

**MICHIGAN STATE
UNIVERSITY**

June 21, 2019

APPROVED

JUNE 21, 2019

**BOARD OF TRUSTEES
MICHIGAN STATE UNIVERSITY**

MEMORANDUM

To: Committee on Academic Affairs

From: June Pierce Youatt 
Executive Vice President and Provost

Subject: Revisions to Policy 04-17-05 (Consensual Amorous or Sexual Relationships)

RECOMMENDATION

The Trustee Committee on Academic Affairs recommends that the Board of Trustees approve revisions to Policy 04-17-05 (Consensual Amorous or Sexual Relationships).

RESOLUTION

BE IT RESOLVED, that the Board of Trustees of Michigan State University hereby restates Policy 04-17-05 (Consensual Amorous or Sexual Relationships) in its entirety, as shown in Attachment A.



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BACKGROUND

The relationship between an instructor and a student plays an important role in accomplishing Michigan State University's mission of "providing outstanding undergraduate, graduate, and professional education to promising, qualified students in order to prepare them to contribute fully to society as globally engaged citizen leaders."

Achieving and maintaining an environment in which a student's rights can be fully realized requires an academic community that values and honors the principles of inclusivity, civility, respect, and professionalism. It is therefore recognized by Michigan State University that consensual amorous and sexual relationships between instructors and students are counterintuitive to these rights and responsibilities, to the environment desired, and in upholding the mission of the University. Such personal relations undermine the integrity of the instructor and student relationship. There is an inherent power differential between instructors and students, making consensual amorous and sexual relationships between instructors and students fundamentally unequal.

The purpose of this policy is to ensure that Michigan State University's learning environment reflects our moral and ethical responsibility to manage the power differential that exists when there are consensual amorous and sexual relationships between instructors and students.

MSU's current policy on Consensual Amorous or Sexual Relationships between faculty and students was approved by the Board on November 8, 1996 and has not been updated since that time. While the policy discourages such relationships where a faculty member, graduate teaching assistant or other University employee has educational responsibilities for students, **it does not ban such relationships**. It requires acknowledgement of the relationship to one's administrator so that appropriate controls can be put into place to protect the student.

After reviewing the policies at peer institutions, and after consulting with the Council of Deans and University Committee for Faculty Affairs, the proposed revised policy **bans consensual amorous and sexual relationships between faculty and academic staff and undergraduate students**. Graduate teaching assistants may not initiate such relationships with undergraduate students with whom there is educational responsibility. Faculty and academic staff may not initiate such relationships with graduate or lifelong education students where there are educational responsibilities. Pre-existing relationships must be disclosed to the appropriate unit administrator and dean, with review by the Associate Provost and Associate Vice President for Academic Human Resources, so that appropriate oversight can be arranged.

Upon a careful review of the policy, the revisions were initiated by the University Committee on Faculty Affairs (UCFA) and approved by the University Council at its meeting on April 23, 2019.

cc: Board of Trustees, S. Udpa, K. Wilbur, N. Barr, B. Quinn, M. Zeig, G. Hoppenstand, T. Curry

CONSENSUAL AMOROUS OR SEXUAL RELATIONSHIPS WITH STUDENTS¹**04-17-05****I. Introduction**

Michigan State University's mission includes "providing outstanding undergraduate, graduate, and professional education to promising, qualified students in order to prepare them to contribute fully to society as globally engaged citizen leaders." The student, as a member of the academic community, has both rights and duties. Within that community, the student's most essential right is the right to learn. The University has a duty to provide for the student those privileges, opportunities, and protections which best promote the learning process in all its aspects.²

The relationship between an instructor³ and a student plays an important role in accomplishing this mission. Certain responsibilities bestowed upon instructors have long been codified in the Faculty Rights and Responsibilities policy:

The teacher has the responsibility to encourage the pursuit of learning by students by manifesting the best academic standards of the discipline or profession. To accord students respect as individuals, the teacher shall seek to establish a relationship of mutual trust and to establish an appropriate role as an intellectual guide, counselor and mentor, both in and out of the classroom.

The establishment and maintenance of the proper relationship between instructor and student are fundamental to the University's function, and require both the instructor and student to recognize the rights and responsibilities which derive from it. The relationship between instructor and student as individuals should be founded on mutual respect, trust and understanding, together with shared dedication to the educational process.⁴

Instructors carry a responsibility to students, colleagues, the scholarly community, and the public to perform their duties in a professional, respectful, and collegial manner⁵, and must do so with a commitment to honoring the highest ethical standards. They are regarded as guardians of the

¹ This policy replaces the previous policy, "Conflict of interest in Educational Responsibilities Resulting from Consensual Amorous or Sexual Relationships" approved by the Board of Trustees on November 8, 1996.

² Adapted from Article 1 of the Spartan Life Student Handbook.

