

## **VII. Reports of Standing Committees**

### **A. Academic Council**

**Gayle Binion, Chair**

- 1. Nomination and Election of the Vice Chair of the Assembly for 2003-2004 (oral report, action)**
- 2. Report from the President's Council On the National Laboratories (oral report)**

#### **3. Course Description Task Force (oral report)**

**Robert Post, member of the Task Force**

An update on the work of the Task Force charged to review: the experience of the Berkeley English R1A course section; how (non-standard) courses, such as “umbrella,” “single offer,” or “varying subject,” are reviewed for content; and the operant norms for faculty with respect to how they describe their courses. In addition, Professor Post will discuss how the work of this task force has led to a review of existing UC statements on academic freedom.

#### **4. Professorial Steps Task Force (oral report)**

**Richard Watts, Chair**

Concerns have been raised over recent years about the rationale behind the step system at the Professor level. Professor Watts will provide an update on the issues before this committee that include: whether triennial merit review involves a too-frequent application of the “quality-control” system for full professors, whether the Step VI “barrier” is an appropriate form of review and if so, whether it is properly situated.

#### **5. Report on Proposed policy on Faculty-Student Relationships (discussion)**

**Gayle Binion, Chair, Academic Council**

The proposed APM policy on faculty-student sexual relationships was adopted by UC Privilege & Tenure Committee and endorsed unanimously (with minor revision) by Academic Council at its meeting on January 29, 2003 (draft below). The amendment to APM 015, if adopted by the UC administration and the UC Board of Regents, would make it a violation of the Faculty Code of Conduct for a faculty member to engage in a romantic or sexual relationship with a student for whom he or she has academic responsibility or should expect to have such responsibility.

There is significant interest on the Board of Regents in our developing such a policy. Attached for your review are a variety of policies from other universities which suggest

that the proposal from the Academic Council is quite mainstream vis-à-vis comparable institutions.

## **Proposed Amendments to APM 015—The Faculty Code of Conduct**

### **Part II – Professional Responsibilities, Ethical Principles, and Unacceptable Faculty Conduct**

#### **(proposed new language underlined)**

#### **A. Teaching and Students**

Ethical Principles. “As teachers, the professors encourage the free pursuit of learning of their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflects each student’s true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.” (AAUP Statement, 1966; Revised, 1987) In this section, the term student refers to all individuals under the academic supervision of faculty.

The integrity of the faculty-student relationship is the foundation of the University’s educational mission. This relationship vests considerable trust in the faculty member, who, in turn, bears authority and accountability as mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between faculty member and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Whenever a faculty member is responsible for academic supervision of a student, a personal relationship between them of a romantic or sexual nature, even if consensual, is inappropriate. Any such relationship jeopardizes the integrity of the educational process.<sup>1</sup>

Types of unacceptable conduct:

1. Failure to meet the responsibilities of instruction, including:
  - (a) arbitrary denial of access to instruction;
  - (b) significant intrusion of material unrelated to the course;
  - (c) significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled;

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<sup>1</sup> This section is modeled on the Yale University Faculty Handbook, XI.B. “Teacher-Student Consensual Relations.” ([http://www.yale.edu/provost/handbook/handbook\\_xi\\_other\\_university\\_policies\\_a.html#T3](http://www.yale.edu/provost/handbook/handbook_xi_other_university_policies_a.html#T3))

- (d) evaluation of student work by criteria not directly reflective of course performance;
  - (e) undue and unexcused delay in evaluating student work.
2. Discrimination, including harassment, against a student on political grounds, or for reasons of race, religion, sex, sexual orientation, ethnic origin, national origin, ancestry, marital status, medical condition, status as a covered veteran or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
  3. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against students on the basis of disability.
  4. Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons.
  5. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.
  6. Engaging in a romantic or sexual relationship with any student for whom a faculty member has, or should expect to have in the future, academic instructional, evaluative, or supervisory responsibility.
  7. Academic supervision of any student with whom a faculty member has a sexual or romantic relationship.

### **Selected University Policies on Faculty-Student Relationships:**

#### **1. WILLIAM AND MARY COLLEGE**

College policies administered by the Office of Equal Opportunity are listed below. Copies of these policies are included in the Faculty Handbook or can be obtained by contacting this office. <http://www.wm.edu/administration/provost/relation.php>

#### **Policy on Consensual Amorous Relations**

The following Policy Statement on Consensual Amorous Relations was approved by the Board of Visitors at its November 16, 2001 meeting after being reviewed and endorsed by the Faculty Assembly and the Personnel Policy Committee.

#### **Introductory Remarks**

The College's educational mission is promoted by professionalism in faculty-student relationships. Faculty-student romantic and/or sexual relationships, even mutually

consenting ones, are a basic violation of professional ethics when the faculty member has any professional responsibility for the student's academic performance or professional future.

