

Guidance for Unit Heads Regarding the Policy on Consensual Relationships Between Faculty and Students

March 27, 2023

[The University of Maryland Policy on Consensual Relationships Between Faculty and Students](#) (“the Policy”), which went into effect on May 10, 2021, requires unit heads¹ to be involved in the following aspects of policy implementation and enforcement as articulated below:

1. Receiving disclosures of consensual relationships not prohibited by the Policy² if the potential arises for the faculty member³ to exercise educational or supervisory authority over the student;
2. Taking steps to ensure that the faculty member “will not be in a position for the inherent power imbalance to impact the education and professional development of the student,” which can include (but is not limited to) “avoiding the assignment of duties that would allow Faculty to exercise or influence Educational or Supervisory Authority” over the student;
3. Maintaining records related to faculty disclosures in accordance with [the University's Records Retention and Disposal Schedule](#); and
4. In the case of Deans, receiving reports of third party concerns that a faculty member in that individual’s college/school is in violation of the Policy.

The following guidance is provided to offer suggestions for ways that unit heads can approach fulfilling these requirements.

¹ The Policy defines “unit head(s)” as “the administrator(s) responsible for a department, center, institute, College or School, or a Division to which a Faculty member reports.” The policy defines “faculty” as “all individuals with a Faculty title as defined in the University of Maryland Policy on Appointment, Promotion, and Tenure (II-1.00[A]), as well as staff and graduate assistants with Educational or Supervisory Authority over Students.”

² The Policy states that “Faculty who have or can reasonably expect to have Educational or Supervisory Authority over a Student are prohibited from dating or engaging in a romantic or sexual relationship with that Student.” “Educational or Supervisory Authority” is defined as “the power to control or influence a Student’s academic experience, achievements, advancement, career and professional development, employment experiences, or extracurricular participation. Duties and activities related to Educational or Supervisory Authority include but are not limited to teaching and instruction, coaching, supervision or advising extracurricular activities, grading, evaluating, mentoring, supervising research, dissertations, or clinical participation, providing recommendations for employment, awards, or fellowships, and participating in decisions on hiring, employment, compensation, promotion, and discipline.”

³ For the purposes of the Policy, faculty members are defined as “all individuals with a Faculty title as defined in [the University of Maryland Policy on Appointment, Promotion, and Tenure \(II-1.00\[A\]\)](#), as well as staff and graduate assistants with Educational or Supervisory Authority over Students.”

1. Receiving Disclosures

Faculty members in a relationship with a student must report that relationship to their unit head. Disclosure can be made verbally or in writing (*e.g.*, via e-mail).

Upon receipt of the disclosed relationship, the unit head must document the existence of the relationship and then take steps to ensure that the faculty member is not in a position of authority over the student (*e.g.*, instructor, thesis supervisor, thesis committee member, research director) as set forth in Section 2 below.

2. Taking Steps to Address Disclosures

Upon disclosure and/or verification of a consensual relation between a faculty member and a student, the unit head should develop a “management plan” or “recusal plan” that:

1. Identifies the potential impacts to the student’s educational and professional development;
2. Defines the steps that could be taken to nullify any impact; and,
3. Memorializes both the steps taken by the unit head and the faculty member’s agreement to comply with the management/recusal plan.

The process to develop such a plan could include:

- Obtaining relevant facts about the nature, form, and scope of the potential educational or supervisory authority, such as:
 - Whether the faculty member is an advisor or mentor to the student;
 - The academic or employment positions of the faculty member and the student;
 - The types of evaluation that might arise given those positions (*e.g.*, grading, letters of recommendation, performance reviews, salary or promotion recommendations, contract renewal or termination, award nominations); and/or
 - Any sources of funding for the individuals’ research and/or scholarship or program of study.
- Ensuring that the faculty member is removed from any supervisory role (*e.g.*, advisor, mentor, thesis committee member, research direction) regarding the student.
- Assigning the student a new advisor/mentor to ensure appropriate progress in their program of study.

3. Maintaining Records

Unit heads should retain the following records regarding identified consensual relations:

- All e-mail or other correspondence regarding the disclosure and/or plan;
- All documents containing or notes regarding information collected during the process to obtain relevant facts to inform the development of a management/recusal plan; and
- The final written management/recusal plan and the faculty member's agreement to comply with the developed plan.

Records of disclosures and/or management/recusal plans should be kept confidential with the exception of the sharing of such limited information as is necessary to ensure that a given plan is implemented and followed. For instance, other individuals may need to be made aware of the existence of components of the management/recusal plan in order to execute and enforce those aspects of the plan. Care should be taken to ensure that individuals who do not have such a need to know are not able to access records related to disclosures and/or management/recusal plans.

4. Receiving Reports of Policy Violations

Unit heads may receive an allegation of a policy violation via a variety of methods, such as verbal communication, e-mail, and/or the University's compliance reporting system ([EthicsPoint](#)). Allegations may be anonymous.

The following will be considered a violation of the Policy:

- Engagement in a relationship that is prohibited under the Policy;
- Failure to disclose a relationship as required under the Policy; and
- Failure to follow an associated management/recusal plan.

A violation of the Policy may lead to disciplinary action, up to and including termination of employment or, in the case of graduate assistants, expulsion. Any disciplinary proceedings would follow appropriate faculty or student University policies and procedures.

Suspected violations of the policy or management/recusal plan **within departments and/or centers/institutes within departmentalized colleges/schools** should be reported to the unit head (*e.g.*, chair, director). Violations on the part of students should further be reported to the Office of Student Conduct. Violations on the part of faculty members should be reported to the Dean, who in turn should consult with the Office of Faculty Affairs to determine appropriate next steps.

Suspected violations of the policy or management/recusal plan **within non-departmentalized colleges/schools and/or centers/institutes within non-**

departmentalized colleges/schools should be reported to the Dean. Violations on the part of students should further be reported to the Office of Student Conduct. Violations on the part of faculty members should be reported to the Office of Faculty Affairs to determine appropriate next steps.

In the case of an allegation of an undisclosed relationship, it is the responsibility of the unit head to assess the allegation (which may require taking steps to gather additional information necessary to complete that assessment) and determine whether the allegation has merit (*i.e.*, whether it appears that an undisclosed consensual relationship does exist), and if so, to take the necessary steps to ensure compliance with the policy.

Depending on the nature of the allegations, there may be a need to refer the matter to other University offices, such as the Office of Civil Rights and Sexual Misconduct, the Office of Diversity and Inclusion, the Dean of Students, or the Dean of the Graduate School.