³ The term, "instructor," as used in this document, applies to faculty, academic staff, and graduate teaching assistants who have educational responsibilities for students.

⁴ Adapted from Article 2 of the Spartan Life Student Handbook.

⁵ These responsibilities are fully articulated in the Faculty Rights and Responsibilities policy:

https://www.hr.msu.edu/policies-procedures/faculty-academic-staff/faculty-handbook/faculty_rights.html

University, charged with preserving in it the privilege of teaching students which society has entrusted to their care.

To achieve and maintain an environment in which a student's rights can be fully realized requires an academic community that values and honors the principles of inclusivity, civility, respect, and professionalism. The University is committed to creating a safe learning environment free of conflicts in achieving its educational mission.

It is therefore recognized by Michigan State University that consensual amorous and sexual relationships between instructors and students are counterintuitive to these rights and responsibilities, to the environment desired, and in upholding the mission of the University. Such personal relations undermine the integrity of the instructor and student relationship. There is an inherent power differential between instructors and students making consensual amorous and sexual relationships between instructors and students fundamentally unequal.

II. Purpose

The purpose of this policy is to ensure that Michigan State University's learning environment reflects our moral and ethical responsibility to manage the power differential that exists when there are consensual amorous and sexual relationships between instructors and students.

III. Applicability

This Policy applies to faculty, academic staff, and graduate teaching assistants.

IV. Definitions

- A. Consensual amorous or sexual relationships: Relationships of a romantic, dating, and/or sexual nature entered into with consent of both parties. These relationships may or may not involve physical contact, and can include digital relationships via text, social media, etc. This definition also covers past relationships.
- B. Educational responsibility: The power or authority to evaluate, influence, provide, or control aspects related to a student's education or professional development. Covered activities include, but are not limited to, teaching, grading, mentoring, advising, evaluating research or other academic activity, serving on a student's dissertation committee, participating in decisions or recommendations regarding funding or other resources, clinical supervision, and recommending for admissions, employment fellowships, or awards.

V. Policy

- A. Undergraduate Students

An amorous or sexual relationship between an undergraduate student and a faculty member, academic staff member, or a graduate teaching assistant may impair or undermine the ongoing trust needed for effective teaching, learning and professional development. Because of the faculty or academic staff member's authority or power over the student, inherently conflicting interests and perceptions of unfair advantage arise when a faculty, academic staff member, or graduate teaching assistant assumes or maintains educational responsibility for a student with whom the faculty or academic staff member has or is engaged in amorous or sexual relations.

Such consensual amorous or sexual relationships, even absent any educational responsibility, may lead to unanticipated conflicts of interest since an instructor's influence and power may extend beyond the classroom or department. Due to the institutional power differential in instructor and undergraduate student relationships, there is the inherent risk of coercion and the perception by others of exploitation.

It is, therefore, the policy of Michigan State University that any amorous or sexual relationships between an undergraduate student enrolled at the University and a faculty member, academic staff member, or graduate teaching assistant is prohibited, as follows:

1. For faculty and academic staff members, this prohibition covers all relationships, regardless of whether the faculty or academic staff member has educational responsibility over the undergraduate student. Where relationships predate the enrollment of the undergraduate student at Michigan State University, the faculty or academic staff member must immediately disclose the amorous or sexual relationship to the relevant unit administrator. The unit administrator shall promptly consult with the dean/director and the Associate Provost and Associate Vice President for Academic Human Resources, who will review the circumstances surrounding each relationship on a case-by-case basis. If permitted, a management plan will be developed. This plan must be evaluated annually between the unit administrator and the faculty or academic staff member.
2. For graduate teaching assistants, this prohibition only applies with respect to undergraduate students over whom they have educational responsibility. Thus, graduate teaching assistants must not begin a relationship with undergraduate students for whom they have educational responsibility. When such amorous or sexual relationships predate the assumption of educational responsibility for the undergraduate student, the graduate teaching assistant shall immediately disclose the amorous or sexual relationship to the relevant unit administrator, who shall promptly arrange other oversight for the student.

B. Graduate Students and Graduate Professional Students (hereafter referred to collectively as graduate students)

A power differential also exists in relationships between a graduate student and a faculty or academic staff member.

It is therefore the policy that faculty and academic staff are prohibited from engaging in a consensual amorous or sexual relationship with a graduate student over whom there is educational responsibility.

Where the relationship predates the faculty or academic staff member's assumption of educational responsibility for the graduate student, the faculty or academic staff member shall immediately disclose the amorous or sexual relationship to the relevant unit administrator.

The relevant unit administrator, in consultation with the dean and Academic Human Resources, shall promptly arrange other oversight for the student.

1. The oversight plan must be evaluated annually between the unit administrator and the faculty or academic staff member.

