

# Special Senate Meeting

## Consensual Relationships Policy April 25, 2018

	CRP-A	CRP-B	Neither	Total	Eligible
Student Assembly	13	4	5	22	31
Graduate and Professional Student Assembly	13	27	1	41	85
Employee Assembly	4	11	0	15	28
University Assembly	4	1	2	7	20
Faculty Senate	?	?	?	?	104
CRP Committee	?	?	?	?	19

# Towards a “Policy 6.x” on Consensual Relationships

The Consensual Relationships Policy Committee

Charles Van Loan and Anna Waymack (co-chairs)

Times Change

# Times Change

According to repeated nationwide surveys,

## More Doctors Smoke **CAMELS** than any other cigarette!

Doctors in every branch of medicine were asked, "What cigarette do you smoke?" The brand named most was Camel!

You'll enjoy Camels for the same reasons so many doctors enjoy them. Camels have cool, cool *mildness*, pack after pack, and a *flavor* unmatched by any other cigarette. Make this sensible test: Smoke only Camels for 30 days and see how well Camels please your taste, how well they suit your throat as your steady smoke. You'll see how enjoyable a cigarette can be!

THE DOCTORS' CHOICE IS AMERICA'S CHOICE!

**MAUREN O'HARA** says: "I pick Camels. They agree with my throat and taste wonderful!"

**DICK HAYMES** states: "I get more pleasure from Camels than from any other brand!"

**RALPH BELLAMY** reports: "Camels suit my taste and throat. I've smoked 'em for years!"

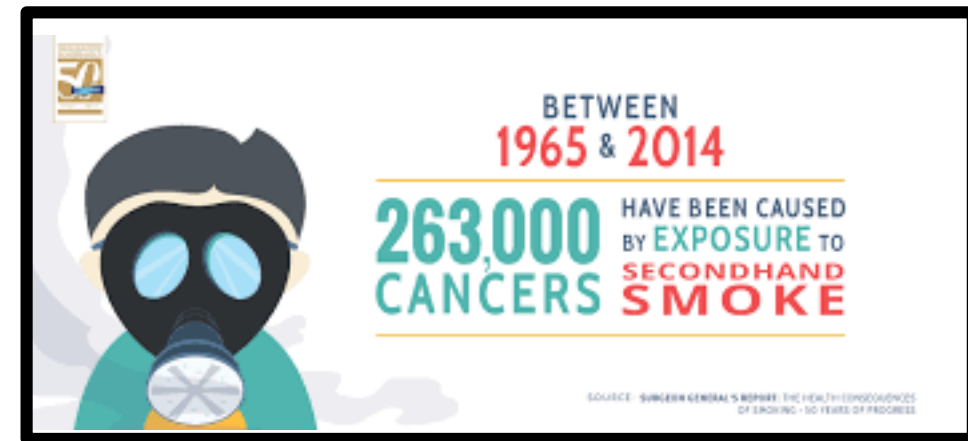
*For 30 days, test Camels in your "T-Zone" (T for Throat, T for Taste).*



1955

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

1970



2000+

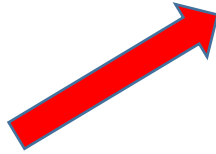


2013+

# Times Change

Realization that what once looked like normal, harmless student + faculty behavior is not always so harmless from students' points of view.

1980s



CRPs with 'surgeon general' warnings for the student + faculty pair.

1990s



Recognition that romantic relationships can have a negative impact on **others** who share the academic workplace with the student + faculty pair.

2000s



CRPs that protect students **AND** the academic workplace.

2010s

# Fundamental Tensions and Realities

The University should not be involved in the private lives of faculty, students, and staff.

vs

Students and post-graduates must be able to realize their academic ambitions in a climate that is devoid of favoritism and the potential for coercion.

Agency, Consenting Adults

Any Person, Any Study

The University should not be involved in the private lives of faculty, students, and staff.

vs

Students and post-graduates must be able to realize their academic ambitions in a climate that is devoid of favoritism and the potential for coercion.

Sometimes competing ideals have to be reconciled.

The First Amendment right to free speech.

vs

“...no person shall do any **electioneering** within the **polling place**, or within one hundred feet therefrom...” ( NYS Law)

# AAUP\* Statement

Faculty + Student Relationships imply:

There is the potential for exploitation.

Voluntary consent by the student is suspect.

There is the potential for later allegations of sexual harassment.

\* American Association of University Professors, 1996

# Specific Prohibitions

Prohibition P1

Any member of the Cornell community who has (or has had) a romantic or sexual relationship with a student or post-graduate is prohibited from exercising academic or professional authority over that student or post-graduate.