Faculty members' unbiased evaluation of students is an integral part of the College's mission. An amorous relationship between a faculty member and a student, even if consensual, creates the potential for favoritism (or the appearance thereof), thereby undermining the actual or perceived fairness of the evaluative process. Even when the faculty member has no current direct professional responsibility for a student, consensual amorous relationships may limit the educational opportunities or options for the student's future academic, co-curricular, and extra-curricular activities.

Accordingly, the College prohibits consensual romantic and/or sexual relationships between faculty members and undergraduate students, as well as between faculty members and those graduate students for whom the faculty member has direct professional responsibility.

The College's policy derives from the following principles that, in part, define the ethical and professional relationship of faculty members to their students.

i-Faculty members must support the unfettered pursuit of learning in their students.

ii-Faculty members must adhere to their proper professional roles as instructors and counselors.

iii-Faculty members must ensure that their evaluations of students fairly reflect each student's true merit.

iv-Faculty members must be aware that even when they have no direct professional responsibility for students, consensual amorous relationships may still be asymmetrical and/or disruptive to the community.

## **Policy**

The College prohibits consensual romantic and/or sexual relationships (hereinafter referred to as "amorous" relationships) between faculty members and undergraduate students, as well as between faculty members and those graduate students for whom the faculty member has direct professional responsibility.

For the purposes of this policy, "faculty" shall include all full- or part-time college personnel who teach or carry out research and administrators with faculty status. The term "direct professional responsibility" refers to many faculty roles, both within and outside of the classroom, including, but not limited to: teaching, academic advising, coaching (athletics, drama, etc.), service on evaluation committees (awards, prizes, etc.), graduate or undergraduate thesis committee, etc. In effect, "direct professional

responsibility for students” includes the supervision of all college-sponsored academic, co-curricular, and extra-curricular activities.

### **Exemptions**

Following the principles outlined above (see Introductory Remarks), the Deans of the Schools and of Arts and Sciences may grant exemptions from this policy in exceptional circumstances.

### **Complaints**

Members of the university community who believe that violations of this policy have occurred may initiate a complaint with the appropriate department chair or academic dean. A complaint alleging that a dean or other academic administrator has violated this policy may be filed with the Provost or President. Complaints must be filed no more than two years after an alleged violation.

### **Sanctions and Procedures**

Violations of this policy will be considered misconduct on the part of a faculty member and will be subject to institutional sanctions, including possible termination of the faculty member’s appointment. Treatment of allegations and imposition of sanctions will be governed by procedures specified in sections III (B)(13) and III (B)(8) of the Faculty Handbook.

Nothing in this policy shall be deemed as supplanting or otherwise affecting the College’s sexual harassment policy. Unsolicited and unwelcome advances of a sexual nature may violate the College’s sexual harassment policy. (See section III (C) of the Faculty Handbook).

## **2. *YALE UNIVERSITY***

### **Faculty Handbook**

[http://www.yale.edu/provost/handbook/handbook\\_xi\\_other\\_university\\_policies\\_a.html#T3](http://www.yale.edu/provost/handbook/handbook_xi_other_university_policies_a.html#T3)

## **XI. Other University Policies Affecting Faculty**

### **B. Teacher-Student Consensual Relations**

The integrity of the teacher-student relationship is the foundation of the University’s educational mission. This relationship vests considerable trust in the teacher, who, in turn, bears authority and accountability as a mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between teacher and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Whenever a teacher is responsible for directly supervising a student, a sexual relationship between them is inappropriate. Any such

relationship jeopardizes the integrity of the educational process by creating a conflict of interest and may lead to an inhospitable learning environment for other students.

Therefore, no teacher shall have a sexual relationship with a student over whom he or she has direct supervisory responsibilities, regardless of whether the relationship is consensual. Teachers must avoid sexual relationships with their students, including those for whom they are likely to have future supervisory responsibility. Conversely, teachers must not directly supervise any student with whom they have a sexual relationship. Violations of or failure to correct violations of these conflict of interest principles by the teacher will be grounds for disciplinary action.

Teachers or students with questions about this conflict of interest policy are advised to consult with the department chair, the appropriate dean, the Provost, or one of their designates. If the issue cannot be resolved informally, a student may lodge a conflict of interest complaint with the dean of the school in which the student is enrolled or where the teacher exercises his or her supervisory responsibilities.

