Conflicts of Interest and Conflicts of Commitment

201.65-1

I. Policy

The University is committed to basic values of transparency, integrity of scholarship, and independence as it pursues its mission to create, preserve, and disseminate knowledge through teaching, research, and public service. Accordingly, the University of Michigan allows and encourages faculty and staff to engage in outside activities and relationships that enhance the mission of the University. All faculty and staff members are to act with honesty, integrity, and in the best interest of the University when performing their duties, and to abide by the highest standards of research, educational, professional, and fiscal conduct.

Given that the University of Michigan allows and encourages outside activities and relationships that enhance the mission of the University, potential conflicts of interest and commitment are inevitable. Outside activities should not, however, interfere with an individual's University obligations. Faculty and staff must not use their official University positions or influence to further gain or advancement for themselves, parents, siblings, spouse or partner, children, dependent relatives, or other personal associates, at the expense of the University.

Faculty members and staff members with 50% or more appointments owe their primary professional commitment to the University of Michigan. Accordingly, a commensurate commitment of time and intellectual energy should be used to support and enhance the mission of the University. Other part-time faculty members and staff members owe time and effort commitments to the University commensurate with their appointments.

All actual and potential conflicts of interest or commitment must be disclosed to a designated University official; evaluated; and, if found to be significant, eliminated or managed as described in section III. *Regulations* below.

This policy is consistent with and is in addition to relevant federal and state law and University policies, as well as with unit policies and with other relevant University policies not listed here. See procedures. Academic or administrative units may require further disclosure and conflict management than mandated by this SPG as may be deemed appropriate by the unit and its supervising administrator.

II. Definitions

A. *Conflict of Interest*

A **potential conflict of interest** exists whenever personal, professional, commercial, or financial interests or activities outside of the University have the possibility (either in actuality or in appearance) of (1) compromising a faculty or staff member's judgment; (2) biasing the nature or direction of scholarly research; (3) influencing a faculty or staff member's decision or behavior with respect to teaching and student affairs, appointments and promotions, uses of University resources, interactions with human subjects, or other matters of interest to the University; or (4) resulting in a personal or family member's gain or advancement at the expense of the University. For purposes of subsection (4), family members include spouse, domestic partners and dependents.

B. *Conflict of Commitment*

A **potential conflict of commitment** exists when a faculty or staff member's external relationships or activities have the possibility (either in actuality or in appearance) of interfering or competing with the University's educational, research, or service missions, or with that individual's ability or willingness to perform the full range of responsibilities associated with his or her position.

III. Regulations

Faculty, staff, and administrators in the schools, colleges, academic departments/programs, other administrative units, and

central administration share the institution's obligation to implement University policies and practices related to conflict of interest and conflict of commitment. In meeting this obligation, each of these groups has specific roles and responsibilities, as described below.

A. ***Rights and Responsibilities of Faculty Members and Staff Members***

1. *Right to Outside Interests*: Faculty members and staff members have the right to acquire and retain outside interests of a professional, personal, or economic nature that do not conflict with University interests or with the individual employee's commitment to the University, to the University's students, sponsors, patients, or to other parties to whom the University has a duty.
2. *Professional Commitments*: Faculty members and staff members must meet the specific responsibilities and professional activities that constitute their appropriate commitments to their respective schools, colleges, academic departments/programs, and other administrative units.
3. *Requirement to Disclose*: All faculty members and staff members must disclose all actual or potential conflicts of interest or conflicts of commitment to his or her appropriate dean, director, or supervisor (or his or her designate) as potential conflicts arise or are identified. A staff member must disclose all actual or potential conflicts of interest or conflicts of commitment to his or her supervisor or to the designated conflict of interest officer in his or her unit. In addition, when sponsored research or technology transfer is involved, a faculty member must disclose actual or potential conflicts of interest or conflicts of commitment to the appropriate conflict of interest committee. A faculty or staff member must also provide additional relevant information concerning disclosed or undisclosed matters as may be requested by his or her supervising authority for the purpose of evaluating actual or potential conflicts of commitment or interest. All disclosures must be made promptly.
4. *Requirement to Abide by Plans to Resolve Conflicts*: When a faculty member or staff member has disclosed a potential conflict of interest or conflict of commitment, and the appropriate dean, director, supervisor, or conflict of interest committee has determined that a conflict exists, the appropriately designated University official or body will also determine whether further management or elimination of the conflict is required. If required, that official or body will develop a plan in consultation with the faculty or staff member, and the faculty member or staff member must abide by the terms of the plan.
5. *Prohibition Against Using Position or Influence for Personal Gain or Advancement*: It is not acceptable for any University employee to use his or her official position or influence to further his or her personal gain or advancement, or that of family members or personal associates, at the expense of the University and against University policy.
6. *Use of University Resources*: Except as authorized by the appropriate University official, faculty members and staff members may make only incidental use of University resources for purposes unrelated to the education, research, scholarship, and public service missions of the University. Such resources include but are not limited to facilities, personnel, students, equipment, and confidential information.
7. *Knowledge of Policies and Procedures*: Faculty and staff must know and abide by applicable University and unit policies and procedures.

