Relationships with Students

Subject: Personnel
Revised: 
Effective Date: 
Review Date: (three years from date of adoption)
Responsible Party: Provost’s Office

Purpose of Policy
Relationships subject to this policy are those romantic or sexual relationships in which the parties appear to have consented, but where there is a power differential within the university between the parties. These relationships are of concern for two reasons:

1. It is a generally accepted ethical principle in our society that we avoid conflicts of interest, including situations in which one makes official evaluations of or decisions impacting relatives, family members, spouses, or other persons with whom one has an intimate relationship. In a university, examples of such evaluations and decisions include, but are not limited to, assigning grades, providing professional travel opportunities, and providing academic opportunities; or participation in decisions to hire, retain, promote, discipline, or determine salaries and other terms and conditions of employment.

2. Any relationship involving a power differential, even those appearing to be fully consensual, has the potential for adverse outcomes because the relationship may exist only as a result of the power differential, or because a party’s ability to make decisions regarding the relationship may be influenced by the power differential. This may lead to negative impacts on colleagues and students in the unit and potential institutional liability, particularly when a relationship that appeared consensual comes to an end.

The goal of this policy is to establish clear guidelines and definitions for university personnel and students to determine whether a relationship includes an imbalance of power and to provide a process for reporting, remediation, and enforcement. The burden to maintain appropriate boundaries in relationships with students is on the individual with greater power. This policy is not intended to inhibit appropriate, scholarly-focused teaching and mentoring.

Statement of Principles
As a university, our foremost responsibility is the education of our students. We respect the individual right to privacy and freedom of association. At the same time, faculty and other instructional or administrative personnel, as representatives of the university, have a responsibility for fostering an environment focused on the university’s educational mission.

This draft, distributed 9/30/2019, is intended for circulation across the campus community in order to gather further input in advance of formal draft policy review.
In order to promote a university environment that puts student learning at the center of what we do, we articulate the following principles:

1. Relationships between faculty or other instructional or administrative personnel and students must be based on:
   - Integrity
   - Inclusion
   - Trust
   - Fairness
   - Respect

2. Faculty and other instructional or administrative personnel hold the following professional responsibilities:
   - To maintain healthy academic relationships with students while establishing boundaries that uphold professional ethics; and
   - To be ambassadors for the university and understand that individual actions reflect on and affect the entire university and community.

3. Finally, policy and administration of policy should be:
   - Clear, consistent, and transparent;
   - Fair and respectful; and
   - Sensitive to the difficulty of the transition period following adoption of this policy.

Policy

100. Covered Employees
The following restrictions are established for relationships with students according to the individual’s role within the university.

100.10 Instructional and Research Tenure Track and Non-Tenure Track Faculty (Faculty)
Faculty are prohibited from engaging in a relationship with:

a) an undergraduate student, regardless of academic discipline;

b) a graduate student for whom the faculty member currently has, has had in the immediately preceding twelve months, or may reasonably be expected to have an academic supervisory role;

c) a graduate student who is in the same department, discipline or academic program in which the faculty member is appointed or teaches, regardless of academic or supervisory authority; and

d) any student or trainee for whom the faculty member currently has, has had in the immediately preceding twelve months, or may reasonably be expected to have any academic or employment supervisory role.

This draft, distributed 9/30/2019, is intended for circulation across the campus community in order to gather further input in advance of formal draft policy review.
100.20 Graduate Students with Instructional Responsibilities

Graduate Students who are the Instructor of Record are prohibited from engaging in a relationship with an undergraduate or graduate student for whom they currently have, have had in the immediately preceding twelve months, or may reasonably be expected to have an academic supervisory role.

Graduate Students who are teaching assistants of a recitation section or lab are prohibited from engaging in a relationship with an undergraduate or graduate student for whom they currently have, have had in the immediately preceding twelve months, or may reasonably be expected to have an academic supervisory role.