Prohibition P2  
“ugrad ban”

A romantic or sexual relationship between an undergraduate student and a faculty member or coach is prohibited regardless of the student’s department, school, or college affiliation.

Prohibition P3  
“field ban”

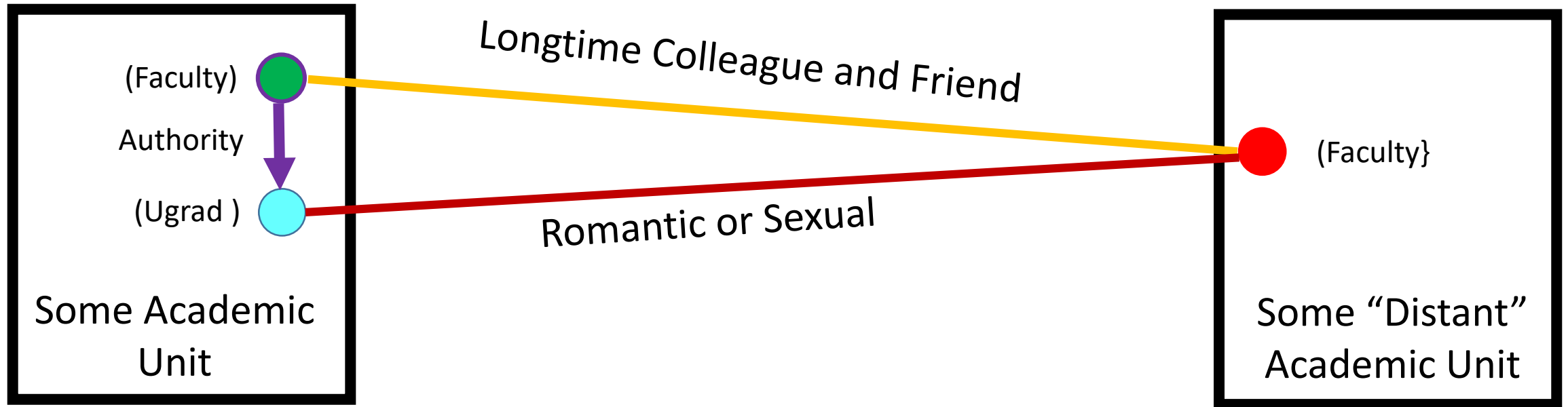
A romantic or sexual relationship between a graduate or professional student and a faculty member is prohibited whenever both parties are affiliated with the same department, field, or degree program.

# Members of the Senate & the Assemblies Are Being Asked to Check One Box

- ☐ I support “CRP-A” which includes P1 + Ugrad Ban + Field Ban
- ☐ I support “CRP-B” which includes P1 + Ugrad Ban
- ☐ I support neither CRP-A nor CRP-B

Let's Consider a P1-Only CRP

# Is Faculty + Ugrad OK?



What is “distant”? Who decides? What if Ugrad Cyan falls in love with the subject matter of the distant unit? Can this scene be managed via recusal? If so, who enforces the plan?

Should we worry that Professor Red can coerce Ugrad Cyan using Professor Green ?

# Is Faculty + Ugrad OK?

Perhaps not....

