

# 2017-18 University Committee on Faculty Affairs

## MINUTES

Tuesday, March 27, 2018

**Members Present:** R. Chan, M. Comstock, P. Floyd, R. Fulton, J. Gobel\*\*, J. Hess, S. Kendall, I. Ostrander\*\*, N. Myers, E. Rothwell, S. Schiestel, T. Tomlinson. (\* Serving 2017 fall semester; \*\*Serving 2018 spring semester)

**Others Present:** E. Boyles, D. Byelich, T. Curry, W. Donohue, K. Yermak

**Members and Others Absent:** M. Faner\*, S. Minhas\*, J. Emerich\*, J. Rumler\*\*, C. Scales, M. Waddell, M. Zakharia\*

### Call to Order

Chairperson Tomlinson called the meeting to order at 1:00 p.m.

### Approval of Agenda

R. Fulton/I. Ostrander moved to approve the agenda. The motion carried.

### Approval of Minutes

Ian Ostrander/R. Chan moved to approve the March 13, 2018 Minutes. The motion carried.

### New Business

1. Appointment, Reappointment, Tenure and Promotion Recommendations November 13, 2017 – semiannual review – R. Fulton/I. Ostrander moved to approve the memo as presented. The motion carried.

**Old Business** –.No Old Business noted.

### For Information and Discussion

1. Questions for discussion with Jayne Schuiteman

### Announcements

1. Tom Tomlinson –No report.
2. Terry Curry – Dean searches continue.
3. William Donohue – Grievance Hearing completed...final for this semester. Luncheon/ training this next week.
4. David Byelich – No report.

**Budget Subcommittee** – N. Myers reported the subcommittee is having their final review of the *Recommendation for 2018-19 Faculty Merit and Market Pool Increase memo* today.

**Personnel Policy Subcommittee** –S. Kendall reported the subcommittee read the 2018 FGO Review

**Adjournment** –R. Fulton I. Ostrander moved to adjourn the meeting. The motion carried.

## Boyles, Elva

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**From:** Yermak, Kara  
**Sent:** Thursday, April 5, 2018 3:27 PM  
**To:** Boyles, Elva  
**Subject:** FW: item for UCFA consideration  
**Attachments:** Relationship Policy.pdf

Hi Elva,

I understand that this is an agenda item for the next UCFA meeting. As part of the materials provided to the committee on this matter, can you share the attached policy document?

Thank you.  
Kara

**Karalyn A. Yermak**  
Assistant Director  
Academic Human Resources  
Office of the Provost  
Michigan State University  
517-884-0185  
[burtkara@msu.edu](mailto:burtkara@msu.edu)

**From:** Curry, Terry  
**Sent:** Thursday, March 29, 2018 2:32 PM  
**To:** Tom.Tomlinson-at-ht-msu-edu <Tom.Tomlinson@ht.msu.edu>  
**Cc:** 'Kendall, Susan' <skendall@lib.msu.edu>  
**Subject:** item for UCFA consideration

Hello Tom,

As you may know, MSU has a policy called, "Conflict of Interest in Educational Responsibilities Resulting from Consensual Amorous or Sexual Relationships." That policy provides that a faculty member, graduate teaching assistant or other MSU employee shall not assume or maintain educational responsibility for a student with whom the faculty member, TA, or other employee has engaged in an amorous or sexual relationship. Where such relationships exist, the faculty member, TA, or other employee must report the relationship to the immediate supervisor so that oversight for the student can be arranged. For example, if a faculty member were to date one of her/his students, the faculty member must report that relationship to the chairperson so that appropriate adjustments can be made, e.g. removal from decisions about assignments, grades, assistantships, etc.

We would like for UCFA to consider a revision to this policy which simply bans faculty and academic staff members from being in a consensual amorous or sexual relationship with a student. I suspect this is not something that can be discussed and decided upon in the time UCFA has left this semester. However, beginning the conversation this semester will enable my office and the Office of the General Counsel to work on draft language over the summer for UCFA consideration in the fall.

Here is a link to the policy: [https://hr.msu.edu/policies-procedures/faculty-academic-staff/faculty-handbook/COI\\_EdResponsibilities.html](https://hr.msu.edu/policies-procedures/faculty-academic-staff/faculty-handbook/COI_EdResponsibilities.html)

## Faculty Handbook

**Conflict of Interest In Educational Responsibilities**

Last updated: 11/8/1996

**III. UNIVERSITY POLICIES (Cont.)****CONFLICT OF INTEREST IN EDUCATIONAL RESPONSIBILITIES RESULTING FROM  
CONSENSUAL AMOROUS OR SEXUAL RELATIONSHIPS <sup>1,2</sup>***This policy was approved by the Board of Trustees on November 8, 1996.*

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.

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**Footnotes:**

<sup>1</sup> The Board of Trustees approved this policy statement on November 8, 1996. The Board of Trustees adopted a subsequent motion which emphasized the view of the Board that consensual amorous or sexual relations between faculty and students are discouraged.

<sup>2</sup> Other relevant policies include "Supervision of Academic Work by Relatives" and "Conflict of Interest in Employment".

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## Questions for discussion with Jayne Schuiteman

1. A quick overview of the OIE, and the changes recently made to incorporate it within the new Office of Civil Rights and Title IX Education and Compliance. (The Office)
2. The UCFA hopes to be a vehicle for providing useful faculty input into the policies, practices, and operation of the new Office, drawing on faculty knowledge and experience of discrimination, harassment, relationship violence and sexual misconduct within their departments and with their students. In what respects do you think we could be most helpful?
3. What resources are available to the Office, and are they sufficient for the need?
  - a. How are allegations prioritized for full investigation? Do all allegations result in a full investigation? If not, what criteria are used to make that determination? If so, how are allegations typically evaluated?
4. The Office is charged with protecting faculty and students, with the authority to recommend disciplinary action against those who violate university policy. But it does not report to faculty or students, but instead to the President, who also has responsibilities for institutional interests. Have there been, or could there be, circumstances when this creates a conflict of interest that would work to the disadvantage of faculty or students (whether accusers or accused)?
5. What steps does the Office take to protect the rights of both the accuser and the accused? E.g.,
  - a. Is the accused required to meet with OIE investigators? Is the accuser? If either refuses, what happens to the investigation?
  - b. Do both the accused and the accuser have rights to be represented by an attorney? How are they advised on these rights? Who pays for these services?
  - c. In the course of an investigation do both the accuser and accused get to submit lists of all relevant parties to be interviewed? How are decisions made as to who is interviewed?
  - d. Does the accused retain a 5th amendment right to not respond to questions concerning the accusation?
6. In cases of sexual harassment or misconduct, is there a difference in how allegations are treated if the accuser is also a minority or part of a protected class?
7. What is the relationship between the Office and the police?
  - a. What triggers reports to the police?
  - b. What control does the accuser have over whether police reports are made?
  - c. Under what conditions are reports delayed, or not made?

- d. Under what conditions are reports made to the police shared with the Office?
8. How are *failures to report* sexual harassment or relationship violence prioritized and handled?
- a. E.g., Are some failures prioritized because they are regarded as more serious?