

Standard Practice Guide Policies

Prohibitions Regarding Sexual, Romantic, Amorous, and/or Dating Relationships Between Teachers and Learners 601.22

Applies to: Regular Instructional Faculty, Supplemental Instructional Faculty, Research Faculty, Graduate Student Instructors, and Undergraduate Students Responsible for the Delivery of Course Content

I. POLICY BACKGROUND

This policy applies to “*Covered Relationships*.” A *Covered Relationship* includes any relationship which may reasonably be described as sexual, romantic, amorous, and/or dating. Physical contact is not a required element of such relationships. A *Covered Relationship* may exist on the basis of a single interaction.

The University of Michigan strives to create and maintain a community that enables each person to reach their full potential. To do so requires an environment of trust, openness, civility, and respect. The University is firmly committed to a policy of prohibiting behaviors that adversely impact a person’s ability to fully participate in the scholarly, research, educational, patient care, and service missions of the University.

The teacher-student relationship lies at the foundation of the educational process. As a matter of sound judgment and professional ethics, faculty members have a responsibility to avoid any apparent or actual conflict between their professional responsibilities and personal relationships with students.

Faculty have a collective responsibility to the student experience as members and representatives of the University community, and with each class of incoming students who are bound together in space and time.

The faculty at the University fulfill their essential role with students in learning, research, and service environments, and do so with a commitment to honoring the highest professional and ethical standards. An overarching goal for the context of the faculty-student relationship is to create a professional, productive, and equitable environment for independent learning and academic growth. Student well-being and the pursuit of academic excellence are central to any faculty-student relationship. At its best, the faculty-student relationship nurtures the

advancement and pursuit of knowledge and can lead to life-long professional mentorships and connections. At its worst, the inherent imbalance in the power dynamic between faculty and students can lead to real or perceived exploitation of the power differential.

The University is committed to putting students' interests first in addressing the challenges and competing interests that arise when defining limitations on certain types of teacher-student relationships. The limitations set forth in this SPG are based on roles and responsibilities, group affiliations, and community norms, as well as the University's diversity, scope, scale, and geographic and virtual reach. The University similarly recognizes the importance of its members' interests in academic freedom, freedom of expression, and intellectual inquiry, and believes these are best protected by common understandings and avoidance of unprofessional relationships.

In all cases, a *Covered Teacher* (defined below) is prohibited from having a *Covered Relationship* (defined below) with any *Learner* (defined below) in a class, lab, field, or other setting in which the *Covered Teacher* has *Academic or Supervisory Authority* (defined below) over the *Learner*. If a *Covered Teacher* has such authority, and has in the past had a *Covered Relationship* with any *Learner* who subsequently is in the *Covered Teacher's* class, lab, field, or other such setting, the *Covered Teacher* must disclose the prior relationship immediately to the Dean or designee in the Dean's Office, so that the situation may be promptly and properly managed (e.g., re-assigning grading responsibilities).^[1]

As defined more specifically below, *Faculty Members* are subject to broader prohibitions than other *Covered Teachers*. Among other things, *Faculty Members* are prohibited from having *Covered Relationships* with undergraduate students.

II. POLICY DEFINITIONS

For purposes of this SPG, the following definitions apply:².

- A. *Covered Relationship*: "*Covered Relationship*" includes any relationship which may reasonably be described as sexual, romantic, amorous, and/or dating. Physical contact is not a required element of such relationships. A *Covered Relationship* may exist on the basis of a single interaction.
- B. *Covered Teacher*: "*Covered Teacher*" means any *Faculty Member*, *Graduate Student Instructor*, and *Undergraduate Student Responsible for the Delivery of Course Content*.³
- C. *Faculty* or *Faculty Member*: "*Faculty*" or "*Faculty Member*" means all regular instructional *Faculty*⁴ and all supplemental instructional *Faculty*⁵ as defined by SPG 201.34-1 (<https://spg.umich.edu/policy/201.34-1>). It also includes research track *Faculty* as defined in Regents' Bylaw 5.24 (<http://regents.umich.edu/bylaws/bylaws05b.html#15>)⁶