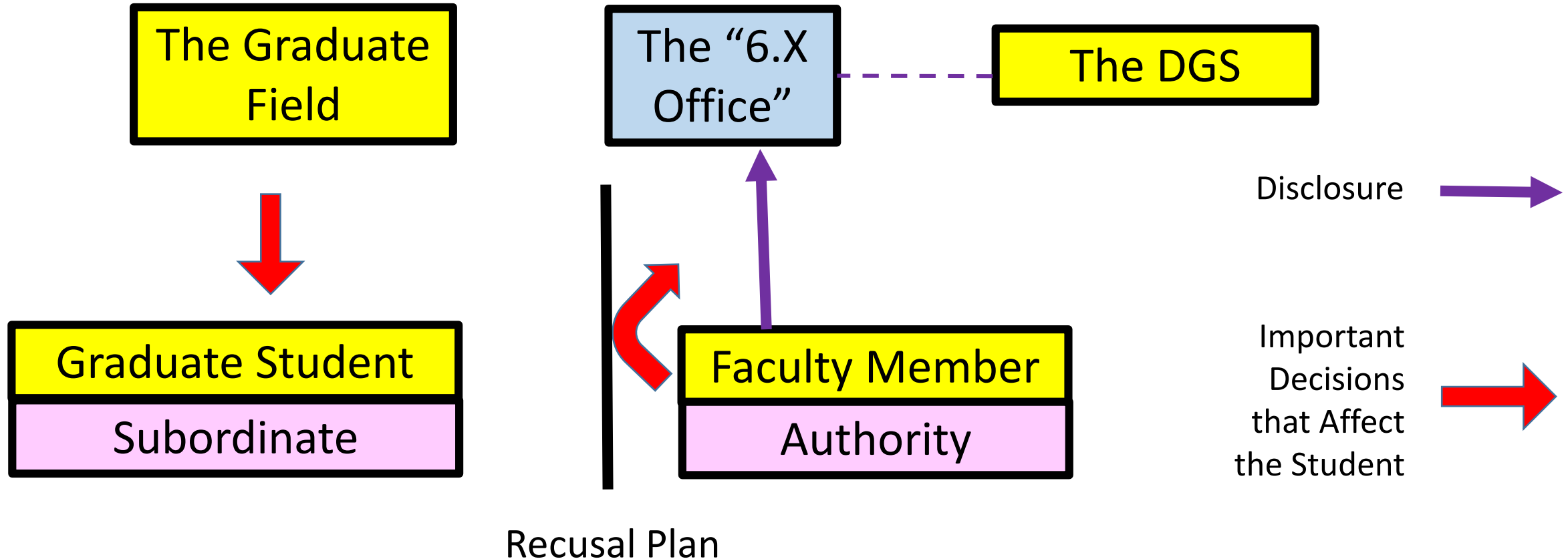
Prohibition P2  
“ugrad ban”

A romantic or sexual relationship between an undergraduate student and a faculty member or coach is prohibited regardless of the student’s department, school, or college affiliation.

## This Brings Us to CRP-B

CRP-B Assumes that Faculty + Grad Can be Managed Through Disclosure

# Disclosure + Recusal Can Remove Direct Authority



Recusal Plan: Put together by 6.X office, DGS, and Faculty member (for example)

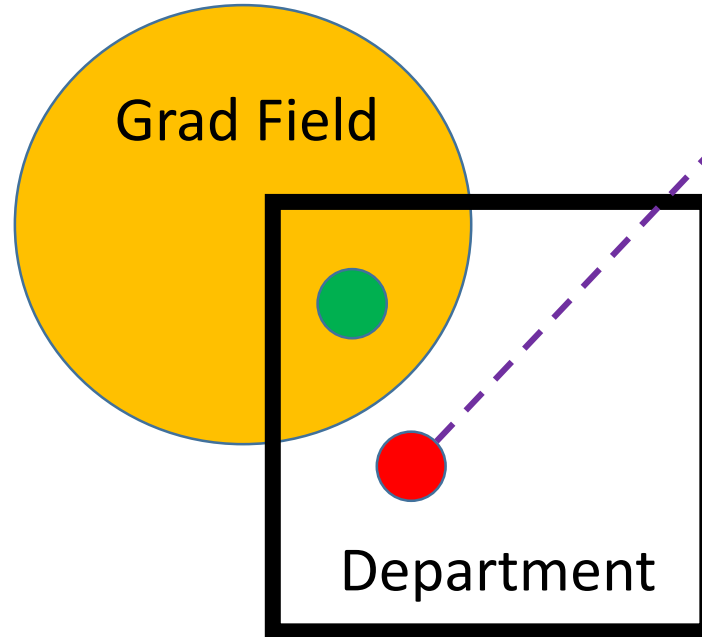
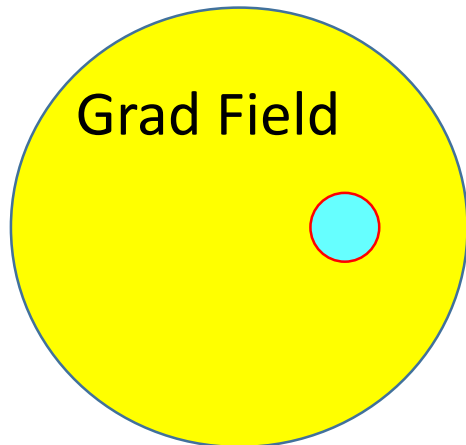
Typical: Faculty Member cannot participate in Field decisions that concern funding/progress.

# Disclosure + Recusal Can Remove Indirect Authority

 Graduate Student

 Romantic Partner

 Minor Advisor



The "6.x  
Office"

Professors Red and Green are in the same department and co-manage a lab that is of importance to Grad Cyan.

The recusal plan guards against coercion and protects the integrity of the lab.