B. ***Responsibilities of Executive Officers and Chancellors***

Consistent with this policy and all other relevant University policies, each Executive Officer and Chancellor will:

1. Ensure the development of implementation policies for conflicts of interest and conflicts of commitment for all faculty and staff members who hold appointments in his or her area of responsibility; and
2. Approve and monitor the relevant implementation policies.

C. ***Rights and Responsibilities of Schools, Colleges, and Administrative Units***

Consistent with this policy and all other relevant University policies, the dean of each school or college, in consultation with the faculty as set forth in procedures developed in conjunction with this SPG, and the director of each administrative unit (or his or her designate) must articulate and disseminate implementation policies that apply to faculty and/or staff within that unit, including:

1. Procedures that faculty members and staff members in the academic unit or administrative unit must follow to disclose potential or actual conflicts of interest and conflicts of commitment that arise in their units. At a minimum, all faculty members and staff members must promptly disclose matters as they arise or are identified.

The procedures shall also require further additional relevant disclosures when the evaluator at the academic or administrative unit determines that such information is required for disclosed or undisclosed matters that may be actual or potential conflicts. Schools, colleges, and administrative units may add additional disclosure requirements and procedures, as appropriate to their circumstances;

2. A conflict of interest and conflict of commitment implementation policy at the unit level (i.e., school, college, or administrative unit) that addresses the expectations and responsibilities that the school, college, or administrative unit associates with professional appointments and other job classifications within the unit;
3. Procedures for evaluating disclosures and managing conflicts of interest and conflicts of commitment;
4. Standards and procedures for governing employees' actions with regard to soliciting and accepting gifts;
5. Procedures for responding to alleged violations of this policy (see section IV. *Violations* below); and
6. Procedures to follow when a faculty or staff member wishes to dispute or appeal any action or decision related to a conflict of interest or conflict of commitment. See Section V. *Disputes and Appeals* below.

IV. Violations

Violations of this policy as determined by the appropriate dean, director, supervisor, or conflict of interest committee are considered misconduct on the part of a faculty or staff member and may be subject to institutional sanctions up to and including termination of appointment in accordance with applicable disciplinary procedures.

Violations include but are not limited to situations in which:

1. A faculty member or staff member knows of a situation that places him or her in a potential or actual conflict of interest or conflict of commitment but fails to disclose it fully, according to the policies of his or her unit; and
2. A faculty member or staff member discloses a potential or actual conflict of interest or commitment but fails to abide fully by the required plan for avoiding or managing the conflict.

V. Disputes and Appeals

When a faculty or staff member disputes any action or decision related to a potential conflict of interest or conflict of commitment, existing University policies for disputes of faculty and staff will be used. Disputes with decisions or actions taken by an established conflict of interest committee for those projects for which the committee is responsible must be through the processes established by the applicable committee. If a school, college or administrative unit develops additional procedures for handling disputes or appeals regarding any action or decision taken with respect to a faculty or staff member's conflict of interest or conflict of commitment, the additional procedures must coordinate with and may not substitute for existing University policies for handling disputes.

Procedures: http://www.umich.edu/~hraa/procedures/spg201-65-1.htm

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SPG U-M Standard Practice Guide

UNIVERSITY OF MICHIGAN

Sexual Harassment

201.89-0

POLICY

It is the policy of the University of Michigan to maintain an academic and work environment free of sexual harassment for students, faculty, and staff. Sexual harassment is contrary to the standards of the University community. It diminishes individual dignity and impedes equal employment and educational opportunities and equal access to freedom of academic inquiry. Sexual harassment is a barrier to fulfilling the University's scholarly, research, educational, and service missions. It will not be tolerated at the University of Michigan.

