



## Proposal to Establish a Consensual Relationships Policy (Senate Document #18-19-37)

Faculty Affairs Committee | Chair: Daniel P. Lathrop

The Senate Executive Committee (SEC) and Senate Chair Lanford request that the Faculty Affairs Committee review the *Proposal to Establish a Consensual Relationships Policy*.

Specifically, it asks that you:

1. Review the University of Maryland Sexual Misconduct Policy & Procedures ([VI-1.60\[A\]](#)).
2. Review policies regarding consensual relationships and sexual misconduct at Big 10 and other peer institutions.
3. Consult with the proposer.
4. Consult with a representative of the Office of Faculty Affairs.
5. Consult with a representative of University Human Resources.
6. Consult with a representative of the Office of Civil Rights and Sexual Misconduct (OCRSM).
7. Consult with a representative of the Office of General Counsel on the legal implications of consensual relationships between employees and students.
8. Consider whether consensual relationships should be prohibited between employees (i.e. faculty, graduate assistants, staff) and students (i.e. undergraduate, graduate).
9. If the committee determines that relationships between employees and students should be prohibited, it should:
  - a. Consult with a representative of the Office of Civil Rights and Sexual Misconduct (OCRSM) on how best to incorporate such a prohibition in University policy.
  - b. Consider what types of employees and in what situations (i.e. instructional, supervisory) a consensual relationships policy should apply.
  - c. Consider whether the policy should be limited to relationships that involve a power imbalance or a conflict of interest.
  - d. Consider whether the policy should provide a mechanism for requesting/approving exceptions from prohibitions and a process for how relationships with exceptions will be managed once they are approved.
  - e. Consider whether a prohibition on consensual relationships should be addressed in the University's sexual misconduct policy or whether a separate policy should be developed.

- f. Consider how a prohibition on consensual relationships should be implemented.
- 10. If the committee determines that a consensual relationships policy should be developed and it should apply to multiple constituencies, the committee should form a subcommittee with representatives from the relevant Senate constituency-based committees to develop a draft policy for review by each of the three committees before it is finalized by the Faculty Affairs Committee.
- 11. Consult with a representative of the Office of General Counsel on any proposed changes to University policy.
- 12. Provide a preliminary update to the Senate Executive Committee in May 2020.
- 13. If appropriate based on the committee's consideration of the above items, recommend whether the University should establish a consensual relationships policy or whether existing University policy should be revised.

We ask that you submit a report to the Senate Office no later than **November 6, 2020**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



Proposal to Establish a Consensual Relationships Policy

Table with 4 rows: NAME/TITLE (Steve Rolston, Professor and Chair), EMAIL (rolston@umd.edu), PHONE (X55946), UNIT (Physics), CONSTITUENCY (Faculty)

DESCRIPTION OF ISSUE

A conflict of interest arises when faculty develop amorous/sexual relationships with students in their classes, in campus organizations, or in any situation in which the student might fear reprisals or expect special treatment.

The University's Sexual Misconduct Policy includes a section on Consensual Relationships and Professional Conduct (XIII) as follows:

Sexual relationships that occur in the context of educational or employment supervision and evaluation present potential conflicts of interest. Relationships in which one party maintains a supervisory or evaluative responsibility over the other also reflect an imbalance of power, leading to doubt as to whether such relationships are truly consensual.

Because of the potential conflicts of interest, persons involved in consensual sexual relationships with anyone over whom they have supervisory and/or evaluative responsibilities must inform their supervisor(s) of the relationship(s). Supervisory or evaluative responsibilities may be reassigned, as appropriate. While no relationships are expressly prohibited by this policy, failure to self-report such relationships in a timely manner, as required by this policy, may result in disciplinary action.

DESCRIPTION OF CHANGE YOU WOULD LIKE TO SEE

The University's Sexual Misconduct Policy "discourages" but does not prohibit these types of relationships between faculty and students. There have been cases where these types of relationships have been problematic, so it is important for the University to consider this issue specifically.

SUGGESTION FOR HOW YOUR PROPOSAL WOULD BE PUT INTO PRACTICE

Develop a specific policy to prohibit consensual relationships between faculty and the students that they supervise or instruct, because of the inherent conflict of commitment and power imbalance.

ADDITIONAL INFORMATION

University of Maryland Sexual Misconduct Policy & Procedures VI-1.60(A)

- Sample Policies at other Institutions:
http://theuniversityfaculty.cornell.edu/dean/report-archive/consensual-relationships-policy-committee/final-6-x/
http://policies.cua.edu/eo/sexharass.cfm
http://counsel.cua.edu/fedlaw/nacuanoteamorousrelationships.cfm

<https://policies.utexas.edu/policies/consensual-relationships#responsibilities-procedures>  
<https://www.wisconsin.edu/regents/policies/consensual-relationships/>  
[https://policies.northwestern.edu/docs/Consensual\\_Relations\\_011314.pdf](https://policies.northwestern.edu/docs/Consensual_Relations_011314.pdf)  
<https://provost.illinois.edu/about/committees/advisory-to-vice-chancellor-for-academic-affairs-and-provost/consensual-relationship-policy-task-force/>