The Disclosure Mechanism  
Needs to Be Good If it is to Be Effective

# The Tension and the Plan

A “Big Brother Love Police Force ” would chill both collegiality and the open friendliness that drives teaching and research.

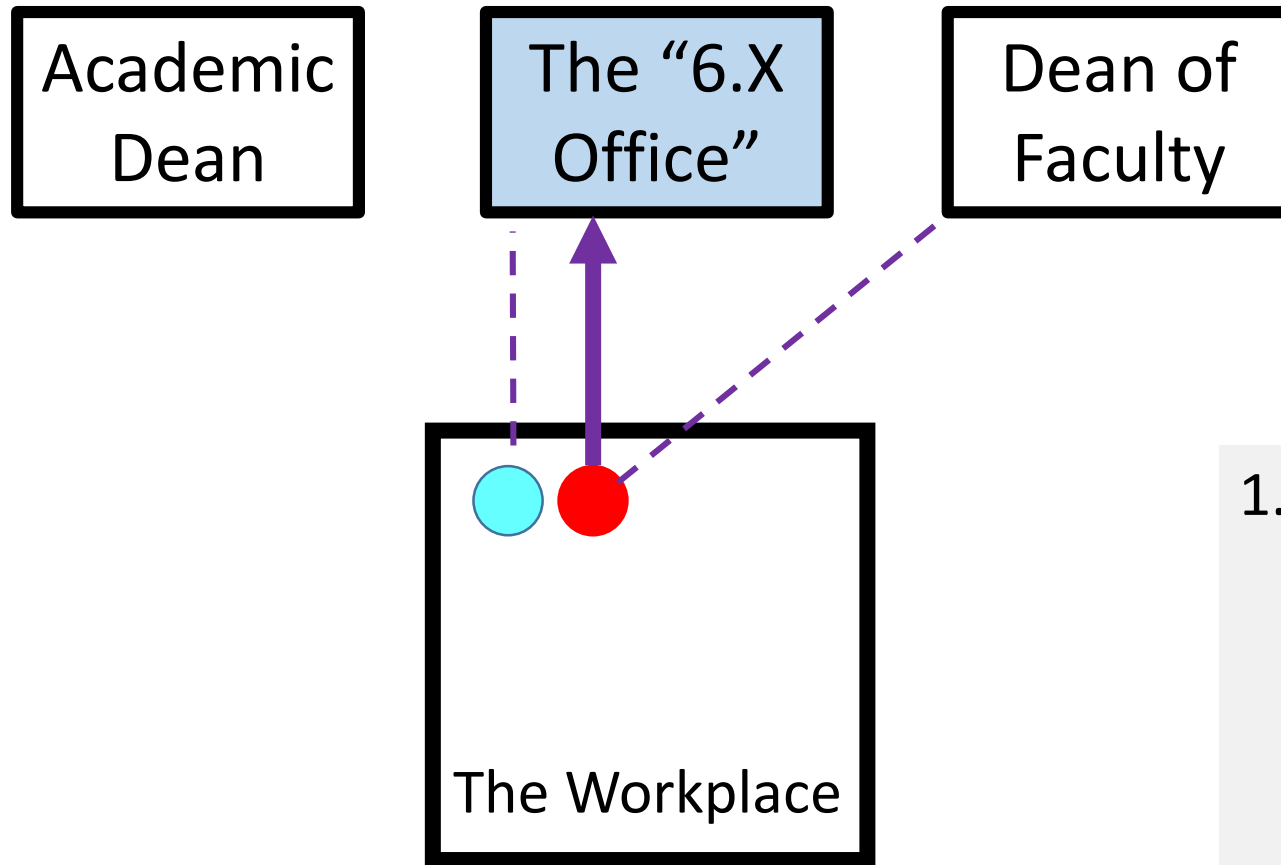
vs

Workplace romance has to be managed through disclosure and recusal in order to protect both the subordinate **AND** the academic environment.


The Committee recommends:


1. **The creation of a Policy 6.x Office** that would serve as a resource for subordinates, authorities, and those concerned with enforcement.
2. Procedures that respect privacy by minimizing the radius of disclosure.
3. Recusal mechanisms that prevent “looking the other way” .

