

Working Group on Faculty-Student Relationships (SPG 601.22)
Final Recommendations

November 16, 2018

I. INTRODUCTION

On October 9, 2018, the University of Michigan’s provosts (Interim Provost Susan E. Alcock, University of Michigan Flint, Provost Catherine A. Davy, University of Michigan Dearborn, and Provost Martin A. Philbert, University of Michigan Ann Arbor) established a Working Group on Faculty-Student Relationships (the “Group”). The Group’s purpose was to develop and make recommendations to the president for revisions to SPG 601.22 (Faculty-Student Relationships) and enhanced educational efforts intended to ensure adherence to the new policy.

The Group was charged with the following primary objectives:

1. To gather information and assess the current state of faculty-student relationship policies at peer institutions;
2. To develop recommendations for revisions to SPG 601.22 that reflect our shared community values and align University of Michigan policy with the best practices of peer institutions;
3. To develop recommendations for implementing a revised policy, including raising awareness of the policy, its relationship to other university policies, available resources, etc.

In three multi-hour meetings, the Group worked through the task list in a discussion format. Having a diverse group allowed us to discuss the issues from multiple perspectives. From these discussions we created a list of shared values and recommended revisions to the current SPG 601.22. We then collaboratively drafted this report, and had an additional meeting to finalize the report.

Working Group Members

Faculty:

Susan A. Gelman, Heinz Werner Distinguished University Professor of Psychology and Linguistics, Professor of Psychology and Professor of Linguistics (Chair)

Peter Chen, Arthur F. Thurnau Professor of Electrical Engineering and Computer Science, College of Engineering

Freda Herseth, Arthur F. Thurnau Professor and Professor of Music (Voice), School of Music, Theatre & Dance

Dave Mayer, Professor of Management and Organizations, Ross School of Business

Terrence McDonald, Arthur F. Thurnau Professor, Professor of History; Director, Bentley Historical Library

Shelby Newport, Department Chair and Associate Professor, Department of Theatre and Dance, U-M Flint

Robert Ortega, Associate Professor of Social Work; University Faculty Ombuds

Jennifer Proctor, Associate Professor of Journalism and Screen Studies, U-M Dearborn

Ex-Officio Members:

Jeffery Frumkin, Academic Human Resources

Gloria Hage, Office of the Vice President and General Counsel

Timothy Wood, University Human Resources

Administrative Leads:

James Burkel, Assistant Vice Provost for Academic and Faculty Affairs

Christine Gerdes, Special Counsel to the Provost

The recommendations set forth below have the Group's unanimous support.

II. PRINCIPLES AND VALUES

In his famous 1963 book, *The Uses of the University*, University of California Chancellor Clark Kerr called the American research university "the city of intellect," and commentators have endorsed this metaphor ever since. Regardless of the reach of its research and now internet-based teaching, the core of the university is still very much like a city: bounded, self-governing, and charged with creating some form of community, in our case on three campuses. The University of Michigan's "President's Commission on the Undergraduate Experience" endorsed this metaphor in its 2001 report:

"...the image of the good, livable city has struck the Commission as a useful tool to think with, a lodestar guiding our exploration of the undergraduate experience. It points to the ideal of the public research university as an expansive, inclusive, civic-minded, diverse, dynamic, integrative, and welcoming community of inquiry and practice."

We believe that when this "city of intellect" operates as it should, students are infatuated with knowledge, bonded to their peers, and courageous in their intellectual exploration. The role of faculty, staff, and graduate student instructors is crucial to this process. They are mentors, guides, and--more than ever in the era of "engaged" education--collaborators. Although the destinations of undergraduate students, graduate students, and medical and postdoctoral trainees are quite different, we hope that, through the process of intellectual discovery all find the adult identify that is, as Andrew Delbanco has written, "true to themselves and responsible to others."

We begin with these reflections because our Group was charged with reconsidering whether there is an appropriate role for sexual and romantic relationships among faculty, staff, graduate

student instructors, and other instructors on the one hand, and undergraduates, graduate students, and trainees on the other hand. But this is not simply a legal or legalistic question; it goes instead to the heart of our intellectual enterprise and core values. Rephrasing the above we ask: If our goal is the creation of an "expansive, inclusive, civic-minded, diverse, dynamic, integrative, and welcoming community of inquiry and practice," and if the appropriate role of faculty is as mentors, guides, and collaborators, then exactly what space is there for such relationships in what we do?

