

PROCEEDINGS

OF THE

CONSENSUAL RELATIONSHIP POLICY COMMITTEE

BY CO-CHAIRS

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Summary

As an institution where any person can find instruction in any study, Cornell demands ethical behavior from all who are engaged in its mission of teaching, research, service, and outreach. It is the responsibility of the institution to guarantee that every student has the freedom to pursue their academic and professional interests in an environment without preferential or unfair treatment, discrimination, or bias. Romantic or sexual relationships between instructors and students can jeopardize the integrity of that mission for the individuals involved and also for those around them.

The [Consensual Relationships Policy \(CRP\) Committee](#) was charged by President Pollack to develop a policy, dubbed “Policy 6.X”, that addresses this issue. The policy is to be concerned with relationships where one individual (the *authority*) can influence the academic or professional progress of the other (the *subordinate*). It is to apply only in those situations where the subordinate is either a student or a postgraduate. The authority can be a member of the faculty (broadly construed), an employee, a postgraduate, or a student. The proposed policy must identify conflict-of-interest situations that require prohibitions and it must include a plan for effective disclosure and enforcement.

After extensive research and broad consultation, the CRPC recommends three prohibitions:

P1. 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.

P2. Sexual or romantic relationships between faculty members and undergraduate students are prohibited regardless of department, school, or college affiliation.

P3. 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.

The proposed policy requires the creation of a “Policy 6.X Office” (located in central HR) that serves as a resource for both subordinates and authorities. The Office would work with department chairs, degree program directors, college deans, the dean of faculty, and others to ensure that effective recusal plans are put into practice and that enforcement procedures are properly executed. An effective Policy 6.X Office is essential to our proposed policy.

Across all constituencies there is universal support for P1 and broad 4-to-1 support for P2. (The Faculty Senate rejected a version of P2 in 2015.) The community is clearly divided on P3 based on votes in the Assemblies and the Senate. However, the Committee was ultimately persuaded to support P3 based on what it learned from the on-line postings and the associated commentary from the Assemblies and the Senate.

Undergraduate/Faculty Prohibition

P2: Sexual or romantic relationships between faculty members and undergraduate students are prohibited regardless of department, school, or college affiliation.

An undergraduate degree involves experiencing the university broadly. This expectation of breadth is manifested in distribution requirements and the foundation of the liberal arts education. As a result, any faculty member is a potential course instructor, research supervisor, or academic mentor. This is amplified by the common practice of delaying or changing the selection of one's undergraduate major(s). A prohibition on faculty-undergraduate relationships helps ensure that all undergraduates have full access to any study they choose, based on academic ability and inclination alone, by eliminating the conflicts of interest that arise from past or ongoing romantic or sexual relationships with an academic authority figure.

The undergraduate members of the Committee collectively requested the undergraduate/faculty prohibition. The undergraduates also urged further attention to non-romantic relationships. The Student Assembly registered support for P2 by a 17-5 margin and the undergraduates on the CRPC were unanimous in support of P2.

No one who articulated opposition to P2 offered practical suggestions for navigating disclosure and recusal in such situations: Who would determine sufficient academic distance between authority and subordinate? Who would monitor the Recusal Plan? Apart from the reasons given above, we came to support P2 because we could not develop satisfactory answers to these questions.

Graduate Field or Degree Program Faculty/Student Prohibition

P3: 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.

Graduate and professional students apply and are accepted to specific fields of study. Unlike undergraduates, their degrees typically only require coursework within their chosen field(s), and they are not expected to change fields. While coursework and research outside of their fields may augment their studies, neither is usually a precondition of successfully completing the program. In addition, graduate and professional students are experienced members of academia and can more accurately gauge the extent of conflicts of interest. Therefore, a blanket ban is unnecessary outside of the field, although more limited restrictions are advisable.

Within their fields, graduate and professional students must take courses from and are subject to formal and informal evaluation by field faculty, even when those faculty are not teaching required courses or directly supervising the student. For graduate students, any field faculty member may challenge the validity of a student's dissertation defense to the Dean of the Graduate School. Despite varying practices by field, graduate students enter the university without having formally assembled their special committees; prior or ongoing relationships with faculty members restrict the student's potential opportunities for that committee. While special committees, primary

investigators, laboratory supervisors, and so forth may not be part of the graduate student's field, those roles are significantly more likely to be filled by faculty within the field. While professional student programs lack many of the formal structures of the graduate field and special committee, faculty in professional programs are overwhelmingly selected for expertise in a specialized area. Accordingly, relationships with faculty members in the professional field would preclude a student from pursuing certain careers. Graduate and professional students apply to programs with a reasonable expectation of being able to access faculty based on their academic merits.

The Committee considered compromises between CRP-A, with a field ban, and CRP-B, without; differentiating direct and indirect authority; a ban within department confines; and a field ban only up until the A exams. We found these compromises to either not meet a sufficient threshold or to be too ambiguous and complicated. We considered more stringent bans, such as one on minor fields, and discarded those. Typically, those in favor of a field ban were concerned about the most vulnerable. Many comments against the field ban did not account for the academic environment or misinterpreted the proposed policy.

The Policy 6.X Office

Central to our proposal is the creation of a new office, the Policy 6.X Office. We propose that this be housed within Human Resources and closely aligned with the Title IX Office. For the following reasons, we do not believe this policy or any functional consensual relationship policy can succeed without a dedicated 6.X Office external to the academic hierarchies:

1. Students, particularly graduate students, do not trust faculty to act impartially in enforcing policies against one another and guarding against retaliation.
2. Faculty rightly value their workplace privacy and dislike the prospect of Chairs or Deans possessing lists of personal relationships (as demonstrated in the 2015 Faculty Senate discussion).
3. A central office can minimize the number of academic or workplace colleagues who need to be informed of a relationship.
4. Authorities found to be in violation of Policy 6.X deserve review of the investigation's decisions, enabled by keeping Academic Deans separate up until the implementation of sanctions.
5. Chairs and directors of graduate studies (DGS) are not trained in handling sensitive matters of this nature.
6. A central office is better equipped than faculty to direct subordinates to appropriate resources on campus, especially in complex situations.
7. A central office ensures consistent and fair application of the policy, as opposed to variation by department/field and Chair.
8. A central office is the only way to guarantee a violation of the policy is dealt with only once, and to ensure that repeat violations of the policy are taken into consideration when determining sanctions.

9. A central office better ensures even application of the policy across authorities of varying academic ranks, including undergraduates and graduate students.
10. A central office is better equipped to safeguard and provide privacy for LGBTQ+ and other marginalized communities.

The Policy 6.X Office should have these attributes:

1. It should support anonymous reporting similar to that already available for bias, harassment and hazing.
2. It should respect the wishes of the reporter as much as possible.
3. It should provide explicit online documentation indicating the timeline and process of what happens when a report is filed.
4. It should respond to the reporter in a timely fashion with information about resources and, as matters progress, steps that are being taken.
5. It should support multiple avenues of reporting.
6. It should support the intelligent sharing of information among relevant staff.
7. It should be able to handle intra-departmental tensions.
8. It should provide guidance to Chairs, degree-program directors and others involved in the process.

We envision the Office's role as a central disclosure and recordkeeping location; a custodian of resources for all parties; a partner for unit leaders on campus; and a repository of expertise in investigation, mediation, and navigating personal relationships in the academic/professional sphere. The investigatory component of its work suggests alignment with the Title IX Office, as does the possibility of cases that appear to belong to the purview of one office and end up concerning the other.

It is difficult to predict the cost of maintaining an effective 6.X Office. The caseload may vary depending upon reception and utilization of this policy. We believe that the Office can "pay for itself" if it has an effective educational agenda that builds Policy 6.X awareness across campus.

We recommend that the Policy 6.X Office maintain and publish anonymized statistics on the number and type of violations of Policy 6.X. These will help assure community members that the policy is actively utilized and raise awareness among current and prospective Cornell affiliates of the university's commitment to fairness and accountability in personal relationships as in other areas.

We propose a thorough review of the policy and the 6.X Office three years after their implementation. It should review 6.X violation statistics and related data, respecting confidentiality from start to finish. The review process should include fully transparent interactions with the community in the same style as practiced by the CRP Committee.

Disclosure and Enforcement Parameters

We chose to provide enough detail so that the processes set in motion are transparent. The procedures we outline for disclosure, recusal, and enforcement are more substantial and detailed

than those of most peer institutions. “Step-by-step” clarity is required if a CRP is to be effective. Lack of clarity and “black boxes” discourage adherence to and use of a university CRP.

A recurring concern from LGBTQ+ individuals and groups was the tension between transparency and privacy. Specifically, people feared that by disclosing, one must “out” oneself or, worse, be involuntarily outed by the authority. This led us to explicitly include the opportunity for either the authority or the subordinate to request that the Policy 6.X Office formulate the recusal plan without involving either party’s academic unit, thereby protecting those who may, for reasons of safety or career prospects, not be “out.” We also narrowed our original radius of disclosure — automatically including deans in disclosure and Recusal Plans appeared too large a trade-off of privacy (without even taking into account the additional workload issues).

It is important that the Policy 6.X Office make contact with the subordinate *before* notifying any other individual in their department, program or field.

Having an unusually restricted radius of disclosure in sensitive cases poses difficulties for resolving the conflicts of interest. We leave it in as a safeguard for those cases where an individual would face substantial risk of harm to their career, their well-being, or their safety *on account of bias*. In most cases, we expect the radius of disclosure to be limited to those necessary to ensure adherence to a Recusal Plan (such as a Chair, DGS, or alternative evaluators), and those most affected in the case of failure to adhere to the Recusal Plan (such as other members of a lab).

Other recusal plans have been proposed, but lack comparable safeguards. We have included them in the full report.

In enforcement, we wish to ensure that the consequence for an undisclosed relationship (prohibited or not) is greater than that for a disclosed but prohibited relationship, to encourage disclosure, and that consequences scale for repeated infractions. Our primary concern is the amelioration of harm to students.

Further Recommendations

Over the year, we have come to realize how ill-equipped the campus is to talk about these issues, and how uncomfortable the conversations can be. Where conversations have occurred, there is no consensus on acceptable practices.

As the goal of the proposed Policy 6.X is to inspire ethical behavior, we regard prevention and culture change as key. Accordingly, we recommend adoption of an educational outreach plan that includes these components:

It establishes Policy 6.X awareness:

- a. During orientation for incoming faculty, staff, postgraduates, and graduate and professional students
- b. During teaching assistant orientation
- c. During the first week for any operation that has graders who are students

It maintains Policy 6.X awareness:

- a. Dean of Faculty start-of-semester announcements
- b. Graduate School Newsletter at the start of semester

- c. A check-box on the annual graduate Student Progress Report acknowledging that they have read and understand the policy *or* have arranged a meeting with their DGS to discuss it
- d. A comparable mechanism for the professional schools and all masters programs
- e. A comparable mechanism for faculty and staff, perhaps modeled after the financial disclosure form

It promotes Policy 6.X conversation:

- a. At least once a year in department meetings and degree-program/field organization meetings
- b. At least once a year amongst the chairs and their colleges' deans
- c. At least once a year amongst the deans and the provost

In discussing and implementing this policy, we hope that all offices consider the language we have used. We have put particular thought into gender neutral language, acknowledgement that relationships may involve within themselves more than two parties, “power imbalances,” and “recusal”—an active, volitional step towards a better environment, as opposed to the passive “management.”

We understand “relationship” to mean any romantic, sexual, and/or emotionally intimate contact between or among individuals. Furthermore, it may be of any duration, from a single incident or occurrence to a long-lasting partnership, either continuous or intermittent. It is distinguishable from a friendship or acquaintanceship by its potential to move any person involved to abuse any power imbalance it contains. We suggest continued attention to changing definitions and evolving social norms.

We urge that future work on this policy omit reference to age. While we diverge from peer institutions in this, the CRPC feels that other than the legal age of consent, age is irrelevant for purposes of a consensual relationship policy; it is demeaning to limit the agency of those ages 18-22. Our undergraduate-faculty prohibition stems from the nature of the undergraduate degree and applies without regard to the undergraduate’s age.

We ask that future work on this policy continue to include representation from all affected communities, with particular attention to undergraduates, graduate and professional students, postdocs, and junior faculty.

Where possible, we suggest aligning this policy with existing university policies regarding financial conflicts of interest, nepotism, and academic or research misconduct.¹ The favoritism and bias that can arise out of undisclosed romantic or sexual relationships create issues of academic integrity that mirror or overlap with the issues that those policies aim to prevent. An authority can compromise academic integrity on behalf of a subordinate ignorant of the interference, and such actions (or merely the appearance thereof) can harm the subordinate throughout their career.

Proposed Policy

¹ Policy 1.7, Financial Conflict of Interest (https://www.dfa.cornell.edu/sites/default/files/policy/vol1_7.pdf); Policy

Reasons for Policy

As an institution where any person can find instruction in any study, Cornell demands ethical behavior from all who are engaged in its mission of teaching, research, service, and outreach. It is the responsibility of the institution to guarantee that every student has the freedom to pursue their academic and professional interests in an environment without preferential or unfair treatment, discrimination, or bias. Romantic or sexual relationships between instructors and students can jeopardize the integrity of that mission for the individuals involved and also for those around them.

Professional and institutional power differentials are part of academic life. These power differentials may cause harm and it is imperative that these risks be minimized. These risks can be magnified if the individuals involved hold differing perceptions of the underlying power imbalance. Negative outcomes from such a relationship, whether professional, academic, or personal, are more likely to affect the student.

Even where fully consensual, romantic or sexual relationships between instructors or other authority figures and students affect more than just the parties in the relationship. These relationships can harm the overall academic environment by compromising the instructor's professional judgment and impartiality (then and in the future), impacting grading, distribution of resources, academic or professional recommendations, and more. They often undermine collegial dynamics among the students themselves because of rumored or actual favoritism. They can tarnish the academic reputation of the instructor, the student, the field, and Cornell itself. Regardless of their outcome, a relationship's presence can linger within the careers of all parties, potentially driving the student from their discipline or hampering their lifelong academic and professional progress.

Terminology and Scope

This policy is about sexual and romantic relationships that are *consensual* and have a dynamic that involves *power imbalance*. This means that one individual in the relationship (the *authority*) can or could influence the academic or professional progress of the other (the *subordinate*).

The policy applies only to those situations in which the subordinate is a student or postgraduate. The authority is typically a faculty member, but it can also be a student, postgraduate, or member of the non-academic staff.

For purposes of this policy, post-docs, visiting critics, visiting fellows, and veterinary interns/residents are *postgraduates*. All other academic title-holders are *faculty* from the standpoint of this policy, including those whose titles are modified by "visiting," "courtesy," "acting," "adjunct," or "emeritus."

The Policy 6.X Office is an important part of the disclosure process. This is a section within the Office of Human Resources serving as the primary Policy 6.X resource for subordinates, authorities, and those who are responsible for enforcement and adjudication.

This policy only pertains to consensual relationships. The university's Policy 6.4 addresses bias, discrimination, harassment, and sexual and related misconduct.

Prohibited Relationships

The freedom to choose courses, fields of study, and advisors is essential to education and research at Cornell. Students and postgraduates have the right to pursue their academic and professional interests in an environment free from preferential or unfair treatment, discrimination, or bias, and the potential for coercion. Romantic or sexual relationships between academic authorities and subordinates are prohibited whenever those relationships interfere with that right. Specifically:

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.

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.

Sexual or romantic relationships between faculty members and undergraduate students are prohibited regardless of department, school, or college affiliation.

Positions of academic or professional authority include, but are not limited, to: course instructors; course graders; teaching assistants; special committee members; and other positions of evaluation, including academic, dissertation, research or thesis advisors; work-study supervisors; coaches; residential life staff in the student's living unit; the director or associate director of a degree program, field, laboratory, research group, or center; the chair or associate chair of a department; and deans.

Any member of the university community who finds themselves in a relationship prohibited by this policy must contact the Policy 6.X Office so that it may begin implementing safeguards for the subordinate as soon as possible.

Exceptions to these prohibitions can be made in cases of preexisting relationships or where the prohibition restricts educational or research opportunities or induces economic hardship for the subordinate. Exceptions require disclosure, approval, and recusal.

Relationships Requiring Disclosure

Disclosure is required whenever:

- (a) an exception is made to a prohibition because of a pre-existing relationship.

(b) the authority (i.e. the subordinate's partner) is in a professional or academic relationship with a third party who has academic influence over the subordinate.

(c) unbiased treatment of the subordinate or their peers requires that the subordinate's partner be recused from specified duties.

The Policy 6.X Office can be used to clarify whether a relationship requires disclosure.

Disclosure Process

The purpose of disclosure is to set in motion a Recusal Plan that protects the authority, the subordinate, and the academic environment by mitigating conflicts of interest. The authority is responsible for disclosure, but it is strongly recommended that the authority inform the subordinate prior to disclosing. Subordinates and third parties are not obligated to inform the Policy 6.X Office of prohibited relationships or those requiring disclosure. If a relationship is impacting their academic workplace, however, they may choose to do so.

When the authority is a faculty member or employee, they must disclose in a timely manner:

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.
2. In consultation with the authority, the Policy 6.X Office develops a Recusal Plan or determines that one is unnecessary. The Recusal Plan identifies situations where participation by the authority is to be limited because of the potential for conflict of interest, thus mitigating the academic power imbalance. The plan must also specify who in the workplace needs to be informed of its existence.
3. The subordinate is contacted by the Policy 6.X Office shortly after the disclosure is made to inform them of the disclosure, the proposed Recusal Plan, and of relevant resources.
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.

If a postgraduate or student is the authority, then disclosure should be made in a timely manner to the supervisor of the affected workplace or the Policy 6.X Office. Thus, a graduate student working in a laboratory or serving as a teaching assistant in a course would disclose the potential for conflict of interest to the director of the laboratory or to the faculty member who is teaching the course. The authority and the authority's supervisor must agree on a Recusal Plan. The Policy 6.X Office must be informed by the supervisor if the authority fails to comply with the Recusal Plan.

In cases where disclosure beyond the Policy 6.X Office could endanger any party, the Policy 6.X Office will prioritize the safety and freedom of those involved.

Enforcement Procedures

Violations of Policy 6.X by an authority include: failure to disclose in a timely manner, failure to adhere to the Recusal Plan, participation in a prohibited relationship, and retaliation against any person who, while acting in good faith, provides information about a suspected violation of Policy 6.X.

The Policy 6.X Office initiates an investigation to determine whether a violation of the policy has occurred. This investigation will include an opportunity for all interested parties to be heard. If no violation is found, the complainant is informed and no further action is taken. Otherwise, the following steps are carried out under the auspices of the Policy 6.X Office:

1. A panel is formed to determine the sanctions. If the authority is a faculty member, then the panel includes a member of the Policy 6.X Office, the Dean of Faculty, and the chair of the authority's department. (If the faculty member is part of a center and not a department, then the center director plays the role of chair. If the chair or center director is involved in the allegation, then suitable substitutes must be found.) If the authority is not a faculty member, then the panel consists of a member of the Policy 6.x Office, the authority's immediate supervisor, and the individual responsible for the affected workplace.
2. If the violation involves a failure to disclose or noncompliance with the recusal plan, then corrective steps without sanctions may be appropriate. If the panel is unanimous in this belief, then those corrective steps are communicated in a letter to the authority with a copy sent to the Dean of the authority's college or equivalent. The Policy 6.X Office will ascertain through periodic check-ins that these corrective steps are being followed and may re-initiate this process if necessary.
3. Unless the option in the previous step is exercised, the panel recommends a sanction and conveys it to the Dean of the authority's college or equivalent in writing. Possible sanctions include mandatory training, suspension for a specified period of time, limitations of power over students, and dismissal.
4. The Dean of the authority's college or equivalent enacts those sanctions, or enacts alternative sanctions providing a written rationale that is communicated to the panel.
5. The authority may initiate an appeal procedure.

These procedures should conclude as promptly as possible so as to give the authority and the subordinates and/or complainants involved a timely resolution. The Policy 6.X Office shall keep the parties apprised of progress and the nature of any delays.

The Policy 6.X Office will maintain records of policy violations. Sanctions will be proportionate to the amount of harm rendered by the violation. Prior violations of the policy as recorded by the Policy 6.X Office will be taken into account. In all cases, the authority must be removed from power over the subordinate. Any harm rendered to a subordinate that results from a violation of this policy must be remedied by the authority's academic unit under the guidance of the Policy 6.X Office.

FAQ for Policy

Q: I am a faculty member and my romantic partner wishes to enroll in an undergraduate degree program. Is that allowed?

A: Yes. This situation is covered by the exception clause. A prohibition does not apply if it limits the educational opportunities of the subordinate which would be the case in this example. Disclosure with a Recusal Plan would be required before matriculation in order to protect the academic environment. Note that if you became involved with a current undergraduate, then the exception clause would not apply. That is because lifting the ban does not increase educational opportunity.

Q: I am a faculty member and my romantic partner wishes to enroll in a graduate or professional degree program with which I am affiliated. Is that allowed?

A: Yes. This situation is covered by the exception clause. A prohibition does not apply if it limits the educational opportunities of the subordinate, which would be the case in this example. Disclosure with a Recusal Plan would be required before matriculation in order to protect the academic environment. Note that if you became involved with a student who is currently enrolled your degree program, then the exception clause does not apply. That is because lifting the ban does not increase educational opportunity.

Q: I am a faculty member and do not belong to my romantic partner's graduate field. I am not on my partner's special committee. Is it necessary to disclose the relationship?

A: You should disclose if you have a graduate field colleague or a department colleague who is a member of your partner's special committee. Another situation where you should disclose is if you and your partner share the same workplace.

Q: I am a TA/grader in a course and I have a romantic partner who is enrolled in the course. What should I do?

A: You must disclose the relationship to the faculty member who is responsible for the course. A Recusal Plan needs to be developed so that you do not participate in any evaluation of your partner. If the course involves multiple TAs and graders, then it is usually easy to adjust your role in the course so that this is possible. If not, then you must exit the course.

Q: I am a graduate student/postgraduate who works in a faculty member's lab with somewhat informal academic authority over other students who work in the lab. What should I do if my romantic partner is among those students?

A: Disclose the relationship to the supervising faculty member and develop a Recusal Plan that treats informal authority as formal authority.

Q: I am a faculty member and my romantic partner is a student in a professional degree program with whom I have no academic connection. Is it necessary for me to disclose the relationship?