# Disclosure Process

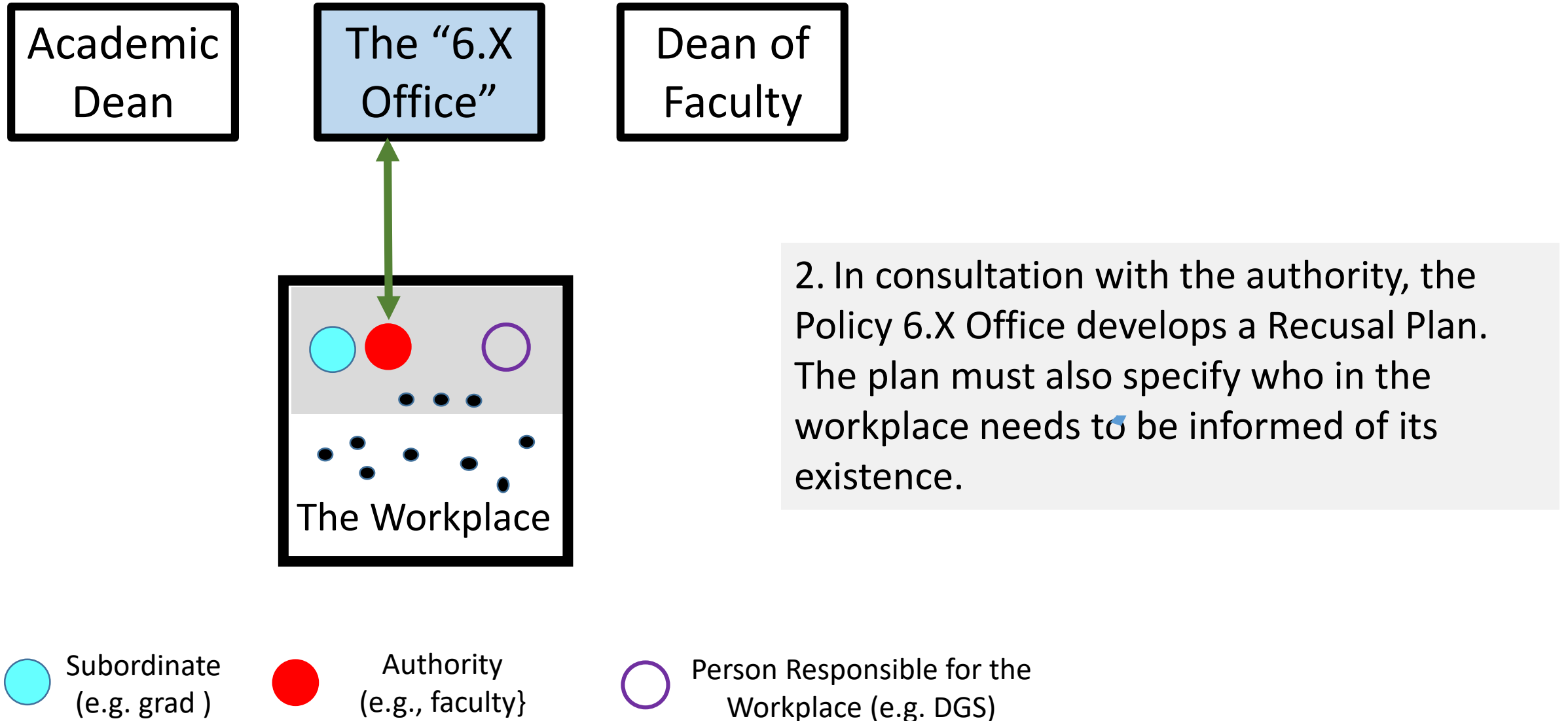


1. The disclosure shall first be made to the Policy 6.X Office to ensure protection of the subordinate. Faculty may also consult with the Dean of Faculty. There may also be a dialog between the subordinate and the 6.X Office