The Faculty Handbook declares that the University of Michigan strives to create and maintain a community that enables each person to reach their full potential. "To do so requires an environment of trust, openness, civility, and respect. The University is firmly committed to a policy of prohibiting behaviors that adversely impact a person's ability to participate in the scholarly, research, educational, patient care, and service missions of the University." (Section 1.D.) As noted in Section 8.D.11. of the Faculty Handbook:

"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.... In addition, other faculty members, staff members, or students may have 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."

We make our recommendations on this record of historic commitment to the view that, as the 1986 Senate Assembly "Faculty Statement on Gender and Respect in the University Community," put it:

"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." (Appendix A)

Our recommendations, then, stem from this understanding of what we do and where we stand – and where we have stood before. The faculty at the university understand and fulfill their essential role with students in learning, research, and service environments, and do so with a commitment to honoring the highest professional and ethical standards. An overarching goal for the context of the faculty-student relationship is to create a safe and equitable environment for independent learning and academic growth. Student well-being is a primary consideration of any faculty-student relationship. At its best, the faculty-student relationship nurtures the advancement

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

There is a collective responsibility that the faculty have to the student experience as members and representatives of the university community, and with each class of incoming students who are bound together in space and time. The nature of the relationship that students have to the university and to the collective faculty can and does vary by student population. Generally, undergraduate students have an unknown scope and span of academic disciplines to explore and, as such, the greatest potential to interact with faculty from across the university. The academic discipline-based focus of graduate students sets clearer parameters over the nature of their relationship to the university and is the foundation for relationships over an academic and professional career.

The diversity, scope, and scale of the university, as well as its geographic and virtual reach, create challenges in balancing competing interests when defining limitations on certain types of faculty-student relationships. Nonetheless, it is necessary to define prohibitions in the area of faculty-student romantic and/or sexual relationships. Such constraints are tied to putting the interests of students first, and are based on roles/responsibilities, group affiliations, community norms, and the greater good. Bright-line standards for prohibited relationships (described in the recommendations that follow) meet the need for clarity in expectation and consequence, reduce the need for situational judgment, align with the norms of institutional peers, and align with the 1986 Senate Assembly Statement.

To summarize, guiding relational principles include the following:

Safety and Trust: Interactions are based on safety and trust, free of exploitation, placing health and well-being first, and providing support and mentoring. In particular, faculty have a duty of care to each and every student.

Equity and Fairness: The university values creating an equitable environment for independent learning and academic growth for students and faculty.

Respect: We value one another and maintain norms of compassion, freedom, liberty, and affiliation for the greater good, for all members of the community.

Ambassadorship: Each member of the university represents our collective good such that the behaviors of individuals or groups can have a ripple effect on other members of the university community as well as on the university's reputation and standing. Members of the university

community serve beyond the confines of the classroom to include all contexts within the geographic and virtual reach of our institution.

Diversity: The university community represents our global society, reflecting a broad range of cultural differences and relational practices. In addition, relationships among representatives of diverse groups will be present within the broad scope and span of academic disciplines. This breadth of experience and expansive teaching and learning is particularly the case within undergraduate student education. Graduate students are more discipline-based and may have lasting professional connections with faculty over the course of their academic and professional careers.

Responsibility and Ethics: We recognize the importance of professional standards of conduct (analogous to those established in other professions, such as medicine, law, social work, and clinical psychology) that apply to all relationships built among members of the university community. Professional ethical expectations for relationship boundaries align with institutional peers and with the AAUP Statement on Professional Ethics. Also important are principles of individual responsibility, for both students and faculty, in their university roles.

Accountability: Relationship expectations within the university community align with expectations of external stakeholders, including family, honor the spirit, not just ‘the letter’ of the policy, and require a commitment to enforcing established policy that includes implications of discovery and disclosure of a restricted relationship.

Clarity and Transparency: Bright line standards aid clarity of policy and administration, and reduce the need to apply situational judgment. The Group recognizes that a bright line standard will likely result in some relationships that exist today becoming inappropriate under the new policy.