A: No.

Q: I am a graduate/professional student and have to take a course in another department/field that is taught by my romantic partner. What should I do?

A: If the course is required by your program or essential to your research, then disclosure is required and a workaround needs to be developed with the director of your degree program. Possibilities include just auditing the course or taking it when it is taught by someone else.

Q: I am a postdoc. Am I prohibited from being in a relationship with a faculty member or graduate student in my field?

A: Postdocs are not members of graduate fields; they are neither students nor permitted to serve on special committees. As such, the graduate field prohibition does not apply. However, ascertain whether you have an academic or professional relationship with that person and, if necessary, consult the Policy 6.X Office for guidance.

Q: The policy requires disclosure when the subordinate's partner is in a professional or academic relationship with a third party who has academic influence over the subordinate. What relationships might this cover?

A: This includes faculty in the subordinate's minor field of study or in the subordinate's department but not field. It could also include faculty who share research projects with the subordinate's supervisor(s), staff in the same office that oversees resource distribution, or others.

Q: I have a concern that relates to Policy 6.X. Who can I contact for help and/or information?

A: There are a number of "local options" that can be pursued at the discretion of the subordinate:

1. If the authority is a faculty member, then the director of the subordinate's degree program or the chair of the authority's department can be contacted.
2. If the authority is a member of the staff, then the authority's supervisor can be contacted.
3. If the authority is not faculty or a member of the staff, then the individual who is the supervisor or advisor of the authority can be contacted.
4. If these options are unattractive for any reason, then the 6.X Office should be contacted.

Q: Who counts as an undergraduate, a graduate, or a professional student?

A: *Undergraduates* are students enrolled in, on leave from, or suspended from an undergraduate degree program; non-degree-seeking students enrolled in only undergraduate classes; and undergraduate special students. *Graduate/professional students* are students enrolled in, on leave from, or suspended from a graduate or professional degree program and non-degree-seeking students enrolled in any graduate or professional classes.

Q: What is the 6.X Office?

A: This office is situated within Central Human Resources and serves as a resource for subordinates, authorities, and those responsible for enforcement of the policy. It is responsible for the faithful execution of all 6.X-related procedures. It can be reached anonymously, by email, or in person. The 6.X Office is NOT a confidential resource, although it maintains privacy as much as possible. A list of confidential resources is available on the [SHARE](#) website.

A third party who believes that their academic or professional pursuits are in jeopardy because of proximity to someone else's consensual relationship should contact the 6.X Office.

Q: What if an attraction develops between an authority and subordinate, *e.g.*, a TA in a large course and student, freshman writing instructor and student, or special committee member and graduate advisee?

A: Where possible, we would encourage removing the power imbalance, whether by asking the supervisor of a large course for another TA to take on grading the subordinate's work or by finding a new special committee member (perhaps as an external committee member from an institution outside Cornell). When removing the power imbalance is not possible, the policy does require waiting to initiate a relationship, in these examples either until after the relevant course is completed or the dissertation has been defended.

Q: A graduate or professional student has a preexisting relationship (outside their field) and then wishes to take a course with the authority. Is this possible?

A: Normally, such a course will not be required, and it will not be possible to take it with the authority teaching. If the course is required for their degree, the relationship should already have been disclosed, if not prohibited.

Q: What happens if I notice a relationship that might fall under this policy?

A: You are under no obligation to report. You may choose to, especially if you feel that the relevant educational environment is being disrupted. You may contact the 6.X Office anonymously through the bias reporting form, in person, or via email.

Q: How does this policy apply to visiting faculty?

A: Visiting faculty are held to the same standards as all other Cornell faculty. It is incumbent upon the unit hiring the individual to communicate the applicability of Policy 6.X.

Q: Would the spouse of a faculty member be ineligible to enroll as a Cornell undergraduate?

A: No. This is covered both by grandfathering in preexisting relationships and also by the exception for those relationships where a ban would in fact hinder the subordinate's education.

Q: What happens if I allege that a relationship is non-consensual, but the 6.4 investigation does not come to the same conclusion?

A: Policy 6.X is separate from Policy 6.4. An investigation of a violation of any university policy may prompt an investigation into a violation of any other university policy.

Q: When does a relationship become romantic or sexual?

A: We expect people to exercise their judgment: would a reasonable individual who heard about this relationship consider it to be romantic or sexual? If there is uncertainty, then the recommendation is to err on the side of disclosure or consult with the Policy 6.X Office.

Q: Why notify the subordinate when a relationship is disclosed?

A: The subordinate has a right to know that such a disclosure concerning them has been made. In addition, if they are surprised to learn that the authority considers them to be in a romantic or sexual relationship, we see this information as critical for the subordinate to be aware of. This provision also ensures that lines of communication between the Policy 6.X Office and the subordinate are open to provide the subordinate with resources for managing the conflict of interest.

Q: Upon disclosure, will the Policy 6.X Office be investigating or asking about my private romantic or sexual relationship?

A: The Office will ask only about such aspects of the situation as are necessary to formulate a recusal plan. They will never address the intimate details of the relationship: its existence and the circumstances of the workplace are sufficient.

Q: Won't disclosure endanger some individuals, especially LGBTQ+ students who may not be public about their sexuality?

A: We recognize that, in certain cases, disclosure could be extremely risky. Where the safety of a student is at stake, there is a provision for disclosure to be made only to the trained professionals in the 6.X Office rather than a broader group that includes faculty.

Q: What does the department, field or degree program ban mean for units like the Law School, the Samuel Curtis Johnson Graduate School of Management, and the multitude of professional master's programs across the university?

A: For units like the Law School and Johnson, the coursework requirements are such that the whole school needs to be treated as a field of study and is therefore subject to the field-wide ban. Being unable to work with specific faculty in these units may well prevent the student from pursuing a specific specialization or even career path. With respect to faculty associated with a given master's program, they are prohibited from having romantic/sexual relationships with students enrolled in the same master's program.

Q: What would be some examples of retaliation against an individual who in good faith reported a violation of the policy?

A: Examples include making it difficult for the reporter to obtain (a) funding, (b) access to resources, (c) fair TA assignments, or (d) an objective letter of recommendation. Retaliating by bad-mouthing the reporter to an influential colleague is also a violation.

Q: Who forms the panel for adjudication of sanctions?

A: When the authority is a student, their immediate supervisor is their supervising faculty member and the individual responsible for the affected workplace would be the chair of the relevant department or director of the center. When the authority is a veterinary resident/intern, the relevant parties are their supervisor and the Dean of Students of the Veterinary College. When the authority

is another postgraduate, the relevant parties are their supervising faculty member and the chair of the department or director of the center. When the authority is a staff member, the relevant parties are their supervisor and their unit head.

Appendix A: The Committee

Membership

Co-Chairs

Charles Van Loan Computer Science, Professor Emeritus, Dean of Faculty
Anna Waymack Medieval Studies, PhD Student

Faculty

Rhonda Gilmore Design and Environmental Analysis, Senior Lecturer
Kimberly O'Brien Nutritional Sciences, Professor
Charles Seyler Electrical and Computer Engineering, Professor
Gillian Turgeon School of Integrative Plant Science, Professor
Makda Weatherspoon Near Eastern Studies, Senior Lecturer

Researchers

(sharing 1 seat)
Tisha Bohr Medical Sciences, Post-doctoral associate
Emily Davenport Molecular Biology and Genetics, Post-doctoral associate

Graduate & Professional Students (sharing 3 seats)

Bradi Heaberlin Information Science
Aubrie James Ecology and Evolutionary Biology
Stephen Kim English
Katherine Quinn Physics
Nathaniel Stetson Law
Jenna Chong (after 12/31) MEng

Undergraduate Students (sharing 3 seats)

Ella Ackerman Urban Planning—AAP
Jesse Pollard (until 12/31) Biological Engineering

Jenna Chong (until 12/31)	MEng
Sofie Cornelis (until 12/31)	Information Sciences
Joseph Anderson	ILR
Grace Park (after 12/31)	ILR
Caitlin Gleason (after 12/31)	ILR
Renee Cornell	Interdisciplinary Studies-CALS
Employees	(sharing 1 seat)
Daniela Sorokko Harris	Title IX office
Gina Giambattista	University Relations, Office of the Assemblies
Pilar Thompson	CVM, Clinical Programs
Laura Johnson-Kelly	CAS, Near Eastern Studies
Staff	
Sarah Affel	Title IX Office
Kareem Peet	Title IX Office
Sandy Dhimitri	Office of Human Resources
Janna Lamey	Graduate School Office
Laura Weiss	Dean of Students Office

Charge

Cornell's only policy on consensual romantic and sexual relationships between students and faculty has been in place since 1996. It exists not as a formal part of the university policy library, but rather as a resolution adopted by what was then called the Faculty Council of Representatives, approved by the president and provost, and incorporated into the Faculty Handbook.

Over the past two years, there have been several attempts to update the policy to address shortcomings, including its lack of distinction between different groups of students (undergraduate and graduate), its vagueness as to when such relationships are absolutely prohibited and the requirements of appropriate disclosure of such relationships when they are not, and on its lack of clarity regarding enforcement mechanisms. These attempts at updating the policy have, however, failed.

To protect the interests of both students and faculty, as well as the reputation of the university, Cornell must have a formal policy addressing romantic and sexual relationships between students and other academics, which include all tracks and ranks of professors. It must also address situations when a student is serving as a teaching assistant or grader.

The policy must be part of our official policy library, and it must be clear in its parameters: when if ever are romantic and/or sexual relationships between faculty/staff and students permitted; what are the requirements for disclosure where such relationships have developed; how is such disclosure handled; and how should conflict of interest issues be managed if such relationships develop. The policy must also address how misconduct will be handled and who will address it.

The CRPC is charged with drafting such a policy that is easy to understand and inspires ethical behavior. To ensure that the interests of all stakeholders are taken into account, the committee includes tenure track faculty, non-tenure track faculty and researchers, graduate and undergraduate students, and staff members from legal counsel, the Title IX office, the Graduate School, the Dean of Students office, and Human Resources. Transparency is expected throughout the drafting process.

It is expected that the CRPC will interact with the review of Policy 6.4 (Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct) that is underway. A separate policy concerned with staff-student relationships will be developed later and modeled on the policy developed by the CRPC.

To expedite the drafting process, the committee is urged to review consensual relationship policies that have been adopted at peer schools, freely drawing upon good ideas contained therein. I request that the committee transmit the proposed policy to my office no later than May 1, 2018 along with the reactions from the Faculty Senate and each of the assemblies.

Martha Pollack
President

Outreach Schedule and Notes

Outreach Schedule

August, 2017:	1:1 with each College Dean
September 20, 2017:	Faculty Senate Presentation
November 28, 2017:	CORE Resident Advisors
January 22, 2018:	Amita Verma, Research Integrity and Assurance Office
February 6, 2018:	Women's Resource Center Board
February 13, 2018:	Graduate Field Assistants
February 21, 2018:	College Human Resources Directors
February 21, 2018:	Graduate Field Assistants
February 26, 2018:	Graduate Field Assistants
February 28, 2018:	Employee Assembly Presentation
February 28, 2018:	Feminist, Gender and Sexuality Studies Faculty
March 8, 2018:	Academic Human Resources
March 8, 2018:	Student Assembly Presentation
March 12, 2018:	Graduate and Professional Student Assembly Presentation
March 13, 2018:	University Counsel
March 14, 2018:	Faculty Senate Presentation
March 19, 2018:	Mary Opperman, VP and Chief Human Resources Officer
March 20, 2018:	Graduate Women in Science
March 21, 2018:	Post-Docs Town Hall
March 21, 2018:	Humanities Directors of Graduate Studies
March 26, 2018:	Social Science Directors of Graduate Studies
April 3, 2018:	Physical Sciences Directors of Graduate Studies
April 10, 2018:	Academic Deans
April 11, 2018:	Life Sciences Directors of Graduate Studies
April 11, 2018:	oSTEM
April 17, 2018:	Department Chairs
April 18, 2018:	Employee Assembly Vote
April 18, 2018:	Math Faculty
April 19, 2018:	Student Assembly Vote
April 23, 2018:	Graduate and Professional Student Assembly Vote
April 24, 2018:	University Assembly Vote
April 24, 2018:	HAVEN

Outreach Notes

Human Resources

Responses fell into three groups: Those who don't care about people's relationships regardless of authority; those who believe faculty and students should just not engage in relationships (don't do it); and those who support the disclosure/management plan.

Framework around conflict management:

1. standard letter, required when there's a couple in the same department with a power dynamic, regardless of classification.
 2. in cases where it's faculty/grad or grad/ugrad the nexus tends to be departmental chairs
 3. HR is asked for advice and help
 4. chairs have to decide if there's a real impact, a power differential, what's the radius of authority
 5. definition of "couple" can be married, partners, living together, any type of substantive, ongoing relationship
 6. process has been centered around established personnel—faculty-faculty or whatever
- Question of "how to create a schematic of reporting that would alleviate concerns of other faculty, staff, students concerned with that power dynamic"
 - like that "power imbalance" and radius are part of our core
 - there would need to be a very strong education message about how bears the brunt of a consensual positive relationship between two individuals
 - for example, on other students: even if there's not a real effect, there's a perceived effect
 - where others begin to feel they're not receiving a fair education
 - *strong* push for this educational component
 - grad-lecturer in the field—radius of authority! publications, grants, etc.
 - really complex, especially in field that cross multiple colleges
 - "if you need a lot of complex analysis and consistency, you do need someone to at least evaluate it, but then the management plan IS going to be in the department"
 - lack of clarity on disclosure right now; too general for them to do anything

Is there a committee of HR directors who looks at these things, and may analyze "this looks like a problem, this doesn't look like a problem"?

- thus also confidential
- management has to involve HR directors *with* chair/department
- a grad could come to their office/should feel open to coming to their office

- if grad/ugrad or otherwise all student side, maybe keep in department.
- If student/faculty, maybe central hr/office.
 - multiple mechanisms to allow people to come forward with an issue: chair, HR, associate dean, anonymous submission

It's better to set the expectation for people in authority, than for those not. Especially where people are tied in on a payroll basis.

Discussion on the "institutional brand"

- Training allows better support for social connection and limit potential for (through lack of awareness) negative components
- *Central office* w/ anonymous consultative assistance
- Going to have to have positive ways to engage the population. tools, "sustain a relationship and stay in the right lane" protecting institution and individuals

Process and system *has* to be externally applied

- was there a process in place?
- to what extent were people aware and notified of the process?
- did they take action within policy guidelines? and consistently?

For a Tenure Track faculty, separation of employment is a much more serious issue. It *is* different, in policy and in legal ability to execute.

- Training for faculty could be a 15 min thing at a faculty meeting. small bites, scheduled meetings. wouldn't need to be a long training.
 - some have had success with that model: bring the training to them
 - "here's some things to protect you"
 - don't overlook new faculty orientation

HR uses EthicsPoint for complex cases of self-disclosure

allows for identification or not

and then has accountability that the issue is followed up and trackable

from an auditing perspective, data can be retained separate from Cornell University

No jurisdiction over students except as it relates to a paid, hourly employment

but there are some TAs not paid

and some are paid from fellowships

What sanctions between slap on the wrist and fired

suspension w/out pay for a period (a month, a semester, ...) (stopping pay from like May

15-June 30)

no salary increase for a few years

potentially could decrease salary for a period of time

decrease their effort (full-time equivalency, and thus salary)

limit access to graduate students if the dept assigns grad students

research accounts

not allowed to supervise anyone

Is it the same for tenured vs still probationary?

These are potential, but NOT easy things to do. They all go through the same level of due diligence as a full dismissal. The Dean of the College really needs to be willing—in fact, the entire academic leadership.

But SIP, discretionary research funding, access to grads, lab—all of those are within chair or dean's power without going through the full rigamarole

Do we list these in the policy? Helpful for those coming forward to report, helpful for those thinking about a relationship.

“could include but are not limited to”

But if you put specifics like that into a policy, you may be setting an expectation for a reportee that's covered under the policy

Management/mitigation:

Department chairs would not make decisions about their spouse/partner

Change the reporting relationship

Briefly document what was agreed upon: actions the person managing the couple's relationship will or will not take.

Are there periodic check-ins with subordinate?

But *not* asking about status of the relationship.

They should have a copy of the management plan too.

Management plan: 1-year lifetime

Responsibility of leadership to make sure the relationship they're allowing to continue does *not* impact other students in any way, and to encourage self-disclosure where appropriate if it's important to maintain the fairness, equity, balance of power required as part of the relationship consensual expectations.

Part of the management plan can be that you *will* disclose

Disclosure as teaching moment

Don't set something up where people won't disclose *because* of a requirement involved

Case has a very detailed thing on management and reports

GFAs

Gossip train: everyone knows, even if it's same tier of power, rumor travels fast

These fields are very insular microcosms

Makes it uncomfortable for everyone else

If people are involved in the department, they know if they want to

“can cause a lot of animosity and maybe decision-making based on rumor”

Rules should be clearly stated, no quid pro quo, suspicion that historically things have gone differently without clearly stated rules and students have been taken advantage of

Rules could create enough transparency for everyone, and rules about who could have relationships and who couldn't

Acknowledgment that if you're in a relationship that doesn't meet the parameters, you need to disclose and have steps for disclosing it

(that something then needs to shift)

DGSs want guidance: am I an advocate for both? For the faculty? for the student?

People would be comfortable disclosing to DGS and Chair

Fights happen after relationships end over data

Chairs weighted towards faculty

We will need to grandfather people in

Have seen faculty strike at each other through the faculty member's grad student significant other

Either you tell your faculty and deal with it right away, or deal with the rumors and then have to tell them anyway during promotion

But this doesn't capture adulterous relationships

They would NOT have anything at orientation—trust is not there yet

Some fields do have professional development type seminars—maybe two months in.

Could it be a required grad school milestone?

An online training/attend a training?

And hold up fellowship funding if they don't do it?

So that it's coming from the grad school as expectations across fields

One disagrees—grads being bombarded with tons of emails and milestones and trainings.

Another seconds that. We're talking about grads, traditionally in a position of no power with regard to professors and faculty.

So we should target the change at the faculty, not the students; faculty should be required to take the trainings

Consensus: needs to go centrally from the top.

Orientation for new profs, etc.

Make profs go through the training, in the system.

Not just assistant profs, but full faculty as well.

Offer it at the graduate school level—especially because grads aren't always TAs or Instructors.

Doc for grads to read and sign as they come in with the rules of relationships, and for faculty too.

Need to have online options, esp if we're going to insist they verify they've read something.

If something's going on, they don't want to be seen at a meeting talking about this.

Should it go in the new online/annual progress reports for the grad school?

Check off that they're aware of this policy

And faculty have to approve it

It's not adding another task—it's adding one more question.

"I'm aware of the policy and if I'm in violation I will contact my DGS/GFA right away."

Need more than one option for disclosure—some DGSs, people aren't comfortable going to.

GFAs comfortable being a conduit of info for disclosure, albeit not the problem-solvers.

Focus on what is clearly right and wrong.

We already have people afraid of shutting doors etc

Needs to stay out of view of the deans—faculty are not going to want deans to see that there are issues.

Maybe grad school could add boxes too for RCR and all the other trainings?

MEng not through the grad school

Grad school isn't requiring MS students or first-year PhD students to do that form

Some haven't encountered these issues: not sure what they would do if they did encounter it

Processes change with dgs but you learn to work with them

Wouldn't do this at orientation

Except one, has had sexual harassment training at orientation, 30-60 mins, students seem to really take to it, would be a logical place to add this

Title IX is doing the harassment training

We should address visiting faculty: younger, may not have taught before, may not understand they're in a power position, may not get this information ahead of time

May be worthwhile as an intro to Cornell

One has ten minute meeting with all new PhD students—could see pointing them at this resource

Two moments for grads: selecting committee members/teaching orientation

or CTE international training

a training happens 1/2x year for TAs to notice anxiety issues and such

Field/grad gets tricky

What would communication look like?

Some fields, can't recreate required courses with independent/directed studies

Master's students often older, actually

No other significant difference

Disclosure: DGS and Chair then make the call

but how involved is the DGS?

hard to identify specific roles—should there be a “safe person” in each field?

“I don't know that my DGS could tell a fellow colleague to not attend something”

Neutralizing favoritism: “I don't think you can”

Title IX sexual harassment setup has worked really well in one field—there's someone to talk to, someone to go to

Grad-grad: there are TAs

“There need to be tools if a student is in a difficult situation”

Training should be for ALL parties involved, not just students

“Here's how you act responsibly to not harm others, and how you'll be held accountable, rather than how to defend yourself”

but also “here are resources if it's already going on”

and also just *defining* “power imbalance”

grades, funding, access to labs, performance (in a lab, or period), recommendations, field conversations/ability to gain employment (if someone knows someone—informal reference checks are very much a thing), academic progress...

Has to come down from the top to everyone, not just a policy for the grads to know about.

President's Office and Board of Trustees down.

If there's no monitoring or consequences for "required" sexual harassment training...is it required?

Mentioned issues with grad TA/undergrad

Relationship in another program where a TA was giving a partner extra points; student was asked to leave

No systematic attempt to bring up conflicts like that proactively

Suggested perhaps having an in-house form about lines to be drawn before TAing

Especially international students perhaps not aware enough of not just policies in general, but also where to draw lines

Concerns about how to implement orientation/awareness of student misconduct. Can we align student misconduct along with this and professionalism?

Faculty/student relationships with massive conflicts of interest *do happen*, frequently with the explanation of it being fine because they're "nontraditional students" and (thus?) "consenting adults"

Seen cases where other students, not in the relationship with the faculty member, felt there was unfair treatment.

Or perception of special treatment, which just makes for awfulness and animosity.

When to bring it up educationally? Argument for in the very beginning, at orientation. One program has a 3 day orientation and then a 30 day window to turn around any tests (Another has a week-long orientation)

Through CU Learn

Students come in early

There can be a deadline. if they don't have documentation of these tests by then, the student doesn't move forward

Would maybe require this particular one more than once

Hearing again about the students in distress training

also about SPR, but first-year grads and professional students don't fill it out

For master's students, relationships with faculty members not okay

One program hosts a lot of seminars when trying to communicate what they're looking for from professionalism

In-person seminars appear to work extremely well, compared to online trainings. They can engage the "experts" and can't really tune it out

Opportunity for open dialogue

Some feeling that relationship ethics deserves its own meeting/seminar/orientation, a few weeks *after* the semester begins

In one meeting, universal strong statements against any faculty/student relationships.

