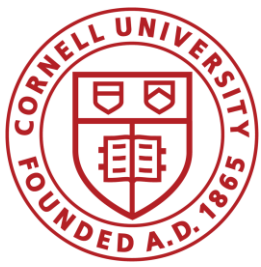




UNIVERSITY FACULTY SENATE MEETING

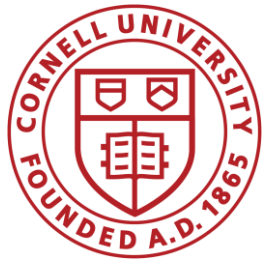
OCTOBER 14, 2015



Agenda

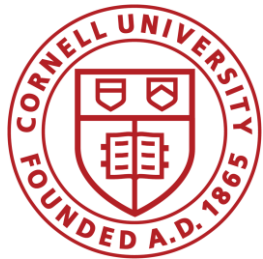
- Call To Order – Speaker Bruce Lewenstein (3 min)
- *Approval of the September 2, 2015 Minutes as Distributed – Speaker Bruce Lewenstein (2 min)
- Faculty Matters – Dean of the University Faculty, Joe Burns (11 min)
- Sexual Assault: National & State Regulations, AAU Survey – Alan Mittman, Title IX Coordinator, Marne Einarson, Institutional Research & Planning (15 min)
- 75-Day Progress Report – Provost Michael Kotlikoff (35 min)
- Romantic & Sexual Relations with Students; Status Report – Elizabeth Regan, Chair of Committee on Academic Freedom and Professional Status of the Faculty (AFPS) (15 min)
- General Good and Welfare (10 min)

*Consent Items



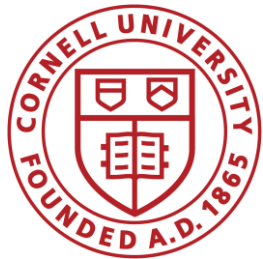
Consent Vote By Senators

- APPROVAL OF THE SEPTEMBER 2, 2015 MINUTES



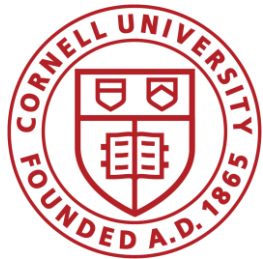
Agenda for Faculty Senate Meeting

- 3:30 Call to Order – Speaker Bruce Lewenstein
- 3:33 *Approval of the September 2, 2015 Minutes as Distributed - Speaker Bruce Lewenstein
- 3:35 Faculty Matters – Dean of Faculty Joe Burns
- 3:50 Sexual Assault: National & State Regulations, AAU Survey - Alan Mittman, Title IX Coordinator, Marne Einarson, Institutional Research & Planning
- 4:00 75-Day Progress Report – Provost Michael Kotlikoff
- 4:35 Romantic & Sexual Relations with Students; Status Report - Elizabeth Regan, Chair of Committee on Academic Freedom and Professional Status of the Faculty (AFPS)
- 4:50 Good and Welfare
- 5:00 Adjourn



Faculty Matters

- Introduction
- Comments on Agenda
 - AAU Survey; Governmental Regulations
 - Status of Resolution on Relations b/w Students & Faculty
 - Provost
- Senate Meetings and Minutes
- Involvement at Senate Meetings and Beyond
- Faculty Forum on Financial Aid Policies
- Questions, as time allows



Faculty Forum

Cornell's Financial Aid Policies: Unimaginable Outcomes

700 Clark Hall

4:30-6:00; Reception follows

October 21, 2015

Joe Burns, Dean of University Faculty, moderator

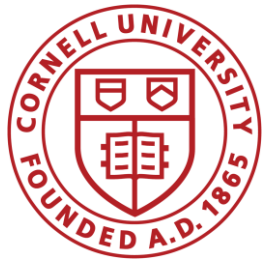
Paul Streeter, Vice President for Budget & Planning

Barbara Knuth, Sr. Vice Provost (Admissions & Financial Aid)

Suzanne Mettler, Government, Author of *"Degrees of Inequality: How Higher Education Politics Sabotaged the American Dream"*

Ronald Ehrenberg, ILR and Economics, Author of *"Tuition Rising: Why Higher Education Cost so Much"*

Barton Winokur, Trustee (Cornell, Harvard Law, Brandeis), Dechert LLP



Sexual Assault: National & State Regulations

Alan Mittman, Title IX Coordinator
& Marne Einarson, Institutional
Research & Planning

Recent Developments Under Title IX

Presented by:

**Alan Mittman, University Title IX Coordinator for
Investigations**

alm63@cornell.edu

Title IX – 37 words (1972)

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.