Sexual harassment violates the University's long-standing policy against discrimination on the basis of sex. Sexual harassment is also illegal. It is prohibited in the employment context by Title VII of the 1964 Civil Rights Act, in the education context by Title IX of the Educational Amendments of 1972, and, in both employment and education contexts, by Michigan's Elliott-Larsen Civil Rights Act, adopted in 1976.

A claim under this policy may be brought by the University or by a faculty, staff or student member of the University community based on the conduct of any University employee. Complaints based on conduct of students who are not also employees of the University are addressed in the Statement of Student Rights and Responsibilities, which is administered by the Office of Student Conflict Resolution. Rackham graduate students may also contact Graduate Student Affairs in the Rackham Graduate School. Persons who lodge sexual harassment complaints or participate in the investigation of such a complaint are protected from retaliation (e.g., adverse action or consequences) for those actions. Retaliation will not be tolerated at the University of Michigan.

Sexual harassment can be a very serious matter having far-reaching effects on the lives and careers of individuals. Intentionally false accusations can have similar impact. A person who knowingly and intentionally files a false complaint under this policy is subject to University discipline. Both a person who sexually harasses another, and a person who knowingly and intentionally files a false complaint under this policy, are subject to University discipline.

An individual may engage in conduct of a sexual nature that may not be sufficiently severe, persistent or pervasive to constitute sexual harassment as described below, but is nonetheless inappropriate. Such conduct also will not be tolerated by the University, is prohibited by the University and is subject to discipline up to and including termination of employment.

DEFINITION OF SEXUAL HARASSMENT

For the purposes of determining whether a particular course of conduct constitutes sexual harassment under this policy, the following definition will be used:

> Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute harassment when:
>
> 1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, living environment, or participation in a University activity;
> 2. submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual's employment, education, living environment, or participation in a University activity; or
> 3. such conduct has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment, or participation in a University activity.

Some examples of conduct that may constitute sexual harassment include, but are not limited to:

Unwanted sexual statements – sexual or "dirty" jokes, comments on physical attributes, spreading rumors about or rating others as to sexual activity or performance, talking about one's sexual activity in front of others, and displaying or

distributing sexually explicit drawings, pictures and/or written material. Unwanted sexual statements can be made in person, in writing, electronically (email, instant messaging, blogs, web pages, etc.), and otherwise.

Unwanted personal attention – letters, telephone calls, visits, pressure for sexual favors, pressure for unnecessary personal interaction, pressure for dates where a sexual/romantic intent appears evident but remains unwanted, and stalking.

Unwanted physical or sexual advances – touching, hugging, kissing, fondling, touching oneself sexually for others to view, sexual assault, intercourse, or other sexual activity.

Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of sexual harassment, a serious incident, even if isolated, can be sufficient.

This policy addresses intentional conduct. It also addresses conduct which results in negative effects even though such negative effects were unintended. Sexually-related conduct forms the basis of a sexual harassment claim if a reasonable person, in view of all the surrounding circumstances, would consider it sufficiently severe, persistent or pervasive as to interfere unreasonably with academic, other educational, or employment performance or participation in a University activity or living environment.

Sexual harassment most often occurs when one person has actual or apparent power or authority over another; however, it may also occur between individuals of equal status or rank within the University. It is also possible for a person who is not in a position of power or authority over another to sexually harass that person, such as a professor being sexually harassed by a student or a supervisor being sexually harassed by a supervisee. Sexual harassment occurs between persons of the same gender and persons of different genders.

Alleged discriminatory behavior that does not include conduct of a sexual nature is not covered by this policy; however, the discriminatory conduct is addressed by other University policies prohibiting discrimination (e.g., sex, gender identity, gender expression, sexual orientation, etc.). In some cases, an individual may allege there has been discriminatory action in addition to unwelcome conduct of a sexual nature. In these instances, the matter is assessed under the policy prohibiting the type of discrimination alleged as well as this sexual harassment policy and any other applicable University policy.

CONSENSUAL RELATIONSHIPS

In 1986 the University's Senate Assembly adopted a statement of principle concerning relationships between faculty (including teaching assistants) and students. The University concurs with the Assembly's position that sexual relationships, even mutually consenting ones, are a basic violation of professional ethics and responsibility when the faculty member has any professional responsibility for the student's academic performance or professional future. Romantic and/or sexual relationships with students are addressed in SPG 601.22 – *Faculty-Student Relationships* and SPG 601.22-1 – *Employee-Student Relationships*.