Detrimental in the long run for both parties and directly impacts the image of the school.
Even in different fields.

Faculty have a lot of responsibility and accountability when it comes to these relationships moving forward, and the responsibility begins with the faculty member, not the student.

Accountability and responsibility applies to *faculty*. That's where we need to start.

If we allow one department to another, too many variables. Just plain out ban.

Even more adamant against inter-department/inter-field dating.

In one case, a student changed to another department—thus changing the student's trajectory, and harming the student, not the faculty member.

Some things *need* to be cut and dried, black and white, because if there's some sort of leeway or loophole people *will* find it.

"It shouldn't just be in the field. It should be faculty and students, never the twain shall meet."

We're a research university, there's collaboration, what if you start working with someone outside your field?

Even for the faculty/student relationships that worked out: we're happy you're still married but that was *not okay*.

"We're definitely in a different climate"

"Wait until they graduate. Wait until they graduate."

"Generally I've found with students that a lot of my job is telling people no."

GWIS and Postdocs

Like idea of academics-only zone

but how do we deal with minors? switching fields?

"can't have direct control now or reasonably in the future"?

Trouble imagining people would disclose

Has to be some consequence to not disclosing

People totally find out about these things

Bright line might help from student's side—or might not.

Grad fields *do* get complicated

Can have someone outside the field closer intellectually than someone in a large field

Maybe add a sentence "while there's not a ban, please keep in mind that potentially you may have to take classes with people in your field"

Make it possible for colleges/fields/departments to add requirements?

Recommended guidelines:

postdoc-grad or undergrad in the same lab, no: postdoc often has authority, is mentoring, and ghostwrites letters of rec

same for grad-undergrad in same lab

BAN, not disclose and recuse

undergrad-undergrad or grad-grad in lab is fine

Fields already do their own thing in terms of additional academic policies

sense that people wouldn't be phased by policy variation across fields
Okay with grads not having input in field decisions about a ban
They think the current grad bans are clear, cut and dried
and if you move into the zone of that realm, well, if your relationship bars it then you can't

stuck on what if one's then unable to take a required class
there are of course companies in industry that completely ban it

make it clear that it is to protect the students
“trying to help you succeed in your academic pursuits, which is what you came for—not to fall in love”

MRS degree

make very clear that consequences are for authority figure, not subordinate

they really prefer this to field ban, even if lawyers may not understand that this is more enforceable to them

ban within departments' faculty for postdocs
—clearer cut.

University Counsel and Academic Human Resources

Currently

WPLR investigates and makes a recommendation
Given to reviewer (unit head, for staff, or dean of college, for faculty)
(can go to AFPSF for faculty for review now)
Appeal to VP of HR for staff, to Provost for faculty

Proposed

WPLR investigation, with no recommendation for sanctions
Goes to university hearing panel, which makes a decision as to the conduct
either a determination or a recommendation of sanctions (TBD)
Send to dean or unit head who looks at and decides whether or not to implement sanctions
Appeal to a 3 person panel —VP HR, VP Student Life, Provost
No usage of the Academic Freedom and Professional Status of the Faculty Committee
6.X initiates investigation—goes over to 6.4
If individual admits to violation—can skip the 6.4, handle in department with a note going to the 6.X office for record keeping

Research Integrity and Assurance Office

They provide templated letter that says, here are my financial interests, here's how it relates to research, i'm under a management plan, this is the manager, you can talk to them or me and convos will be kept confidential.

Faculty must provide written copies to all students who then have to sign it and return it to the office.

Everyone working with the couple should feel that they are being treated equitably, and not that they're stuck witnessing something inappropriate

Be very clear about how we elicit the information

Suggests it be self-disclosure, not asking what others have seen

The 2 1/2 people in her office see the 3,000 forms

The 5-person faculty committee, with whom they have guidelines of "if this, then that" sees complicated cases

FGSS

Fantastic that senior person be the one to disclose.

Faculty do conflict of interest/annual reports. Can there be something more routinized?

"Are you in a romantic relationship with someone whose education you oversee?"

Have a faculty equivalent of the SPR check box: I am not/am in a relationship with someone over whom I have academic authority

Regular reporting required of all faculty

Would work better than singling selves out voluntarily

"I hope we have a way of educating people about what's not acceptable in terms of treatment of their colleagues or students"

DGS in unnamed department who would ask the attractive women out for drinks; after a complaint it was, well, he's just interested in their work.

"romantic or sexual relationship between a faculty member and a subordinate"—that kind of relationship would be possibly shifting over time, and couldn't be located in a particular sort of moment

Contextual factor

Disclosure—chair would then follow up with student, student would have to affirmatively say "this is what I would like"

Antioch/recent New York Times piece on consent policy

Obligation of faculty member and chair to manage the environment; but chairs are very reluctant to draw attention to that. Two things:

need to have a more open assumption that these relationships ARE going on, so more positive environment for disclosing them

lots of things unequal in grad program; unclear that remedying this inequality fixes other inequalities

Fear of other forms of coercion—bullying and power maneuvers

Would much rather have self-regulating system than new infrastructure of punishment and regulation

Disclose on annual report—thus to that office

thinks it has to be a chair or dean as well, though disclosing to HR as some kind of qualitative thing on the annual report

Advocate for some paragraph that acknowledges that it is possible to consent to a relationship even when there appears to be a power imbalance

After [recent incident], wants a more positive way of framing these relationships, not trying to out them to punish people but to give light to something happening

oSTEM

1. If a graduate student has a minor field *outside* of their graduate field (e.g. a sociology PhD student who is taking a minor field in economics or any PhD student taking a minor field in FGSS), are the faculty in the minor field also banned from relationships with that graduate student? Many grad students take minor fields that are outside of their graduate field.
2. They felt iffy about the current proposal because the authority did not have to consult the subordinate before disclosing, especially in situations where the subordinate might not be out.
3. They were skeptical about the administration's ability to keep recusals discreet and their ability to not sweep things under the rug despite the policy. I said I would pass this along, but told them that this might not be a question of policy but of execution of said policy.
4. They were also concerned about students who do Cornell-sponsored internships. Would the policy apply in these internship opportunities? I told them my guess was yes if the internship employer was Cornell since it would fall under work supervisor but not if the internship employer was at a different company.

HAVEN

Discomfort among undergrad LGBT students in disclosing

concerned about people having to out themselves in order to report relationships especially if these are grad students, outing themselves could potentially change the course of their academic career

HR, chairs and deans less trusted

LGBTQ center, bias reporting, or Title IX more trusted

Very comfortable around anonymous reporting, across the board

Think this policy is very important

What would happen if one person reported a relationship as consensual when it really wasn't?

Concerned that the only people who would be willing to report were the ones who were in consensual relationships and who wouldn't overstep boundaries anyway.

CRPC Meetings

October 31/November 2

Agenda

1. Read what other schools have to say about Q1 .When we exit the discussion we should have enough ammo to write a good “lead paragraph” for our policy. Anna and I will produce that draft which will be reviewed at the next meeting.
2. We will cruise through Q2-Q10 developing good talking points so that the folks who want to leave comments on those pages have some concrete topics to choose from. (Take a look at Q7 to see what we mean by “talking points”.)
3. We have to talk about confidentiality, sensitive subject matter, and to what extent we should allow our meetings to be “open to the public”.
4. Update on the “small group” meeting that CVL had with the ugrads who are on the committee.

Minutes

Gave this overview: <https://blogs.cornell.edu/deanoffaculty/files/2017/11/CRPC-Overview-2g3ut17.pdf>.

We developed talking points for Q1-Q10.

On transparency/sensitivity:

- Emails are public
- We are presumptively non-confidential. Not confidential reporters. Cannot ask for confidential info
- We can avoid some problems by soliciting positive input (what people want) rather than negative (what fell through cracks)
- We can ask Sarah Affel for a training or guide on our duty to report

On scope:

- Cornell HR already accustomed to managing relationships of married faculty-not the purview of this committee
- Pseudo-students: vet school residents, postdocs
- We do want to highlight situations beyond student-faculty
- We like current language with coaches and advisors
- Policy should pertain to students, not staff-staff or staff-faculty
- What about “academic staff”?

On differences:

- Grad/prof students know better what their path will be, compared to ugrads with mandatory distribution requirements and unpredictable academic paths
- Take into account that power dynamics might shift very quickly, semester-by-semester, especially for undergrads.

November 14/November 16

Agenda

1. Review the Q1 Prose.
2. Review the post-a-comment prose on Q1.
3. Visit the Q2-Q10 talking points to check for clarity and completeness.
4. Quick updates from students on what they are doing.

Minutes

1. Q1-Q10 content revised in ways that will promote constructive community engagement.
2. Warnings about the kinds of comments that we can expect to receive.

November 21

Agenda

1. Review the latest prose for Q1
2. More discussion about the posting-comments policy.
3. Look at some “sticky” talking points for Q2-Q5, Q8-Q10.
4. Update on Q6-Q7 grad student discussion. (Anna)
5. Legal issues associated with sanctions. (Nate)

Minutes

Anna and Charlie will moderate web postings. When the website is ready, the constituencies will be informed by Charlie (faculty), Nate (grads), Charlie via Ryan (ugrads), Tisha (Post Docs), Sandy(staff). Refined talking points for Q1-Q5, Q7-Q10

December 4

Agenda

We will talk about the [terminology page](http://theuniversityfaculty.cornell.edu/news/consensual-relationships-policy-committee/review-of-terminology/) (<http://theuniversityfaculty.cornell.edu/news/consensual-relationships-policy-committee/review-of-terminology/>), the [comment-posting page](http://theuniversityfaculty.cornell.edu/news/consensual-relationships-policy-committee/rules-about-comments/) (<http://theuniversityfaculty.cornell.edu/news/consensual-relationships-policy-committee/rules-about-comments/>), and this [handy pdf summary](https://blogs.cornell.edu/deanoffaculty/files/2017/12/Framework-for-Developing-a-Consensual-Relationship-Policy-1n2dex3.pdf) (<https://blogs.cornell.edu/deanoffaculty/files/2017/12/Framework-for-Developing-a-Consensual-Relationship-Policy-1n2dex3.pdf>) of all that we have done so far.

We should map out our spring semester meeting/town hall/outreach plans as well.

We will probably also have some rough draft Q-question prose to work on.

Q6 Discussion Notes:

Q6: What About Faculty-Undergraduate Relationships

Some Discussion Points for Meeting 4 (12/4)

Reminder

6.1 Some universities have outright strictly prohibit relationships between faculty and undergraduate students. Is that advisable?

6.2 If relationships between faculty and undergraduate students are not prohibited, then should there be specific language calling attention to the enhanced vulnerability of that group of students?

6.3 Are there strategies to follow that would guard against the formation of relationships between faculty and undergraduate students?

Other Schools

Harvard, Yale, Dartmouth, Brown, Princeton, Northwestern, Chicago, Stanford have outright bans. Read their prose.

Columbia and UPenn policies say nothing in particular about undergraduates.

Notes From the Failed 2015 Senate Resolution

Full details here (<http://theuniversityfaculty.cornell.edu/news/consensual-relationships-policy-committee/history-at-cornell/>).

The Ugrad Part of the Resolution Itself

No faculty member shall engage in romantic or sexual relationships with undergraduate students. Unusual situations, such as but not limited to, the recruitment of a faculty member with an undergraduate partner or spouse, enrollment by a faculty partner or spouse as an undergraduate, or a relationship between a member of the faculty and an undergraduate student of non-traditional age, must be disclosed and remedies sought to avoid real or apparent conflict of interest.

For the purposes of this policy, “Faculty member” includes tenured and tenure-track faculty as well as academic professionals consisting of the following titles in all ranks: professor-of-the-practice, research professor, clinical professor, professor-at-large, university professor, senior scholar, senior scientist, instruction lecturer, teaching associate, research scientist, research associate, extension associate, librarian, archivist, postdoctoral associate/fellow, visiting fellow, visiting critic, visiting scientist and visiting scholar. Additionally, “Faculty member” shall include all academic titles modified with adjunct, acting, courtesy or visiting. “Faculty member” does not include graduate students or undergraduate students who may serve as teaching assistants or graders.

From the Slides of the Presentation in the Senate

Pro: The gross power imbalance is incompatible with the notion of consent. Such relationships create a poor learning environment for all students.

Con: Cornell should not be judging and regulating the personal choices of consenting adults. For FERPA etc. students are considered adults.

Excerpts from the November 2015 Transcript

Q. Who felt the need to change the undergraduate policy from what it was to what is being proposed here. How did it come up? Under what circumstances?”

A. I assume that the need was identified. In fact, I know this from their visits to CAFPS meetings by the committee that drafted this document that you have seen, the dean of the faculty, the dean of students, Alan Mittman, the Title IX coordinator, those folks. Yes, they were consulted. The head of the student assembly was consulted, and also the Graduate and Professional Students Association, and the dean of the graduate school as well.

“If there was a young or old assistant professor in our department, Communication, who falls in love with a senior in Architecture, we want them to be open about their relationship. We don't want the relationship to be in secrecy. Because once secrecy happens, if there are issues of assault or if there are issues of harassment, they could be also kept in secret; and that to force these things in secrecy promotes secrecy, and that is not a good thing.”

“I would just say that some people would counter that by saying yes, but our students are here and have paid to be here to learn and be taught and mentored, not to be viewed as a giant dating pool by the faculty.”

“If it is justified to forbid relationships with undergraduates, and I think it probably is, it's completely confusing that if the undergraduate is not of a traditional age, then it's okay and has remedies. The idea that somebody returning to school at 32 or 42, but somehow less vulnerable to the power differential and all the stuff going on in someone who's 22 just doesn't stand the test of my observation and experience. I think, unless you want this thing to look silly, I think you need to drop that bit out. If you are going to forbid relationships with undergrads, it has to be all of them, not just the ones between 18 and 21. Certainly below 18, yeah, they ought to go to jail. But it just doesn't make any sense.”

“I don't think we have to have a blanket moral judgment that such relationships are bad, but rather that this reflects a concern that there is an abuse of power sometimes. This policy really is about consent in one sense, and the claim that this policy's making is that an undergraduate, under circumstances, even when they give explicit consent, is not of the right mental state to be giving consent. And I think we should focus it on that issue, because that's what's at heart here. I don't think -- I don't feel the language states that we are predatory by nature, so I'm not offended by that. The question is simply if a 21-year-old undergraduate wants to date a faculty member of any age, are we granting that this is a consensual relationship. And this policy is saying no, it is not consensual, even though both of them may jump up and down and say no, we consent, we consent.”

“I'd like to see language similar to that in Paragraph 2 [graduate students] apply to all students, without drawing this artificial bright line between undergraduates and graduates.”

Minutes

Fine tuned the terminology page. Decided that it is OK if non-Cornell people submit comments. We are, after all, just interested in getting good ideas. Plus, it would require serious work to set up the comment facility so that Cornell netIDs are required.

We discussed Q6 at length (Faculty-Ugrad relationships). Mixed opinions about whether an outright ban makes sense.

Secrecy in Policies:

Any policy creates secrecy—we can't let that be the main factor in decision making

Counterpoint: empirically, it is not the case that all policies drive people into secrecy equally

An outright ban will do so more than a framework with disclosure

Undergrads and Policy:

- Title IX Office would prefer an undergrad/faculty relationship ban.
- The undergrad relationship with the institution is different, and relationships are not just between individuals but also the institution.
- For undergrads, a ban with certain exceptions is pretty arbitrary and too vulnerable to individual pressure
- Their dynamic with the institution is much different from that of grads or postdocs, yes, but is their relationship across departments really that different?
- Maybe their changing academic tracks/courses can be handled by disclosure
- Lots of undergrad courses are cross-listed between departments or colleges
- Also they have lots of extracurriculars that also overlap and relationships are likely to lead to further interest in fields—what if you start dating a law professor and become interested in law?

There are apparently good ways of making exceptions non-arbitrary: list them in advance, and have them “not be dumb”

Can list two ways: in series (if you are older than 22 AND are in a different college...) or in parallel (we look at the age gap, the tier of power differential...)

How to decide? Write up a couple options and present language for ban, ban with exceptions, disclosure, etc.

Options as draft language on the website

Options:

We can share what different repercussions might be as information comes in. There could be different results from:

ban, and if you're caught violating the policy, sanctions

ban with exceptions, maybe—come talk to us.

just disclose, and we may have to come up with a management plan

Settled on delegating Stetson to draft language to workshop for multiple options:

- Complete ban. If you do it we sanction you. If you do it and hide it and are discovered, sanctions for hiding it and for it.

- Ban with exceptions. No you may not, but if you do, come tell us, and under the right circumstances (preexisting? alternative timing?) then somebody monitors it and maybe exception.
- No ban, but every single faculty-undergrad relationship must be disclosed and monitored.
- Nothing about undergrads as distinct from other kinds of students.

Disclosure and Management:

Do need to clarify who disclosure should be to?

General consensus against chairs being point people.

Chairs are going to have to know in a lot of cases, but they are profoundly untrained for this

Chairs call counsel's office currently (sometimes?)

Person should be outside academic hierarchy—orthogonal to department structure

We think that disclosure in the context of TAs reporting conflicts of interest to their professor is probably different from other disclosure in how it should be handled

Multiple TAs in most cases, or the professor's availability, mean that avoiding that grader/romantic relationship is usually manageable

When we're talking about who's going to manage these relationships, that's a cost to the institution that's actually quite burdensome

Whatever office gets this is going to have to hire to manage it

December 11

Agenda

We will discuss these policy options for faculty-undergraduate relationships.

And we will begin discussing the “effective disclosure” talking points Q8.1-Q8.8

Policy Options:

Policy draft language: Four possible directions on faculty-undergrad restrictions. All language is preliminary and subject to change; these options are meant to provide guidance only. For purposes of this draft, the hypothetical office managing relationship counseling and disclosure is the “Disclosure Office.”

Option 1: No additional restrictions or disclosure requirements. The “Definitions” section would define “Students” as undergraduate, graduate, and professional students, with all students treated the same. Restrictions on relationships with, e.g., special committee members would not apply to undergraduate students because they do not have special committees, but the policy would not differentiate.

Option 2: No additional restrictions, but additional disclosure requirements. The “Definitions” section would distinguish between undergraduate and advanced-degree students. Restrictions would be the same for all students, except in the case of, e.g., special committee members. However, some relationships that would not need to be disclosed between a faculty member and an advanced degree student would need to be disclosed with an undergraduate. Possible language:

- I. Disclosure requirements
 - A. Advanced-degree students
 1. Prohibited relationships

- a) ...
- 2. Permitted relationships requiring disclosure
 - a) Relationships between faculty members and advanced-degree students in their Graduate Field must be disclosed.
 - b) ...
- B. Undergraduate students
 - 1. Prohibited relationships
 - a) ...
 - 2. Permitted relationships requiring disclosure
 - a) All relationships between faculty members and undergraduate students in their College, School, or Faculty must be disclosed to the Disclosure Office. OR All relationships between faculty members and undergraduate students must be disclosed to the Disclosure Office.
 - b) ...

Option 3: Additional restrictions, but not an outright ban. The “Definitions” section would distinguish between undergraduate and advanced-degree students. This is similar to the current situation, with two important differences: enumerated factors describing when a relationship will be permitted or prohibited, and sanction provisions elsewhere in the policy.

- I. Classification of relationships
 - A. Advanced-degree students...
 - B. Undergraduate students
 - 1. Prohibited relationships...
 - 2. Permitted relationships
 - a) All relationships between faculty members and undergraduate students are discouraged, due to the inherent power dynamic between these two University roles and its effect on the undergraduate student experience.
 - b) All relationships between faculty members and undergraduate students must be disclosed to the Disclosure Office in accordance with Section II.
 - c) The Disclosure Office will work with faculty members and undergraduate students to determine whether accommodations can be made to insulate students from the power dynamic. The Disclosure Office will weigh the following factors:
 - (1) Whether the relationship began before the individuals became faculty members and undergraduate students.
 - (2) The age of undergraduate students.
 - (3) The difference in age between faculty members and undergraduate students.

- (4) The degree of control faculty members now have, have had, or may likely have over undergraduate students' academic and/or professional progress, as indicated by:
- (a) Faculty members' School/College/Faculty appointment(s).
 - (b) Undergraduate students' declared or likely major(s) and minor(s).
 - (c) Undergraduate students' other coursework.
 - (d) Faculty members' advising and extracurricular responsibilities.
 - (e) The faculty member's personal and professional relationships with others who have influence over the undergraduate student's academic and/or professional progress.
 - (f) Other factors as necessary to safeguard the undergraduate experience for students in relationships with faculty members and other students, as well as the University community.

II. Disclosure requirements

- A. Advanced-degree students...
- B. Undergraduate students
 - 1. Prohibited relationships...
 - 2. Permitted relationships requiring disclosure
 - a) All relationships between faculty members and undergraduate students must be disclosed to the Disclosure Office.

Option 4: An outright ban on relationships between faculty members and undergraduate students. The "Definitions" section would distinguish between undergraduate and advanced-degree students.

- I. Classification of relationships
 - A. Advanced-degree students...
 - B. Undergraduate students
 - 1. Prohibited relationships
 - a) All relationships between faculty members and undergraduate students are prohibited.
 - 2. Permitted relationships
 - a) No relationships between faculty members and undergraduate students are permitted.

Minutes

What happens if a "banned" relationship gets reported?

Any clemency for reporting oneself?

vs disclosure?

We lean towards undergrad-faculty/academics/staff ban + ban between prof student/their school's faculty and staff

Chicago has good language, though we should expand it to include staff

Dean/department chair in partnership with Title IX coordinator

It's a partnership, can't be a secret from HR *or* from the dean/chair

Who's the relevant point person? Title IX? Deans of Students for undergrads? Academic HR?

We should have conversation with the office that manages financial conflict of interest

January 22

Agenda

We will discuss the University of Rochester case.

Minutes

We talked about these aspects (<https://blogs.cornell.edu/deanoffaculty/files/2018/01/Questions-motivated-by-the-University-of-Rochester-Case-2h2l5k5.pdf>) of the UR case.

Related topics: (a) the tension between confidentiality and reassuring the community that the University's responding, (b) who to disclose to, (c) defining an effective radius of authority for grads with large and scattered fields.