III. REVIEW OF PEER INSTITUTIONS

As part of our process, the Group reviewed summaries of similar policies at more than 40 peer institutions, including private, public, and multi-campus institutions. These policies can be grouped into three main types:

1. A policy statement that romantic, intimate, amorous, or sexual relationships between faculty and undergraduate students, regardless of their academic or scholarly relationships, are prohibited. While some policies include graduate students in the prohibition, most policies limit the prohibition for graduate students and faculty to where there is an academic or supervisory relationship.

2. A policy statement that romantic, intimate, amorous, or sexual relationships between faculty and students (undergraduate or graduate) are prohibited when the faculty member has, or can reasonably be expected to have, an academic or supervisory relationship with the student.
3. A policy statement that requires the faculty member to disclose a romantic, intimate, amorous, or sexual relationship with any undergraduate student or graduate student, so that a conflict of interest plan can be developed, and/or to recuse themselves from supervisory or evaluative relationships in such cases.

Additionally, the Group noted that a number of policies prohibited romantic or sexual relationships between faculty and graduate students in the same department or academic discipline, regardless of supervisory relationship.

The peer policies to which the Group most often referred for guidance and information were: NYU, Yale, MIT, Harvard, and Georgetown (2017 Faculty Handbook statement of policy). Additionally, the Group often returned to UM's own 1986 Senate Assembly "Faculty Statement on Gender and Respect in the University Community" (referenced above; see Appendix A), emphasizing such language as the following:

"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."

The Group noted that the concerns of power imbalances between faculty and students, particularly undergraduates, as laid out in this document are reflected widely in policies at peer institutions.

IV. RECOMMENDATIONS – OVERVIEW

Overall Recommendation

The Group recommends replacing the content of the current SPG 601.22 with a new faculty-student relationships policy that furthers the goals and values statement outlined above, is broader in scope, and outlines clear and understandable expectations.

The current policy contains the following prohibition:

“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.”

Thus, the current policy accepts faculty-student relationships as long as there is disclosure and a plan in place to manage the conflict; management may require ending the relationship. The Group believes that the scope of prohibited relationships in the current policy is too narrow, as it focuses exclusively on those students over whom direct supervisory authority is exercised. The Group further believes that the new policy should allow for exceptions that permit the relationship to continue only in very narrow, limited circumstances.

These recommendations are deemed necessary to avoid conflicts of interest and imbalances of power. These dynamics apply to all those at the university who teach, supervise, evaluate, or have grading authority over students, including, but not limited to, regular and supplemental instructional faculty, undergraduate students involved in the delivery of course content, graduate student instructors, and postdoctoral fellows.

In all cases, the Group recommends that university employees and affiliates be prohibited from having romantic or sexual relationships with any student in a class or other setting in which that person has instructional, supervisory, evaluative, grading, or other academic authority over the student. If a person with such authority has had a prior romantic or sexual relationship with any student in his/her class or other such setting, that person must disclose the relationship immediately.

In addition, with respect to faculty, the Group recommends a ban on any relationship between (a) a faculty member and an undergraduate student, regardless of academic discipline or UM campus affiliation, (b) a faculty member and a graduate student for whom the faculty member currently has, has had, or may reasonably be expected to have academic supervisory roles, as well as a graduate student who is in the same discipline or academic program in which the faculty member is appointed or teaches, regardless of academic or supervisory authority, and (c) a faculty member and postdoctoral fellow or trainee for whom the faculty member currently has, has had, or may reasonably be expected to have any academic supervisory role.

Violations of this policy will be taken very seriously, and can lead to discipline, up to and including separation from the university.

Types of relationships between students, faculty, and other instructors that are covered by these recommendations:

These relationships may be characterized as: romantic, sexual, amorous, dating, and/or intimate (though this is not intended as an exhaustive list). Such relationships extend beyond shared interest in course content/subject matter or other scholarly and/or personal interests; they cross beyond “friend and mentor.” Relationships need not involve physical contact to come under the recommendations. They include digital romantic and/or sexual relationships (e.g., texting, online, and other non-face-to-face communications).