- D. *Graduate Student Instructor: "Graduate Student Instructor" ("GSI")* means any graduate student appointed as a *Graduate Student Instructor* as defined in the UM/Graduate Employees' Organization collective bargaining agreement.⁷
- E. *Postdoctoral Research Fellow: "Postdoctoral Research Fellow"* means any individual appointed or employed under SPG 201.19 (<https://spg.umich.edu/policy/201.19>)⁸.
- F. *Undergraduate Student Responsible for the Delivery of Course Content: "Undergraduate Student Responsible for the Delivery of Course Content"* means any undergraduate student who is assigned by an academic unit to provide course content including instruction, grading, formal mentoring, tutoring, or similar activities.
- G. *Academic or Supervisory Authority: "Academic or Supervisory Authority"* includes, but is not limited to, teaching, research, academic advising, coaching, service on evaluation or thesis committees, grading, evaluation, and/or recommending in an institutional capacity for employment, fellowships, and awards.
- H. *Learner: "Learner"* means all undergraduate, graduate, professional, non-degree, and visiting students, as well as *Postdoctoral Research Fellows*.

III. Policy Regulations

A. Faculty Members and Learners

1. Prohibited *Faculty* and Student Relationships

The provisions apply regardless of delivery mechanism for the instructional content, or the form of communication (e.g., in person, online, mobile, and hybrid methods).

- a. *Faculty* and Undergraduate Students – *Covered Relationships* between a *Faculty Member* and an undergraduate student at any of the three U-M campuses (Ann Arbor, Dearborn, and Flint) are prohibited.
- b. *Faculty* and Graduate and Professional Students
 - (1) *Covered Relationships* between a *Faculty Member* and a graduate or professional student over whom the *Faculty Member* currently has, has had, or might reasonably be expected to have direct or indirect *Academic or Supervisory Authority* are prohibited.
 - (2) Additionally, *Covered Relationships* between a *Faculty Member* and a graduate or professional student who is in the same discipline or academic program in which the *Faculty Member* is appointed or teaches, regardless of *Academic or Supervisory Authority*, are prohibited.
- c. *Faculty* and Non-Degree Students – The prohibitions described above apply in accordance with a non-degree student's status as

undergraduate, graduate, or professional.

- d. *Faculty* and Visiting Students – The prohibitions described above apply in accordance with a visiting student’s status as undergraduate, graduate, or professional.

B. Prohibited *Faculty and Postdoctoral Research Fellows* Relationships

1. *Covered Relationships* between a *Faculty Member* and a *Postdoctoral Research Fellow* over whom the *Faculty Member* currently has, has had, or might reasonably be expected to have *Academic or Supervisory Authority* are prohibited

C. *Faculty* Requests for Exceptions from Prohibitions

1. Exceptions from the prohibitions outlined in this SPG will be granted only in rare circumstances. A *Faculty Member* may request an exception, and each will be considered on a case-by-case basis. As a starting premise, and as the broadest prohibition in this SPG applies to undergraduate students, an exception permitting a *Covered Relationship* with an undergraduate student would require an extraordinary set of circumstances.
2. Examples of situations in which an exception might be appropriate include:
 - a. The *Faculty Member’s Covered Relationship* with a *Learner* precedes the individual’s status as a *Learner* subject to these prohibitions (e.g., a *Faculty Member* and *Learner* have been in an established relationship [e.g., marriage], and the *Learner* subsequently enrolls as an undergraduate student at the University);
 - b. A *Faculty Member* and a *Learner* had a *Covered Relationship* under the prior version of this SPG that either did not require disclosure or was appropriately disclosed and managed, but upon the effective date of the revised SPG, the *Covered Relationship* is prohibited.⁹
3. A *Faculty Member’s* request for an exception must be made in writing to the *Faculty Member’s* Dean¹⁰. or designee in the Dean’s Office. The Dean or designee in the Dean’s Office, after consultation with Academic Human Resources,¹¹ will determine whether an exception is appropriate. If an exception is appropriate, a management plan will be implemented as described below.
4. If an exception is denied, the *Covered Relationship* must be discontinued. The *Faculty Member* may request an exception if the circumstances leading to the denial change.
5. The affected *Faculty Member* may file a grievance challenging the denial of an exception request under the applicable *Faculty* grievance procedure.

