THE UNIVERSITY OF MICHIGAN

STANDARD PRACTICE GUIDE

SECTION:	General University Policies and Services	**Number:**	601.22-1
		Revised:	
SUBJECT:	Employee-Student Relationships	**Date Issued:**	5/23/05
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APPLIES TO:	All Employees	**Attachment(s)**	0
ISSUED BY:	Office of Human Resources and Affirmative Action Office of the Provost and Executive Vice President for Academic Affairs		

I. Policy

When an employee's professional responsibilities make it possible for him or her to influence the status or circumstances of a student and when a romantic and/or sexual relationship occurs or has occurred between the employee and the student, an inherent conflict of interest arises. When a conflict of this nature occurs, the employee must disclose the relationship so that a resolution to the conflict can be sought.

Romantic and/or sexual relationships between an employee and a student have the potential to pose risks to the employee, the student, and third parties. As a matter of sound judgment and professional ethics, all employees have a responsibility to avoid any apparent or actual conflict between their professional responsibilities and personal relationships with students. This policy defines the norms the University expects employees to observe if they are having or have had a romantic and/or sexual relationship with a student.

This policy does not apply to or supplant situations covered under the University's sexual harassment policy, Standard Practice Guide 201.89, or the policy on the appointment of relatives or others with close personal or external business relationships, Standard Practice Guide 201.23.

In such relationships, voluntary consent by the student may be suspect because of the potentially unequal nature of the relationship. A romantic and/or sexual relationship between an employee and a student can lead to a complaint of sexual harassment when the student feels that he or she has been subjected to harassment. In addition, other employees or students may express concerns about undue access or advantage, favoritism, restricted opportunities, or unfavorable treatment as a result of the relationship. These concerns are damaging whether the favoritism is real or perceived. Concerns arise in cases where the relationship between the employee and the student remains amicable, as well as in cases that lead to accusations of harassment. For all these reasons, the University strongly discourages romantic and/or sexual relationships between employees and students when an employee's professional responsibilities make it possible for him or her to influence the status or circumstances of the student. Actions that may influence the student include but are not limited to initiating or participating in administrative decisions or actions.

Also see SPG 601.22 *Faculty-Student Relationships*, which addresses relationships between a student and a member of the instructional faculty or any other individual who has supervisory responsibility for students in an educational setting.

II. Regulations and Definitions

Relevant Administrative Decisions and Actions include, but are not limited to, services such as financial aid or other sources of funding, visa related matters, matters related to health care (including mental health), housing assignments, and student advising. Relevant administrative decisions and actions also include providing access to educational activities and opportunities (e.g., honors programs, internships, or practica in clinical or professional settings), access to employment opportunities, approving changes in course enrollment, providing opportunities in intercollegiate or intramural athletics, and determining access to all manner of educational services and opportunities. Employees may make such decisions and take such actions on or off campus, and in curricular, co-curricular, or extra-curricular activities as part of their University responsibilities.

III. Regulations

A. Prohibition of Influence: An employee is prohibited from making administrative decisions and engaging in administrative actions for a student with whom he or she is currently having a romantic and/or sexual relationship. An employee may be prohibited from making administrative decisions and engaging in administrative actions for a student with whom he or she has had in the past a romantic and/or sexual relationship.

B. Employee Student Relationships Requiring Disclosure and Conflict Resolution:

Disclosure Requirement: If an employee has currently or has had in the past a romantic and/or sexual relationship with a student and the employee's professional responsibilities make it possible for him or her to influence the status or circumstances of the student, the employee must disclose the relationship to his or her supervisor, who must also inform the head of the administrative unit or his or her designee. If the employee's supervisor is the head of the administrative unit, the supervisor must also report the relationship to his or her supervisor.