The University's nepotism policy precludes individuals from evaluating the work performance of others with whom they have intimate familial or close personal relationships, or from making hiring, salary, or similar financial decisions concerning such persons, without prior written approval. Issues of nepotism are addressed under SPG 201.23 – *Appointment of Relatives and Others with Close Personal or External Business Relationships*.

Romantic or sexual relationships with students which occur outside of the instructional or supervisory context may also lead to difficulties. The Senate Assembly has concluded, and the University concurs, that the asymmetry of the faculty-student relationship means that any sexual relationship between a faculty member and a student is potentially exploitive and should be avoided. Faculty and staff engaged in such relationships should be sensitive to the constant possibility that they may unexpectedly be placed in a position of responsibility for the student's instruction or evaluation.

In the event of a charge of sexual harassment, the University will in general be unsympathetic to a defense based upon consent when the facts establish that a professional faculty-student, staff-student, or supervisor-employee power differential existed within the relationship.

RESPONSE AND PROCEDURES

Prevention and Education. The University is committed to preventing and eliminating sexual harassment of students, faculty, and staff. To that end, this policy will be published on the University's web site. Information regarding sexual harassment and this policy will be included in orientation materials for new students, faculty, and staff and made available in the Office of Institutional Equity and other appropriate locations on each campus. In addition, appropriate educational sessions will be conducted by the University on an ongoing basis to (1) inform students, faculty, and staff about identifying

sexual harassment and the problems it causes, (2) advise members of the University community about their rights and responsibilities under this policy, and (3) train personnel in the administration of this policy.

Assistance with Sexual Harassment Concerns. The Office of Institutional Equity is responsible for ensuring and monitoring the University's compliance with federal and state nondiscrimination laws. However, a discrimination-free environment is the responsibility of every member of the community. The University can take corrective action only when it becomes aware of problems. **Therefore, the University encourages persons who believe that they have experienced or witnessed sexual harassment to come forward promptly with their inquiries, reports, or complaints and to seek assistance within the University.** Individuals also have the right to pursue a legal remedy for sexual harassment in addition to or instead of proceeding under this policy.

Confidential Counseling. Information about or assistance with sexual harassment issues may be obtained from a variety of University resources. Prior to or concurrent with lodging a sexual harassment complaint, individuals may find it helpful to consult with a counselor or otherwise seek assistance. The following offices provide advice and support to individuals who believe they are experiencing sexual harassment. All information shared with these offices will remain confidential to the extent permitted by law and University policy. Discussions with representatives of these offices will not be considered a report to the University regarding the problematic behavior and will not, without additional action by the complainant, result in intervention or corrective action.

FASAP – Faculty and Staff Assistance Program (Faculty and Staff)
(734) 936-8660
www.umich.edu/~fasap/

UMHS Employee Assistance Program (Hospital and Health Centers Staff)
(734) 763-5409
www.med.umich.edu/mworks/eap/

CAPS – Counseling and Psychological Services (Students)
(734) 764-8312
www.umich.edu/~caps/

SAPAC – Sexual Assault Prevention and Awareness Center (Faculty, Staff and Students)
(734) 998-9368
www.umich.edu/~sapac/

Office of the Ombuds (Students)
(734) 763-3545
www.umich.edu/~ombuds/

University Faculty Ombuds (Faculty)
(734) 764-0303
www.umich.edu/~facombud/

UM-Dearborn Counseling and Support Services (Faculty, Staff and Students)
(313) 593-5430
http://www.umd.umich.edu/css_support/

UM-Flint Division of Student Affairs - Counseling Services and Ombuds (Students) (810) 762-3456
http://www.umflint.edu/dsa/

U-M Flint Faculty Ombuds (Faculty)
(810) 762-3424
http://www.umflint.edu/provost/faculty_ombuds.htm

Lodging a Complaint. An individual may complain to the University about alleged sexually harassing behavior or retaliation by contacting a University official, such as a supervisor; Dean, Director or department head; the Office of Institutional Equity; the appropriate Human Resources Office; the Dean of Students (for students); the Dean's Office of the Horace H. Rackham Graduate School (for graduate students); the Center for the Education of Women; and the Department of Public Safety. If an employee is represented by a union and the terms of the collective bargaining agreement provide for a different procedure for pursuing a sexual harassment complaint, the terms of the collective bargaining agreement shall prevail. If the complaint is against a student, the complainant may elect to pursue a formal charge through the appropriate student grievance procedure. In addition, any member of the University community may utilize appropriate University resources for guidance and support during the investigation process (e.g., Center for the Education of Women, Sexual Assault Prevention and Awareness Center, etc.).