Talked a lot about grad-ugrad relationships in laboratory situations. There are often powerful but informal authority chains. Agree that labs should *not* be treated as classes. Plan is list examples of authority chains indicating that they have to be disclosed to all in the lab group.

Although students in VET, LAW, and BUS are grad students, there is some reason to treat them separately. Prohibiting Fac-Student relationships when both are in the same professional school is on the table.

Do we include examples of harassment?

What's remedial for problematic (vs. actually violating policy) behavior?

Do we want to prohibit relationships within departments between students and faculty?

In case of chair conflicts of interest:

Dean shares info with chair or with designee

and may want to add in a note that if there's a pending tenure case, info may be shared with the committee

5.5 is university policy on using emails

We don't have something stopping us from telling a future employer—6.4 privacy section has a need-to-know exception for admins

Sharing result is not mandated either way

We can rec a line for tenure letters: we keep confidential with regards to the tenure committee *except* in cases where mandated by Title IX to pursue

Reach out to:

ombudsman—what the biggest problems they're hearing about—over years

Can we talk to college of business about what language might work?

Rather than “power differentials,” what about specific authority of one party over another?

What is direct? Indirect? Partial but not determinative control (might be indirect control)?

Stanford language: notification and recusal

We like this: it's your agency to do the right thing and to recuse yourself.

We *really* like the infographic, but it needs clear channels of who to go to.

Title IX spoke about relationship of ugrad to institution, and broad nature

“minimize the risk that romantic relationships will compromise a student’s academic experience at the university.”

also institutional risk

Faculty have particularized obligation to their particular grad students; generalized obligation to the institution

“scope of life experiences”

Are we not in favor of treating a lab like a course?

Report relationships in labs?

We will create a google doc draft with space for suggested edits; carve into sections

Professional students:

No peership with faculty, not current, not future, not expected

The research done for them is grunt work, not collaboration

Any faculty member in professional schools can keep you from getting a job. Forever.

Off limits for professors in their professional school?

and then outside their schools, the regular grad rules apply

We need to find professional ILRs student and ask (also the MEng students)

Prohibiting relationships within fields is too broad

Disclosure instead?

Terminology: a lot of staff are postgraduate

We’re covering ALL employees and students

Since this is already compiled we can just link to faculty handbook

Focus on please: ugrad language, how we define direct/indirect control (with an eye to those tricky lab situations)

February 1

Agenda

1. Report on meeting with Amita Verma from the Research Integrity and Assurance Office
2. Did homework on the nepotism policy. Result: there is no dedicated policy but see Policy 4.14 (Conflict of Interest) pages 16-17
3. Outreach plan with the Graduate Field Assistants.
4. Outreach plan with the Women’s Resource Center
5. The first Q2 posted comment identifies some important terminology concerns. Let’s talk about that.
6. The first Q3 posted comment brings up unintended side effects when we talk about power differentials. Let’s talk about that.
7. Let’s understand the difference between direct and indirect control.
8. “Notification and Recusal” vs. “Disclosure” See Stanford
9. Let’s get some prose on Fac-Ugrad and Grad-Ugrad taking U Chicago as version zero.
10. Is there something special to say about Vet, Law, and Business students separate from what we say about Phd and master's students?

11. PhD students are in fields not departments. But from last time there were issues associated saying “relationships between graduate students and faculty in the same field is prohibited”. Is this too big a radius? Although fields are a little more abstract than departments, you can still find out exactly who is in a field via [this grad school website](#) . Should there be a “same field” prohibition or just a disclosure or nothing special?

Minutes

Vocabulary is important:

Referring to age is not advised.

Will not talk about certain constituencies as “vulnerable”.

We like “Notification and Recusal” more than “disclosure”.

Must be very careful in how we use the terms “risky behavior” and “power differential”.

Direct vs Indirect authority. A blurred line.

We are agreed that faculty-ugrad relationships should be prohibited. We are still drafting the 2-3 sentence justification based on today’s conversation.

We are tentatively inclined not to prohibit same-field relationships between grads and faculty.

Management plan example:

If a student must take a course taught by an ex-relationship partner, then there should be a management plan that enables the student to take the course but be graded by somebody else.

There’s a template plan for managing financial/research conflicts of interest

They manage about 50/year

Disclosure is to *everyone*—in publications, to students, to collaborators

Some terms general to everybody, sometimes specific clauses are inserted

Typical managers are department chairs—which is a little controversial as Weill does not recognize department chairs as objective overseers

Manager has to send a note once a year to the office

Hasn’t happened yet that somebody doesn’t follow the management plan—though maybe they just don’t know

They don’t take a punitive approach

We really like “authority” over the term power differentials

“If there is an official mentor or lab manager, that person has authority...”

“We recognize that unofficial positions may exist. Those are tricky. Check in.”

February 9

Edit the Google Doc

Minutes

Updated prose in [public rough draft](#)

February 20

Agenda

Items in the google doc are being assembled in the [public rough draft](#) so we can talk about that.

We will talk about a “read the policy” checkbox that can be part of an annual grad school form that must be signed by all adviser-advisee pairs.

There is a meeting with all the College HR directors on Wednesday so we really need to have some disclosure/reporting mechanisms to suggest to that group. Let’s work on this talking points document (<https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/3/6798/files/2018/02/Talking-Disclosure-t5g4am.pdf>).

Minutes

Improved talking points doc (<https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/3/6798/files/2018/02/Talking-Disclosure-t5ib4u.pdf>)

When taking our drafts to the Assemblies: public votes with name attached

Let them know that there will be this request of them with a particular deadline

We will need by May 1: policy version, plain-language version with a caveat that this is our attempt to make policy readable but is not in fact the policy

March 1

Developing Rough Draft

Outreach from THE OFFICE If Properly Disclosed and Permissible

- no questions about relationship

- just: here are some resources

- info that it HAS been disclosed

- (they’re entitled to know this was divulged)

- if your experience of this relationship is like the disclosure we got, all’s well. If you have concerns, please contact us.

Outreach from THE OFFICE if Properly Disclosed but not Permissible

- Email to set up an in-person meeting?

Reporting:

- anonymous online

- ability to call office

- or to just walk in

Re-routing bias complaints happens regularly—could go from Title IX to THE OFFICE

Financial conflict of interest form is both past year and expectations for upcoming year

That just doesn’t work for “anticipated” romantic or sexual relationships

Having a checkbox annually reminds people that there’s a policy, but in that reminder, “if you

happen to enter a relationship during the academic year, you should disclose it, here are the

resources to do so.” “I have nothing to disclose.” “I have a new relationship involving a student to disclose.”

We should put this box at the same time as faculty’s Financial Conflict of Interest form

March 7

Developing Rough Draft

replace harassment w/ “preferential treatment and unfair advantage”
disclose—to individual who is responsible for the academic workplace or directly to the office
Have to tell Chair and DGS what’s going on
If process involves a checklist of recusal things, it has to go up to this office
Where are the resources and are they prepared to have that kind of conversation?
For subordinate, tie in direction to some guaranteed confidential resource
 If one’s not able or willing to come forward, we need to be able to point out confidential resources—cut and paste section from 6.4
 “promote a culture of help”
Can we say 6.x office is confidential? Probably not. So push list of relevant offices
Conclusion: NOT confidential
 “maintain privacy to the extent possible”
“academic pursuits” make sure consistently “academic or professional pursuits”
6.X Office people running the trainings at DGS meetings, etc?
 So add bullet point that the office responsible for informing community, conducting education
6.x office should *recommend* sanctions to the dean
If the sanctioning supervisor decides on a sanction radically different from what the Office recommends, there should be some sort of thing
 “The authority is sanctioned by their Dean in consultation with the Office”
“someone who is not a faculty member” replace with “a staff member, postgraduate or student”
Office should then know, if just for statistical reasons
include specifics of where it applies to undergrads:
-with them as authority (how does this work when TAing?)
-with them as subordinate
 -with undergrad, grad, or postdoc
 -with faculty: verboten

March 20

Creating FAQs

Are we asking for a roll call vote? With a comment option with a time limit

 FS: roll call vote, 30 second speaking time

 GPSA: same for field reps, with vote as well on field ban

 EA: roll call vote

 SA: roll call vote

Follow up for absences with Qualtrics survey

We like field and dept ban for grads—but should ask GWIS

 (what about postgrads?)

Add language about reviewed annually until the student is no longer a student at Cornell (for management plans)?

 “until the power imbalance is resolved or one party is no longer at Cornell” preferred

Sense that we *don't* want it treated as a part of 6.4

Although fine if we use the Title IX office investigative process because of their practice there

The risk is different from that of a nonconsensual encounter

This policy should have its OWN sanctions

Ask Laurie Johnston about sanctions

Managing conflict of interest, not relationship

Button on the website, as if for reporting bias incident

Fans of transparency, data, published statistics

Postdoc: grad should not date undergrads in lab, postdocs should not date grads or undergrads

Should also cover that we already have policy for nepotism, financial conflicts

March 29

Editing FAQs

April 9

Final Drafting

April 13

Final Drafting CRP-A and CRP-B

April 30

Final vote

Discussion of compromise between CRP-A and CRP-B; ultimately deemed unworkable

In favor of CRP-A

Final report

Confirmed structure and format of report

Reviewed language of rationales and proposals

Appendix B: Background

Current Policy, 1995-96

Romantic and Sexual Relationships Between Students and Staff

The following resolution was adopted by the Faculty Council of Representatives on November 8, 1995, and approved by the president and provost as Cornell University policy on September 18, 1996:

The relationships between students and their teachers, advisors, coaches, and others holding positions of authority over them should be conducted in a manner that avoids potential conflicts of interest, exploitation, or personal bias. Given the inherent power differential, the possibility of intentional or unintentional abuse of that power should always be borne in mind. For example, a conflict of interest arises when an individual evaluates the work or performance of a person with whom he or she is engaged in a romantic or sexual relationship.

Romantic or sexual relationships between students and persons in positions of authority compromise the relationship between students and the university. No member of the university community should simultaneously be romantically or sexually involved with a student whom he or she teaches, advises, coaches, or supervises in any way. Individuals in such positions of authority must not allow these relationships to develop or continue.

In unusual circumstances the supervising dean of the person in a position of authority may grant an exemption from this policy when full severance of the university relationship would create undue academic or financial hardship for the student.*

**The supervising dean shall mean the dean of the school or college of the staff member's primary appointment, the dean of the Graduate School in the case of graduate students, the vice provost for research for staff members holding appointments in centers, and the vice president for student and academic services for staff members holding appointments in that division.*

Consensual Relationship Policy History at Cornell

Faculty Senate Resolution on Romantic & Sexual Relations with Students, 2015, Failed

Proposed Policy

Whereas, the university values the development of constructive relationships between students and individuals who hold positions of academic authority over them but recognizes that romantic or sexual relationships¹ are fundamentally different and raise serious concerns of potential conflicts of interest, exploitation and personal bias, and can adversely affect the environment for other students, faculty or staff members, or the manner in which they are treated; and

Whereas, the university recognizes the inherent power differential and the possibility of intentional or unintentional abuse of that power in such authority situations; and

Whereas, a resolution was adopted by the Faculty Council of Representatives on November 8, 1995, and approved by the president and provost as Cornell University Policy on September 18, 1996 (“Policy”), stating: that romantic or sexual relationships between students and persons in positions of authority compromise the relationship between students and the university; that no member of the university community should simultaneously be romantically or sexually involved with a student whom he or she teaches, advises, coaches or supervises in any way; and, that individuals in such positions of authority must not allow these relationships to develop or continue; and

Whereas, certain amendments to that Policy are now deemed necessary, based upon changes in our cultural expectations in the university community over the past 20 years and the best practices enacted by peer institutions to address these changes, to clarify: a) what relationships with students are prohibited; b) what actions should be taken by those in positions of academic authority over students when nonetheless a romantic or sexual relationship exists or develops; and c) what actions may be taken by Supervising Deans to resolve the conflicts such relationships present.

Therefore be it resolved that: the FCR Resolution passed on November 8, 1995 and approved by the president and provost as University Policy on September 18, 1996 be amended as described below:

The following resolution was adopted by the Faculty Council of Representatives on November 8, 1995, and approved by the president and provost as Cornell University Policy on September 18, 1996, as amended by Faculty Resolution XXX on XXXXX.

The relationships between students and their faculty, advisors and others holding positions of academic authority over them should be conducted in a manner that avoids potential conflicts of interest, exploitation, or personal bias. Given the inherent power differential, the possibility of intentional or unintentional abuse of that power should always be borne in mind. For example, a conflict of interest arises when an individual evaluates the work or performance of a person with whom he or she is pursuing or engaged in a romantic or sexual relationship. Romantic or sexual relationships between students and persons in positions of academic authority may compromise the relationship between students and the university.

Prohibited Romantic or Sexual Relationships with Students

1. Relationships with undergraduate students:

No faculty memberⁱⁱ shall engage in romantic or sexual relationships with undergraduate students. Unusual situations, such as but not limited to, the recruitment of a faculty member with an undergraduate partner or spouse, enrollment by a faculty partner or spouse as an undergraduate, or a relationship between a member of the faculty and an undergraduate student of non-traditional age, must be disclosed and remedies sought to avoid real or apparent conflict of interest.

2. Relationships with graduate students and professional school students, (including clinical residents and clinical fellows (collectively “graduate students”):

No faculty member should simultaneously engage in a romantic or sexual relationship with any graduate student over whom he or she exercises any academic authorityⁱⁱⁱ. Further, whenever a faculty member might reasonably be expected to have academic authority over a graduate student in the future, romantic or sexual relationships are prohibited. Conversely, no faculty member shall exercise academic authority over a graduate student with whom he or she has previously pursued or had a sexual or romantic relationship.

Obligation to disclose relationships addressed in this resolution

If a relationship covered in this policy exists or develops, it must be disclosed and a remedy^{iv} must be pursued. It is the faculty member who bears the obligation of reporting relationships covered in this policy to the Supervising Dean^v. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy. If there is any doubt whether a relationship falls within this policy, individuals should disclose the facts and seek guidance rather than fail to disclose.

Remedies

In case of failure to reach agreement concerning the remediation or in the event no such disclosure has been made but the Supervising Dean has determined a relationship prohibited by this policy exists, that Dean shall resolve the situation to end the conflict of interest. In any event, disciplinary measures up to and including termination and revocation of all university rights and privileges may be taken, if appropriate to the circumstances, by the relevant Supervising Dean. See Policy 4.6, Standards of Ethical Conduct, Enforcement, p. 11.^{vi} In unusual circumstances the Supervising Dean may grant an exemption from this policy when full severance of the university relationship would create undue academic or financial hardship for the student and oversight to protect the student can be ensured.

ⁱ “Romantic or sexual relationships” are defined as intimate, sexual, and/or any other type of amorous encounter or relationship, whether casual or serious, short-term or long-term.

ⁱⁱ For the purposes of this policy, “Faculty member” includes tenured and tenure-track faculty as well as academic professionals consisting of the following titles in all ranks: professor-of-the-practice, research professor, clinical professor, professor-at-large, university professor, senior scholar, senior scientist, instruction lecturer, teaching associate, research scientist, research associate, extension associate, librarian, archivist, postdoctoral associate/fellow, visiting fellow, visiting critic, visiting scientist and visiting scholar. Additionally, “Faculty member” shall include all academic titles modified with adjunct, acting, courtesy or visiting. “Faculty member” does not include graduate students or undergraduate students who may serve as teaching assistants or graders.

ⁱⁱⁱ See attached FAQ’s for examples of the ways in which a faculty member may exercise academic authority over a student.

^{iv} Provided disclosure is made as soon as the person in authority recognizes that he or she is involved in a relationship covered in this policy, remedies may include alternate supervisory arrangements, courses or programs, or any other actions that remove the conflict of interest and avoid on-going violation of this policy.

^v The “Supervising Dean” will mean the dean of the school or college of the faculty member’s primary appointment, or the Dean of Faculty.

^{vi} The following provision of Policy 4.6, Standards of Ethical Conduct applies to this policy: “The university will not tolerate retaliation toward or harassment of employees who report actual or possible violations. The identity of individuals providing information concerning possible violations, including fraud, will be protected within legal limits. Individuals who take retaliatory action will be subject to discipline, up to and including discharge”. At the same time, an individual who is aggrieved because a report under this resolution was brought in bad faith, i.e. was malicious, knowingly false, or fundamentally frivolous, may invoke any applicable disciplinary or grievance procedure that may result in disciplinary action against the party that makes such a report.

Romantic and Sexual Relationships with Students: Frequently Asked Questions

How does the policy define “Romantic or sexual relationships?”

“Romantic or sexual relationships” are defined as intimate, sexual, and/or any other type of amorous encounter or relationship, whether casual or serious, short-term or long-term.

How does the policy define a “faculty member” and does that term include students acting as teaching assistants or graders?

For the purposes of this policy, “Faculty member” includes tenured and tenure-track faculty as well as academic professionals consisting of the following titles in all ranks: professor-of-the-practice,

research professor, clinical professor, professor-at-large, university professor, senior scholar, senior scientist, instruction lecturer, teaching associate, research scientist, research associate, extension associate, librarian, archivist, postdoctoral associate/fellow, visiting fellow, visiting critic, visiting scientist and visiting scholar. Additionally, “Faculty member” shall include all academic titles modified with adjunct, acting, courtesy or visiting. “Faculty member” does not include graduate students or undergraduate students who may serve as teaching assistants or graders.

What are some examples of the ways in which a faculty member may exercise academic authority over a student?

A faculty member may exercise academic authority over a student, in these among other ways:

- providing instruction in a course or section, including grading, evaluating or advising the student;
- evaluating the student outside of a course by, for example, grading qualifying exams or serving on defense committees;
- supervising or advising the student on a project such as a thesis or independent research;
- formally mentoring the student;
- co-authoring papers or working collaboratively on a project;
- clinical supervision;
- supervising any administrative assignment given to the student, either for compensation or without pay;
- providing the student with a recommendation for admissions, employment, internship, clerkship, fellowship, prize, award or other honor;
- participating in departmental or school decisions affecting the student on admissions, financial aid, teaching assignments or access to institutional resources available for academic purposes, such as travel funds or equipment purchase;
- participating in any program or activity with respect to the student that judges performance, recognizes achievement, confers benefits, rewards work, or sanctions conduct.

What does the term “Supervising Dean” mean in the policy?

The term “Supervising Dean” means dean of the school or college of the faculty member’s primary appointment, or the Dean of Faculty.

What would a faculty member do if he/she began a relationship with an undergraduate student in such a circumstance that the faculty member did not know about the student’s status before the relationship began?

As soon as the faculty realizes that s/he is involved in a relationship addressed in this policy, s/he should disclose the facts to the Supervising Dean to seek resolution of any conflict of interest. Failure to disclose a covered relationship is in itself a violation of the policy.

Could a 3rd party report a relationship that appears to be covered under this policy if s/he is concerned about conflict of interest?

Yes, a 3rd party could report such a relationship to the Supervising Dean who is responsible for deciding remedies to end any existing conflict of interest.

How would this policy address a relationship that began or occurred before the policy was enacted?

The faculty member should disclose the facts about the relationship to the Supervising Dean. It is the Supervising Dean's responsibility to evaluate the situation for conflicts of interest and enact remedies to end such conflicts if they exist.

Does this policy apply to all Cornell University locations?

The policy applies to the Ithaca campus, Cornell NYC Tech campus including any and all off campus programs and any other site under the control of the University where university employees work with the exception of Weill Cornell.

Why is the University getting involved in Romantic and sexual relationships?

Faculty must be aware that Romantic and Sexual relationships with students have the potential to place faculty and students at great personal and professional risk. The power difference between faculty and students means that any Romantic and Sexual relationship between a faculty member and a student is potentially exploitative or could at any time be perceived as exploitative. Faculty engaged in such relationships also need to be aware that they may unexpectedly be placed in a position of responsibility for the student's instruction or evaluation. As we look to our peer institutions we see that we are not alone in our institutional decision to prohibit such relationships. Furthermore, the Office of Civil Rights, Department of Education, has issued a guidance that in its investigations under Title IX there will be a strong presumption that sexual activity between faculty and a student who meets legal age of consent is unwelcome and nonconsensual.

Are "hookups," "sexting," or one-time casual encounters included in the prohibition on Romantic and Sexual relationships?

Yes. Any amorous, intimate, or sexual contact is covered under this policy, regardless of duration and regardless of how traditionally "romantic" (or not) or long term (or not) the encounter may be. One-time encounters are included. The intent of the Policy is to capture all such encounters, not just long-term, established relationships.

I am a faculty member who would like to pursue a Romantic or Sexual relationship with a student who has recently graduated. Does this policy cover such a situation?

Involvement in a Romantic or Sexual relationship once the student has graduated is not a violation of this policy. Bear in mind, however, that if you were in a position of authority over the student while s/he was studying at Cornell University, your position of authority in practical terms can extend beyond graduation with respect to letters of recommendation, references, etc.

Does this policy cover part-time faculty?

Yes, “faculty” in this policy includes tenured and tenure-track faculty as well as academic titles in all ranks: professor-of-the-practice, research professor, clinical professor, professor-at-large, university professor, senior scholar, senior scientist, instruction lecturer, teaching associate, research scientist, research associate, extension associate, librarian, archivist, postdoctoral associate/fellow, visiting fellow, visiting critic, visiting scientist and visiting scholar. Additionally, “Faculty member” shall include all academic titles modified with adjunct, acting, courtesy or visiting and can be full time, part time or unpaid.

What if I used to have a relationship with a graduate student in my department but I don’t anymore?

If you are not in a position of academic authority over the student and will not be in such position in the future, there is no requirement to disclose the relationship. However if the status changes as described above, the relationship must be disclosed to the Supervising Dean.