C. Lifelong students and other learners

The University provides education to lifelong students and others who are not classified as undergraduate, graduate, or graduate professional students.

It is, therefore, the policy of Michigan State University that a faculty, academic staff member, or graduate teaching assistant who currently has educational responsibility for a lifelong student or other non-undergraduate or non-graduate student at the University may not begin a relationship with that student when they have educational responsibilities over the student.

A faculty, academic staff member or graduate teaching assistant shall immediately disclose the amorous or sexual relationship to the relevant unit administrator where the relationship predates their assistant's assumption of educational responsibility for the student. The relevant unit administrator shall promptly arrange other oversight for the student in consultation with the dean and Academic Human Resources. Such oversight is to be evaluated annually.

D. Post-Doctoral Fellows (i.e. Research Associates)

Consensual amorous or sexual relationships between faculty and academic staff and post-doctoral fellows (i.e. research associates) over whom there is educational responsibility are prohibited. Where such a relationship predates the assumption of

educational responsibility, the faculty or academic staff member shall immediately disclose the relationship with the relevant unit administrator, who shall develop an oversight plan in consultation with the dean and Academic Human Resources, to be evaluated annually.

VI. Exceptions to this Policy

No exceptions will be made in circumstances where the instructor has educational oversight for the student. In other words, an instructor may not, under any circumstances, be in a relationship with a student for whom they have educational responsibility. However, the University recognizes that rare, unique, and/or unusual circumstances may warrant evaluation of an exception to the prohibition of undergraduate student relationships with a faculty or academic staff member (e.g., a faculty member's spouse/partner enrolls as an undergraduate student). It is the responsibility of the faculty or academic staff member to initiate an exception request as soon as possible. Approval will be automatically granted in the scenario where a faculty member's spouse/partner enrolls as an undergraduate student.

These requests will be evaluated by the unit administrator, in consultation with the dean and the Associate Provost and Associate Vice President for Academic Human Resources, on a case-by-case basis. Any exceptions granted must be evaluated annually.

VII. Implementation of Policy

This policy was implemented on ____ . Existing relationships that are now prohibited under this policy (i.e., undergraduate student and faculty and academic staff member relationships) and relationships subject to the new disclosure requirements of this policy must be disclosed to the relevant unit administrator within thirty (30) days of the effective date of this policy. The unit administrator shall promptly consult with the dean/director and the Associate Provost and Associate Vice President for Academic Human Resources, who will review the circumstances surrounding each relationship on a case-by-case basis. If permitted, a management plan will be developed.

VIII. Record-Keeping

The unit administrator (e.g. department chairperson, school director, dean of a non-departmentally organized college) must retain records related to the disclosed conflict, management plans, and alternative arrangements made for educational oversight for the student. Documents must be maintained according to University retention policies.

IX. Violations

Failure to comply with this policy will be considered a violation of policy and is subject to appropriate disciplinary action up to and including termination.

X. Relation to Other Policies

This policy is not intended to replace or circumvent other established University policies such as the Conflict of Interest in Employment Policy and the Relationship Violence and Sexual Misconduct Policy.

Enacted 11/8/96
Amended: 6/21/19

An amorous or sexual relationship between a student and a faculty member, a graduate teaching assistant or another University employee who has educational responsibility for that student may impair or undermine the ongoing trust needed for effective teaching, learning and professional development. Because of the faculty member, graduate assistant or other employee's authority or power over the student, inherently conflicting interests and perceptions of unfair advantage arise when a faculty member, graduate teaching assistant or other employee assumes or maintains educational responsibility for a student with whom the faculty member, graduate teaching assistant or other employee has engaged in amorous or sexual relations.

It is, therefore, the policy of Michigan State University that each faculty member, graduate teaching assistant and other University employee who has educational responsibilities for students shall not assume or maintain educational responsibility for a student with whom the faculty member, graduate teaching assistant or other employee has engaged in amorous or sexual relations, even if such relations were consensual. Whether such amorous or sexual relationships predate the assumption of educational responsibility for the student, or arise out of the educational relationship, the faculty member, graduate teaching assistant or other employee shall immediately disclose the amorous or sexual relationship to the relevant unit administrator, who shall promptly arrange other oversight for the student.

In unusual circumstances, the achievement of the affected student's academic requirements may necessitate continued oversight of the affected student by the faculty member, graduate teaching assistant or other University employee who has engaged in amorous or sexual relations with that student. In such circumstances the unit administrator shall, therefore, have authority, after consulting the affected student, to permit the continued oversight of the affected student by the faculty member, graduate teaching assistant or other University employee, provided that the faculty member, graduate teaching assistant or other University employee shall not grade or otherwise evaluate, or participate in the grading or other evaluation of, the work of the affected student, and that the alternative arrangements for grading or evaluating the affected student's work treat the student comparably to other students.

Enacted: 11/8/96