Recent Federal and NY Guidance and Laws - Sexual Violence, Domestic and Dating Violence, Stalking

- **April 4, 2011 Department of Education's Office for Civil Rights "Dear Colleague Letter" guidance re: Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681 et. seq.**
- **Violence Against Women Reauthorization Act of 2013 (March 7, 2013) (VAWA) amends Clery Act to significantly expand sexual violence prevention and reporting requirements.**
- **April 29, 2014 First Report of the White House Task Force to Protect Students from Sexual Assault: "NOT ALONE"**
- **April 29, 2014 Department of Education's Office for Civil Rights "Questions and Answers on Title IX and Sexual Violence" further clarifying legal requirements and guidance set forth in the 2011 DCL**
- **VAWA implementing regulations effective July 1, 2015.**
- **Article 129-B of the NYS Education Law, "Enough is Enough," requiring all New York State universities and colleges to take a number of additional steps to prevent and respond to sexual violence (effective October 5, 2015)**

Enough is Enough (NYS 129-B) (10/5/15)



Affirmative Consent

●
Student Bill of Rights/ Your Rights

●
Alcohol/Drug Amnesty

●
Interim Measures

●
Transcript Notation

●
Climate Assessment

●
Training & Education



Opportunities to Create a Safe and Respectful Educational and Employment Environment

- Opportunity to learn more through Building a Culture of Respect
- Responsibility for reporting to Title IX Coordinator
- Share “Your Rights” statement
- Be familiar with the www.share.cornell.edu informational web page
- Extensive revision process to Policy 6.4 underway
- Reconsideration of Sexual Relationship Between Faculty/Staff and Students Policy



2015 Campus Climate Survey on Sexual Assault and Sexual Misconduct: Overview of Cornell Results

Presented by:

Marne Einarson

Institutional Research and Planning

mke3@cornell.edu

October 14, 2015

Cornell participated in this AAU survey along with 26 other colleges and universities

- Conducted by Westat from April 13 to May 4
- 3,906 Cornell students completed the survey for an overall response rate of 19%

Goals of the survey:

- Estimate the prevalence of nonconsensual sexual contact, as well as harassment, stalking and intimate partner violence
- Explore student views of the campus climate regarding sexual assault and sexual misconduct
- Assess students' knowledge and use of campus policies and resources related to sexual assault and sexual misconduct

Prevalence of sexual assault and sexual misconduct

Nonconsensual sexual contact:

- **Penetration (completed and attempted) plus**
- **Sexual touching**

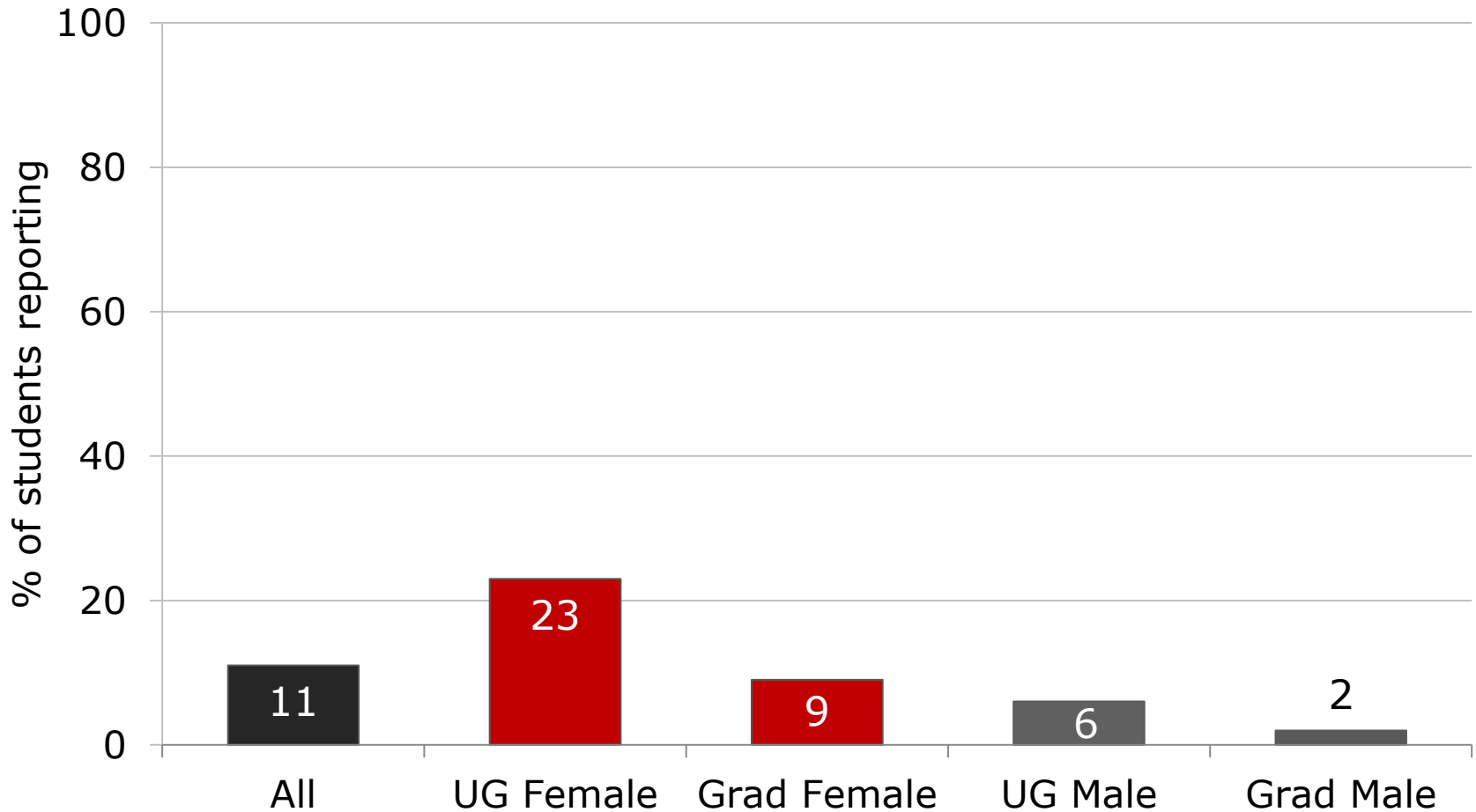
that involved the use of:

- **Physical force or threats of physical force**
- **Incapacitation**
- Coercive threats of non-physical harm
- Failure to obtain affirmative consent

Sexual misconduct:

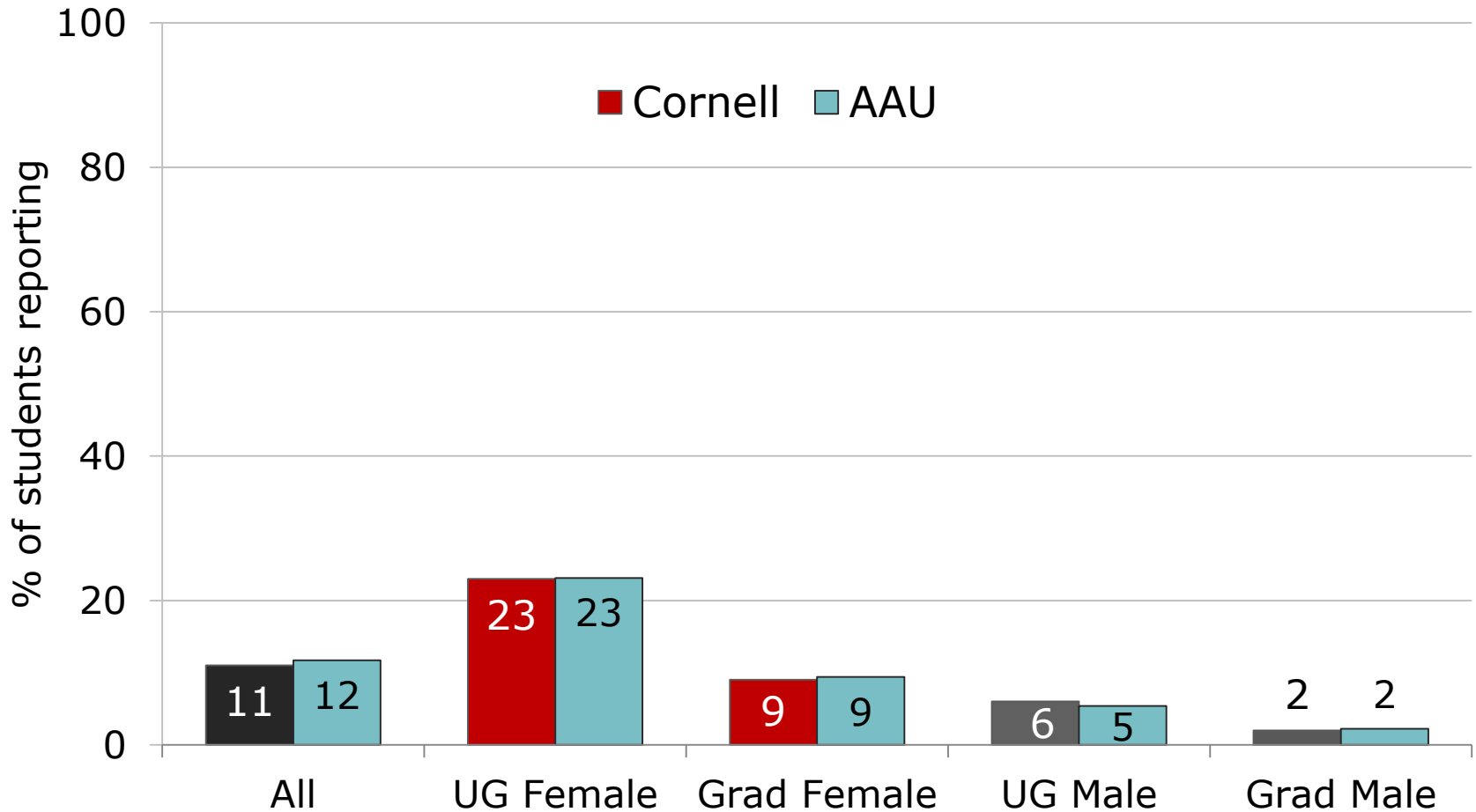
- **Sexual harassment**
- Intimate partner violence
- Stalking

Prevalence of nonconsensual sexual contact* involving force or incapacitation *by gender and enrollment status, since at Cornell*