For purposes of this policy, “direct supervision” includes the following activities (on or off campus): course teaching, examining, grading, advising for a formal project such as a thesis or research, supervising required research or other academic activities, and recommending in an institutional capacity for employment fellowships or awards. “Teachers” includes, but is not limited to, ladder and non-ladder faculty as well as graduate and professional students and postdoctoral fellows and associates serving as teaching fellows or in similar institutional roles. “Students” refers to those enrolled in any and all educational and training programs of the University. Additionally, this policy applies to people in the Yale community who are not teachers as defined above, but have authority over students. Therefore, athletic coaches, supervisors of student employees, advisors and directors of student organizations, as well as others who advise, mentor, or evaluate students are covered by this policy.

### **3. *DUKE UNIVERSITY***

#### **Policy on Consensual Relationships**

<http://www.duke.edu/web/equity/Consensual%20Relationship%20Policy.pdf>

#### **1) Statement of Values and Expectations**

Duke University is committed to maintaining learning and work environments as free as possible from conflicts of interest, exploitation, and favoritism.

Where a party uses a position of authority to induce another person to enter into a non-consensual relationship, the harm both to that person and to the institution is clear. Even where the relationship is consensual, there is significant potential for harm when there is an institutional power difference between the parties involved, as is the case, for example, between supervisor and employee, faculty and student, or academic advisor and advisee.

Such relationships may cast doubt on the objectivity of any supervision and evaluation provided.

Having consensual relationships with subordinates is likely to interfere with the ability of a superior to act and make decisions fairly and without favoritism. Even if the superior is able to avoid being biased, the other people in the workplace or learning environment are likely to see themselves as being less favored and as disadvantaged by the personal relationship. In addition, the damage can continue long beyond the actual time span of the relationship and can make people suspicious of any future professional interactions between the parties.

The following policy is articulated in two parts, the first directed to employee relationships, the second to faculty-student relationships. Although these categories have many elements in common, the student-teacher relationship represents a special case, because the integrity of this relationship is of such fundamental importance to the central mission of the university. Students look to their professors for guidance and depend upon them for assessment, advancement, and advice. Faculty-student consensual relationships create obvious dangers for abuse of authority and conflict of interest actual, potential, and apparent. Especially problematic is such a relationship between a faculty member and a graduate student who is particularly dependent upon him or her for access to research opportunities, supervision of thesis or dissertation work, and assistance in pursuing job opportunities.

Duke University has adopted a consensual relationship policy for the following reasons: to avoid the types of problems outlined above, to protect people from the kind of injury that either a subordinate or superior party to such a relationship can suffer, and to provide information and guidance to members of the Duke community. Most of all, this policy seeks to help ensure that each member of the Duke community is treated with dignity and without regard to any factors that are not relevant to that person's work.

## **2) Definitions**

For purposes of this policy, the terms "Duke University," "employee," "supervisor," "faculty," "student," and "consensual relationships" are defined as follows:

*Duke University:* Duke University and related entities, including Duke University Medical Center and Health Systems.

*Employee:* anyone employed by Duke University as faculty or staff, full-time or part-time.

*Supervisor:* anyone who oversees, directs or evaluates the work of others, including, but not limited to, managers, administrators, coaches, directors, physicians, deans, chairs, advisors, housestaff, and teaching assistants, as well as faculty members in their roles as instructors, as supervisors of their staff, and as participants in decisions affecting the careers of other faculty members.

*Faculty:* all those charged with academic instruction, including all ranks recognized as faculty under the bylaws of Duke University and its Medical Center and Health Systems, teaching assistants, academic advisors, coaches, and others who have a role in educating, supervising, or advising students as part of the programs of Duke University and its various schools.

*Students:* all those enrolled full-time or part-time in any program of Duke University and its various schools.

*Consensual relationships:* dating and sexual relationships willingly undertaken by the parties.

*Note:* Non-consensual situations are covered under the University's policy on Sexual Harassment, marital relationships under the Nepotism policy.

### **3) Policy Regarding Employee/Employee Relationships and Employee/Faculty Relationships**

Except in unusual circumstances, where explicit authorization has been obtained from the appropriate superior, no one who is employed at Duke should participate in supervision, employment actions, evaluation, decisions pertaining to promotion, the direct setting of salary or wages for someone employed at Duke with whom that person has or has had a consensual relationship.

Except in special circumstances, where explicit authorization has been obtained from the appropriate superior, a supervisor should not employ anyone with whom he or she has or has had a consensual relationship.

Employees should be aware that entering into such a relationship with a supervisor creates the potential for risk to both parties. In particular, such a relationship will limit that supervisor's ability to direct work or promote that employee's career.

In the event that a personal relationship of this kind does exist in a supervisory context, the supervisor must disclose the relationship to the appropriate superior and initiate arrangements to address any issues of conflict of interest.

**4) Policy Regarding Faculty-Student Consensual Relationships** No faculty member should enter into a consensual relationship with a student actually under that faculty member's authority. Situations of authority include, but are not limited to, teaching, formal mentoring, supervision of research, and employment of a student as a research or teaching assistant; and exercising substantial responsibility for grades, honors, or degrees; and considering disciplinary action involving the student.