Other Authority

In addition to SPG 601.22, reference was made to other university authority that may be relevant, including:

1. SPG 201.23 – 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)
2. SPG 201.34-1 – Classification and Appointment of Instructional Faculty
3. SPG 201.65-1 – Conflicts of Interest and Conflicts of Commitment
4. SPG 201.89-0 – Sexual Harassment
5. SPG 601.22-1 – Employee/Student Relationships
6. SPG 601.34 – Policy on Minors Involved in University-Sponsored Programs or Programs Held in University Facilities

Exceptions to Recommended Bans and Other Guidance

The Group recognizes that very narrow exceptions may be appropriate. For example, exceptions may be appropriate for relationships that pre-date a student’s enrollment at the university (e.g., a married couple in which one person subsequently enrolls as a student). The Group acknowledges that other, rare fact patterns may warrant exceptions as well (e.g., a non-traditional undergraduate student enrolled in one course on one campus who dates a faculty member in an unrelated field on another campus), but we did not view it as useful to develop an exhaustive list.

School and College Coordination with Central Offices

The Group recommends that units work with central offices (e.g., Academic Human Resources) in managing cases that arise after the new SPG goes into effect. This will help to ensure consistent administration.

V. RECOMMENDATIONS – SPECIFICS

We have organized our specific recommendations into two main parts, below:

- A. **Faculty and Student Relationships** (separated by student level: undergraduates, graduate and professional students, postdoctoral fellows, house officers, and other learners)
- B. **Other Instructors and Student Relationships** (separated by other instructor status, including: graduate students, postdoctoral fellows, undergraduate students involved in the delivery of course content, and other instructors)

A. Faculty and Student Relationships

For purposes of these recommendations, we define faculty to include regular and supplemental faculty as outlined in SPG 201.34-1 for purposes of this report. We also note that these bans should apply regardless of delivery mechanism for the instructional content, or the form of communication (e.g., in person, online, mobile, and hybrid).

Faculty and Undergraduate Students. The Group recommends a presumptive ban on romantic, sexual, or amorous relationships between faculty and undergraduates across all three UM campuses (Ann Arbor, Dearborn, and Flint). Narrow possible exceptions, which might include pre-existing relationships, will require disclosure by the faculty member to a dean or designee, written approval, and an appropriate management plan.

Faculty and Graduate and Professional Students. The Group recommends a presumptive ban on romantic, sexual, or amorous relationships between faculty members and any graduate or professional student over whom the faculty member currently has, has had, or might reasonably be expected to have academic or supervisory authority. Additionally, we recommend a ban on such relationships between faculty members and any graduate or professional student who is in the same discipline or academic program in which the faculty member is appointed or teaches, regardless of academic or supervisory authority. Narrow possible exceptions, which might include pre-existing relationships, will require disclosure by the faculty member to a dean or designee, written approval, and an appropriate management plan.

Faculty and Postdoctoral Fellows. As temporary members of our university community, postdoctoral fellows hold a unique status that goes beyond the ordinary definition of an employee, but is not equivalent to a student. In essence, they are “trainees.” In that capacity, faculty hold significant power in being able to influence their futures, via reference letters, for instance, and thus the power imbalance is akin to that of traditional students. Thus, we recommend a presumptive ban on romantic, sexual, or amorous relationships between faculty

members and any postdoctoral research fellow over whom the faculty member currently has, has had, or might reasonably be expected to have academic or supervisory authority. However, the Group felt that, where there is no academic or supervisory authority, relationships between faculty and postdoctoral fellows in the same discipline or department would not pose the same kind of risks as with graduate student relationships, and thus does not recommend such a ban.

Faculty and House Officers. The Group acknowledges its limited expertise and experience in the medical fields. As such, we recommend input from Graduate Medical Education to make a more informed recommendation on how a relationship policy should govern house officers. In the interim, we recommend covering house officers under the same policy as postdoctoral fellows.

Faculty and Other Learners. The Group recognizes that the campus may have people enrolled in university programs who cannot be clearly defined as students who are earning a credential or otherwise being assessed, but are nonetheless part of our university community in a learning capacity. These may include non-UM students taking UM classes; students in continuing education courses; students in executive education programs; or students taking MOOCs (e.g., Coursera courses). We have outlined some of these cases below.

Non-degree students. The Group recommends the presumptive bans apply as described above regardless of whether the student is in a degree-granting or non-degree program due to the asymmetrical relationship between faculty and students that still remains.

Visiting students. The bans apply as outlined above in accordance with the student's status as undergraduate or graduate.