D. Managing Approved *Faculty* Exceptions

1. In the event an exception is granted, a written management plan will be created. At minimum, the plan will document the rationale for the exception and outline any steps necessary to resolve actual and potential conflicts of interest and commitment.
2. The management plan will be developed by the Dean or designee in the Dean's Office, which may include consultation with the *Faculty Member* and *Learner*.
3. To ensure consistent administration of this policy, the Dean or designee in the Dean's Office will consult with Academic Human Resources¹² in managing the rare cases in which an exception is granted.
4. The approved management plan must be placed in the *Faculty Member's* personnel file in the *Faculty Member's* home administrative unit.

E. Prohibited Relationships Between Other *Covered Teachers* and *Learners*

1. Graduate Student Instructors and Learners

- a. *Covered Relationships* between a *GSI* and any *Learner* over whom the *GSI* has *Academic or Supervisory Authority* are prohibited.
- b. Immediately upon learning that a student with whom the *GSI* currently has or previously had a *Covered Relationship* is or will be in the *GSI's* class or otherwise under the *GSI's Academic or Supervisory Authority*, the *GSI* will disclose the situation to the Dean or designee in the Dean's Office of the department in which the *GSI* is appointed. The Dean or designee in the Dean's Office will establish appropriate supervision of the *Learner*.

2. Undergraduate Students Responsible for the Delivery of Course Content and Learners

- a. *Covered Relationships* between an *Undergraduate Student Responsible for the Delivery of Course content* and any *Learner* over whom they have *Academic or Supervisory Authority* are prohibited.
- b. Immediately upon learning that a *Learner* with whom the *Undergraduate Student Responsible for the Delivery of Course Content* currently has or previously had a *Covered Relationship* is or will be under their *Academic or Supervisory Authority*, the *Undergraduate Student Responsible for the Delivery of Course Content* will disclose the situation to the Dean or designee in the Dean's Office. The Dean or designee in the Dean's Office will establish appropriate supervision of the *Learner*.

F. Reporting

1. Any student, faculty member, staff member or other affiliate (e.g., individuals in a position to observe or have knowledge of such a relationship) who reasonably believes a *Covered Teacher* is engaged in a prohibited *Covered Relationship*, or is otherwise in violation of this policy, is encouraged to report the concern to the *Covered Teacher's* Dean and/or the Office of Academic Human Resources.¹³.
2. In addition, anonymous reporting can be made through the University's Compliance Hotline (<http://www.compliancehotline.umich.edu/>) (1-866-990-0111) and/or the Office for Institutional Equity (<https://hr.umich.edu/working-u-m/workplace-improvement/office-institutional-equity/discrimination-discriminatory-harassment-sexual-misconduct-reporting-form>).
3. A person who knowingly and intentionally makes a false report under this policy is subject to University discipline.

IV. Discipline

Violations of this policy will be considered misconduct on the part of a *Covered Teacher* and will be subject to discipline up to and including separation from the University. Any such discipline will follow the applicable due process requirements, and will be subject to the applicable grievance procedure.

Prompt self-disclosure may mitigate potential violations of this policy. *Covered Relationships* that are not self-disclosed will be considered more severe violations of this policy.

V. Related Policies

This SPG does not preempt existing codes of student conduct.

This SPG will be implemented in coordination with related policies, such as SPG 201.65-1 (<https://spg.umich.edu/policy/201.65-1>), Conflicts of Interest and Conflicts of Commitment, which remain in full force and effect.