No faculty member should accept authority over a student with whom he or she has or has had a consensual relationship without agreement with the appropriate dean. Specifically, the faculty member should not, absent such agreement, allow the student to enroll for credit in a course which the faculty member is teaching or supervising; direct the student's independent study, thesis, or dissertation; employ the student as a teaching or research assistant; participate in decisions pertaining to a student's grades, honors, degrees; or consider disciplinary action involving the student.

Students and faculty alike should be aware that entering into a consensual relationship will limit the faculty member's ability to teach and mentor, direct work, employ, and promote the career of a student involved with him or her in a consensual relationship, and that the relationship should be disclosed in any letter of recommendation the faculty



member may write on the student's behalf. Furthermore, should the faculty member be the only supervisor available in a particular area of study or research, the student may be compelled to avoid or change the special area of his or her study or research.

If nevertheless a consensual relationship exists or develops between a faculty member and a student involving any situation of authority, that situation of authority must be terminated. Termination includes, but is not limited to, the student withdrawing from a course taught by the faculty member; transfer of the student to another course or section, or assumption of the position of authority by a qualified alternative faculty member or teaching assistant; the student selecting or being assigned to another academic advisor and/or thesis or dissertation advisor; and changing the supervision of the student's teaching or research assistantship. In order for these changes to be made and ratified appropriately, the faculty must disclose the consensual relationship to his or her superior, normally the chair, division head, or dean, and reach an agreement for remediation. In case of failure to reach agreement, the supervisor shall terminate the situation of authority.

#### **5) Resources**

Questions regarding this policy or what options may be available for resolving issues arising under it may be referred to human resources staff, departmental chairs, the Office of the Provost, the Office of Student Development, or the Office for Institutional Equity.

Additional information may be found in the Duke University Harassment Policy and Procedures at the Duke University Personnel Policy A-15 Employment of Relatives (Nepotism) at <http://www.hr.duke.edu/policy/ppm/a-15.htm>, and the Faculty Handbook <http://www.provost.duke.edu/fhb/fhb.pdf>.

#### **6) Guidelines**

The intent of the policy is primarily to be instructive and corrective. In addition, there is no intent either to intrude on the privacy of member of the Duke Community or to interfere with appropriate mentoring relationships.

Some examples of ways to help remove a conflict of interest include the following approaches:

**If a teaching assistant is interested in a student in his or her section, waiting until the end of the term before dating the student;**

Where a department chair has a personal relationship with any member of his or her department, seeing to it that the relationship is disclosed to the dean and arranging for the dean or other appropriate administrator to be responsible for evaluation or promotional decisions;

When a manager has responsibility for supervising a romantic partner, arranging for an administrator *senior* to the manager to provide supervision of the subordinate. (Inserting a manager between the romantic parties in order to supervise the subordinate will not remove the conflict of interest, since the manager in the middle is still subject to pressure from above).

*Adopted March 2002*

#### 4. **STANFORD**

**June 2002**

***Update to Stanford's Policy on Sexual Harassment regarding Consensual Relationships***

[http://www.stanford.edu/dept/pres-provost/SexHarass/ConsRelUpdate6\\_02.html](http://www.stanford.edu/dept/pres-provost/SexHarass/ConsRelUpdate6_02.html)

#### **6. CONSENSUAL SEXUAL OR ROMANTIC RELATIONSHIPS**

**a. In General** - There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions, and parties in such a relationship assume those risks. In the University context, such positions include (but are not limited to) teacher and student, supervisor and employee, senior faculty and junior faculty, mentor and trainee, adviser and advisee, teaching assistant and student, coach and athlete, and the individuals who supervise the day-to-day student living environment and student residents. Because of the potential for conflict of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided, and the trust inherent particularly in the teacher-student context. They may, moreover, be less consensual than the individual whose position confers power believes. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect.

Moreover, such relationships may harm or injure others in the academic or work environment. Relationships in which one party is in a position to review the work or influence the career of the other may provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities, or creates a perception of these problems. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct.

Where such a relationship exists, the person in the position of greater power will bear the primary burden of accountability, and must ensure that he or she -- and this is particularly important for teachers -- does not exercise any supervisory or evaluative function over the other person in the relationship. Where such recusal is required, the recusing party must also notify his or her supervisor, department chair or dean, so that such chair, dean or supervisor can exercise his or her responsibility to evaluate the adequacy of the alternative supervisory or evaluative arrangements to be put in place. To reiterate, the responsibility for recusal and notification rests with the person in the position of greater power. Failure to comply with these recusal and notification requirements is a violation of this policy, and therefore grounds for discipline.