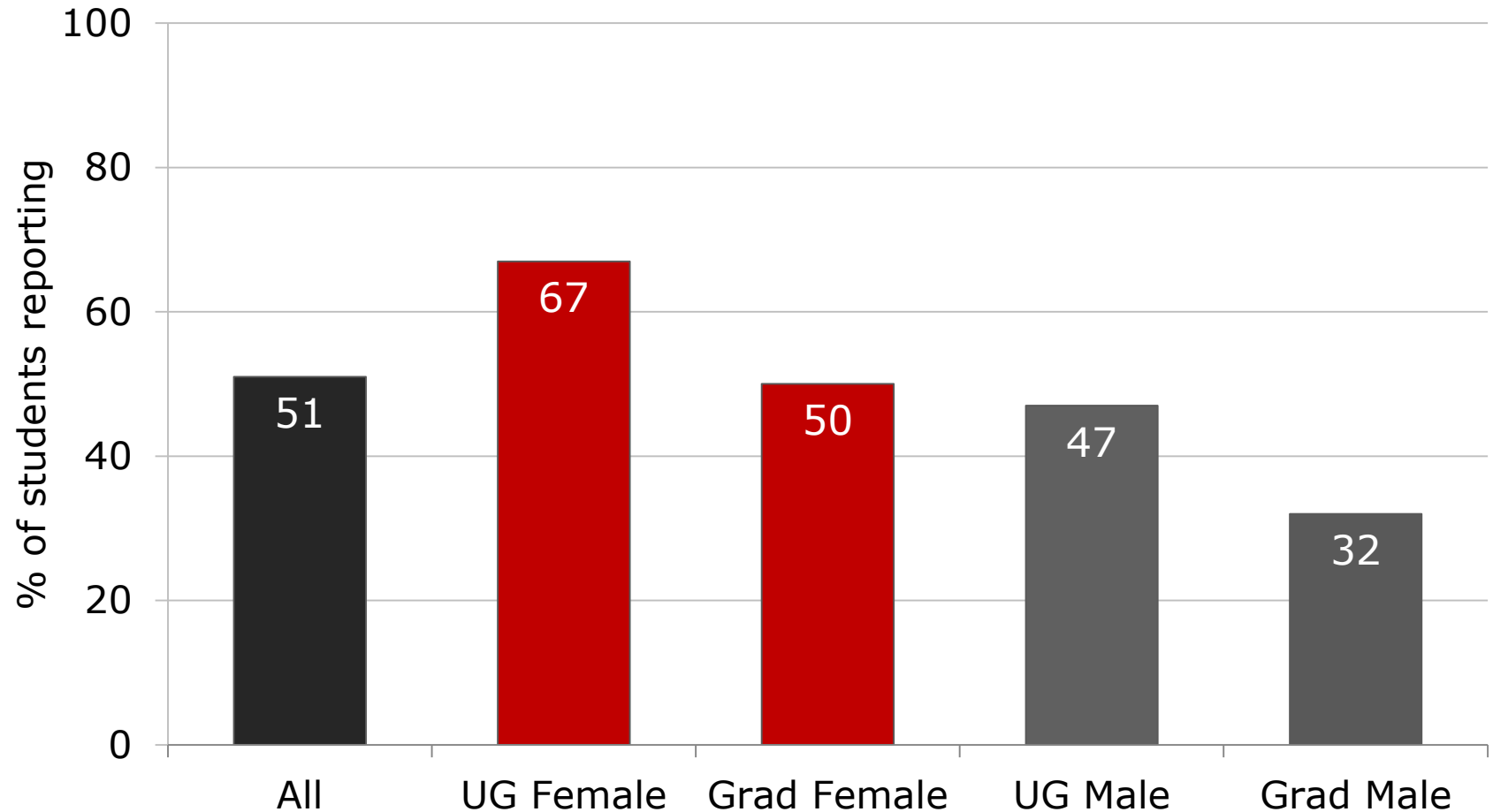
*Nonconsensual sexual contact includes completed or attempted penetration **and** sexual touching.

Prevalence of nonconsensual sexual contact* involving force or incapacitation *by gender and enrollment status, Cornell and AAU*