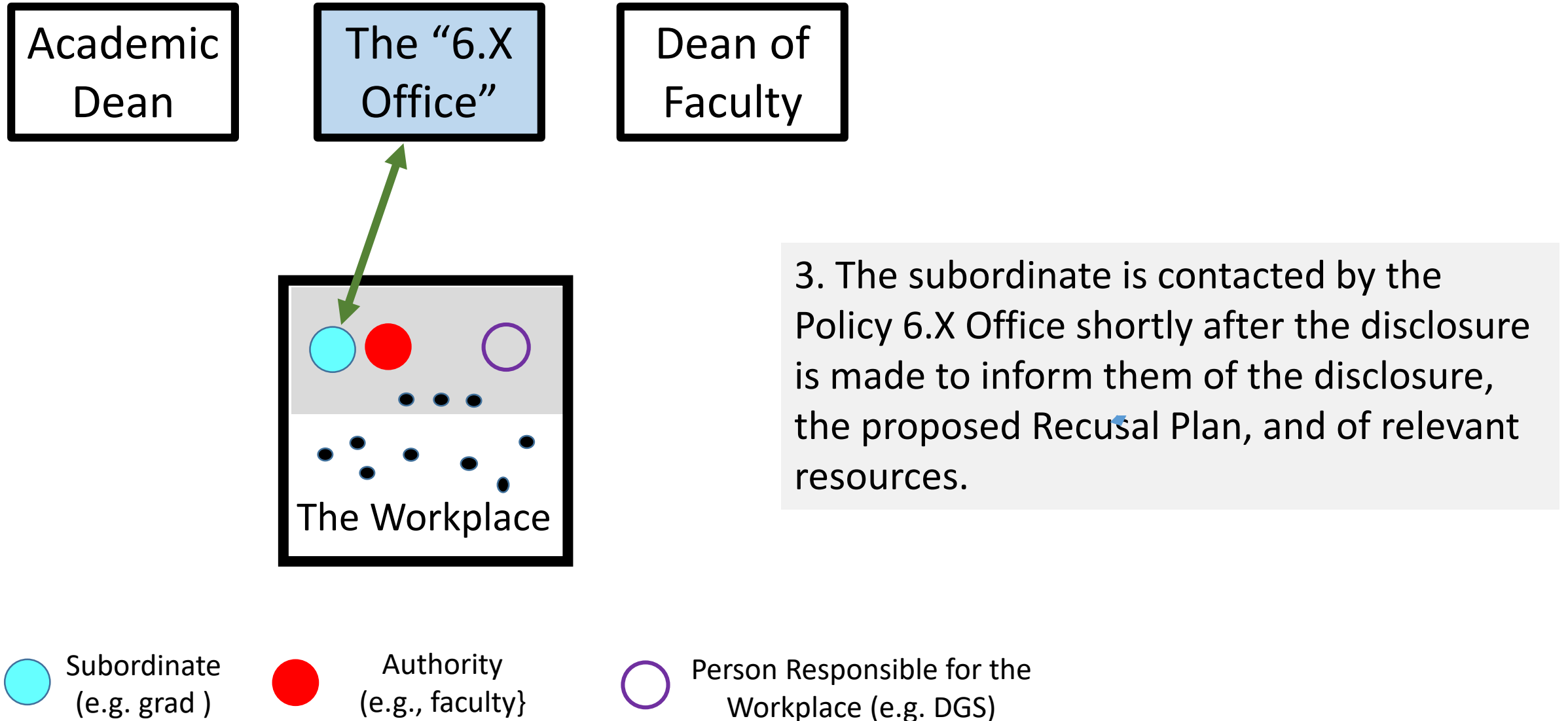
 Subordinate  
(e.g. grad )

 Authority  
(e.g., faculty)

# Disclosure Process



# Disclosure Process



# Disclosure Process

Academic  
Dean

The “6.X  
Office”★

Dean of  
Faculty



4. The Recusal Plan is signed by the authority and the subordinate and filed in the Policy 6.X Office. The Recusal Plan identifies those ★ who are responsible for its enforcement and the terms for its renewal.

Subordinate  
(e.g. grad )

Authority  
(e.g., faculty)

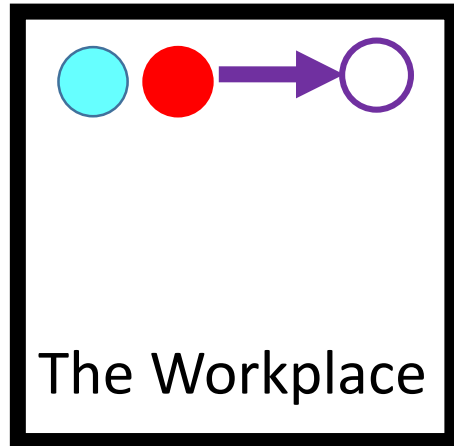
Person Responsible for the  
Workplace (e.g. DGS)

# Disclosure Process (As Proposed in Resolution)

Academic  
Dean


The “6.X  
Office”


Dean of  
Faculty



The authority can choose to disclose to either the 6.x Office or the person responsible for the workplace. Suppose the latter.

