Frequently Asked Questions
For Department Chairs and Other Academic Administrators
Faculty-Student Relationships (FSR) Policy (SPG 601.22)

**NOTE:** Department chairs and other academic administrators are urged to review the general FAQs for the Faculty-Student Relationships policy (FSR), which the questions below are intended to supplement. The general FAQs are available at [http://www.provost.umich.edu/faculty/FSRP/fsrp.html](http://www.provost.umich.edu/faculty/FSRP/fsrp.html).

Throughout this document, the term “department Chair” applies equally to readers who have other academic administrative appointments such as program director, associate dean, and dean.

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<th>When a Faculty Member Discloses a Relationship</th>
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<td><strong>1.</strong> A faculty member has told me he’s having a romantic relationship with a student in his class. Now that I’m aware of the situation, as department Chair what are my responsibilities?</td>
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<td>A document is available that explains the steps you should take (URL). The exact actions you will take depend on the particular circumstances.</td>
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<td><strong>2.</strong> A faculty member has disclosed to me that he’s in a romantic relationship with a student. However, he has no supervisory responsibility for the student. As department Chair, what are my responsibilities in this situation?</td>
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<td>While recognizing that sometimes a relationship occurs between a faculty member and a student, the University strongly discourages such relationships, as stated in the policy.</td>
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<td><strong>3.</strong> How does the University define “supervisory responsibility”?</td>
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<td>Supervisory responsibility is not restricted to the concept of supervision as a direct supervisor-employee relationship. It also 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. When necessary, as department Chair you will decide on a case-by-case basis whether the policy applies.</td>
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<td><strong>4.</strong> Can a faculty member report a conflict of interest under this policy without me, as department Chair, learning about it?</td>
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<td>The faculty member may disclose the relationship to an appropriate administrator at a higher level (e.g., an associate dean, dean, or director). However, if that administrator decides a conflict of interest exists, the disclosure must lead to a</td>
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written plan to resolve the conflict of interest. This means that in most cases you, as department Chair, will need to be informed about the conflict and involved in resolving it.

5. **What if the student with whom a faculty member is having a romantic and/or sexual relationship doesn’t want the faculty member to disclose it?**

If the faculty member and the student have already entered into a relationship, a conflict of interest exists that potentially affects multiple parties, including the faculty member, the student, other faculty members, other students, and the University. Therefore, in this situation the *faculty member* must disclose the relationship to the appropriate academic administrator. If you find yourself, as department Chair, in this situation, you would need to take these multiple interests into account as you attempt to resolve the conflict of interest.

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**When a Student Discloses a Relationship**

6. **A student has come to me to disclose that he or she is currently having (or has had in the past) a romantic and/or sexual relationship with a faculty member who has supervisory responsibility for him or her. How should I proceed?**

Meet with the faculty member to discuss the situation. Tell the faculty member only that the student told you that she or he is having or has had in the past a romantic and/or sexual relationship with the faculty member. To protect the student’s privacy, don’t share with the faculty member any additional information the student provided.

7. **After talking with me, the student asks me not to tell anyone else about the relationship. How should I respond?**

Explain to the student that the information he or she has provided to you suggests that a conflict of interest under the faculty-student relationships policy may exist. As an academic administrator, you have a professional obligation to find out whether such a conflict of interest exists and, if it does, to resolve it.

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**Allegations from Third Parties**

8. **A third party has alleged that a faculty member is in a romantic and/or sexual relationship with a student over whom he or she has supervisory responsibility. But when I asked the faculty member about it, he/she strongly denied it. What should I do?**

As the academic administrator for the unit in which the faculty member holds an appointment, it’s your responsibility to take steps for the University to confirm that a conflict does not exist in this situation or, if a conflict does exist, to resolve it. To determine the facts, additional review or investigation may be needed. Therefore, you should disclose the circumstances to the relevant dean’s office, where applicable, and also to the Office of Institutional Equity [CONTACT INFO?]
When A Conflict Is Confirmed

9. What if the relationship is over? Does the policy still apply?

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. Regardless of the duration or exact nature of the romantic and/or sexual relationship, the faculty member must disclose the relationship so that you, as department Chair, can consult with the involved parties and then decide whether a current conflict of interest exists.

10. A faculty member has disclosed that he or she is having a romantic and/or sexual relationship that creates a conflict—but then asks me to keep the situation “under wraps,” claiming a special need for privacy. (This situation might arise, for example, if the faculty member is married or has a partner, and/or the faculty-student relationship is same sex.) What’s the best way to respond?