Investigation and Investigation Procedures. The University will handle sexual harassment complaints consistently with procedural guidelines developed to ensure prompt and equitable resolution of such complaints. Complainants and Respondents will be given copies of the procedural guidelines, and the guidelines will also be made readily available to the University community. The matter will then proceed to investigation or other form of effective and fair review. The investigation or review may be performed by the Office of Institutional Equity, or jointly with another office, as determined by OIE.

The purpose of an investigation, which will include interviewing the parties and witnesses, is to gather and assess evidence. During the course of an investigation, the investigating office will work collaboratively with other appropriate University offices. For example, if a faculty member is involved in a complaint, the Office of Institutional Equity would generally work collaboratively with the Office of the Provost; the appropriate Dean, Director or Department Head; and Academic Human Resources. If a staff member is involved in the complaint, the Office of Institutional Equity would work collaboratively with Staff Human Resources, the supervisor, the Unit Human Resources Representative and other appropriate departmental and University officials.

Possible outcomes of an investigation are (1) a finding that the allegations are not warranted or could not be substantiated, (2) a finding that the allegations are substantiated and constitute sexual harassment or inappropriate behavior and, if so, (3) referral to the appropriate administrative authority for corrective action.

Corrective Action. Corrective action could include a requirement not to repeat or continue the harassing or retaliatory conduct, a reprimand, denial of a merit pay increase, reassignment, suspension and termination. The severity of the punishment will depend on the frequency and severity of the offense and any history of past discriminatory or retaliatory conduct. A finding of sexual harassment may be cause for the separation of the offending party from the University, in accordance with University procedures, including, for qualified faculty, the procedures set forth in Regents' Bylaw 5.09. Every effort will be made to assure University-wide uniformity of sanctions for similar offenses.

University Action. The University may assume the role of a complainant and pursue a report or complaint of sexual harassment, either informally or formally. The University may respond to complaints or reports by persons external to the University community about alleged sexually harassing conduct by University employees. If the accused is a faculty member to whom Regents' Bylaw 5.09 applies, the Provost or executive authority of the relevant unit may initiate the procedures of Bylaw 5.09 at any stage in the process, if the circumstances indicate that such action is warranted.

Reporting Requirements. To assure University-wide compliance with this policy and with federal and state law, the Office of Institutional Equity must be advised of all reported incidents of sexual harassment and their resolution. The Office of Institutional Equity will monitor repeated complaints within the same unit or against the same individual, where identified, to assure that such complaints are appropriately handled.

Retaliation. The University will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an informal resolution or formal investigation of a sexual harassment allegation will not be subjected to retaliation. The University also will take appropriate steps to assure that a person against whom such an allegation is made is treated fairly. The University will also take appropriate follow-up measures to assure the goals of this policy are met. Persons who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure for lodging a sexual harassment complaint.

The Procedural Guidelines for Handling Harassment Complaints may be found at: http://www.hr.umich.edu/procedures/spg201-89-0.html.

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University Human Resources and the Office of the Provost and Executive Vice President for Academic Affairs

Primary Contact:
University Human Resources and the Office of the Provost and Executive Vice President for Academic Affairs

the Possibility of Favoritism (Nepotism)
Employee-Student Relationships
Faculty-Student Relationships

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Faculty-Student Relationships

601.22

I. Policy

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.

Romantic and/or sexual relationships between a faculty member and a student have the potential to pose risks to the faculty member, the student, or third parties. In such relationships, voluntary consent by the student is suspect because of the inherently unequal nature of the relationship. A romantic and/or sexual relationship between a faculty member and a student can lead to a complaint of sexual harassment when the student feels that he or she has been exploited. In addition, other faculty members, staff members, 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. They also arise in cases where the relationship between the faculty member and the student remains amicable, as well as in cases that lead to accusations of exploitation. For all these reasons, the University strongly discourages romantic and/or sexual relationships between faculty members and students.

In spite of these warnings, the University recognizes that sometimes such relationships occur. If a romantic and/or sexual relationship occurs or has occurred between a faculty member and a student for whom the faculty member has supervisory responsibility, an inherent conflict of interest arises. When a conflict of this nature occurs, the faculty member must disclose the relationship so that a resolution to the conflict can be sought.