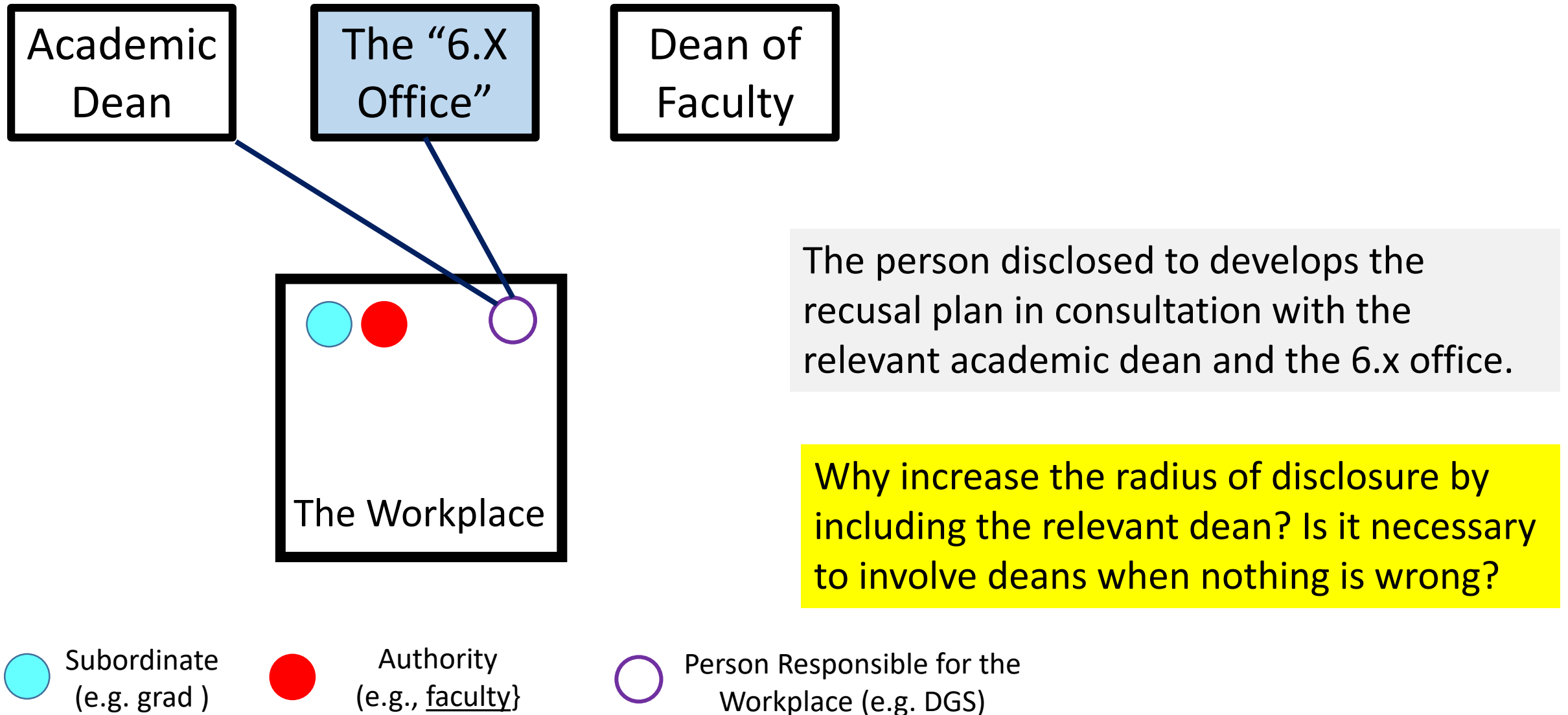
Does this protect the subordinate, e.g., the outing of LGBTQ+ students to their field? Does it guard against “looking the other way?” Does this require DGS/Chair training?

 Subordinate  
(e.g. grad )

 Authority  
(e.g., faculty)

 Person Responsible for the  
Workplace (e.g. DGS)

# Disclosure Process (As Proposed in Resolution)



# Disclosure Process (As Proposed in the Resolution)

Academic  
Dean




The “6.X  
Office”

Dean of  
Faculty



The Recusal Plan is signed by the faculty member, forwarded to the 6.x Office, and enforced by the recipient of the disclosure. It must be renewed every year.

Is it “safe” to have an in-house enforcer chosen by the authority?

-  Subordinate (e.g. grad )
-  Authority (e.g., faculty)
-  Person Responsible for the Workplace (e.g. DGS)

# The Pitfalls of Intra-Field Disclosure

Chairs and DGS's already have enough to do.

When to disclose is debatable.

Bad actors tend not to disclose.

Uncertain boundaries can create angst, chill collegiality, and complicate the pursuit of academic goals.

## This Brings Us to CRP-A

CRP-A Includes a Prohibition on  
Faculty + Ugrad and Same-Field Faculty + Grad

# Is Faculty + Grad OK Via Disclosure?

Perhaps not....