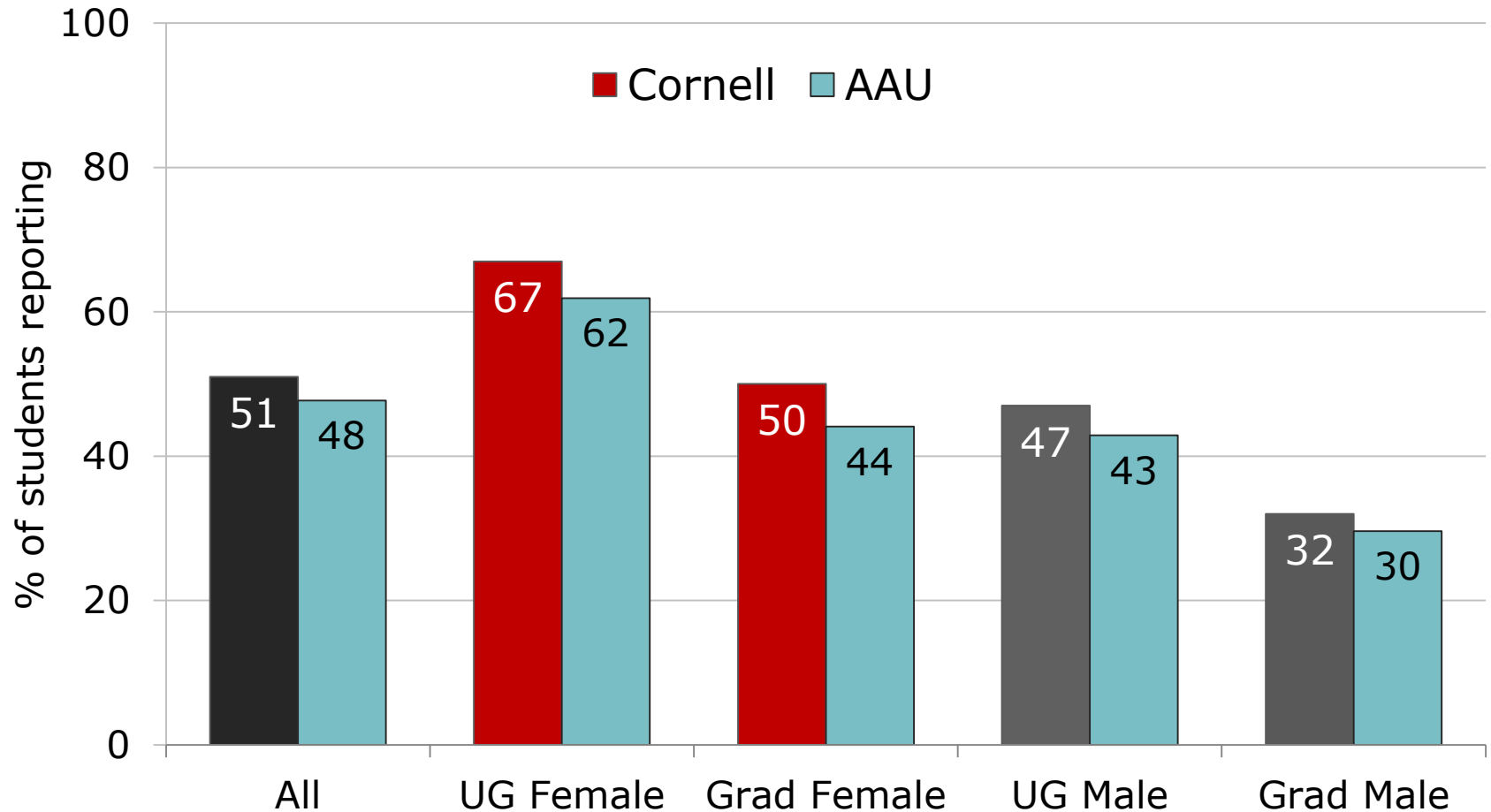


*Nonconsensual sexual contact includes completed or attempted penetration **and** sexual touching.

Prevalence of sexual harassment by gender and enrollment status, since at Cornell



Prevalence of sexual harassment by gender and enrollment status, Cornell and AAU



(Not) Reporting nonconsensual sexual experiences

Substantial gap between experiencing and reporting sexual assault or misconduct to a program or resource

Reporting rates (from highest to lowest):

- Stalking (35%)
- Penetration by force (24%)
- Intimate partner violence (18%)
- Penetration by incapacitation (13%)
- Sexual touching by force (9%)
- Sexual harassment (7%)
- Sexual touching by incapacitation (2%)



SHARE

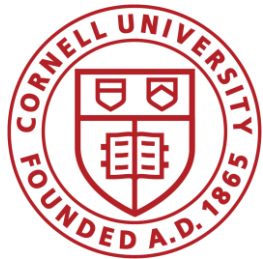
Sexual Harassment and Assault - Response and Education

2015 Campus Climate Survey on Sexual Assault and Sexual Misconduct

GET HELP NOW

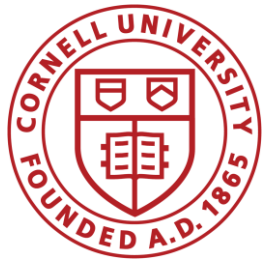
If you need immediate emergency assistance or to report a crime, call 911. To reach the Cornell Police, call (607)

Cornell survey results and AAU aggregate results are available at: **share.cornell.edu**



75-Day Progress Report

Provost Michael Kotlikoff



Romantic & Sexual Relations with
Students; Status Report
Elizabeth Regan, Chair
Committee on Academic Freedom and
Professional Status of Faculty (AFPS)

CAFPS is considering proposed revisions to the existing Romantic and Sexual Relationships Between Students and Staff faculty resolution, which resolution was approved by the President and Provost as Cornell policy on September 18, 1996.

That policy governs romantic and sexual relations between faculty/staff having supervisory or other positions of authority over students.