**b. With Students** - At a university, the role of the teacher is multifaceted, including serving as intellectual guide, counselor, mentor and advisor; the

teacher's influence and authority extend far beyond the classroom. Consequently and as a general proposition, the University believes that a sexual or romantic relationship between a teacher and a student, even where consensual and whether or not the student would otherwise be subject to supervision or evaluation by the teacher, is inconsistent with the proper role of the teacher, and should be avoided. The University therefore very strongly discourages such relationships.

## **5. *HARVARD MEDICAL SCHOOL AND HARVARD SCHOOL OF DENTAL MEDICINE***

### **PROCEDURES FOR RESOLVING COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR UNPROFESSIONAL RELATIONSHIPS AND ABUSE OF AUTHORITY <http://www.hms.harvard.edu/ombuds/complain.html>**

#### **I. STATEMENTS OF POLICY**

##### **A. Non-Discrimination**

The President and Fellows of Harvard College have adopted the following statement of nondiscrimination policy applicable to all programs and activities of Harvard University.

The Harvard Medical School (HMS) and the Harvard School of Dental Medicine (HSDM) affirm and apply these principles:

Harvard University's policy is to make decisions concerning applicants, students, faculty and staff on the basis of the individual's qualifications to contribute to Harvard's educational objectives and institutional needs. The principle of not discriminating against individuals on the basis of race, color, sex, sexual orientation, religion, age, national or ethnic origin, political beliefs, veteran status, or disability unrelated to job or course of study requirements is consistent with the purposes of a university and with the law. Harvard expects that those with whom it deals will comply with all applicable antidiscrimination laws.

##### **D. Unprofessional Relationships and Abuse of Authority**

Amorous relationships that might be appropriate in other circumstances have inherent dangers when they occur between any HMS or HSDM faculty, fellow, or officer and any person over whom he/she has a professional responsibility, e.g., as a teacher, advisor, preceptor, or supervisor. Such relationships are fundamentally asymmetric, unprofessional, and an abuse of authority.

HMS and HSDM faculty, fellows, and officers should be aware that any romantic involvement with students, junior colleagues, or staff members over whom they have supervisory or instructional responsibility makes them liable to complaint and formal action under these procedures. Even when both parties have initially consented to such a relationship, it is the faculty member, instructor, or officer who, by virtue of his/her

special responsibility, may be held accountable for the unprofessional relationship or abuse of authority. Such relationships occurring outside a present or direct instructional or employment context are also to be avoided to eliminate the possibility that unexpected circumstances may place the faculty member, instructor or officer in an instructional, evaluative, or supervisory position with respect to the other individual. In addition, such relationships are to be avoided because they may create an impression on the part of colleagues of inappropriate or inequitable academic or professional advantage or favoritism that is destructive of the learning or working environment.

## **6. UNIVERSITY OF IOWA**

<http://www.uiowa.edu/~vpss/policies/i.html#I>

### **I. University Policy On Consensual Relationships Involving Students**

#### **Section 1. Rationale.**

The integrity of the University's educational mission is promoted by professionalism that derives from mutual trust and respect in faculty-student relationships. Similarly, the University is committed to the principle of protecting the integrity and objectivity of its staff members in the performance of their University duties. It is therefore fundamental to the University's overall mission that the professional responsibilities of its faculty and staff be carried out in an atmosphere that is free of conflicts of interest that compromise these principles.

Romantic and/or sexual relationships where one member of the University community has supervisory or other evaluative responsibility for the other create conflicts of interest and perceptions of undue advantage. There are also special risks in any sexual or romantic relationship between individuals in inherently unequal positions of power (such as teacher and student, supervisor and employee). Such relationships may undermine the real or perceived integrity of the supervision and evaluation provided, and the trust inherent particularly in the student-faculty relationship. They may, moreover, be less consensual than the individual whose position confers power believes. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect.

Moreover, such relationships may harm or injure others in the academic or work environment. Relationships in which one party is in a position to review the work or influence the career of the other may provide grounds for complaint when that relationship gives, or creates the appearance of, undue access or advantage to the person involved in the relationship, or when it restricts opportunities or creates a hostile environment for others.

Such relationships also have the potential for other adverse consequences, including the filing of charges of sexual harassment and/or retaliation under the University's Policy on Sexual Harassment if, for example, one party to the relationship wishes to terminate the relationship to the other party's objection. In those circumstances when sexual harassment is alleged as the result of a romantic and/or sexual relationship, the existence

of the relationship is not a per se violation of the Policy on Sexual Harassment. However, the apparent consensual nature of the relationship is inherently suspect due to the fundamental asymmetry of power in the relationship and it thus may be difficult to establish consent as a defense to such a charge. Even when both parties consented at the outset to a romantic involvement, this past consent does not remove grounds for or preclude a charge or subsequent finding of sexual harassment based upon subsequent unwelcome conduct.