Graduate Students who are employed as tutors, writing center consultants, or in other instructional roles that do not have an assigned class are prohibited from engaging in a relationship with an undergraduate or graduate student that they currently, have in the previous semester, or may reasonably be expected to tutor or advise.

In the case that a graduate student has a pre-existing relationship (see 100.50 below) with a student who enrolls in a course, section, or lab currently under their academic supervision, the graduate student is required to immediately alert their department head so the department head can reassign the graduate student to a different section or position that removes them from supervising the student where appropriate. The department head will then inform the dean of this action.

100.30 Undergraduate Students with Instructional Responsibilities

Undergraduate teaching assistants or tutors who assist in student learning, whether or not they supervise or evaluate other students, including grading or recording grades, are prohibited from engaging in a relationship with an undergraduate student for whom they currently have, have had in the immediately preceding twelve months, or may reasonably be expected to have a teaching or learning support role.

In the case that the undergraduate teaching assistant or tutor has a pre-existing relationship (see 100.50 below) with a student who enrolls in a course, section, or lab currently within their responsibility, the undergraduate teaching assistant or tutor is required to immediately alert their supervisor or department head so the supervisor can reassign the undergraduate teaching assistant or tutor to a different section or position as appropriate to the circumstances. The supervisor will then inform the department head and dean of this action.

100.40. Other Employees

Employees covered by this section are those whose jobs confer broad influence or authority over undergraduate students, graduate students or other learners including counselors; advisors; coaches and trainers; staff involved in discipline; supervisors of student employees; staff in residence life; staff providing services directly for students; staff with the ability to access or modify a student’s academic, financial, or other record; and staff working in deans’ offices or academic offices.

This draft, distributed 9/30/2019, is intended for circulation across the campus community in order to gather further input in advance of formal draft policy review.
Employees in these roles are prohibited from engaging in a relationship with students who are currently, were in the immediately preceding twelve months, or could potentially be, impacted by the employee’s conduct within the role and scope of their employment with the university.

100. 50 Pre-Existing Relationships
Current relationships that were reported prior to or within 90 days of the establishment of this policy and are subject to an existing Conflict of Interest Plan will not be considered in violation of this policy provided the parties comply with and regularly update the Conflict of Interest Plan.

Relationships that existed prior to either party’s employment or enrollment will not be considered in violation of this policy provided that the parties disclose the relationship within 30 days of establishing employment or student status and comply with a Conflict of Interest Plan.

Relationships between covered employees and their children/relatives who are students also require special attention, but these are addressed in the Conflict of Interest Policy rather than this policy. Relationships between covered employees and other employees are addressed in the Consensual Relationships Policy.

200. Definitions
Academic or supervisory authority includes, but is not limited to, teaching, grading, advising, mentoring, evaluating or supervising research; participating in decisions on academic status; managing teaching or research assignments; participating in decisions on funding or other resources affecting students; writing a letter of reference or otherwise recommending for admission, employment, scholarships, fellowships, or awards. This supervision can occur on or off campus, in curricular, co-curricular, or extra-curricular activities, but this policy is applicable only to the extent such supervision is related to the covered employee’s role within the university.

Relationships subject to this policy may be characterized as romantic, sexual, amorous, dating, or intimate (though this is not intended as an exhaustive list). Such relationships extend beyond shared scholarly interests into primarily personal interests, such that a reasonable outside observer would view it as other than an appropriate educational relationship. The length of the relationship is not a defining factor; a single occurrence could constitute a relationship for purposes of this policy. Relationships need not involve physical contact. Electronic relationships (e.g., texting, online, and other non-face-to-face communications) are also subject to this policy.

Students covered by this policy include any individual who has received an offer of admission and any undergraduate or graduate student during their attendance.