Faculty Vote

Topic	Approve	Disapprove
Guidelines for Ugrad/Faculty Relationships	40%	58%
Guidelines for Grad/Faculty Relationships	52%	46%
Guidelines for Disclosure of Relationships	40%	60%
Guidelines for Conflict Resolution	25%	74%

GPSA Academic Year 2015-2016 Resolution 7: Supervisor-Student Relationships, Passed

Sponsored by: Anna Waymack, Daniel Citron

WHEREAS, the Cornell University graduate school policy on faculty-student relationships is only outlined at <http://gradschool.cornell.edu/policies/relationships>; and

WHEREAS, it is therein unclear who enforces this policy and in what ways the policy is enforced; and

WHEREAS, this existing policy requires that such relationships must not develop or continue without an exemption from the supervising dean of the person in authority; and

WHEREAS, there is no enforcement provision in place for violations of this policy; and

WHEREAS, unreported relationships with such academic and professional power differentials are rife with potential for abuse; and

WHEREAS, it is in the best interest of the Cornell faculty, administration, and student body that Cornell avoid attracting negative journalistic attention in line with recent publicized cases from peer institutions;

BE IT THEREFORE RESOLVED, that the GPSA strongly recommends that in cases of violation of this policy, the presumption of wrongdoing be on the person in position of authority, as it is their responsibility to report; and

BE IT FURTHERMORE RESOLVED, that the GPSA strongly recommends that in cases of violation of this policy, the professional relationship shall be dissolved; and

BE IT FURTHERMORE RESOLVED, that the GPSA strongly recommends that said professional relationship be replaced with one amenable to the student at no financial cost to the student; and

BE IT FURTHERMORE RESOLVED, that the GPSA strongly recommends that said cases be handled, insofar as is within university control, without professional repercussions to the student.

RESPECTFULLY SUBMITTED,

Anna Waymack,

GPSA Field Representative, Medieval Studies

Daniel Citron,
GPSA Field Representative, Physics

Response from the Committee on Academic Freedom and the Professional Status of the Faculty, 2016

2016 Annual Report, Committee on Academic Freedom and Professional Status of the Faculty

1. Members of CAFPS during 2015-2016

Elizabeth Adkins-Regan (Chair, A&S)

Kimberly O'Brien (CHE)

Ritchie Patterson (Physics, A&S)

David Ruppert (Operations Research & Information Eng; Statistics)

Charles Seyler (Elec & Comp Eng)

Paul Soloway (Nutritional Science, CALS)

Tracy Stokol (Pop Med & Diag Sci, VET)

(Barbara) Gillian Turgeon (School of Integrative Plant Science, CALS)

Bruce Van Dover (Eng)

Diana Li (undergraduate, ILR)

Joseph Burns (ex officio)

Michael Fontaine (ex officio)

2. Activity during 2015-2016

a. The committee met four times, on September 8, September 15, October 16 and October 27, to discuss and suggest revisions to the draft revised policy on Romantic and Sexual Relationships with Students. Following the first two meetings, the committee consensus was that it should be brought to the Faculty Senate for advisory voting. The committee chair gave a brief status report of the draft policy to the Faculty Senate on October 14, followed by a fuller presentation to the Senate with extended discussion and advisory voting on November 11. Three of the four votes were majority negative. CAFPS then met with Alan Mittman, Kent Hubbell and Pam Strausser from the drafting committee on December 9 to provide feedback about the Senate votes and discussion.

b. The October 27 meeting also had on the agenda brief presentations by John Siliciano and Lance Collins concerning the issue of the role of “engagement” in the tenure criteria for tech campus hires. Neither Siliciano nor CAFPS members seemed to think that role was problematic or inconsistent with current tenure criteria.

c. The committee met on May 5, 2016 to discuss GPSA Resolution 7: Supervisor-Student Relationships and provide feedback to help advise the Dean of the Faculty’s response to the GPSA. Written notes of that discussion, appended below, were prepared for Acting Dean Fontaine.

Appendix

Notes of the meeting of May 5, 2016 to discuss GPSA Resolution 7: Supervisor-Student Relationships
Prepared by E. Adkins-Regan

Attending: Elizabeth Adkins-Regan (Chair), Kimberly O'Brien, David Ruppert, Charles Seyler, Paul Soloway, Gillian Turgeon, Bruce Van Dover, Michael Fontaine (ex officio)

The committee began by discussing some of the “WHEREAS” statements at the beginning of the Resolution. The first “WHEREAS” concerns the limited accessibility of the current policy. The current policy is a University policy, not a graduate school policy, and it appears in the Faculty Handbook as well as at the graduate school website. Nonetheless, the committee agreed with the spirit of the statement and thought that any current or future policy certainly should be more widely publicized and disseminated than is presently the case. It should be sent directly to each entering graduate student by the graduate school dean and to each new faculty member by the college dean. Faculty should be reminded of the policy on a regular basis by their deans, and should receive a reminder when signing on to be a chair or minor member of a graduate student’s committee.

The third statement (“WHEREAS, it is not part of standardized university policy...”) puzzled the committee. The current policy is indeed a University policy, can be found by searching on “university romantic policy,” and in the Faculty Handbook it appears in Chapter 6: University Policies Applicable to Faculty. Nonetheless, and as noted above, it certainly could and should be made more accessible to students.

The committee began the discussion of the “BE IT ... RESOLVED” statements by focusing on the similarity between these and the draft revisions to the current policy that were discussed at the fall 2015 meeting of the Faculty Senate. Both propose changes to the current policy to require disclosure of such prohibited relationships that do develop and remediation to resolve the conflict of interest. The Faculty Senate already debated such changes and provided separate advisory votes on disclosure and on remediation in which a majority disapproved of each addition. The GPSA might find it helpful to see the minutes of that meeting to understand what some of the reasons were for the objections.

In spite of that recent history, however, the committee thinks the Faculty Senate should discuss GPSA Resolution 7 next fall. The GPSA asked for that to happen, and to refuse would be inappropriately and overly antagonistic. Furthermore, a proposal coming from the graduate students that is specifically focused on their concerns might be received differently than one coming from the central administration that includes a controversial change that applies only to undergraduates.

With respect to who should be the “supervisory party” for disclosure, we thought faculty should disclose to their chair or college dean, and the graduate school dean’s office should have the role of communicating with the junior party.

The fourth statement resolves “that ... the presumption of wrongdoing be on the person in position of authority.” That struck us as a problematic way to put it. The conflict of interest and the need to separate the academic relationship from the personal one exist regardless of who initiated the relationship. We do agree that the obligation to disclose should be on the person in the position of authority.

The fifth statement recommends that remediation be “at no financial cost to the junior party.” The committee thought there could be cases where those costs might be significant but impossible to avoid. For example, if a graduate student is functioning as a research assistant paid by the faculty advisor’s federal grant, a romantic or sexual relationship that develops between them would require the student to switch to a different form of support such as a TAship, losing the summer salary in the process. We think it would be hard to mandate a “no cost” provision, and see this as a good reason to ensure that graduate students are well aware of the policy and of the potential repercussions of entering into such relationships.

Finally, the last statement in the Resolution struck us as too vague to be useful.

GPSA Academic Year 2016-2017 Resolution 14: Consensual Relationships Policy Revisited

Sponsored by: Anna Waymack, Humanities Voting Member

Whereas, there is a real and unavoidable power differential between faculty and students, as faculty have power over graduate students' available courses of study, laboratory access, funding, fellowships, awards, publications, letters of recommendation, grades, job opportunities, progress towards degree, and professional reputations (as a partial list), such that they wield significant authority over many aspects of students' lives; and

Whereas, this power differential between faculty and students creates the risk of intentional or unintentional coercion and professional harm even within ostensibly consensual romantic or sexual relationships; and

Whereas, faculty are, by virtue of their position, insulated from the scope and pervasiveness of this problem; and

Whereas, the conflicts of interest and cases of coercion generated by a select few professors are not highly visible to their peers in the faculty; and

Whereas, the Faculty Senate adopted the Cornell University Romantic and Sexual Relationships Between Students and Staff resolution on September 18, 1996, over two decades ago;¹ and

Whereas, this policy dictates that "No member of the university community should simultaneously be romantically or sexually involved with a student whom he or she teaches, advises, coaches, or supervises in any way. Individuals in such positions of authority must not allow these relationships to develop or continue"; and

Whereas, this policy continues with "the supervising dean of the person in a position of authority may grant an exemption from this policy when full severance of the university relationship would create undue academic or financial hardship for the student"; and

Whereas, the repercussions of a romantic or sexual relationship between a student and a faculty member may exceed the time duration of an official supervisory relationship;

Whereas, the existing policy contains no enforcement provision and may thus be violated with impunity; and

Whereas, the Faculty Senate has had multiple opportunities to update or amend this policy; and

Whereas, in October and November of 2015, the Committee on Academic Freedom and Professional Status of the Faculty in concert with the Dean of Faculty, the Dean of Students, Alan Mittman (then

Director, Workforce Policy & Labor Relations and Title IX Coordinator for Investigations), and Pam Strausser (Senior Consultant, Academic Human Resources) brought forward proposed changes to the Faculty Senate,² to wit:

1. Relationships with undergraduate students.³
2. Relationships with graduate students and professional school students.⁴
3. Obligation to disclose relationships.⁵
4. Remedies;⁶ and

Whereas, on November 11, 2015, the Faculty Senate voted down three of these four proposed changes, on the grounds that 58% of the Faculty Senate disapproved of banning relationships with undergraduates (with exceptions for unusual circumstances), 60% disapproved of requiring the disclosure of faculty-student relationships covered by this policy, and 74% disapproved of 55 introducing remedial and disciplinary possibilities;⁷ and

Whereas, GPSA AY 2015-16 Resolution 7 asked the Cornell Faculty Senate in Spring of 2016 to implement changes to this policy similar to those proposed by the Committee on Academic Freedom and Professional Status of the Faculty; and

Whereas, the Committee on Academic Freedom and Professional Status of the Faculty (CAFPS) responded to GPSA 2015-16 Resolution 7 in its meeting on May 5 2016⁸; and

Whereas, the GPSA has not yet seen changes in this policy from the Faculty Senate; and

Whereas, Dean of Faculty Charles Van Loan has clarified these policies and past discussions by assembling a comprehensive resource at <http://theuniversityfaculty.cornell.edu/news/campus-climate/graduate-and-professional-student-assembly-initiatives> to better enable the current conversation; and

Whereas, several of Cornell's peer institutions have more comprehensive bans or restrictions on supervisor-supervisee relationships, several of which provide for feasible enforcement;⁹ and

Whereas, the AAUP recognizes that the “respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student suspect;”¹⁰ and

Whereas, faculty have power such that they can ignore requests by fellow stakeholders, and have (as demonstrated above) done so in the case of Workforce Policy & Workforce Relations, Academic Human Resources, and the Graduate and Professional Student Assembly; and

Whereas, the positive experiences of supervisor-supervisee relationships several Cornell faculty have cited cannot be construed as representative, as negative experiences often go unreported due to feared or actual repercussions including but not limited to exclusion from academia; and

Whereas, faculty do not uniformly agree with graduate and professional students on where overtures shade into harassment and coercion; and

Whereas, a recent AAU survey at Cornell found that 22.4% of female graduate and professional students who reported experiencing sexual harassment identified the offender as a faculty member, as did 16.5% of male graduate and professional students;¹¹ and

Whereas, studies in the 1980s found that approximately 30% of female graduate students were harassed by faculty members;¹² and

Whereas, contemporary studies show no improvement, such that a 2016 study among graduate students found 38% of female and 23.4% of male participants had been sexually harassed by faculty or staff;¹³ and

Whereas, the same study found that 57.1% of female law students have been sexually harassed by faculty or staff;¹⁴ and

Whereas, increasing media attention has exposed a pattern of troubling cases at peer institutions, including but by no means limited to:

1. Eric Gans sexually harassing a female graduate student while grading her, assuming his harassment was welcomed despite her explicit message that “I have to make it clear that I don’t see you in a romantic way” (UCLA)¹⁵
2. Geoffrey Marcy sexually harassing female students (UC Berkeley)¹⁶
3. Gabriel Piterberg sexually harassing female students (UCLA)¹⁷
4. Christian Ott sexually harassing female graduate students (Caltech)¹⁸
5. Nezar AlSayyad sexually harassing female graduate students (UC Berkeley)¹⁹
6. Colin McGinn sexually harassing a female graduate student (University of Miami);²⁰ and

Whereas, the consequences for graduate and professional students of speaking out mean that many more examples remain unproven or anonymous, such as those at <http://www.facultyagainstrape.net/faculty-retaliation-experiences/>; and

Whereas, lack of clear and unfettered consent contributes significantly to this pervasive harassment and sexual assault that graduate and professional students experience; and

Whereas, several arguments in the Faculty Senate against a more restrictive policy seem based on a perception of graduate students as autonomous peers; and

Whereas, members of the Faculty Senate hinged arguments for inaction on this policy on students' perceived freedom to give or withhold consent from faculty members without penalty, making the following points:

1. That this policy is not about “gross power imbalances,” and that “we expect our students to be adults and to be able to give consent...it maybe reduces the power of consent when you continually construct environments where people are not allowed to give it and not give it.”
2. That “we create a set of compulsion[sic] to lie under threat of your job for things that sometimes happen between consenting adults.”
3. That graduate students by implication “would then be not able to gauge or deal with power differentials, as if they were somehow to magically disappear when they were to graduate...they will have to deal with power differentials at every single point of their careers, and here it would be the faculty having, bearing the responsibility,”
4. That “We have this tendency to conflate this relationship stuff with assault, with predation;”²¹ and

Whereas, as we have demonstrated above, an academic and professional power differential between faculty and students nonetheless exists, compromises autonomy, and creates significant potential for abuse; and

Whereas, the GPSA speaks on behalf of the graduate and professional students of Cornell University and has clearly requested that the policy (affecting graduate and professional students as both students and instructors, lab supervisors, and other figures of academic authority) be amended as it regards their constituents; and

Whereas, the Faculty Senate is in a position not only to unilaterally set policy directly affecting graduate and professional students, but also, in doing so, to consider, reject or ignore the input of graduate and professional students (here, conveyed through the GPSA); and

Whereas, by ignoring the wishes of graduate and professional students regarding policy around faculty/staff—graduate/professional student romantic relationships, the Faculty Senate ignores our collective refusal of consent to their unilaterally setting policies that affect our agency; and

Whereas, the GPSA is committing our constituents through this resolution to the same standards we ask of the faculty, insofar as we are allowed to govern the conduct of our members; and

Whereas, shared governance of, by, and for stakeholders is a core value of Cornell University; and

Whereas, it is in the best interests of Cornell as an institution, as well as its faculty, administration, and student body, that Cornell avoid attracting negative media attention in line with recent publicized cases from peer institutions; and

Whereas, such a public reputation would negatively affect Cornell's present and prospective graduates and their career prospects, reflecting on Cornell at large and the relevant department(s) in particular; and

Whereas, discussion of the faculty's bad actors harms recruitment efforts, both of top faculty members and of top students; and

Whereas, the Department of Education's Office of Civil Rights has more open Title IX investigations into Cornell than into any other institution; and

Whereas, it is in the best interest of faculty, students, and the university as a whole to avoid ambiguities around consent;

Be it therefore resolved, that the GPSA calls upon the Faculty Senate to either promptly act upon our resolution, or extend to us equal ability to amend and revise policies that directly pertain to us; and

Be it further resolved, that the GPSA calls upon the Faculty Senate to reconsider the policy with the following specific recommendations:

1. That relationships, with rare exceptions available for pre-existing ones, be banned
 - a. between students and individuals who might reasonably be expected to write them a letter of recommendation (e.g. advisors, committee members, PIs, current class instructors, and other mentors);
 - b. between students and individuals who can directly control grades, academic progress, or professional development (e.g. advisors, committee members, current class instructors, current TAs, graders, directors of graduate studies, or individuals who control funding or access to research equipment);
2. That should a romantic or sexual relationship precede a development into a professional relationship (e.g. a faculty member dating a graduate student is promoted to Director of Graduate Studies), efforts should be made to eliminate conflicts of interest and pursue appropriate avenues of disclosure;
3. That pre-existing relationships require exemption by both the faculty member's supervising dean and the Division of Human Resources;
4. That other relationships involving a supervisor-supervisee power imbalance (i.e. shared departments, shared fields of research, the possibility that one member may assume one of

the aforementioned positions of power, or pre-existing relationships) be reported to a point person in all possible confidentiality, chosen at the discretion of the Faculty Senate;

- a. Such reporting must be incumbent upon the person in the position of power
 - i. If relationships are not reported within two weeks, and are subsequently discovered, they are presumed coercive and fall within the jurisdiction of Policy 6.4;
 - ii. Determinations of what must be reported should abide by the proposed language that “If there is any doubt whether a relationship falls within this policy, individuals should disclose the facts and seek guidance rather than fail to disclose”;
 - b. That the point person then contact the subordinate member of the relationship to ascertain free consent, present available resources for navigating complicated relationships and conflicts of interest, emphasize support of subordinate’s freedom to leave relationship (specifically the point person’s support in this eventuality), and clarify possible professional repercussions to the subordinate;
5. That the policy implement remedies:
- a. In cases of consensual relationships, that upon the close of that relationship the department and university endeavor to prevent academic or professional repercussions resulting from the termination of the romantic or sexual relationship (e.g. flexibility with academic deadlines, course enrollment, or thesis committee nominations);
 - b. In cases of violations of this policy, that all information collected under this policy be forwarded with the subordinate’s approval to a 6.4 investigation, and that the professional relationship be replaced with one amenable to the subordinate within reason at minimal financial or academic cost to the subordinate; and

Be it further resolved, that until the policy is satisfactorily amended the GPSA enjoins its constituent graduate and professional students to uphold a higher standard of behavior in their roles as instructors and authority figures and to eschew romantic or sexual relationships with their own students; and

Be it further resolved, that the GPSA promises the SA that it will commit to the following actions:

1. Holding its elected officers, voting members, and (inasmuch as in our power) field representatives accountable;
2. Facilitating reports to the Title IX office;
3. Asking our representatives to the University Assembly to move for tighter restrictions on supervisor/supervisee relationships through the Campus Judicial Codes committee; and

Be it further resolved, that the GPSA explicitly asks the SA for input with regard to graduate or professional student-undergraduate relationships; and

Be it further resolved, that the GPSA asks that the University Assembly put the issue of consensual romantic and sexual relationships between supervisors and supervisees on its agenda during the 2017-2018 academic year; and

Be it further resolved, that the GPSA send this resolution to the Faculty Senate, the Student Assembly, and the University Assembly; and

Be it further resolved, that the GPSA expresses its gratitude to Dean Van Loan for his timely, helpful, and welcome participation; and

Be it further resolved, that the GPSA asks the Faculty Senate that members of the GPSA Student Advocacy Committee be permitted to present this resolution to the Faculty Senate by the end of September 2017; and

Be it finally resolved, that the GPSA thanks Alan Mittman, Pam Strausser, and those administrators and faculty who have devoted time and energy to advocating for such changes to the relevant policy.

Respectfully submitted,

Anna Waymack
Voting Member for the Humanities, GPSA

Graduate and Professional Women's Network

GPSA Student Advocacy Committee

Graduate Women in Science

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1. Available at <https://gradschool.cornell.edu/relationships>, and theoretically (albeit with a broken link at <https://blogs.cornell.edu/deanoffaculty/files/2015/12/ROMANTIC-xvdwg4.pdf>) in the Faculty Handbook.
 2. "October 14, 2015 Faculty Senate Agenda & Meeting Minutes," <https://blogs.cornell.edu/deanoffaculty/files/2016/07/AFPSRPT101415-1rfvd9u.pdf>
 3. "No faculty member shall engage in romantic or sexual relationships with undergraduate students. Unusual situations... must be disclosed and remedies sought to avoid real or apparent conflict of interest."
(<https://blogs.cornell.edu/deanoffaculty/files/2016/07/REGAN-ROMANTICSLIDES111115-238wi3c.pdf>)
 4. "No faculty member should simultaneously engage in a romantic or sexual relationship with any graduate student over whom he or she exercises any academic authority. Further,

whenever a faculty member might reasonably be expected to have academic authority over a graduate student in the future, romantic or sexual relationships are prohibited. Conversely, no faculty member shall exercise academic authority over a graduate student with whom he or she has previously pursued or had a sexual or romantic relationship.” (Ibid.)

5. “If a relationship covered in this policy exists or develops, it must be disclosed and a remedy must be pursued. It is the faculty member who bears the obligation of reporting relationships covered in this policy to the Supervising Dean. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy. If there is any doubt whether a relationship falls within this policy, individuals should disclose the facts and seek guidance rather than fail to disclose.” (Ibid.)
6. “In case of failure to reach agreement concerning the remediation or in the event no such disclosure has been made but the Supervising Dean has determined a relationship prohibited by this policy exists, that Dean shall resolve the situation to end the conflict of interest. In any event, disciplinary measures up to and including termination and revocation of all university rights and privileges may be taken, if appropriate to the circumstances, by the relevant Supervising Dean. See Policy 4.6, Standards of Ethical Conduct, Enforcement, p. 11. In unusual circumstances the Supervising Dean may grant an exemption from this policy when full severance of the university relationship would create undue academic or financial hardship for the student and oversight to protect the student can be ensured.”
7. “A Meeting of the University Faculty Senate, Wednesday, November 11, 2015,” <https://blogs.cornell.edu/deanoffaculty/files/2016/07/111115FSMIN-1r26eyl.pdf> 29-30
8. “2016 Annual Report: Committee on Academic Freedom and Professional Status of the Faculty,” <https://blogs.cornell.edu/deanoffaculty/files/2016/06/AnnualReportCAFPS2016-2l94n8a.pdf>
9. See, e.g., Brown University (comprehensively banning relationships with undergraduates and relationships that implicate academic supervision, including “teaching, advising, supervising research, serving on a dissertation or other academic committee, grading, mentoring, coaching, overseeing and/or having influence upon funding and/or academic progress, and/or otherwise occupying a position of influence or power over a student’s academic program,” <https://www.brown.edu/about/administration/title-ix/policy>); Stanford University (comprehensively banning relationships with undergraduates and relationships where a teacher “has had or might be expected ever to have academic responsibility” over the student, <https://harass.stanford.edu/be-informed/guidelines-consensual-relationships>); Columbia University (comprehensively banning relationships between faculty who have “academic or professional authority” over the other party, as well as banning the exercise of academic or professional authority over any student with whom one has previously had a relationship, <http://eoaa.columbia.edu/eoaa-policies-and-procedures/consensual-romantic-and-sexual-relationship>); University of Michigan (requiring faculty members to disclose any relationships between faculty and students and strongly discouraging such “inherently unequal” relationships as a matter of sound judgment and professional ethics due to the risks

to all parties of real or apparent favoritism and exploitation,
<http://spg.umich.edu/sites/default/files/601x22.pdf>).