This policy applies to consensual romantic and/or sexual relationships between individuals of the same sex or of the opposite sex.

### **Section 2. Prohibited Relationships – Policy Statement.**

For the foregoing reasons, all romantic and/or sexual relationships between faculty and students in the instructional context are prohibited at the University of Iowa. [NOTE: This Policy applies only to relationships involving students. However, romantic and/or sexual relationships in other contexts — between faculty members, between faculty and staff, or between staff members, where one person supervises the other — also may be problematic, and are governed by the Conflict of Interest in Employment policy in the Operations Manual at III.8.]

No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is enrolled in a course being taught by the faculty member or whose academic work is being supervised, directly or indirectly, by the faculty member.

For definitions of “faculty” and “instructional context,” please refer to Section 5 below.

### **Section 3. Discouraged Relationships Requiring Disclosure and Management.**

In light of the potential for apparent and actual conflicts of interest, the following relationships are strongly discouraged at the University of Iowa; where such relationships arise, however, they are required to be disclosed and managed as indicated below:

**a. Between faculty and students:** Outside of the instructional context, a faculty member (including graduate students with teaching responsibilities) who engages in a romantic or sexual relationship with a student must promptly disclose the existence of the relationship to his or her immediate supervisor if there exists a reasonable possibility that a conflict of interest may arise. When a conflict of interest exists or is likely to arise, such relationships appear to others to be exploitative of or create apparent advantage for the student, and may later develop into conflicts of interest prohibited by all above in situations that cannot be anticipated fully.

A potential conflict of interest exists when the student is a graduate student in the same department or program as the faculty member, or is an undergraduate student and is majoring or minoring in the same department as the faculty member. A conflict of interest also may arise if the student is studying in a department separate from the faculty

member. When a potential conflict of interest exists or is reasonably likely to arise, the faculty member must promptly disclose the relationship to his or her supervisor.

Once the relationship is disclosed, the immediate supervisor will evaluate the situation to determine whether an actual conflict of interest exists or is likely to arise and will develop a management plan to address the potential conflict of interest. The faculty member has the professional and ethical responsibility to remove himself or herself from any decisions that may reward or penalize the student involved and otherwise adhere to the management plan.

**b.** Between staff members and students: Romantic and/or sexual relationships between staff members and students employed under their supervision are governed by the University of Iowa Policy on Conflict of Interest in Employment (University Operations Manual III.8). It may sometimes be difficult to determine whether the staff-student relationship exists in an employment or in an instructional context. Where such an ambiguity exists, the context will be assumed to be instructional and the relationship subject to the prohibition set forth in Section 2 above.

#### **Section 4. Examples of Prohibited and Discouraged Relationships between Faculty and Students.**

The following examples are provided for illustrative purposes only. This is not intended to be an exhaustive list of situations in which this Policy applies.

- 1) Student B is in a class taught by Professor A. The Consensual Relationships Policy prohibits a romantic or sexual relationship between these two parties in the instructional context. When the class has concluded and Professor A has submitted the final grades, this policy may continue to prohibit Professor A from engaging in a romantic or sexual relationship with Student B, or may discourage such a relationship, depending upon the academic affiliation of Student B and the likelihood that a conflict of interest may arise.
- 2) Professor A and Student B, a graduate student in Professor A's department, are involved in a romantic relationship. This policy prohibits Professor A from teaching and supervising Student B, and mandates disclosure and management of any potential conflict of interest.
- 3) The partner of Professor A enrolls in an academic program at the University offered by the same college in which Professor A's department is located. If the partner enrolls in the same academic program or department as Professor A, this policy requires Professor A to disclose the relationship and that any potential conflict of interest be managed to ensure that Professor A does not teach or supervise the partner, or involve himself or herself in any decision that may reward or penalize the partner. If the partner's academic program operates independently of Professor A's department, Professor A would not be required to disclose the relationship unless the potential for a conflict of interest might arise.

4) Graduate Student C and Graduate Student D are married and enrolled in the same academic program. This policy prohibits D from enrolling in a class taught by C (as instructor, teaching assistant, or grader) and vice-versa. If C (or D) were to complete his or her graduate program and acquire the status of faculty member (such as adjunct professor, visiting professor, or assistant professor) in the same department, this policy would apply as in Example 2. C would be required to disclose the relationship to the DEO and remove himself or herself from any decisions that may reward or penalize Graduate Student D.

These examples illustrate the application of this Policy which applies only to relationships involving students. However, romantic and/or sexual relationships in other contexts may also be problematic, and are governed by the Conflict of Interest in Employment policy in the Operations Manual at III.8.