Neither the nature of the relationship nor the particular circumstances alter in any way your responsibility (on behalf of the University) to try to resolve the conflict created by the relationship, or, if this isn’t possible, to tell the faculty member that he/she must discontinue the relationship until he or she no longer has supervisory responsibility for the student.

You may want to emphasize to the faculty member that although in your attempts to resolve the conflict you will probably need to provide information about the conflict to other individuals, you will also make every reasonable effort to preserve confidentiality and to protect the privacy of all involved parties, in accordance with University policy.

Attempting to Resolve Conflicts

11. In attempting to resolve a conflict under the FSR policy, when I ask a faculty member to assume responsibility for a student (e.g., to serve as a member of his or her dissertation committee to replace the faculty member who is in a romantic and/or sexual relationship with the student), does that faculty member have a right to know the circumstances behind the request?

To preserve confidentiality and to protect the privacy of all involved parties, as department Chair (or other administrative role) you may explain only that a conflict of interest exists that you must try to resolve.
12. What if the conflict can't be removed without causing serious harm to the student's educational progress?

If you, in conjunction with the faculty member plus any other administrators in your academic unit, such as an associate dean, cannot develop a plan that meets the criteria stated in the policy, then you may decide that no resolution to the conflict is possible and that the faculty member must discontinue the romantic and/or sexual relationship until he or she no longer has supervisory responsibility for the student.

13. Who has the authority to decide a conflict can’t be resolved?

As department Chair, you have the authority to decide, in conjunction with the head of the academic unit (e.g., the dean, director, or equivalent), that no acceptable resolution to the conflict can be found.

14. The faculty member who has reported a conflict under the policy is the chair of student’s dissertation committee—and there are no other faculty members in the department who have the scholarly expertise to take over this responsibility. What then?

As stated in the policy, the plan to resolve the conflict must address the need to preserve and maintain the student’s access to immediate and long-term educational opportunities and must allow him or her to meet program requirements and to progress in his/her career. There may be faculty in other departments or academic programs in the UM or faculty members at other institutions who may be qualified to serve as the chair or co-chair of the student’s dissertation committee.

As stated in the policy, however, if it’s impossible for all the relevant parties to agree on a plan to resolve the conflict of interest, the faculty member must discontinue the romantic and/or sexual relationship until he or she no longer has supervisory responsibility for the student.

Developing Conflict Resolution Plans

15. What does it mean that the student must find the plan for resolving the conflict to be “acceptable”? Must the student indicate her or his acceptance of the conflict resolution plan in writing?

The student must find the plan to be acceptable because it must address the need to preserve and maintain the student’s immediate and long-term educational opportunities, his or her ability to meet program requirements, and his or her career progression.

In developing a plan for resolving the conflict you or the head of your academic unit (e.g., the dean) may decide to talk with the student to determine whether the proposed plan accomplishes these ends.
If you, as department Chair and the head of the academic unit (e.g., the dean, director, or equivalent) determine that there is no acceptable way to resolve the conflict, you must inform the faculty member that he or she must discontinue the romantic and/or sexual relationship until he or she no longer has supervisory responsibility for the student.

The template for a conflict resolution plan offers this alternative: you, as department Chair, will confirm that the student has reviewed the plan and agrees with it before you sign the plan. Alternatively, you may ask a student to approve the conflict resolution plan in writing. Regardless of how your unit decides to seek the student’s agreement of the conflict resolution plan, your unit’s practice in this regard should be consistent.

16. What should the written plan look like? Is it a legal document? Does it need to be reviewed by a University attorney?

According to the policy, the written plan must address the two items listed below:

- The gist of the plan will be to remove the faculty member’s responsibility for supervising the student and to make alternative arrangements, and
- 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.

There are no other University requirements for the written conflict resolution plan. A sample conflict resolution agreement [downloadable PDF] is available.

A school or college may ask the Office of the General Counsel to review a draft conflict resolution plan as a precaution, but the University doesn’t require it. With questions, contact Dan Sharphorn, Associate Vice President and Deputy General Counsel (dsharphn@umich.edu or 764-0304).

Written conflict resolution plans serve as a record of the University’s commitment to abide by the University’s SPG on faculty-student relationships. Therefore, should a related lawsuit arise, the written conflict resolution plan would probably be subject to subpoena.

17. How much influence does the faculty member who is in the romantic and/or sexual relationship with a student have over developing an alternative plan for the student to be supervised?

The policy states that as department Chair, you should develop the written plan to resolve the conflict of interest in conjunction with the faculty member and also the head of the academic unit (e.g., dean, director, or equivalent).