10. <https://www.aaup.org/issues/sexual-harassment/policies-2002>
11. “Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct”
<https://blogs.cornell.edu/sexualmisconduct/files/2015/09/aau-aggregate-report-full-1yq8tkw.pdf> 31 and 85.
12. <http://www.sciencedirect.com/science/article/pii/0001879188900127>
13. Marina N. Rosenthal, Alec M. Smidt, and Jennifer J. Freyd, “Still Second Class: Sexual Harassment of Graduate Students,” *Psychology of Women Quarterly* 40.3 (2016)
<http://journals.sagepub.com/doi/full/10.1177/0361684316644838>; as this article explains, similar studies abound, e.g. McKinney, Olson, and Satterfield (1988) finding 35% of female and 9% of male graduate students had been sexually harassed; Fitzgerald (1988a) finding 30% of female graduate students reported encountering “unwelcome seductive behavior” from faculty; Fitzgerald, Weitzman, Gold, and Omerod (1988b) finding 37% of male faculty members reported attempting a relationship with a student; and Cortina, Swan, Fitzgerald, and Waldo (1994) finding 53% of female graduate students encountered sexual harassment from an instructor.
14. Ibid.
15. <https://www.theguardian.com/world/2017/mar/08/sexual-harassment-university-california-faculty-target-students>
16. <https://www.theguardian.com/us-news/2015/oct/14/uc-berkeley-astronomy-professor-quits-amid-sexual-harassment-allegations>
17. http://www.huffingtonpost.com/entry/gabriel-piterberg-returns-ucla_us_57757836e4b0a629c1a92d22?aw60fs3oyugo315rk9
18. <http://www.sciencemag.org/news/2016/01/caltech-suspends-professor-harassment-0>
19. <https://www.insidehighered.com/quicktakes/2016/11/15/berkeley-finds-professor-guilty-harassment>
20. <http://www.nytimes.com/2013/08/03/arts/colin-mcginn-philosopher-to-leave-his-post.html>
21. “A Meeting of the University Faculty Senate, Wednesday, November 11, 2015,”
<https://blogs.cornell.edu/deanoffaculty/files/2016/07/111115FSMIN-1r26eyl.pdf> 21, 23, 24 and 27

Policies at Peer Institutions

Ivy

Brown	https://www.brown.edu/about/administration/title-ix/policy
Columbia	http://eoaa.columbia.edu/resources/eoaa-documents-downloading
Dartmouth	http://www.dartmouth.edu/sexualrespect/policies/consensual-relationships-policy.html
Harvard	http://www.fas.harvard.edu/files/fas/files/fas_sexual_and_gender-based_harassment_policy_and_procedures-1-13-16.pdf?m=1453319539
Pennsylvania	http://provost.upenn.edu/policies/faculty-handbook/other-policies/vi-f
Princeton	https://dof.princeton.edu/rules-and-procedures-faculty-princeton-university-and-other-provisions-concern-faculty/chapter-v-2
Yale	http://provost.yale.edu/faculty-handbook (see p. 162)

Other Private Institutions

Boston University	http://www.bu.edu/policies/files/2014/01/policy-on-consensual-relationships-with-students.pdf
Brandeis	http://www.brandeis.edu/provost/faculty-info/pdfs/faculty_staff_relations_with_students_policy.pdf
Caltech	https://hr.caltech.edu/documents/46-citpolicy_harassment.pdf
Case Western Reserve	http://artscimedia.case.edu/wp-content/uploads/sites/5/2016/09/14183824/Policy-CASConsensualRelationshipsRevised2-26-08.pdf
University of Chicago	https://studentmanual.uchicago.edu/page/policy-harassment-discrimination-and-sexual-misconduct
Duke	https://oie.duke.edu/sites/default/files/atoms/files/consensual_relationship_policy.pdf
Emory	http://med.emory.edu/gme/housestaff/housestaff_policies/section32.html
Johns Hopkins	http://sexualassault.jhu.edu/policies-laws/#Section%20II%20-%20Prohibited%20Conduct

MIT	http://web.mit.edu/policies/4/4.5.html#sub2
NYU	https://www.nyu.edu/content/dam/nyu/compliance/documents/SexualMisconductPolicyOctober2016%20.pdf (p. 11)
Northwestern	http://policies.northwestern.edu/docs/Consensual_Relations_011314.pdf
Rice	https://professor.rice.edu/uploadedFiles/Professor/Faculty_Senate/CORRECTED%20Clean%20copy%20post%20Senate%20mtg%2012-3-2014.pdf
Rochester	https://www.rochester.edu/provost/assets/PDFs/Faculty_handbook.pdf (p. 11)
USC	http://policy.usc.edu/conflict-of-interest/
Stanford	https://harass.stanford.edu/be-informed/guidelines-consensual-relationships
Tulane	http://www2.tulane.edu/senate/reports/upload/Proposal-for-policy-about-consensual-relationships-Final-Approved-2003.pdf
Vanderbilt	https://www.vanderbilt.edu/faculty-manual/part-iii-university-principles-and-policies/ch7-consensual-relationships/
Washington University	https://wustl.edu/about/compliance-policies/human-resource-policies/consensual-faculty-student-relationships/

Public Institutions

Berkeley	http://apo.chance.berkeley.edu/faculty_misconduct_015.pdf (p. 4-5)
UCLA	https://www.ethnomusic.ucla.edu/conduct-and-ethics?_ga=2.45885220.1889107926.1497147595-2130178567.1497147595
UC Davis	https://academicsenate.ucdavis.edu/local_resources/docs/faculty-guides-policies-procedures/consensual_relationships.pdf
UC Irvine	http://www.policies.uci.edu/policies/pols/700-16.html
UC San Diego	http://adminrecords.ucsd.edu/ppm/docs/200-11.pdf
UC Santa Barbara	https://www.psych.ucsb.edu/sites/www.psych.ucsb.edu/files/docs/GradUgradRelations.pdf
UC System	https://www.universityofcalifornia.edu/press-room/uc-launches-new-systemwide-procedures-combat-sexual-harassment-and-sexual-

	violence
SUNY Stony Brook	https://www.stonybrook.edu/policy/policies.shtml?ID=208
University of Illinois	http://cam.illinois.edu/ix/ix-a/ix-a-23.htm
University of Indiana	http://www.indiana.edu/~affirm/pdf/Policies%20&%20Procedures/consensual%20relationships.pdf
University of Michigan	https://www.provost.umich.edu/faculty/FSRP/
Michigan State	http://splife.studentlife.msu.edu/regulations/selected/conflict-of-interest-in-educational-responsibilities-resulting-from-consensual-amorous-or-sexual-relationships-12-all-university-policy-policy-04-17-05
University of Iowa	https://opsmanual.uiowa.edu/community-policies/consensual-relationships-involving-students
Iowa State	http://www.policy.iastate.edu/policy/relationships
University of Minnesota	https://policy.umn.edu/hr/workplacereationships
University of Wisconsin	https://oed.wisc.edu/consensual-relationships.htm
Ohio State University	https://hr.osu.edu/public/documents/policy/resources/115faq-relations.pdf
Missouri	http://gradstudies.missouri.edu/professional-development/build-your-skills/teach-mentor-preparing-faculty/intimate-relationships.php
University of Colorado	http://www.colorado.edu/institutionalequity/harassment/consensual-or-amorous-relationships
University of Oregon	https://policies.uoregon.edu/conflicts-interest-and-abuses-power-sexual-or-romantic-relationships-students
University of Washington	http://www.washington.edu/admin/rules/policies/PO/EO54.html
Purdue	http://www.purdue.edu/policies/ethics/iiii1.html
University of Kansas	http://policy.ku.edu/provost/consenting-relationships
University of North Carolina	http://hr.unc.edu/policies-procedures-systems/spa-employee-policies/employee-relations/improper-relationships-between-students-and-employees/
University of Virginia	http://provost.virginia.edu/conflict-interest-faculty
University of Florida	http://hr.ufl.edu/manager-resources/recruitment-

	staffing/institutional-equity-diversity/sexual-harassment/
Georgia Tech	https://www.usg.edu/hr/manual/amorous_relationships
Penn State	http://www.psu.edu/dept/aaoffice/consensual.htm
University of Pittsburgh	http://cfo.pitt.edu/policies/documents/Policy07-14-01web.pdf
University of Texas	https://policies.utexas.edu/policies/consensual-relationships
University of Texas A&M	http://dof.tamu.edu/dof/media/PITO-DOF/Documents/Guidelines/handbooks/tamu_faculty_handbook.pdf (p. 14)
University of Arizona	http://policy.arizona.edu/ethics-and-conduct/management-personal-conflicts-interest-university-arizona
University of Maryland	https://www.president.umd.edu/sites/president.umd.edu/files/documents/policies/VI-1.60A%20Sexual%20Misconduct%20Policy%2013May2016.pdf
Virginia Commonwealth University	https://policy.vcu.edu/sites/default/files/Employee-Student%20Consensual%20Relationships.pdf
SUNY Buffalo	http://www.buffalo.edu/administrative-services/policy1/ub-policy-lib/nepotism.html

American Association of University Professors

The statement that follows was approved by the Association’s Committee on Women in the Academic Profession, adopted by the Association’s Council in June 1995, and endorsed by the Eighty-first Annual Meeting the year later.

Sexual relations between students and faculty members with whom they also have an academic or evaluative relationship are fraught with the potential for exploitation. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student suspect. Even when both parties initially have consented, the development of a sexual relationship renders both the faculty member and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between faculty members and students.

In their relationships with students, members of the faculty are expected to be aware of their professional responsibilities and to avoid apparent or actual conflict of interest, favoritism, or bias. When a sexual relationship exists, effective steps should be taken to ensure unbiased evaluation or supervision of the student.

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Appendix C: Community Engagement

Framing Questions and Responses

Q1. Why is it Important to Have an Effective Policy?

Talking Points

The lead paragraphs that justify having a consensual relationships policy should have these properties:

1. They should be succinct and engaging regardless of the reader's personal opinions.
2. They should connect to the high level mission of the university.
3. They should say something about the risk of power differentials that extend into the future.
4. They should say something about the risk of consensual relationships.
5. They should mention legal and reputational ramifications to the university.
6. They should say something about inspiring ethical behavior.
7. They should make clear that there are workplace ramifications beyond the parties involved.
8. They should make clear whether or not the policy applies to the reader.

Responses

December 7, 2017, at 11:01 am

Aside from faculty-student relations, many problems result from graduate students dating within their own department. This can be disruptive to collaborations both within and between research groups, and can have broad negative consequences for departmental climate.

Having worked in male-dominated fields my whole career, my impression is that dating within one's department has especially negative consequences for female grad students and for the attitudes of men within the department toward them. This can be profoundly unfair to the female students, and the males need educating, but that won't make the problem go away.

If graduate students are in any meaningful sense employees of the university, should they be educated about issues involved in dating within the workplace, and should there also be rules for relationship disclosure and management that apply to them as well?

It would seem that setting clear policies and guidelines for avoiding, disclosing, and managing romantic relationships of all kinds between all "employees" within the workplace – where the workplace is not just your own research group but includes a broader "sphere of influence" – would help train our graduate students – our future faculty – in appropriate behaviors. Let's up the professionalism of the whole environment.

Also, if we do want to minimize relations within departments, we need to provide ample opportunities for social interactions outside departments to both grads and faculty. This is more important in Ithaca because of the absence of pools of credible non-Cornell partners.

December 11, 2017, at 10:06 am

The president has indicated that she will bypass both the Faculty Senate and the University Assembly in creating a new policy. This violation of the formal responsibilities and rights of the Cornell community is unacceptable. There is no reason why anyone should participate in a process that is clearly illegitimate.

December 12, 2017, at 8:50 am

Hear, hear!

December 12, 2017, at 11:02 am

No, President Pollock is to be commended for insisting that the Cornell community work together to craft a new, stronger policy. The Faculty Senate and UA have had many chances to work on/draft a new policy but they failed to act. As a community, we cannot allow outspoken faculty opposed to keeping all faculty-student relationships purely professional to continue put our students at risk. Period.

December 15, 2017, at 8:11 am

This position features a degraded, despicable concept of what faculty rights are and why faculty have rights. I'll lose my shit and my job to protect what I think of as the rights of faculty — but I think it's risible for you to crow about your “formal right” to put your hands on your graduate students without consequence.

I encourage you to immediately cease participation in the process. You're demonstrating why faculty can't be trusted to self-police or do the right thing.

March 31, 2018, at 5:24 pm

I've heard this too. But, President Pollock is also the person who has charged this committee with creating a new, more just, transparent and easily navigate-able policy that will have the backing of the students and the faculty. The committee is working hard to ensure that a solid policy is created.

December 11, 2017, at 4:31 pm

There should be a policy in effect as it pertains to students as well as staff as to relationships in the workplace, I've heard of instances of staff dating students/and or student staff workers, yes it should be assumed that staff shouldn't date the student staff, as per dating in the workplace amongst staff and their co-workers (not students) I think it should be between the 2 persons that are thinking of dating and possibly look and see if there is any policy against dating in the workplace

March 31, 2018, at 5:27 pm

I believe if the staff have a supervisory role over the student or some academic affiliation that could cause conflict of interest staff-student relationships would be prohibited in these cases. However, relationships that do not involve trainees (students/postdocs) fall outside of the scope of this policy.

December 11, 2017, at 4:38 pm

It's not just the relationship between A and B, but also the impact on other classmates and members of the community, particularly where competitive and comparative grading is essential to the program of education. Thus a transparent, consistent policy is essential.

March 31, 2018, at 5:35 pm

I agree!

December 11, 2017, at 5:13 pm

Unfortunately, on occasion it is about the cliché "The heart feels what the heart feels"; causing faculty, residents, students, staff to simply hide relationships. I believe the policy should not be about whether they are permitted or not; (as I believe that would be pointless) but what the consequences are about when they are not consensual. I believe all employees know dating a student is frowned upon.

March 31, 2018, at 5:35 pm

Seemingly consensual relationships can actually not be when there is a power differential involved. Having faculty-student relationships can also affect the future academic freedoms of the student involved or can turn sour when they end which could also affect a student's future, especially if that faculty is within the same field. Also, consensual relationships can often lead to favoritism or other conflicts of interest which can affect students outside the

relationship, therefore it is not only about the academic freedom of the student that is involved in the relationship but also about protecting the academic freedom of they're peers. Consequences of not abiding by the policy will be outlined and will be determined by due process.

December 12, 2017, at 6:54 am

I think this approach is wrong-headed on many levels. It's one thing to discourage predatory behaviors and abuses of power; that's the right thing to do. But by declaring ALL possible variations of one particular type of relationship to be predatory and abusive, this policy goes far beyond that valid concern. Instead, it seeks to blanket-punish and police a wide range of somewhat randomly selected behaviors between two very large, very diverse, and very variously involved groups of people, most all of whom are legal adults who make their own decisions, including about whom they get involved with and to what extent. I think it's clear that direct supervisors of any type should not date, harass, pursue, become romantically involved, intimately befriend, have sex with, partner with, or marry their direct subordinates IF that supervisory power is ongoing and IF (in the case of a consensual, benevolent relationship) they have not taken steps to remove all direct control of the supervisor over the future of the supervised, for example by being transparent with a department chair, course supervisor, etc. about the relationship and asking for a third party to scrutinize any work assessments for bias. That is normal workplace procedure. But policing ALL relationships of ALL those types is wrong. While they can sometimes go poorly and become damaging (like all relationships of any type, anywhere), quite a few — and I would suggest, the majority of them — can be (and largely are) benevolent, freely consented to, meaningful, and in no way abusive. They are also very common. Such a policy, for example, retrospectively condemns a large number of faculty, staff, student, and alumni relationships, marriages and partnerships that begun as instructor/TA/RA/lab supervisor/internship supervisor-student relationships and are healthy, long-lasting, ongoing, and entirely benevolent. To what end? Moreover, apart from restricting adults' sexual agency on naive blanket ideological grounds, it is clear that this policy will unfairly target certain groups while privileging others. One assumes, for example, that a romantic relationship between an instructor and a student who are already married to each other will continue to be allowed. Meanwhile, a group like the LGBTQ community, who are historically less likely to get married, or just simply more secular people who don't want to, or people from cultures that view meaningful commitment differently, would fall under official sanction for the same behaviors that others display in their marriages. That is the opposite of diverse, tolerant, and inclusive. Additionally, this type of policy is shockingly blind to the basics of the human condition. Nowhere, at no point in time, have two people interested in having sex, becoming romantically involved, or otherwise attracted to each other desisted from acting on it because it was against a rule. Nor have currently involved people broken it off because such a new rule recently took effect. Half of world literature deals with people breaking or ignoring such a rule, and ennobles them for it. Either, those people become excellent at hiding it — although I would argue that Cornell does not really want to become a place where people have to cower in fear of being turned in by informers devoted to a puritanical

ideology to frowning authorities that will discipline and punish. Or one of the two involved people will leave the rigid community in order to continue the sex or the relationship from the outside. Inevitably, this will be the less materially invested, less already successful of the two: usually, the student, the woman, the younger person, and those from less stable, less affluent, and less privileged backgrounds. Rather than do good, this type of policy, whatever its intention, does not practically improve the campus climate for all. Instead, it does more harm than good. In practical terms, it will forcibly impose a rigid sexual code that privileges traditional, often religiously motivated moral strictures like marriage and “proper” relationships as defined by third parties through ideological, puritanical, and traditionalist lenses, along with social structures based on aggressive moral and ideological judgment, on informing on others, and on fear. Predatory behaviors and power imbalances of all types must be addressed, and those with power must be made sensitive to the harm they can potentially cause. That includes sexual and romantic relationships, and it includes training that helps the more powerful parties better see the less powerful parties’ perspectives, strictures, disadvantages, and concerns. But classifying entire types of relationships as predatory because it’s easy, and because it plays on a popular stereotype about age differentials and non-traditional sexual and romantic arrangements — that is simply wrong. It’s immoral, unrealistic, damaging, oppressive, perpetuates repressive power structures, and creates a toxic, fearful, intolerant, restrictive campus climate. I urge Cornell to find a better way.

December 12, 2017, at 10:57 am

“Nowhere, at no point in time, have two people interested in having sex, becoming romantically involved, or otherwise attracted to each other desisted from acting on it because it was against a rule.”

So let me guess –you’re a male in a position of relative power, probably a faculty member, right? Some of us practice something called restraint, where we do NOT engage in relationships that are inappropriate or against the rules. You seem oblivious to the nuances of power imbalance, where the more powerful partner (such as a faculty member or supervisor) is romantically interested in an underling, and may actually believe that a relationship is fully consensual, while the underling (grad student, lab assistant, etc) feels coerced. Coercion is often implicit, resulting from fear (of job loss, poor grades, being blackballed in one’s chosen profession, etc) rather than explicit threats of retribution. The very nature of power imbalance means that a supervisor and supervisee cannot engage in a relationship without these overtones, which is why some of us feel so strongly that such relationships should not be condoned. I’m glad that you understand that “those with power must be made sensitive to the harm they can potentially cause,” but I think you may not fully understand that power imbalance= implicit coercion by its very nature, and that it’s NOT OK for a supervisor to make a pass at a supervisee. Times have changed from the old days when lawyers married their secretaries and doctors married their nurses—in today’s world, permanent pair-bonds are statistically much more likely to occur between EQUALS. I think it is pretty obvious from recent lawsuits that male faculty members are often completely

oblivious that actions they may view as flirtatious are viewed as harassment by their female grad students, and that relationships viewed as consensual by a faculty member are sometimes viewed as coercive by their students. This is why we need a strong policy!

December 15, 2017, at 12:19 pm

I second this comment. I suspect that if most male faculty of a certain age could visualize what would have happened if their graduate advisors had asked to borrow money from them, or to hide a handgun for them, or even just to falsify a citation for them, they'd get a clearer idea of what it feels like when a powerful supervisor makes a pass at a student.

If you're tempted to say "my advisor was a prince among men and would never do such a thing," then I suspect you support this policy at heart — you know that a good teacher does not use their students to fulfill their needs.

December 22, 2017, at 11:21 am

I third this rebuttal to Mr. "No one ever has controlled their urges because of rules." Women throughout history have had to police their own actions and response to others in order to conform to societal rules about romantic and sexual relationships. We do it constantly, almost without thinking, because we are generally the ones to suffer the consequences of anyone finding out the rules have been broken. More bluntly: The original longwinded "but my URGES" post reads like it was written by one of the many Harvey Weinsteins on this campus who are now worried about exposure.

December 27, 2017, at 5:16 pm

I agree with the responses below. The policy can and should be nuanced to deal with degrees of power differential—for example, faculty/student relationships in unrelated fields do not need to be sanctioned. But, even the original poster seems to agree that some romantic or sexual relationships, for example, those between an advisor and an advisee, are unjustifiable. A good mentor will avoid the conflict of supervising a student in the case that they—or their student—could not avoid acting on their feelings of attraction. This is both for the sake of that student, and for other advisees. Making this policy seems wholly unobjectionable. Pretending that such policies will result in "Cornell [becoming] a place where people have to cower in fear" is silly.

March 31, 2018, at 5:42 pm

In response to: "Meanwhile, a group like the LGBTQT community, who are historically less likely to get married, or just simply more secular people who don't want to, or people from

cultures that view meaningful commitment differently, would fall under official sanction for the same behaviors that others display in their marriages. That is the opposite of diverse, tolerant, and inclusive.”

All relationships that were initiated prior to this policy will be made exceptions to it with disclosure agreements that that try to mitigate conflicts of interest resulting from this policy. This will not be restricted to legal partnerships nor marriages but all consensual romantic relationships that happened prior to implementation of the policy.

December 13, 2017, at 12:09 pm

A clear policy on this topic is essential for multiple reasons: 1.) Cornell is home to students, faculty and staff from many cultures (both inside and outside the US) that have varied understandings about the use of power, the role of men and women in society, and human sexuality. People are not recruited/admitted/hired based on a common set of understandings about these areas and, once here, behave in ways consistent with their own culture. Given that we know the negative impact of such relationships (and we do), we need to make certain that people understand how this area is treated and the consequences for choosing to behave otherwise BEFORE they begin to do what we recruited, admitted, or hired them to do. 2) Yes, policy may drive certain people underground, but the existence of clear policy language empowers those who know what is happening to speak to or report those that do. If we have no policy, those made uncomfortable by behaviors of this type, feel they have no ground to stand upon if they take issue. 3) There will be exceptions. People may arrive at Cornell with pre-existing marriages, engagements etc. These exceptions need to be clarified or a process for negotiating should be part of the policy. 4) Federal, State and local law provides a context for Cornell policy. our policies need to demonstrate this and uphold the values of the institution at the same time. This policy will move our institution into the current legal understanding of US culture.