**Section 5 Definitions.** For the purposes of this policy, the terms set forth below are defined as follows:

a. Faculty or faculty member means all those who teach at the University, and includes graduate students with teaching responsibilities and other instructional personnel. This term also includes faculty, staff members, and graduate students whose duties include supervision or evaluation of a student's academic work.

b. Instructional or instructional context means a context that involves academic instruction or evaluation or supervision, direct or indirect, of a student's academic work. These terms also include employment situations where the primary motivation for participation by the employee is instructional. Such situations include, but are not limited to, the employment of medical residents, teaching assistants, and student research assistants.

## **Section 6. Bringing Complaints**

1. **Who may bring a complaint.** A complaint alleging a violation of this Policy may be brought by any person. "Any person" includes, but is not limited to, any third party who believes that a conflict exists or that he or she may be or may have been disadvantaged by virtue of the existence of a romantic and/or sexual relationship prohibited by this Policy. The process may also be initiated by the Office of the Provost of the University (for relationships involving faculty), by the Office of the Vice President for Finance and University Services (for relationships involving staff), or by the Office of Affirmative Action, or by the designee of any of those offices. Consensual relationships that are terminated by one party to the objection of the other party may also lead to separate claims of sexual harassment which may be brought pursuant to the procedures outlined in the Policy on Sexual Harassment.

2. **Where to bring a complaint.** Complaints alleging a violation of this Policy are to be brought to and investigated by the Office of Affirmative Action consistent with the requirements and provisions for complaints brought pursuant to the University of Iowa

Policy on Sexual Harassment (University Operations Manual II.4) and the procedures applicable to complaints brought under that Policy (University Operations Manual II.5).

3. **Process for formal disciplinary action.** The Office of Affirmative Action will investigate the complaint, giving both the complainant and respondent an opportunity to be heard. The respondent will have an opportunity to respond to the allegations and evidence provided by the complainant, and to provide a statement of the facts as perceived by the respondent. At the conclusion of the investigation, the Office of Affirmative Action will issue a written finding as to whether there is a reasonable basis to believe there has been a violation of this Policy.

- (a) In those cases where the respondent is a faculty member, the Office of the Provost will review the finding of the Office of Affirmative Action and will determine whether there is a reasonable basis to believe that this Policy has been violated, and will proceed as described in Section 4(a) below.
- (b) In those cases where the respondent is a staff member whose duties include supervision or evaluation of a student's academic work, the decision to pursue formal disciplinary action, as well as the decision regarding the formal disciplinary action to be pursued, will be made by the Provost in consultation with the vice president responsible for the unit employing the charged staff member.
- (c) In those cases where the respondent is a graduate assistant, the decision to pursue formal disciplinary action, as well as the decision regarding the formal disciplinary action to be pursued, will be made by the Dean of the Graduate College or that person's designee.

Potential formal disciplinary actions that may be taken when a person has been found to have violated this Policy include, but are not limited to, the following: mandatory education or training, verbal warning, written warning, suspension, termination, or a combination of the above.

4. Any proposed disciplinary actions resulting from violations of this Policy by:

- (a) persons holding faculty appointments will be governed by the Faculty Dispute Procedures (University Operations Manual III.29) and the portion of the Procedures dealing with faculty ethics (University Operations Manual III.15).
- (b) staff members will be governed by applicable University policies, including the Ethics and Responsibility Statement for Staff (University Operations Manual Section III.16), and the applicable discipline and/or grievance procedures (see University Operations Manual Section III.28 and/or relevant collective bargaining agreement).
- (c) graduate assistants, when dismissal is sought, will be governed by the Graduate Assistant Dismissal Procedure (University Operations Manual III.12.4). When disciplinary action other than dismissal is taken by the Dean of the Graduate College, a graduate assistant may appeal through any existing contractual grievance procedures.



## **7. UNIVERSITY OF MICHIGAN**

### **Faculty Handbook**

<http://www.umich.edu/~provost/handbook/11/11.3.html>

### **11.3 Consensual Relationships**

Romantic or sexual relationships between faculty and staff, junior and senior faculty members, or faculty and students are not expressly prohibited by University policy. However, even when both parties have consented, the relationship can raise serious concerns about the validity of the consent, conflicts of interest, and unfair treatment.

The University considers sexual relationships between faculty (including teaching assistants) and students, even mutually consenting ones, to be a basic violation of professional ethics and responsibility when the faculty member has any professional responsibility (broadly interpreted) for the student's academic performance or professional future. Faculty members are required to disclose to the appropriate administrative supervisor any consensual romantic or sexual relationship with a student. Similar concerns arise when individuals are in a position to evaluate the performance of someone with whom they have an intimate relationship. Thus consensual romantic or sexual relationships where one person is responsible for work or academic evaluations of the other should also be disclosed to the appropriate administrative supervisor so arrangements can be made for objective evaluation and decision-making. For the full text of the University policy regarding Consensual Relationships (which is a section of the Sexual Harassment Policy), see SPG 201.89. Any questions about the Consensual Relationship Policy, including the disclosure requirement, should be addressed to the Director of Academic Human Resources at 763-8938.