This policy applies to any University or University-sanctioned teacher, mentor, or supervisor of students. This includes, but is not limited to, regular instructional faculty, clinical faculty, supplemental and research faculty, postdoctoral fellows, graduate student instructors, graduate student research assistants, preceptors, and graders. Throughout this policy, the term "faculty member" is used to refer to all regular instructional faculty and to all other individuals with supervisory responsibility for students in an educational setting.

II. Definition

Supervisory Responsibility includes, but is not limited to, teaching, research, academic advising, coaching, service on evaluation or thesis committees, grading, recommending in an institutional capacity for employment, fellowships, or awards. This supervision can occur on or off campus, in curricular, co-curricular, or extra-curricular activities.

III. Regulations

A. Prohibition of Supervision:

A faculty member is prohibited from having supervisory responsibility over a student with whom he or she is currently having a romantic and/or sexual relationship. A faculty member may be prohibited from having supervisory responsibility over a student with whom he or she has had a romantic and/or sexual relationship in the past.

B. Faculty-Student Relationships Requiring Disclosure and Conflict Resolution:

Disclosure Requirement: If a faculty member has supervisory responsibility for a student with whom he or she is having or has had a romantic and/or sexual relationship, the faculty member must disclose the relationship to his or her academic administrator (in most cases, the department chair) or to an appropriate administrator at a higher level (e.g., an associate dean, dean, or director).

Development and Approval of a Conflict Resolution Plan (hereafter referred to as the "plan"): A written plan to resolve the conflict of interest should be developed by the faculty member, the academic administrator (in most cases, the department chair), and the head of the academic unit (e.g., dean, director, or equivalent). In most cases, the gist of the plan will be to remove the faculty member's responsibility for supervising the student and to make alternative

arrangements. 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. For these reasons, the student must find the plan to be acceptable.

At any time, the student, the faculty member, the academic administrator, and/or the head of the academic unit may consult with the appropriate Human Resources office. Final approval of the plan is the responsibility of the head of the academic unit (e.g., the dean, director, or equivalent).

Determination of Plan Acceptability: Making alternative arrangements for the faculty member's supervisory responsibility may have a negative impact on other students, other faculty members, administrators, and the University. Therefore, the academic administrator and the head of the academic unit (e.g., the dean, director, or equivalent) have the authority to decide that no acceptable resolution to the conflict can be found.

When a Conflict Resolution Plan Is Not Agreed Upon: If it is not possible for all the relevant parties to agree on a plan to resolve the conflict of interest, the romantic and/or sexual relationship must be discontinued until the faculty member no longer has supervisory responsibility for the student (also see Section IV. Sanctions).

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

C. Role of the Academic Administrator:

An academic administrator who learns that a faculty member has supervisory responsibility for a student with whom the faculty member is having or has had a romantic and/or sexual relationship is obligated to attempt to develop a plan to resolve the conflict of interest. If an academic administrator learns of a potential conflict of interest from another source (e.g., student or third party), he or she must determine whether a conflict of interest exists and, if so, is obligated to attempt to develop a plan to resolve the conflict of interest.

D. Impact on Third Parties:

Any student, faculty member, or staff member who believes he or she has received inappropriately favorable or unfavorable treatment as the result of a romantic and/or sexual relationship between a faculty member and a student may file a complaint with a relevant academic administrator (in most cases, a department chair) or to the appropriate Human Resources office.

E. Existing Student Policies:

This policy does not preempt existing codes of student conduct.

F. Confidentiality:

University administrators need to respond appropriately to all 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 supervision of 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 a faculty member and will be subject to institutional sanctions up to and including termination of appointment. Student supervisors or graduate student teachers (e.g., Graduate Student Instructors and Graduate Student Research Assistants) who violate this policy may also be subject to academic sanctions up to and including expulsion as a result of allegations having been filed separately under other appropriate University policy.

Violations of this policy include:

1. A faculty member has supervisory responsibility for 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 faculty member discloses the relationship but fails to cooperate 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 faculty member discloses the relationship but after the chair, dean, and/or director determine(s) that no satisfactory plan is possible to resolve the conflict of interest, the faculty member continues the relationship (see Section III.B. *When a Conflict Resolution Plan Is Not Agreed Upon*).

Nothing in this policy shall be deemed as supplanting or otherwise affecting the University's sexual harassment policy, Standard Practice Guide 201.89-0, or the policy on the appointment of relatives, Standard Practice Guide 201.23.

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601.22	All Employees	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)
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