Joe Burns, working with Kent Hubbell, brought a proposed draft faculty resolution to CAFPS. Research and drafting support was provided by Alan Mittman (Director, Workforce Policy & Workforce Relations and Title IX Coordinator for Investigations) and Pam Strausser (Senior Consultant, Academic Human Resources).

The major proposed changes from existing policy are:

1. Faculty and staff are prohibited from pursuing or engaging in romantic or sexual relationships with undergraduate students. (This type of policy has been enacted at Yale, Dartmouth, Harvard, Stanford and U Conn.)
2. Graduate and undergraduate students are prohibited from pursuing or engaging in romantic or sexual relationships with students over whom they exercise academic or supervisory authority.
3. In addition to continuing the prohibition for faculty or staff romantic or sexual relationships with graduate students they teach, advise, coach or supervise in any way, the new proposal prohibits such relationships whenever a faculty member might reasonably be expected to have academic authority over the graduate student in the future or where the faculty member is exercising academic authority over a graduate student with whom he or she has previously pursued or had a sexual or romantic relationship.

Major changes (continued):

4. If a prohibited relationship nonetheless exists or develops, it must be disclosed and remediation pursued with specified offices. Failure to disclose is considered a violation of policy.
5. Supervisors will resolve conflicts with this policy; violations can lead to discipline up to and including termination.
6. Adoption of the guidance from OCR that there is a strong presumption that sexual activity between an adult faculty or staff member and a student who meets the legal age of consent is unwelcome and nonconsensual, and is always unwelcome and nonconsensual with a student below that age of consent.

CAFPS:

- Met twice to discuss the draft policy
- Reviewed data from a number of other institutions with romantic relations policies. This showed us that much has changed in the almost two decades since our policy was enacted that merits a fresh look at that policy in light of current cultural expectations and changes in similar policies at peer and other institutions.
- Solicited input from representatives of undergraduate and graduate students.
- Is in the process of finalizing its position on the proposed changes.

Arguments in favor:

- “I support a ban on relationships between faculty and undergraduates because the gross power imbalance is incompatible with the notion of consent.”
- “However well intended a relationship may be, it could be viewed as an abuse of power. Many of our students are quite young. How they view these interactions now may change markedly over time.”

Argument against:

- “I am opposed to the blanket prohibition against all faculty-undergraduate romantic and sexual relationships. I'm reluctant to judge and regulate the personal choices of consenting adults. Cornell generally considers its undergraduates as adults when it comes to FERPA and HIPPA regulations, and it should do so when it comes to their personal relationships.”

CAFPS is focusing is on faculty, not staff.

The committee has discussed adding certain exceptions to the ban on romantic/sexual relations with undergraduates if it adopts such a provision.

The committee has suggested modifications to other proposals, including reporting, sanctions and remediation.

We expect to report further at the November 11 meeting.

Senators should consult with their department faculties prior to the meeting.

A revised draft will be made available prior to the meeting.

PRELIMINARY DRAFT RESOLUTION

- Whereas much has changed in the almost two decades since the 1996 policy was enacted that merits a revised policy in light of current cultural expectations and changes in similar policies at peer and other institutions, and
- Whereas there have been significant changes in federal and state regulations and language surrounding sexual assault,

BE IT RESOLVED THAT THE DRAFT POLICY BE SUPPORTED BY THE FACULTY, WITH THE ADMINISTRATION REQUESTED TO MAKE FURTHER REVISIONS GUIDED BY THE PRINCIPLES EXPRESSED BY THE FACULTY.

Committee on Academic Freedom and Professional Status of the Faculty

Elizabeth Adkins Regan (Chair, A&S)

Kimberly O'Brien (CHE)

Ritchie Patterson (A&S)

David Ruppert (ENG)

Charles Seyler (ENG)

Paul Soloway (CALs)

Tracy Stokol (VET)

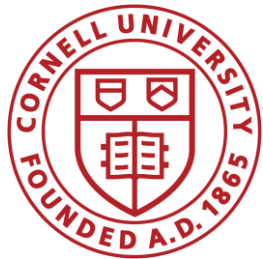
Gillian Turgeon (CALs)

Bruce Van Dover (ENG)

Diana Li (undergraduate, ILR)

Joseph Burns (ex officio, ENG)

Michael Fontaine (ex officio, A&S)



General Good and Welfare