals and/or adverse action related to an individual's employment or education. Adverse action may include inappropriately unfavorable treatment of others as the result of the Intimate Relationship. The University will take appropriate steps to ensure a person who in good faith reports, or participates in an investigation pursuant to this policy will not be subject to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to file a complaint with the appropriate Human Resources Office, or through the U-M Compliance Hotline (which allows you to report an issue anonymously if you wish) by calling 1(866) 990-0111 or submitting an online report.

#### VIII. RELATED POLICIES

Nothing in this policy shall be deemed as supplanting or otherwise affecting the University's Discrimination and Harassment Policy, Standard Practice Guide 201.89-1, Interim Policy on Sexual and Gender-based Misconduct, Standard Practice Guide 601.89, Professional Standards for Faculty Standard Practice Guide 201.96, Prohibitions Regarding Sexual, Romantic, Amorous, and/or Dating Relationships Between Teachers and Learners, Standard Practice Guide, 601.22, Student, Staff Relationships Policy, Standard Practice Guide, 601.22-1, the Nepotism Policy, Standard Practice Guide 201.23, or Conflicts of Interest and Commitment, Standard Practice Guide 201.65-1.

#### File Attachments

Printable PDF of SPG 201.97, Supervisor-Employee Relationships (<https://spg.umich.edu/sites/default/files/policies/201x97.pdf>)

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**Related Policies:**

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