As stated in the University Sexual Harassment Policy, 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, student-staff, or supervisor-employee power differential existed within the relationship. (SPG 201.89)

The Senate Advisory Committee on University Affairs (SACUA) adopted a statement on faculty-student relationships in 1986, entitled "Gender and Respect in the University Community," which is specifically referenced in the current University Sexual Harassment Policy (adopted December 1, 1993). The complete text of that statement is reproduced below.

#### **Gender and Respect in the University Community**

*The Senate Advisory Committee on University Affairs (SACUA) has recently discussed the sensitive topic of sexual relationships between faculty and students and would like to share our observations with you.*

*Faculty members have complex—sometimes paradoxical—obligations and responsibilities regarding students. We share with these adult students, and contribute substantially to, an important period in their intellectual and professional growth. When they are our co-workers, as teaching and research assistants or junior colleagues in research and scholarship, we are simultaneously responsible for them and dependent upon them.*

*The relationship between faculty and adult students, however complex it may be, is ultimately and structurally asymmetrical. Like any professional relationship, it rests upon a special form of trust and reciprocal respect. Sexual relationships between faculty members and students risk diminishing or even voiding this trust and respect to the detriment of all. Moreover, the asymmetry of this relationship means that any sexual relationship between a faculty member and a student is potentially exploitative and should be avoided.*

*Sexual interactions between faculty and students may be characterized variously as coercive, offensive or consenting. Any attention paid to an individual which suggests that his or her grade or other evaluation will be influenced by sexual activity is coercive and cannot be condoned. We are particularly concerned with such practices since they undermine the professional trust upon which the faculty-student relationship is founded and clearly conflict with University policy.*

*Similarly, we oppose offensive or derogatory treatment of individuals or groups of students based on their gender. Behavior that stigmatizes in this way is a violation of the respect with which we are all obliged to treat each other. Salacious remarks or illustrations in lectures, or consistently inviting comments or opinions from members of one gender more than the other are two examples. Likewise, overly insistent attention to the personal aspects of a student's life demonstrates an offensive disregard for the personal autonomy of students.*

*Especially difficult is the problem of what might appear on the surface to be a consenting sexual relationship. Because of the asymmetry of the faculty-student relationship, consent is very difficult to assess. In particular, we feel that when the faculty member has any professional responsibility for the student's academic performance or professional future, sexual relationships, even mutually consenting ones, are a basic violation of professional ethics and responsibility.*

*We take special note of teaching assistants who have the same responsibilities in relation to their students as the professorial faculty. Supervising faculty have an obligation to make this clear to their assistants.*

*Our general principle is this: the position, autonomy, respect and authority of the faculty impose a particular responsibility in the matter of sexual relationships with students; the structured asymmetry of faculty-student relationships cannot be overcome by collegiality or mutual affection. Those who neglect this principle also neglect their professional responsibility as faculty members.*

*Adopted by the Senate Assembly on September 15, 1986*

**8. UNIVERSITY OF NORTH CAROLINA**

[http://www.northcarolina.edu/legal/policymanual/300.4.1.1\[g\].pdf](http://www.northcarolina.edu/legal/policymanual/300.4.1.1[g].pdf)

**Guidelines on Implementing Improper Relationships Policy**

On March 15, 1996, the Board of Governors adopted a policy concerning “Improper Relationships Between Students and Employees” for immediate implementation by all constituent institutions. The new policy governing relationships between University students and employees identifies and defines a type of misconduct that can result in sanctions, including discharge from employment, against any employee who violates its provisions. The chancellors are responsible for insuring that both employees and students are effectively informed, on a continuing basis, about the type of misconduct prohibited by this policy; and they must insure that appropriate policies and procedures for receiving, investigating and resolving charges of misconduct are in place.

The revised anti-nepotism policy, separately approved by the Board of Governors, also must be effectively publicized by the chancellors, so that all affected employees will be aware of the broadened definition of “related persons” to whom its restrictions apply.

[This is a rewrite of Administrative Memorandum #360]

**VII. REPORTS OF STANDING COMMITTEES (Continued)**

**A. Academic Council (Continued)**

**6. Ad Hoc Committee on Bylaw Revisions (discussion)**

**George Blumenthal, Chair**

An update on the efforts of the Task Force to clarify the composition, service term, and procedures governing the work of Academic Senate Committees. It is anticipated that the proposed amendments to the Senate bylaws will be approved by Academic Council and UCR&J in time for the Assembly's to consider at its May Assembly meeting,