December 13, 2017, at 12:18 pm

I am concerned about the process for moving this topic from its current stage into policy. It makes sense that Cornell gather input from all parties impacted by the policy. The committee has done a good job of clarifying how long the body will take comments. There is still a decision-making process. Please be clear about who is making decisions about final language (or whether there is a policy at all). Be very cautious about communicating that input equates to decision authority. We all love to have input—I could certainly talk all day about this topic, and it would be helpful to know how my input will factor into decision-making. My sense is that this is ultimately the President’s call, with the guidance of faculty and with the abundant input and wisdom provided by this committee. But clarify.

March 31, 2018, at 5:47 pm

The committee is made up of faculty, students, staff and trainees and we are drafting the policy with the input of other faculty, students, trainees and staff by meeting with multiple organizations on campus and seeking input by other means like these online comments. We take everyone's input quite seriously. While I believe the final call will come down to the president, we are hoping to draft a policy that has the backing of all of those it effects that is likely to pass these final decisions.

January 14, 2018, at 12:33 pm

Romantic relationships between a faculty member (including administrators with faculty appointments) and any of their employees and any of their students (both graduate and undergraduate) are clearly unethical. Exceptions would be relationships that exist at the time of hiring. But even there, an alternative evaluation arrangement would need to be in place that would minimize the the direct authority of the faculty over students or employees they are involved with.

If a faculty member is so compelled by love that they can not resist beginning or continuing such a relationship, then the only honorable course would be to resign from the University, or transfer to another part of the University where that individual would have no authority over the student or employee in question.

If the faculty member does not resign, transfer or end the relationship, then the University should terminate that faculty member's appointment.

January 22, 2018, at 9:46 am

Protecting the educational environment is paramount. Establishing a strong policy that prohibits intimate relationships between persons of authority and "junior" persons is critical, not only for the junior person, but for others who are in the same program or department.

January 30, 2018, at 4:01 pm

A policy regarding consensual relationships is important first and foremost to protect those who may not be in consent but feel compelled to participate for reasons outside of their control. The policy must not only outline what is and is not acceptable, but put in place actionable consequences for those found guilty of non-compliance. In addition, the policy is important to protect both those involved in the relationship as well as the university. If there is no policy in place, those participating in a relationship, even consensual, are subject to the opinions of others regarding the appropriateness of that relationship and could be put in a negative position. The reputation of a university is subject to the reputation of the individuals which make up the whole. If majority opinion is the rule, the slant of that opinion will dictate how positive or negative an impact that will

have on those reputations. A university the caliber of Cornell must do everything in its power to protect that reputation, and protecting the individuals by providing clear guidance is the best way to do that. Our reputation must be that of having an opinion on a given matter, not that of choosing to avoid possible confrontation by ignoring the topic.

Q2. What Constitutes Risky Behavior?

Talking Points

1. How can ethical behavior be promoted without chilling the normal friendly socializing that attends academics? (E.g., after-seminar get togethers, lunch, dinner at a conference, holding class in one's house, etc.)
2. What should the policy say about authority that carries forward in time? For example, letters of recommendation can be an issue for several years. On the matter of letters of recommendation, is there a distinction between academic versus non-academic career tracks?
3. What should the policy say about authority that extends far beyond the "home department"? (E.g., given interdisciplinary work, graduate students may have contacts "far away" from their departmental base.)
4. What should the policy say about indirect authority? (E.g., the relationship is with a close friend of the thesis advisor.)
5. Is it possible to characterize situations where the power differential not a factor?
6. What should the policy say about risky behavior that is exhibited by the student?
7. What should the policy say about risky behavior that is exhibited by the authority?
8. Are there contexts in which it is never acceptable to initiate a relationship that involves romantic or sexual interactions?

Responses

December 11, 2017, at 8:44 am

I suspect that the policy will have to establish a set of bright lines as to how long it will be enforced, and with whom — after the student no longer requests recommendations, or after graduation, I'm not sure which is most workable and preferable.

However, I feel quite certain that there's something lost when we use the words "risky behavior" — it seems to center the institution and the supervisor's risk of punishment, and it means that when the period of enforcement expires, the expectation of humane behavior also expires. It also mimics language that faculty abusers have used to silence their students: he's taking a big risk sharing his feelings with you like this, you wouldn't want to do anything to hurt his position, etc. etc.

Regardless of the enforcement period, I'd rather see relationships across power differentials typified as "unequal relationships" and the behavior of a faculty member who dates recommendees or other

people they have professional power over as a repudiation or weakening of their responsibility as an educator. This makes it clearer that although the community's ability to police relationships has some limits, the consensus is that we should be teaching our students, and that the support and education (rather than enjoyment and exploitation) of students is the express reason we maintain the hierarchies of power and authority that do exist.

In case this feels too abstract, I had a line-blurring relationship with a faculty member in a writing department, where “risky” intellectual behavior was encouraged and the faculty member's daring was part of her charm. I wasn't manipulated or abused over the course of this relationship, but I was not learning what I came to school to learn. When I thought of her as a risk-taker and a line-crosser, what she did seemed ok — who likes rules? When I thought of her behavior as the behavior of a teacher, it seemed clearer that she was, in this particular respect, a bad teacher, and one who vacated some of her responsibilities in pursuit of other goals.

December 11, 2017, at 9:12 am

Current policy is perfectly fine. It focuses on conflict of interest which is of concern to the institution, and not moral policing of sexual behavior. Policy should say nothing about indirect contact, but only direct conflict of interest. Indirect contact is not supervisory, and is not a clear conflict of interest. Similarly with alumni. There is no reason to extend the definition of conflict of interest to professional relationships after graduation. Additionally, the real conflict of interest is in relationships between junior and senior faculty, especially when one gets hired to attract the other one. That is where we should focus, instead of students. So many unqualified people get hired, because their spouses are stars, and push them through. Undergraduates present the least conflict, since faculty don't even grade them, but leave it to the TA's.

Relationships between the TA's and students have the same problems as faculty-student relationships. We should stop focusing on age difference, which is a subjective moral issue for a lot of people, but focus on direct conflict of interest which is the institutional concern.

March 31, 2018, at 6:01 pm

This policy has nothing to do with age difference, as undergraduates and grad students can be any age, but has everything to do with conflicts of interest and protection of the academic freedom of Cornell's students and trainees. Students academic trajectory and freedoms to pursue “any study” can be affected if they enter a romantic relationship with faculty. Further, their peers may also be affected by these relationships in their academic endeavors, which is unacceptable.

January 22, 2018, at 9:47 am

The resolution of the GPSA does a good job of defining the radius of authority and recognizes that for graduate students and post-docs, the power continues far into the future.

March 16, 2018, at 1:43 pm

Workplace dating, while common, is problematic, and the problems tend to increase with increasing “proximity” within the workplace of those involved.

I would encourage broad discouragement of workplace dating within some set of “spheres of influence”, some education about the consequences and conflicts of interest involved in workplace dating, and the provision of more opportunities for single Cornellians to meet people outside those “spheres of influence”.

Q3. What Needs to be Said About Power Differentials?

Talking Points

Suppose A and B are in a consensual relationship and that A has the potential to exercise authority over B.

How should the policy assess the magnitude of the A-to-B power differential? Does the magnitude of the differential correlate with the duration of its effect?

How can the policy discourage underestimations of the power differential by both A and B?

How can the policy sensitize both A and B to the fact the power differential may lead to different definitions of what constitutes ethical behavior?

How might perceptions of the power differential evolve as the relationship evolves?

How should A respond if B is the one pursuing a relationship and initiating romantic or sexual interactions?

What about the argument that says many relationships in the workforce have a power differential so students better get used to dealing with it?

Different cultures may have different assumptions or standards as to what constitutes a power differential in an academic relationship. How should the policy address this fact?

Is it possible for a relationship be fully consensual when there is a significant power differential?

Responses

December 11, 2017, at 9:29 am

We should say nothing about power differentials, but focus on conflict of interest. Direct conflict of interest between a supervisor and supervisee is the only institutional concern. The rest is all moral

policing of sex lives, and completely inappropriate. More importantly, power is a complex topic and has been completely politicized. It is often used to depict young women as helpless victims, and older men as predators. That is insulting to the intelligence of anyone who studied any sociology, and ignores the sexual power of young women, and their agency to decide their own sexual lives.

If you decide to include power differential in your policy, I strongly advise you survey the female students, and see how strongly they will be opposed to such a paternalistic control of their sex lives. For an institution that criticizes patriarchy, and encourages women to have freedom of choice and agency, it would be a travesty to have such a paternalistic attitude to adult students' sex lives and limiting their choices on the basis of age and some politicized and ill-defined concept of power.

Once again, power differential is relevant, only to the extent that it causes conflict of interest. Otherwise, it is just moral policing.

December 11, 2017, at 4:45 pm

I am surprised that none of the guideline questions discuss the issue of age differences and how they relate to power differentials. I believe that relationships between faculty and all students, as well as relationships between graduate TAs and undergrads, should be strongly discouraged, but that there may be exceptions made when graduate students, or non-traditional undergrads (over the age of 22) are involved with similar-aged people who are NOT in a position to grade them, nor in the same department or inter-disciplinary program. For example, a 35 year old grad student and a 35 year old faculty member in different colleges might be able to have a relationship where the effect of the implied power differential is minimized. Age must be considered because I think we can all agree that a relationship between a 60 year old faculty member and a 22 year old grad student, even if they are not in the same academic program, is hugely asymmetrical. I'm not sure it's fair to tell two people who meet outside of a University setting (for example, doing triathlons, or helping at their children's school activities) that they cannot be friends because they both happen to have Cornell affiliations that differ in power/status.

January 15, 2018, at 10:44 pm

For discussion, taking your example of the 22 year old student and the 60 yo faculty member from completely different programs: 1) In what way are they "asymmetric" besides age? and 2) Even if the interaction is unwise, why should CU be involved in trying to regulate it?

December 13, 2017, at 4:56 pm

Please also consider the damage done to employees who are in the same office as a faculty/staff relationship. The damage to the office environment can be substantial, especially when the employee

in the relationship with the faculty member receives special treatment and the other employees in the office are treated poorly. Sexual favors are definitely rewarded at Cornell.

December 13, 2017, at 6:23 pm

When I was an undergrad lab assistant at an institution, I worked one-on-one with a professor who gradually developed a more familiar relationship between us. This person initiated text conversations about unrelated topics, invited me on one-on-one hikes on multiple occasions, and ultimately requested that I help him prepare their home for their impending sabbatical leave, which culminated in their request for explicitly romantic activity. They would also frequently touch me on my head, hands, and neck, in a manner that could be interpreted as playful. I did not wish to upset them by rejecting their requests or telling them I was uncomfortable, due to wanting their approval in an academic setting, but the boundary between academic and personal became very blurry. From my experience, I do not believe a relationship between students and overseeing faculty, such as mentors, should be permitted at all, and believe it is the responsibility of the mentors to be aware of this.

January 16, 2018, at 9:41 am

I couldn't disagree more with the commenter above when she says university should enforce age related restrictions, because "is is inappropriate for a 60 year old faculty member to have a romantic relationship with a 22 year old student". That is moral policing and paternalistic. It is not any of our business to enforce your moral code, and it is YOUR moral code. University should not be in the business of enforcing personal moral codes, but only concern itself with conflicts of interest that effect university business. University is not a substitute parent!

January 22, 2018, at 9:47 am

The term "power differential" calls to mind threats and coercion that are sometimes at play. However, there is also the seduction of power. Having an affair with someone older, respected and admired who is interested in little old me is thrilling.

Q4. Connections with the Harassment Policy?

Talking Points

1. How can an initially consensual relationship with an underlying power differential drift into a harassment situation over time?
2. Perhaps by using examples, describe what you think is the difference between a harassment situation and a consensual relationship?
3. Knowing that the Title IX Office reviews all questions and concerns about sexual misconduct, how should that office be involved in the implementation of a consensual relationships policy?

4. What should the policy say about a situation where the participants maintain that their relationship is consensual and but an objective third party disagrees?
5. Virginia Commonwealth University: “Relationships between an employee in a position of authority and a student also have the potential for other adverse consequences, including the filing of charges of sexual harassment and/or retaliation if one party to the relationship wishes to terminate the relationship over the other party’s objection. The initially perceived consensual nature of the relationship can ultimately be seen as inherently suspect due to the fundamental asymmetry of power in the relationship, and it thus may be difficult to establish consent as a defense to such a charge. Further, even when both parties consented at the outset to a romantic involvement, this past consent does not remove grounds for or preclude a charge or subsequent finding of sexual harassment based upon subsequent unwelcome conduct.”
6. University of Iowa: “[Suppose] one party to the relationship wishes to terminate the relationship to the other party’s objection. In those circumstances when sexual harassment is alleged as the result of a romantic and/or sexual relationship, the existence of the relationship is not a per se violation of the Policy on Sexual Harassment. However, the apparent consensual nature of the relationship is inherently suspect due to the fundamental asymmetry of power in the relationship and it thus may be difficult to establish consent as a defense to such a charge. Even when both parties consented at the outset to a romantic involvement, this past consent does not remove grounds for or preclude a charge or subsequent finding.”

Responses

December 19, 2017, at 9:07 am

Any time there is a power differential, the chances of manipulation or abuse by the superior is great, both intentionally and unintentionally. The entire concept of “consensual” is warped in these situations. I do not see how manipulation and abuse can be avoided. Therefore, while I agree that this is draconian, I recommend a total prohibition on relationships where an institutional power differential exists. Let the harassment policy govern these relationships. This gives more power to the “weaker” party. It relieves the university from having to police consensual relationships. It also elevates the cost to the couple of deciding to have a relationship. If the relationship is prohibited by policy, then the power dynamic must be eliminated before the relationship is permissible. Basically, one of the people must leave the power relationship. This is a costly decision to at least one of the people, so they have to value the romantic relationship enough to end the power relationship. If the “power” person pressures the “weaker” person to “quit” so that the romantic relationship may proceed, then the harassment policy is available to deal with it.

January 22, 2018, at 7:16 am

An “authority” who propositions or seeks a relationship with a “junior” person who is off-limits according to the consensual relationship policy should be determined to have violated sexual harassment policy and thereby be subject to investigation and sanctions.

February 5, 2018, at 3:19 pm

I find this topic fascinating, and also find the recent editorial in the Daily Sun (Rob Thorne) to be relevant. Thorne explicitly argues that many of these academic relationships are illusory, built on power differentials, and doomed to fail. He believes that anyone who meets a spouse in this manner is at high likelihood of a failed marriage (hence “(first) spouse”, in his wording), and that we have created a culture somewhat similar to that in the *Gray’s Anatomy* tele-novella. In his views, people are up to all sorts of inappropriate stuff, and it should be stopped using legislation backed with sanctions for violators.

As a person who is married (first, current) to a spouse met when we were both PhD students in the same program, I am actually in one of the relationships that some apparently want to forbid. But honestly, I think that love finds a way, even if forbidden — particularly, love between consenting adults who are behaving lawfully under the prevailing societal norms. Indeed, I do not recall even a single *Gray*-like episode in my own past. But perhaps my eyes were closed to the veritable epidemic of misbehavior around me? After all, 40 years ago, in California, experimentation with life styles and choices was a new and popular thing. Perhaps now, at Cornell, we have somehow learned to legislate smarter choices, and to prohibit those that would be wrong, according to some sort of ethical standards that the enlightened few might then impose on the students we are charged with educating?

On a more serious point, I actually do agree that any form of coercive situation is absolutely wrong. We need to insist that yes is yes. No is no. Maybe some other time isn’t a license to harass and pester. And coercive relationships are absolutely wrong, are a form of abuse, and anyone who abuses power in that way should be subject to the strictest of sanctions.

At the same time, I would be wary of creating a policy that invites a type of revenge situation, in which a failed relationship leaves someone who was previously a consenting and perhaps even eager participant so angry that they lash out to harm their ex-partner. At a minimum, any sanctions Cornell might apply should only be considered after all the facts are known, and we should have a reasonable standard of proof: the coerce behavior should be part of a pattern, or witnessed at the time, directly, by others, or documented in some way. We shouldn’t blindly trust one person’s word and blindly reject some other person’s description of the same events. When we have nothing but an uncorroborated accusation, we shouldn’t act in haste — one sees some evidence that this kind of rush to judgment by the masses is causing harm, today, even though the well-documented serial abusers are simultaneously, finally, coming to justice. We want justice, but we don’t want to later discover that we were tricked into complicity in a crime of revenge.

Accordingly, I really hope that Cornell will pursue an enlightened and modern perspective on this question. Power shouldn't be part of a relationship... unless both parties somehow find power kinky and are deliberately drawn to such a relationship. Coercion should never be a part of a relationship. But the university shouldn't err by becoming intrusive, coercive in its own way, and by legislating against some class of permissible private behaviors. I'm not the only Cornell faculty member married to a spouse who was first met in an academic situation! And while my particular relationship didn't involve any power differential, I can think of a dozen others here at Cornell, and even more elsewhere, that do involve what (from the outside) could be taken as a power differential. None of us can know how that plays out in the dynamic of the couple, and this to me is the key thing. We should not legislate against something that people may actually be seeking out. If we do, instead of protecting, we simply create a new class of forbidden love.

Q5. What About Pre-existing Relationships?

Talking Points

1. How might the following situation be managed. PhD student X and undergraduate Y are romantically involved at another university. X becomes a faculty member at Cornell and Y becomes a PhD student in the same Cornell department.
2. How might the following situation be managed. Faculty member X and PhD student Y, both new to Cornell and in very different fields, become romantically involved. Over time, Y's research area has increasing overlap with X's research area to the extent that a close colleague of X is now a member of Y's Special Committee.
3. If you do actually think that both of the above situations are manageable, then what makes pre-existing relationships (as in 1 or 2) different from comparable relationships that do not involve physically moving to Cornell or academically moving into a new research area or professionally moving into a new position of employment?

Responses

December 19, 2017, at 3:28 pm

I think 1 and 2 are manageable through policies like those at Northwestern or Stanford as cited above. Some kind of reporting and, as deemed necessary, recusal.

What makes them different is that, first of all, they are likely to be rare. "Case by case" and heavy procedural burdens that require great care are always manageable solutions if the incidents that require them are infrequent. So case #1 above can happen, but maybe once every few years across the university. Whereas the "comparable relationship" (PhD student and faculty in same

department) might happen numerous times. So that relationship (case #1) gets special treatment because:

a) the participants didn't violate any existing Cornell policy, so they deserve something more than regular faculty-phd relationship participants

and

b) the university can probably afford to provide that special treatment to them

As for #2, it seems that allowing this kind of exception is the cost of having a realistic social community in Ithaca, particularly for single people. Also, this would be very similar to any large organization where people can date if not in the same direct area.

February 12, 2018, at 2:55 pm

It strikes me that pre-existing relationships undermine any possible policy. No matter what rule the committee dreams up, the moment that two individuals show up who already have a relationship of that nature, federal hiring law will force us to carve out an exception. Our rule is then revealed to be a sometimes-rule, applied unevenly.

We should only legislate a policy if that policy would also apply equally to preexisting relationships. And this in turn says that if the relationship was legal under US federal law, Cornell has no business at all interfering.

One more comment, though: by definition, such a situation would differ from one in which a Cornell faculty member uses a power differential to force unwanted behavior on a subordinate. You could not have a preexisting relationship of that kind, unless a couple moves here but then one member suddenly accuses the other of a pre-existing inappropriate behavior, which strikes me as sufficiently bizarre to not worry about. So we could have a policy on coercion (namely: "thou shall not") and it would not run into contradictory handling for faculty and students arriving from other institutions.

Q6. What About Faculty-Ugrad Relationships?

Talking Points

1. Some universities have outright strictly prohibit relationships between faculty and undergraduate students. Is that advisable?
2. If relationships between faculty and undergraduate students are not prohibited, then should there be specific language calling attention to the enhanced vulnerability of that group of students?
3. Are there strategies to follow that would guard against the formation of relationships between faculty and undergraduate students?

Responses

December 11, 2017, at 10:07 pm

Outright prohibition (such as Brown's) needs some exceptions, my spouse become an undergrad at CU some years after we were married.

December 12, 2017, at 7:53 am

I believe that an outright prohibition is the best thing. In the case of a married relationship, the spousal couple should not be in the same program. I think it is fine to have an exception to allow the undergrad to come to Cornell, but it must be in a different program than their spouse. The same dynamics exist regardless of the pre-existence of the relationship.

December 15, 2017, at 6:28 pm

I oppose an outright prohibition. Relationships between a faculty (or staff) member and an undergraduate student situated clearly outside the faculty (or staff) member's "radius of authority" should be okay. I know, for example, of a staff member in one college who entered into a consensual relationship with an undergraduate in another college when the undergraduate was a sophomore. The student has now graduated and the relationship continues happily.

I concur with the apparent consensus at the Faculty Senate meeting in 2016 (I think) that it infantilizes students to prohibit consensual relationships between adults that don't violate the current policy (or an enhanced version thereof) on power relationships and radii of authority.

March 31, 2018, at 6:16 pm

Part of Cornell's mission is "any person, any study." Undergraduates have the freedom to move about fields during the time at Cornell thus entering a romantic relationship with any faculty could limit their academic freedom seeing as a conflict of interest could arise if they wanted to suddenly take specific courses or volunteer in a certain researcher group.

January 4, 2018, at 2:27 pm

An undergraduate has a relationship to the institution not just to their college or department. The faculty and staff act as agents of the institution in the delivery of the mission to the undergraduates. This agency relationship should preclude faculty or staff from being in intimate relationships with undergraduates.

January 22, 2018, at 7:28 am

It is my strong belief that due to the power differential, romantic and sexual relations between ANY undergraduate and a faculty member should be prohibited. As described below, my own experience leads me to this conclusion. We can't forget that the purpose of the University is education. It is not infantilizing students to establish policy that supports that goal.

