

Relationships with Students Policy

Subject: Personnel
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Responsible Party: Provost's Office

Purpose of Policy

Relationships subject to this policy are those romantic or sexual relationships where consent appears to be present, but where there is a power differential within the university between the parties.¹ These relationships are of concern for three reasons:

- A. 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 opportunities, and providing academic opportunities; or participating in decisions to hire, retain, promote, discipline, or determine salaries and other terms and conditions of employment.
- B. 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 the power differential may influence a party's ability to make decisions regarding the relationship. This may lead to negative impacts on students and colleagues in the unit and potential institutional liability, particularly when a relationship that appeared consensual comes to an end.
- C. A relationship involving a university employee and a student has the potential to impact the student's ability to access university programs and services.

The goal of this policy is to establish clear guidelines and definitions for university employees and students to determine whether a relationship includes an imbalance of power or may be reasonably expected to impact the student's ability to access university programs and services, and to provide a process for reporting, remediation, and enforcement of the policy. The burden to maintain appropriate boundaries in relationships with students is on the individual with greater power within the university. This policy is not intended to inhibit appropriate, scholarly-focused teaching and mentoring.

¹ Allegations of non-consensual relationships, including but not limited to sexual harassment, sexual assault, or quid pro quo conduct, will be considered under the University's [Discrimination, Harassment, and Retaliation Policy](#) and accompanying [Grievance Procedures](#).

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, are responsible for fostering an environment focused on the university's educational mission.

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; and
 - Fair and respectful; .

Policy

100.00 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; and writing a letter of reference or otherwise recommending for admission, employment, scholarships, fellowships, or awards. This supervision can occur on or off campus, and 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.

The phrase *reasonably be expected:* is intended to convey the notion that a neutral observer would conclude that a situation is likely given the individual's role in the university and/or program of study. It is not intended to convey there is merely a possible way for the situation to occur. If there is doubt about whether a situation is *reasonable to expect*, the person with the academic or supervisory authority shall consult with the Office of Research Compliance, which

will make a determination.

Relationships subject to this policy may be characterized as romantic, sexual, amorous, dating, or physically 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 is defined as a student under the university's code of student conduct.

200.00 Covered Employees

The following restrictions are established for relationships with students according to an individual's role within the university. The prohibition of relationships where there has been an academic or supervisory role in the past, or where the relationship may reasonably be expected to impact the student's ability to access university programs and services, is intended to separate the experience of being a student from the experience of generating a consensual relationship. The policy defines the time of required separation as:

- a. twelve months where the academic or supervisory role was as instructor of record; and,
- b. six months where the academic or supervisory role was as a tutor or other learning support role.

200.10 Instructional and Research Tenure, 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 (see section 100) an academic or employment supervisory role; and
- 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.

In the case that a faculty member has a pre-existing relationship subject to section 200.50 below, the faculty member shall immediately report the relationship to the Office of Research Compliance for management.

200.20 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 (see

Section 100) 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 (see section 100) an academic supervisory role.

Graduate Students who are mentoring undergraduate researchers in a lab setting or 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 six months, or may reasonably be expected (see section 100) to mentor, tutor, or advise.

In the case that a graduate student has a pre-existing relationship (see 200.50 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 college dean of this action.

200.30 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 in the previous six months, or may reasonably be expected to have (see section 100) a teaching or learning support role.

In the case that the undergraduate teaching assistant or tutor has a pre-existing relationship (see 200.50 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.

200.40 Other Employees

Employees covered by this section are those not addressed specifically in 200.10, 200.20, or 200.30 whose jobs confer broad influence or authority over undergraduate students, graduate students, or other learners, or who can reasonably be expected to impact a student's ability to access university programs and services, including but not limited to: counselors; advisors; coaches and trainers; postdocs; 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.

Employees in these roles are prohibited from engaging in a relationship with students who are currently, were in the immediately preceding twelve months, or may reasonably be expected to be (see Section 100) impacted by the employee's conduct within the role and scope of their employment with the university.

200.50 Pre-Existing and Family Relationships

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 [Workplace Expectations and Conduct: Relationships in the Workplace Policy](#).

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

Existing relationships that would otherwise violate this policy and 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, if deemed necessary.

300.00 Reporting Potential Violations

Any faculty member, staff member, or other individual who reasonably believes or has received a credible report of a violation of this policy shall report the concern to the Director of the Office of Institutional Equity by calling 406-994- 2042, emailing oiemontana.edu, or [filing an online report](#). Employees hired by the University to work under a license or statutory privilege under Montana law that provides for confidentiality are not required to report but may be required to provide de-identified statistics annually. Students are encouraged to make reports directly to the Office of Institutional Equity by calling 406-994- 2042, emailing oiemontana.edu, or [filing an online report](#). Anonymous reports may be made through the university's compliance hotline in 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, in any subsequent investigation, and in 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.

300.10 Inquiry and Further Action

The Director of the Office of Institutional Equity or designated Civil Rights Investigator 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 review 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 the Inquiry returns information that requires further review or action, the Director of the Office of Institutional Equity will then evaluate and determine in consultation with the

appropriate unit(s) whether further review or disciplinary action is warranted pursuant to this policy or other university policies.

300.20 Restoring Reputations

The university shall undertake all reasonable, practical, and appropriate efforts to protect and restore the reputation of any person involved in an inquiry under this policy but against whom no finding of a violation was made.

400.00 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;
- Prevent serious and immediate harm to the 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 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;
- 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 appropriate training to the department.

Remedial measures shall not be punitive to the student involved in the relationship.

500.00 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 for example the [Faculty Handbook](#) and [Employee Grievance Policy and](#)

[Procedures](#), or the [applicable collective bargaining agreement](#).

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.