Development and Approval of a Conflict Resolution Plan (hereafter referred to as the "plan"): The employee's immediate supervisor and the head of the employee's administrative unit or his or her designee (e.g., director or equivalent) should determine whether a conflict of interest exists, and if so, must develop a written plan to resolve the conflict of interest. If the conflict involves the head of the administrative unit, his or her supervisor should develop the written plan. In most cases, the plan will provide alternative arrangements for decisions and actions related to the student, thereby removing the employee's professional influence over the student. The plan must address the need to preserve and maintain the student's immediate and long-term educational opportunities, ability to meet program requirements, and career progression.

At any time, the student, the immediate supervisor, and/or the head of the administrative or academic unit may consult with the appropriate Human Resources office. Final approval of the plan is the responsibility of the head of the administrative unit (e.g., dean, director, department chair, or equivalent) in which the employee holds an appointment.

Determination of Plan Acceptability: The person(s) responsible for developing a written plan to resolve the conflict must take into account the student's ability to progress toward his or her academic goals when determining whether the plan is acceptable. Therefore, when appropriate he or she must consult with the dean or department chair/program director of the academic unit in which the student is enrolled. Also, making alternative arrangements for decisions related to the student may have a negative impact on other employees, other students, other administrators, and the University. Therefore, the head of the administrative unit in which the employee holds the relevant appointment has the authority to decide that no acceptable resolution of the conflict can be found. If the head of the administrative unit is part of the conflict of interest, final approval of the plan is the responsibility of his or her supervisor.

When a Conflict Resolution Plan Is Not Possible: If it is not possible to resolve the conflict of interest with a plan that meets the above requirements, the employee must discontinue promptly the romantic and/or sexual relationship until the employee is no longer in a position of influence or potential influence over the student (also see Section IV. Sanctions).

Record Keeping: A written record of the approved conflict resolution plan must be placed in the employee's personnel file in his or her administrative unit (also see Section III.F. on confidentiality).

C. **Role of the Head of the Administrative Unit:** If a unit administrator learns that an employee has professional responsibilities that make it possible for him or her to influence the status or circumstance of a student with whom the employee has or has had a romantic and/or sexual relationship, he or she is obligated to attempt to develop a plan to resolve the conflict of interest. If the head of the employee's administrative unit learns of a potential conflict of interest from another source (e.g., from a student or third party), he or she must determine whether a conflict of interest exists and, if so, must take appropriate action.

D. **Impact on Third Parties:** Any individual who believes he or she has received inappropriately unfavorable treatment as the result of a romantic and/or sexual relationship between an employee and a student may file a complaint with the head of the relevant school, college, or administrative unit or to the appropriate Human Resources office.

E. **Existing Policies:** This policy does not preempt other employment-related University policy.

F. **Confidentiality:** University administrators need to respond appropriately to all potential conflicts of interest that arise under this policy. Within this context, every reasonable effort will be made to preserve confidentiality and protect the privacy of all parties in the course of investigating a potential conflict of interest or, where a conflict of interest exists, in attempting to develop an alternative plan for providing services to the student. See Regents' Bylaw 14.07 *Privacy and Access to Information* and Standard Practice Guide 201.46 *Personnel Records – Collection, Retention, and Release*.

IV. Sanctions

Violations of this policy will be considered misconduct on the part of an employee and will be subject to institutional sanctions up to and including termination of appointment.

Violations of this policy include:

1. An employee has the ability to influence the status or circumstance of a student with whom he or she is having or has had a romantic and/or sexual relationship but fails to disclose the relationship promptly (see Section III.B. *Disclosure Requirement*).

2. The employee discloses the relationship but fails to cooperate promptly in the development of a satisfactory plan to resolve the conflict of interest (see Section III.B. *Development and Approval of a Conflict Resolution Plan*) or fails to adhere to an agreed-upon plan.

3. The employee discloses the relationship but after the head of the administrative unit determines that no satisfactory plan is possible to resolve the conflict of interest, the employee continues the relationship (see Section III.B. *Determination of Plan Acceptability and When a Conflict Resolution Plan Is Not Possible)*.