Nothing in this policy shall be deemed as supplanting or otherwise affecting the University's sexual harassment policy, Standard Practice Guide 201.89-0 (<http://spg.umich.edu/policy/201.89-0>), or the policy on the appointment of relatives, Standard Practice Guide 201.23 (<http://spg.umich.edu/policy/201.23>).

¹A Covered Teacher may have separate disclosure obligations for certain personal relationships under other University policies (see, e.g., SPG 201.65-1 (<http://spg.umich.edu/policy/201.65-1>) – Conflicts of Interest and Conflicts of Commitment).

²These defined terms are identified by the use of italics.

³The University engages people who are not University employees to assume educational responsibility for our Learners through internships, affiliation and cooperation agreements, and other arrangements. The University encourages units to incorporate the provisions of this SPG into formal agreements with these types of educators, their employers, etc.

⁴SPG 201.34-1 (<http://spg.umich.edu/policy/201.34-1>) defines “regular instructional faculty” to include tenure track faculty, clinical track faculty, lecturers, and bargained-for lecturers. For bargained-for lecturers, the UM/LEO agreement (<https://hr.umich.edu/sites/default/files/lecturers-employee-organization-agreement-2018-2021.pdf>) provides additional information.

⁵SPG 201.34-1 (<http://spg.umich.edu/policy/201.34-1>) defines “supplemental instructional faculty” to include adjunct instructional faculty (bargained-for; see UM/LEO agreement (<https://hr.umich.edu/sites/default/files/lecturers-employee-organization-agreement-2018-2021.pdf>)), adjunct clinical instructional faculty, and visiting instructional faculty.

⁶Regents’ Bylaw 5.24 (<http://regents.umich.edu/bylaws/bylaws05b.html#15>) defines the research track faculty as including the Research Scientist and Research Professor tracks.

⁷The UM/GEO agreement (<https://hr.umich.edu/sites/default/files/geo-agreement-2017-2020.pdf>) provides additional information.

⁸SPG 201.19 (<http://spg.umich.edu/policy/201.19>) provides additional information for Postdoctoral Research Fellows.

⁹Upon the 2019 effective date of this revised SPG, relationships that were not prohibited by prior versions of this SPG may become prohibited. In such cases, an affected Faculty Member must immediately disclose such relationship to the Faculty Member’s Dean or designee in the Dean’s Office. In the event the Faculty Member wishes to request an exception to the prohibitions in the revised SPG, the Faculty Member must submit a request in writing to the Dean or designee in the Dean’s Office, as set forth in the SPG.

¹⁰In the limited number of cases in which the Dean or designee in the Dean’s Office has a conflict of interest which directly bears on the evaluation of an exception request, alternative reporting may be appropriate through Academic Human Resources.

¹¹On the Flint and Dearborn campuses, consultation with the campus Human Resources Office is also required.

¹²On the Flint and Dearborn campuses, consultation with the campus Human Resources Office is also required.

¹³On the Flint and Dearborn campuses, reports may also be made to the respective campus Human Resources Office.

Notes

This SPG was revised February 18, 2019. The revised policy is broader in scope and more restrictive than the previous policy.

File Attachments

PDF of SPG 601.22, Prohibitions Regarding Sexual, Romantic, Amorous, and/or Dating Relationships Between Teachers and Learners (<https://spg.umich.edu/sites/default/files/policies/1%20-601x22.pdf>)

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Regular Instructional Faculty, Supplemental Instructional Faculty, Research Faculty, Graduate Student Instructors, and Undergraduate Students Responsible for the Delivery of Course Content

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Related Policies:

Appointment of Relatives or Others with Close Personal or External Business Relationships; Procedures to assure Equal Opportunity and to Avoid the Possibility of Favoritism (Nepotism) (/policy/201.23)

Classification and Appointment of Instructional Faculty (/policy/201.34-1)

Conflicts of Interest and Conflicts of Commitment (/policy/201.65-1)

Postdoctoral Research Fellows (/policy/201.19)

Sexual Harassment (/policy/201.89-0)

Related Links:

Frequently Asked Questions (<https://www.provost.umich.edu/faculty/FSRP/>)

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