Executive education programs. In cases where the faculty assess no grades, and have no authority over the student, the restrictions outlined in these recommendations do not apply.

MOOCs. In cases where a person who is not formally a University of Michigan student is taking a MOOC course offered by UM, these recommendations do not apply.

B. Other Instructors and Student Relationships

As with Faculty and Student Relationships, we note that these bans should apply regardless of delivery mechanism for the instructional content, or the form of communication (e.g., in person, online, mobile, and hybrid).

Graduate Students. The Group recommends a presumptive ban on romantic, sexual, or amorous relationships between a GSI and any students (undergraduate or graduate) in the classes the GSI is teaching or grading, or over whom the GSI has academic or supervisory authority. If a GSI ends up with a student in the GSI's class with whom the GSI has or has had a relationship, the GSI must disclose immediately.

Postdoctoral Fellows. The Group recommends a presumptive ban on romantic, sexual, or amorous relationships between postdoctoral fellows and any student (undergraduate or graduate) under the postdoctoral fellow’s supervision, or over whom the postdoctoral fellow has academic or supervisory authority (including in a lab). If a postdoctoral fellow ends up with a student with whom they have had or have a relationship in any of these situations, the postdoctoral fellow must disclose immediately.

Undergraduate Students Involved in the Delivery of Course Content. The Group recommends a presumptive ban on romantic, sexual, or amorous relationships between undergraduate students involved in the delivery of course content and any students in the classes for which they have any instructional, grading, or other academic authority. If an undergraduate student involved in the delivery of course content ends up with a student in their class with whom they have or have had a relationship, they must disclose immediately.

Other Instructors (e.g., internship instructors, university-vetted teachers in programs with which we have a study-abroad agreement, etc.). The Group recommends a presumptive ban (similar in principle to that for GSIs) for instructors in this category. University-vetted teachers and mentors are prohibited from having relationships with any students (e.g., undergraduate and graduate students) in their classes (meaning courses they are teaching), or under their supervision.

VI. COMMUNICATIONS PLAN

The Group noted that communication (including outreach) is key to the success of the new policy. We recommend broad outreach to different constituencies on campus for input in the next phase of the policy’s development (e.g., SACUA, deans, chairs, and student representatives).

Once new language for SPG 601.22 is finalized, the Group recommends broad and repeated communications to all members of the university community, including restatement of the policy each academic year. We believe communications must come from deans and chairs in faculty meetings, and it will be important that these academic leaders express full support of the policy changes, including the underlying values and rationale. Relatedly, the Group believes that it will be important to provide an explanation to deans/chairs about why there is a new policy, and how the new policy reflects our values as an institution. Other reasons to communicate include that the SPG has not been revised since 2004, the 2004 version predates recent societal changes (e.g., #MeToo), many of our peers have more progressive (i.e., stricter) policies than our current policy, etc. The Faculty Senate can also be enlisted to help to spread the word. Publications such as the University Record can be leveraged when the new policy is announced. In addition, we may be able to ask some peer schools if they have any “best practices” for disseminating and reinforcing these types of policies.

As part of the communication strategy, the Group recommends that Student Life and Rackham Graduate School be engaged to develop appropriate messaging for students regarding the revised policy. This messaging should communicate both the policy and its underlying rationale and values statements, with a focus on the ways in which the policy defines the university's expectations for faculty in their relationships with students.

The Group acknowledges that the recommended changes, if implemented, could result in some relationships that exist today becoming inappropriate under new policy language. This should be explicitly acknowledged, and handled with tact and sensitivity. Question-and-answer opportunities are important (e.g., "Town Halls" led by university leaders). It may be useful to have a one-pager on the policy and FAQs about what is acceptable and appropriate. This one-pager could also provide examples of behaviors suggesting that a policy violation may be occurring or on the horizon (e.g., texting students about topics unrelated to the instructional relationship or inappropriately intimate conversations). The communication plan will need to address the possible consequences of violating the policy, up to and including separation from the university.

APPENDIX A

October 23, 1986 Senate Assembly Statement on Gender and Respect
<https://digital.bentley.umich.edu/midaily/mdp.39015071754787/513>

FACULTY STATEMENT ON GENDER AND RESPECT IN THE UNIVERSITY COMMUNITY

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 which stigmatizes in this way is a violation of the respect with which we are all obliged to treat each other. Including 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.