Prohibition P3  
“field ban”

A romantic or sexual relationship between a graduate or professional student and a faculty member is prohibited whenever both parties are affiliated with the same department, field, or degree program.

# The Committee Has Mixed Opinions On This. That is Why It is Asking For Your Opinion.

- ☐ I support “CRP-A” which includes P1 + Ugrad Ban + Field Ban
- ☐ I support “CRP-B” which includes P1 + Ugrad Ban
- ☐ I support neither CRP-A nor CRP-B

# CRPC = Faculty + Grads + Ugrads + Post Docs + Employees + Key Offices

Ella Ackerman  
Joseph Anderson  
Sofie Cornelis  
Renee Cornell  
Caitlin Gleason  
Grace Park  
Jesse Pollard

Sarah Affel  
Sandy Dhimitri  
Janna Lamey  
Laura Weiss

Jenna Chong  
Aubrie James  
Stephen Kim  
Katherine Quinn  
Nate Stetson  
Anna Waymack

Daniela Harris  
Gina Giambattista  
Pilar Thompson  
Laura Johnson-Kelly

Rhonda Gilmore  
Kim O'Brian  
Charlie Seyler  
Gillian Turgeon  
Charlie Van Loan  
Makda Weatherspoon

Tisha Bohr  
Emily Davenport

Thank You Colleagues!

# Resolution on Consensual Relations Policy

Sponsored by:

Professor Richard Bense

Professor Ken Birman

Professor Eric Cheyfitz

Professor David Delchamps

Professor Richard Miller (Presenter)

# RESOLUTION ON CONSENSUAL RELATIONSHIPS POLICY

BE IT RESOLVED, that the Senate endorses Consensual Relationships Policy B with the following revision.

In “The Disclosure Process,” in the list headed “When the authority is ...”, the current items are replaced by the following, which are largely taken from the Rough Draft. These changes provide more specific guidelines and, unlike the current CRP-B, do not invest exclusive authority in the 6.x office.

1. The disclosure should be made to either the 6.X office or the individual who is responsible for the academic workplace that is shared by the faculty member and the subordinate, e.g., the director of the student’s graduate program or the chair of the faculty member’s department.
2. After consulting with the 6.X Office and the Dean of the relevant College, the recipient of the disclosure develops a Recusal Plan or determines that one is unnecessary. The Recusal Plan identifies situations where participation by the faculty member is limited because of the potential for conflict of interest, thus mitigating the academic power imbalance. For example, the authority should not be involved in decision processes that determine TA assignments if the subordinate is in the TA pool. The authority must not be involved in any decisions that allocate resources to a student cohort that includes the subordinate.
3. The Recusal Plan is signed by the faculty member, forwarded to the 6.X Office, and enforced by the recipient of the disclosure. It must be renewed every year.
4. The subordinate is contacted by the 6.X Office shortly after the disclosure is made to inform them of the disclosure and of relevant resources.

## A PROHIBITION (AS IN A AND B)

Any member of the Cornell community who has, or has had, a sexual or romantic relationship with a current student or current postgraduate is prohibited from exercising academic or professional authority over that student or postgraduate.

# THE BAN IN CRP A

Sexual or romantic relationships between faculty members and graduate or professional students are prohibited whenever both parties are affiliated with the same graduate field or degree program.

# MAIN CHANGES FROM B IN BOLDFACE

1. The disclosure should be made to **either the 6.X office or the individual who is responsible for the academic workplace that is shared by the faculty member and the subordinate, e.g., the director of the student's graduate program or the chair of the faculty member's department.**
2. **After consulting with the 6.X Office and the Dean of the relevant College, the recipient of the disclosure** develops a Recusal Plan or determines that one is unnecessary. The Recusal Plan identifies situations where participation by the faculty member is limited because of the potential for conflict of interest, thus mitigating the academic power imbalance. **For example, the authority should not be involved in decision processes that determine TA assignments if the subordinate is in the TA pool. The authority must not be involved in any decisions that allocate resources to a student cohort that includes the subordinate.**
3. **The Recusal Plan is signed by the faculty member, forwarded to the 6.X Office, and enforced by the recipient of the disclosure.** It must be renewed every year.
4. The subordinate is contacted by the 6.X Office shortly after the disclosure is made to inform them of the disclosure and of relevant resources.

# A POSSIBLE AMENDMENT

In item 3, change “and enforced by the recipient of the disclosure” to “and enforced by the 6.X Office and the recipient, as described in ‘Enforcement Procedures’.”