300. Reporting
Any faculty member, staff member or other individual who reasonably believes or has received a credible report that there has been a violation of this policy shall report the concern to the Director of the Office of Institutional Equity. Students are encouraged to make reports directly to the Office of Institutional Equity or any university employee. You may do so by calling 406-994-2042 or emailing oie@montana.edu. Anonymous reports may be made through the university’s compliance hotline in

This draft, distributed 9/30/2019, is intended for circulation across the campus community in order to gather further input in advance of formal draft policy review.
accordance with the policy on Reporting Suspected Legal, Regulatory or Policy Violations. Please note that while every attempt will be made to follow-up on anonymous reports anonymous reports may not contain sufficient information for action to be taken under this Policy.

All reports under this Policy shall be treated as confidential except to those individuals involved in an Inquiry as set forth below; any subsequent investigation; and for the implementation of remedial measures. A person who knowingly and intentionally makes a false report is subject to university discipline in accordance with applicable procedures.

Inquiry and Further Action

The Director of the Office of Institutional Equity shall initiate an Inquiry and gather information from the employee, student, appropriate supervisors (for faculty that is usually a dean and department head, for staff that is usually their direct supervisor), and/or others who may have relevant information. The Inquiry shall include (1) separate communications with the student and employee addressing the allegation and this policy, (2) obtaining and documenting responses from the student and employee, and (3) any further investigation as deemed necessary to complete the Inquiry. The student and employee are required to speak with those conducting the Inquiry and answer truthfully. Failure to participate may result in discipline in accordance with applicable university procedures.

In the event that the Inquiry returns information that requires further investigation or action, the Director of the Office of Institutional Equity will then review and determine in consultation with the appropriate unit(s) whether further investigation or disciplinary action is warranted pursuant to this policy or other University policies.

400. Remedial Measures

Remedial measures are distinct from disciplinary actions. Remedial measures mean the administrative steps taken to remedy a situation that has led to a complaint. The purpose of remedial measures is to:

- Prevent serious and immediate harm to the student and department;
- Restore appropriate relationships within affected areas;
- Prevent retaliation against any party;
- Provide appropriate training in preventing violations of this policy.

At any time during the inquiry or after a finding, the supervisor, in consultation with the Office of Institutional Equity and appropriate academic and administrative offices, may take remedial measures to ensure that these purposes are achieved.

Remedial measures may include, but shall not be limited to:

- Altering a covered employee’s work or academic environment;
- Providing training to individuals on preventing violations of this policy;
- Meeting with an employee to discuss changes of behavior;
- Changing advisors, mentors, supervisors or evaluators;

This draft, distributed 9/30/2019, is intended for circulation across the campus community in order to gather further input in advance of formal draft policy review.
• Arranging a course retake or withdrawal without penalty;
• Suspending an employee pending investigation;
• Assigning a monitor;
• Providing remedies to the department, e.g. changing the way processes are done or increasing oversight of departmental travel and assignments; and
• Delivering cultural training to the department.
Remedial measures shall not be punitive to the student involved in the relationship.

500. Enforcement
Violations of this policy will be considered misconduct on the part of a covered employee, and the employee will be subject to discipline up to and including separation from the university. Any such discipline will follow applicable disciplinary policy and is subject to grievance or appeal procedure. See the Faculty Handbook and Employee Grievance Policy and Procedures.

Disciplinary actions may include, but are not limited to, written warnings, formal reprimands, loss of privileges, mandatory training or counseling, probation, suspension, demotion, revocation of tenure, and termination of employment. Loss of privileges may include denial of sabbatical, merit raises, retention offers, tenure, and promotion.

The disciplinary authority will consider multiple factors in determining the appropriate level of discipline, including but not limited to:

• the extent of the abuse of power;
• demonstrated detriment to a student, the department, or others;
• the context of the relationship, i.e., whether the employee had knowledge the person was a student when the relationship began;
• the length of time before voluntary disclosure; and
• the employee’s forthrightness and cooperation in the investigatory process.

The mere fact that an employee self-reports a violation of this policy does not excuse misconduct, though it may mitigate potential discipline. Relationships covered by this policy that are not self-disclosed will be considered more severe violations of this policy.