



# Relationships with Students Policy

Subject: Personnel

Effective Date: December 14, 2022

Review Date: 3 years from effective date

Responsible Party: Human Resources

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## 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. These relationships are of concern for two 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 a party's ability to make decisions regarding the relationship may be influenced by the power differential. 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.

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 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.

## 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 to foster an environment focused on the university's educational mission.

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 a policy.

## Policy

### 100.00 Definitions

**Relationships** subject to this policy are those romantic or sexual relationships where there is a power differential within the university between the parties. 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.

**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.

**Students** covered by this policy include any individual who has received an offer of admission or is enrolled in classes as non-credit, graduate, or undergraduate.



## **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 is intended to separate the experience of being a student, where there is a power differential with those providing academic or supervisory leadership, 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 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 Human Resources office 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 Non-Instructional Employees**

Employees whose jobs confer broad influence or authority over undergraduate students, graduate students, or other learners, 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 including relatives, 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 Human Resources Office within 30 days of establishing employment or student status.

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 that there has been a violation of this policy shall report the concern to the Director of Human Resources. Employees who are 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 Human Resources Office by calling 406-657-2117. 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 outlined in the procedure); 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.