It is not appropriate, however, for the faculty member and the student to take actions to resolve the conflict without the involvement of the people mentioned above. Instead, the
faculty member must disclose the relationship to you, who will take multiple interests into account as you attempt to resolve the conflict.

### Keeping Records

**18. In which file(s) should the written conflict resolution plan be kept? For how long?**

As department Chair, you must ensure that a copy of the written conflict resolution plan is placed in the faculty member’s personnel file. The unit should keep this documentation in the file until it is no longer applicable to the faculty member’s appointment.

**19. If the faculty member accepts an appointment in another department at the University, should my department send a copy of the plan to the “new” department?**

If the terms of the conflict resolution plan are still applicable, yes, as department Chair you should ensure that copy of the plan is sent to the head of the department in which the faculty member will hold his or her appointment. If the terms of the conflict resolution plan are no longer applicable to the faculty member’s appointment, then no, your department does not need to forward a copy of it to the faculty member’s new department.

### After Resolving the Conflict

**20. What if a faculty member reports a relationship as consensual, and then later the student comes forward to assert that it was actually sexual harassment?**

The existence of a written conflict resolution plan does not prohibit the student from filing a claim of sexual harassment, which should be reported to the Office of Institutional Equity (OIE). Subsequently, the OIE would conduct an investigation into the claim.

**21. What if I or another academic administrator tells the faculty member that he or she must end the relationship, but he or she does not end it?**

Under these circumstances, the faculty member is in violation of the policy. You or the head of your academic unit would need to consider possible sanctions and take disciplinary action.
22. Is there a process for appeal or grievance?
If informal procedures and consultation do not provide resolution of the appeal or grievance, the faculty member may file a grievance under the formal grievance procedures in his or her academic unit.

To obtain a copy of the formal grievance procedure, contact the dean’s office, the Faculty Senate Office (764-0303), the Office of Academic Human Resources (763-8938), or the Office of the Vice President and General Counsel (764-0304).

Legal Matters

23. A third party has alleged that a faculty member is in a romantic and/or sexual relationship with a student over whom he or she has supervisory responsibility. Subsequently I scheduled a time to talk with the faculty member. At the time of the appointment, I discover that he/she has brought an attorney with him/her. Should I have legal representation, too, before proceeding?

You may want to discuss with the faculty member his or her reasons for wanting to have an attorney present at the meeting. If the faculty member insists on having an attorney present, then explain to the faculty member that you will need to re-schedule the meeting for a time when an attorney assigned by the Office of General Counsel can also be present.

24. What legal liability do I, and other administrators, bear in administering this policy? What legal protections are in place for us?

According to UM Standard Practice Guide 601.9, the University's policy is to defend and indemnify employees who become parties to legal proceedings by virtue of their good faith efforts to perform their responsibilities of employment. If you are personally named as a defendant in a lawsuit, you should contact the Office of the Vice President and General Counsel immediately and consult the SPG for more information.

25. Are documents related to perceived or actual conflicts under the FSR policy (e.g., written communication and written plans to resolve conflicts) subject to release through the Freedom of Information Act (FOIA)?

Since the UM FOIA Office would probably consider written communication about a conflict under the FSR policy to be part of a personnel file, in response to a specific request the Office would probably provide some of the information. However, since the Family Education Rights and Privacy Act (FERPA) protects certain student records, some of the documentation may be withheld or redacted to remove the information protected by FERPA.
26. **What sources of support are there for a faculty member who’s in a relationship with a student that he (or she) must disclose, according to the policy, but who wants to seek some advice first?**

As an interim step, the faculty member may consult with a faculty ombuds:
School/College Ombuds [http://www.umich.edu/~facombud/omblst.html](http://www.umich.edu/~facombud/omblst.html)
Central Faculty Ombuds [http://www.umich.edu/~facombud/index.htm](http://www.umich.edu/~facombud/index.htm)

However, consulting with an Ombuds doesn’t relieve the faculty member of his or her responsibility to disclose the relationship to you, as department Chair, or to an appropriate administrator at a higher level (e.g., an associate dean, dean, or director).

27. **If, as department Chair, I need to disclose a conflict that exists because I have entered into a romantic and/or sexual relationship with a student over whom I have supervisory responsibility, to whom should I disclose the conflict?**

You must disclose the conflict to the appropriate person in the dean’s office.

28. **What about romantic and/or sexual relationships between staff members and students?**

The University has adopted an employee-student relationship policy (SPG 601.22-1), which parallels the FSR policy in many ways.