Nearly 50 years ago when I was an undergraduate geology major at Boston University I had a sexual relationship with the chairman of the department. I was seduced by the flattering attention of this powerful, charismatic man. I felt special, though in hindsight I am sure that I was not the first nor the last undergraduate woman whom he propositioned and with whom he had sex. In addition to the seduction of power, perhaps the intrigue of secret meetings in hotels also was alluring to me at that age, though it is now something that fuels my disgust.

That affair has been the event in my life over which I have felt the most shame. I felt such shame, that I told no one about it until this past year.

I knew his lovely wife and sweet eleven year-old daughter and I had a boyfriend. I have asked myself how I could have done this? Obviously the proposition was so compelling that I betrayed these people and was complicit in this affair.

Because an 18 year old is of age to give legal consent does not mean that an 18 year old is mature enough to make a good decision regarding saying yes to a respected person in a position of power.

January 25, 2018, at 10:17 pm

I agree. I support prohibiting faculty-student relationships, including graduate students and staff. When I was a student, a fellow student dated and had a sexual relationship with a dining hall employee. The employee and other male dining hall workers were too friendly to students and made a lot of us feel uncomfortable.

February 12, 2018, at 3:01 pm

I completely disagree. To the extent that we are discussing consenting behavior between adults who are permitted to engage in the behavior under Federal law, Cornell has no right stepping in and trying to impose some sort of moral stricture or policy dreamed up by a set of faculty members who themselves are driven by a puritanical world view.

Whatever people enjoy, if it doesn't harm others, shouldn't somehow be legislated by Cornell. And harm should mean harm in a meaningful sense, not some sort of vague notion of offending some individual person's idea of morality.

Otherwise, we will soon have rules against same-sex relationships, or relationships between people of different skin colors, or physical acts that some people find disturbing to contemplate. Cornell has no business in bedrooms.

But I do not view coercive behavior as consensual, in any sense. I do see the case for a policy that says “no person at Cornell can ever coerce some other person into unwanted behavior.” To me, coercive behavior is really no different from physical assault. And I do believe a strong policy, with real teeth, could be imposed on that bedrock principle. Notice that rather than some person’s personal strictures being imposed on the community, I’m arguing that if a person doesn’t wish to have a relationship, that single fact trumps all else. For me, this “victim-centric” perspective is appropriate. A “community standards” perspective is just wrong.

March 31, 2018, at 6:23 pm

This is not about policing morality but protecting the academic freedom of students, regardless of race, ethnicity, gender, religion or sexual preference, which is paramount to Cornell following its mission of “any person, any study.” Relationships between undergrad-faculty can affect the academic trajectory and thus freedoms of the student involved as well as result in conflicts of interest that affect that student’s peers. The slippery slope analogy is a bit of a stretch.

January 25, 2018, at 10:18 pm

I am quite surprised that Cornell allows relationships to form between faculty/staff and students. I think that even the involved parties are both adults, such relationships have detrimental effects on other students. I would not feel comfortable attending a class where the professor is dating a fellow student. I don’t think such relationships should be permitted as they inherently have an imbalance of authority/power.

February 12, 2018, at 3:06 pm

But one could preclude “enrolling in a class in which you will be supervised by a person with whom you are in a relationship, or initiating a relationship while enrolled in a class with an instructor.” You seem to be adopting the view that every relationship starts with the professor.

Fundamentally, you are assuming that if anything inappropriate is going on, it must be the fault of the faculty member. In reality, the issue centers on force, which can arise from a power relationship, but can arise in other ways too: a student could, perhaps, somehow “force” a professor in their class into a relationship, and to me that would be wrong too — except that the student would be the one behaving inappropriately, if the professor wasn’t keen to enter the relationship and yet felt backed into it.

Everything centers on control: did the two parties independently and freely consent, or did either somehow exert a form of force on the other? Forced relationships are wrong. But nothing about consensual, legal, relationships should ever be deemed as wrong.

March 31, 2018, at 6:27 pm

A: I think you're missing the point of the above comment that the relationship between a faculty-ugrad can affect other students outside of the one involved in the relationship and thus affects academic freedoms.

B: As faculty are in the senior position, I find it hard pressed that they would be somehow coerced into a relationship unless somehow black mailed? This seems like a stretch since the academic power (grading, letters, recommendations etc) lies with the authority figure.

March 16, 2018, at 1:32 pm

I agree with the Committee's initial proposal to ban romantic relationships between faculty and undergraduates. I understand and appreciate arguments about taking away agency from our undergrads, but the imbalances in "agency" and the risks involved in such relationships are too great for them to be lumped in with the other relationships the Committee has considered.

We must send an extremely clear message to our faculty about such relationships.

Relationships are most likely to leave a "bad taste" – or much worse – if there is significant asymmetry in power, expectations, or information/understanding. These asymmetries are generally largest for faculty-undergrad relations.

Like all bans on human relations that have been enacted over the millennia, I expect this one to be violated. In some circumstances I would hope that such violations would lead to dismissal. In others – e.g., a 25 year old assistant professor dating an undergrad outside her or his field – I would expect accommodation.

In the event such relationships occur, there could be some consideration when deciding consequences as to whether the relationship was disclosed.

So I suppose I'm arguing for a ban, with fine print for guidance of those who must determine the consequences of violations.

Q7. What About Student-Student Relationships?

Talking Points

Suppose A and B are students.

1. What should the policy say about a situation where in a large undergraduate course, A is one of several graduate student TAs and B is an undergraduate in a lab or section run by A?
2. What should the policy say about a situation where in a small undergraduate seminar-type class, A is a graduate student and the instructor and B is an undergraduate?
3. What should the policy say about a situation where in a graduate-level class, A is a graduate student and TA and B is a graduate student?
4. What should the policy say about a situation where in a fieldwork setting, A oversees the work of B?

Responses

December 10, 2017, at 10:15 pm

I think Stanford's policy that allows student-student relationships are a good idea

Q8. What Would Make a Disclosure Policy Effective?

Talking Points

1. Disclose to who? Chair? Dean? Someone HR or the Title IX Office? When should those in the recipient-of-disclosure pool communicate amongst themselves?
2. Should the authority or the subordinate have the responsibility to disclose? What if the subordinate disagrees with the authority and prefers not to disclose?
3. How should third-party disclosures be handled?
4. Should the policy mandate a point at which disclosure is required? If so, when?
5. What should the policy say about nondisclosure when the parties involved are in a relationship that is explicitly prohibited?
6. Should undisclosed relationships be treated as nonconsensual and placed under Policy 6.4 if discovered?
7. Are there situations where disclosure "beyond the department" is unnecessary?
8. Is it possible to have a disclosure mechanism without chilling the environment of collegiality that is so essential to the life of the university?

Responses

December 16, 2017, at 8:53 pm

It would be nice if disclosure led to an actual result — preventing conflicts of interest, favoritism, etc. When I was doing a graduate degree, my advisor was romantically involved with one of the students in their lab. After disclosure, the student was supposed to move to a different laboratory with a different advisor, but this never happened. The person stayed in the lab and just had someone different sign off on the paperwork. It was a complete sham. I have seen many similar situations in my years at Cornell.

January 17, 2018, at 11:30 pm

Speaking as someone from a relatively small (and therefore tight-knit) department, I feel that disclosure outside the department is a must in all cases. It is unrealistic to expect potential complications of a varied and unpredictable nature to be resolvable “in-house” without conflicts of interest arising—imaging trying to arbitrate a dispute involving a close collaborator, as an easy example.

Regarding mandating disclosure at a certain point: while it would be nice if such a cutoff could be defined, doing so would require both parties to the relationship (and potentially also a third-party disclosee) to agree when the relationship had reached a particular stage. It seems highly plausible, however, that the relationships where the parties might be adverse to disclosure would likewise be the very ones where they’d be reticent to assign labels to nature of their liaison. It therefore seems unlikely that a threshold for disclosure could be set in a meaningful way.

January 22, 2018, at 9:49 am

In some cases, a mutual love can evolve between persons who are “off limits”. Such a situation is fraught with danger to the people involved and to the educational environment for others. Unfortunately even “true love” often ends in a break-up (look at the high divorce rate) that can lead to recriminations. Recently a senior respected faculty member at Cornell revealed to me that 30 years after an affair with her major professor, she still cannot go public with it because he has threatened her professional reputation.

How best to protect everyone? “Declaration” of the situation to the Chair and Dean, implementation of institutional steps to remove the power dynamic to the extent possible and public transparency should be required. Transparency is key in protecting the junior person. Should there be recrimination on the part of a faculty member, others could see that it was possibly due to relationship issues. Transparency also keeps rumor from being the way others conjecture about what is going on.

March 12, 2018, at 6:11 pm

What is the confidentiality policy on this disclosure? Will the person to whom a relationship is disclosed have the right / obligation to broadcast it to the world?

March 16, 2018, at 1:35 pm

We need some alternative to going to your DGS or department chair. I support the Committee's proposal to have a central office to which disclosures can be made in confidence, and that can manage subsequent disclosures to department chairs and others as needed.

Q9. Enforcement and Adjudication?

Talking Points

Without thinking about specific infractions, what range of sanctions should be available?

To what extent should sanctions take into account the accused's disciplinary history or employment history?

To what extent should sanctions take into account the magnitude of the underlying power differential?

Should Cornell's academic hiring process take into account the candidate's compliance with related policies at past institutions?

Who adjudicates?

Responses

December 13, 2017, at 6:11 pm

At my previous institution, I worked as an undergraduate lab assistant. All of the experiments I helped conduct were under the guidance of a tenured professor at that university. Over the course of one year, I noticed my mentor developed an increasingly familial relationship with me: texting to speak about entirely unacademic subjects, inviting me on one-on-one hikes, and eventually, asking me to dinner and to help him pack up his home for his impending sabbatical leave. I was uncomfortable with this development, but received advice from family to "keep him happy," with the assurance that the relationship would likely cumulate in a warm, unromantic parting and a good reference from him. In retrospect, I should have removed myself from the situation, but at the time I did not wish to upset him by declining his invitations.

I noticed that my mentor would become more forgiving of my errors in the lab, errors that resulted in a more strict attitude from him when done by other members of the lab. On the night before he left for his sabbatical, I was in his company, and he made explicitly romantic advances towards me. I rejected these and left, but afterwards believed that my obliging attitude in the past had led him on. In addition to the previously listed escalations of familiarity, this mentor also started to call me pet

names and touch me in a non-suggestive, perhaps familial manner: commenting on the size of my hands while holding them, grabbing my neck, and ruffling my hair.

I believe that if faculty were required to do an online workshop, such as current Cornell students are required to do on relationship boundaries, and were aware that relationships between professors and students were strictly forbidden, then this situation might have been avoided. I found that reporting this situation to an office far removed from the department, the Title IX office, was more effective and I was listened to more attentively than I was when discussing this situation with the department chair of the mentor's lab. I believe this individual's reputation had more weight than my summary of my experience did for the department chair. I do not know what ramifications were faced by this individual, except that he still holds his position at the university. While I do not think firing for one such offense is necessary, I do hope that he was required to reevaluate the attitude with which he behaves towards students in his lab. Due to the inherent power dynamic, it can be more difficult to reject such advances, especially when they take on an ambiguous form and may be interpreted as familial and, while misguided, still come off as innocent.

January 17, 2018, at 11:57 pm

It should go without saying that, while an accusation against someone with an otherwise spotless record might be reasonably argued as a misunderstanding, a series of accusations against the same person should be viewed much more pointedly. Thus, it only seems responsible that the university should, in such cases, examine the past disciplinary history of an accused employee for any relevant incidents. This research would ideally extend to the accused's past places of employment where possible, as a few prominent news stories in this area have pointed to a pattern of professors simply transferring to another university, effectively wiping the slate clean. In the interests of leading the academic world by example, Cornell might also give a statement signalling a degree of openness to such requests from other universities conducting their own investigations.

January 22, 2018, at 9:50 am

When an investigation is made and a violation of policy that is serious enough to warrant sanctions is found, then public disclosure of the perpetrator (while protecting the identity of the victim if they so choose) should be required. This would help to create an atmosphere in which such behavior is unacceptable. It would help prevent "passing the trash" (like the Catholic Church). A faculty member in my department was forced to leave, and is now a named chair elsewhere. Such behaviors cannot be viewed as only an HR problem about which we maintain silence.

Currently at Cornell, and many other universities, the scales seem heavily weighted in favor of a faculty member over claimants. Only ~6% of persons who believe they have been subject to harassment go on to file a complaint. No wonder! The process is very difficult for them and rarely leads to a satisfactory outcome. We need to do better.

There should be a process that if multiple people complain (without filing a formal complaint) about a particular person, an investigation is triggered.

In recent months the media have reported on numerous cases where a person in power has been accused of sexual harassment by multiple people and that has led to firings and resignations. At universities, such accusations rarely lead to firing or even to forced retirement or resignation. Even where a complaint has been filed and found to be true, the perpetrators are sometimes found not to have violated policy. There is a recent case of this at Cornell. The policy is clearly inadequate. In the recent case at Cornell, the complaints [by several women] were outside the current ridiculously short statute of limitations.

The situation in which “everybody knows” that a particular faculty member harasses students is intolerable, but not unusual. There should be a process in which an investigation is triggered if the chair or dean is informed by a colleague or student that a faculty member is behaving inappropriately.

March 17, 2018, at 8:38 pm

As a senior Cornell faculty member, I have seen the damage caused to students and faculty by ‘secret investigations’ and title IX bureaucracy run amok. There have been several successful lawsuits against Cornell by students who’ve had their reputations and lives destroyed despite the lack of evidence or due process. A much larger number of students simply decide to walk away not because they are guilty but because they lack the financial resources to mount a legal challenge. Further, a shockingly large number of such students are from third world countries or of non-Caucasian origin. There is even talk of a class-action lawsuit against Cornell due to the damage created by the Title IX office and related bureaucracies. Due to these botched star chamber trials, Cornell currently has the largest number of ongoing OCR investigations. The recent lawsuit by a junior faculty member in A&S, Physics whose tenure was denied on the basis of such a witchhunt has gained worldwide attention and contempt for Cornell administrators and the university as a whole. I believe this matter is still ongoing and that this faculty member is still being victimized by the administration.

So, I am perturbed by the fact that much of the discussion on this new policy seems to be centered on punishment, sanctions and ‘public shaming’ rather than evidence, due process, impartial investigation and appropriate repercussions for false allegations. It is one thing for the Cornell counsel to assume that it can railroad students, especially international students, since they probably don’t have the resources to mount a legal challenge. It is another thing for the University to try and destroy faculty careers for the sake of political convenience (see above). The way this is going, this new policy will become the next litigation battleground for Cornell.

The committee needs to understand the long-term implications of any policy that relies on anonymous allegations, assumption of guilt, and adjudication without clear and irrevocable

guidelines for evidence and process. At the end of the day, as we have seen with the title IX debacles, no justice is served with a witch hunt. Even if we are to credit the narratives of an ‘epidemic’ of harassment, we don’t solve the issue by creating a new injustice.

March 22, 2018, at 11:22 am

“Sentence first, verdict afterwards” ... I am glad to hear there is a class action in the works. Given the apathy of the Cornell community to title IX kangaroo courts, I don’t think there will be a change until there is a very public, expensive and embarrassing court verdict against Cornell. Hopefully that will force the administration to yank its head out of the sand and hold the title IX investigators, Judicial administrators (and in the tenure case you mentioned, the parent department) personally accountable. These kangaroo courts have destroyed careers, and the faculty needs to realize it could happen to them as well.

Q10. Are there Effective Strategies for Managing Conflict of Interest?

Talking Points

1. What strategies are there for mitigating conflict of interest concerns that arise out of relationships?
2. How can situations be managed so as to avoid actual bias or unfair treatment of the subordinate in a relationship? How these situations be managed so as to avoid the impression of bias to everybody else?
3. How might the rigors of a management strategy match the intensity of the underlying power differential?
4. Michigan State Example: “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.”

Responses

December 11, 2017, at 9:35 am

Michigan state example is very good.

If there is a direct conflict of interest, it should be reported and the evaluation should be supervised. This also applies to hiring and promotion decisions where two romantically involved faculty members are involved, not just students. Faculty conflicts of interest are much more important as they are consequential. Undergrads are the least problematic, since the faculty don't even grade the papers themselves in large classes, and the TA's are supervised by the faculty members.

December 12, 2017, at 8:45 am

No there are not currently good mechanisms for conflicts of interest when it comes to faculty relationships (of any kind). It has been very awkward to work in a dept where a faculty partner is also a student, staff, or otherwise affiliated. Pressure for special treatment, heck, how the partner became affiliated in the place is frequently sketchy.

December 16, 2017, at 9:01 pm

I agree.

March 12, 2018, at 6:18 pm

Should there be a procedure for getting exceptions for some relationships? For instance, a Prof's Significant Other wants to enroll as an undergraduate. In the policy as writ, no amount of disclosing would permit this without one or the other leaving Cornell.

The Public Rough Draft

Reasons for Policy

Draft Language

As an institution where any person can find instruction in any study, Cornell demands ethical and conscientious behavior from all who are engaged in its mission of teaching, research, service, and outreach. Romantic or sexual relationships between faculty and students can jeopardize the integrity of that mission. Professional and institutional power differentials are part of academic life, but it is unacceptable when they become instruments of coercion, making it difficult for a student to refuse an advance or leave a relationship. Problems are magnified when there are different perceptions of the underlying power imbalance and that is likely to be the case when the individuals involved have different levels of university experience.

Even where fully consensual, romantic or sexual relationships between students and faculty can harm the overall academic environment by compromising the instructor's professional judgment and impartiality then and in the future, impacting grading, distribution of resources, academic or professional recommendations, and more. They often undermine collegial dynamics among the students themselves because of rumored or actual favoritism. They can tarnish the academic reputation of the instructor, the student, the field, and Cornell itself. When these relationships end, or when favoritism becomes apparent, they raise the specter of legal action against the instructor and Cornell. Regardless of their outcome, their presence can linger within the careers of both parties, potentially driving the student from their discipline or hampering their lifelong academic and professional progress.

Responses

March 13, 2018, at 8:55 pm

Re: “Professional and institutional power differentials are part of academic life, but it is unacceptable when they become instruments of coercion...”: this suggests that academic power differentials are necessary evils, which is certainly not the case. Academic power has an important purpose; this passage will be stronger if it can remind the community of the purpose and responsibility of this power. For instance, perhaps something like, “Professional and institutional power differentials are part of academic life. Faculty, staff, and researchers at Cornell are empowered to fulfill the University’s scholarly and educational missions. It is unacceptable that any individual so empowered by or within the university should use this power over or against a student.”

March 13, 2018, at 10:16 pm

Re: “Even where fully consensual, romantic or sexual relationships between students and faculty ...” This misstates the issue. Power differentials do not permit genuinely consensual romantic or

sexual relationships. The power differential affects all aspects of interaction, so there is no way to get to a “level playing field,” and thus no way to achieve what is genuinely consensual.

The “Consensual Sexual and Romantic Relationship Policy” of Stanford University includes the point that “these relationships [across power differentials] are often less consensual than the individual whose position confers power or authority believes.” The issue of consent is crucial, and this policy must address it, I feel, if it is to be a credible and effective.

Right now, this draft of the policy seems a mixed message. It’s unequivocal that “all romantic or sexual relationships between faculty and undergraduate students are prohibited under this policy.” However, the reasons the policy offers for establishing this prohibition seem weak. There is little mention now of the potential affects on a student in such a relationship., nor of the professor’s responsibility to the student.

This draft seems potentially even counter-productive to me: to argue against relationships between professors and students on the grounds that such relationships may damage a professor’s reputation, upset collegial interactions among other students, or damage Cornell’s reputation has the effect of minimizing the the potential harm to students who are involved in romantic/sexual relationships with professors.

In “Regulating Sexual Relationships Between Faculty and Students” Margaret H. Mack, writes, “The point of consensual sex policies should be to prevent situations that do not amount to actionable sexual harassment from interfering with students’ education.”

This policy will be most effective if, in addition to identifying rules, it can also serve to educate our community and provide support for those affected by these situations. (The article is from: Michigan Journal of Gender and Law, 1999. <http://repository.law.umich.edu/mjgl/vol6/iss1/3>)

Joanie Mackowski
Associate Professor
English / Creative Writing

March 15, 2018, at 6:54 am

I would like to revise the end of my comment. Faculty can be said to use their power “over or against a student” in the course of teaching: it’s the power to evaluate a student’s work, etc. The problem is when this professional, educational power becomes leverage to achieve interpersonal, non-professional ends.

March 16, 2018, at 9:12 am

Cornell faced a similarly difficult challenge when we drafted our University conflict of interest policy many years ago. We eventually began to realize that any enumerative policy (Charlie mentioned 17 categories of problematic romantic or sexual relationships during the Senate meeting) becomes a snarl: it can accidentally be overly broad in the sense of including things that aren't really problematic, while seeming to bless things not included in the enumeration, which means it can omit large categories of behavior.

We solved that by having a two-part policy. The policy portion is as broad and general as possible: the opposite of a specific, enumerative policy. The FAQ then collected all the specific cases people were very worried about and turned them into vignettes illustrating (in a non-comprehensive way) the application of the broad policy to those specific situations.

This is a bit like saying that the US constitution recognizes a right of free speech, which over the years our court system has refined into case law: examples of how the right to free speech plays out in various circumstances, and also examples in which free speech doesn't protect the speaker. I use this example because in some sense, we have a right to free decisions about our private lives, and a right to privacy, but as this policy committee has recognized, that right of privacy sometimes is trumped by the need to protect students and other less powerful individuals in situations where the power hierarchy might distort decision-making. So, we have a right, we have a wide range of situations where privacy should prevail, and then we have some specific situations where other considerations need to overrule the basic right.

So how might that play out? Ms. Waymack asked for specifics yesterday. Here is what I specifically would urge.

The crux of the policy should say something like this: "Cornell affirms the right of all members of society to enter freely into consensual relationships, and is respectful of privacy. However, some situations involve coercive, abusive, or otherwise biased behavior that is inimical to the norms of academic conduct and society. Cornell community members have an absolute right to a safe and supportive work environment, free of harassment and other abusive conduct, and free of any form of coercion.

Accordingly, while Cornell will not intrude into permissible private conduct, the University requires the full community to abstain from coercive, abusive or biased conduct, and to report situations that might violate this basic principle. To the extent possible, Cornell will maintain the full confidentiality of such disclosures.

The appropriate remedy for problematic situations can vary. In the great majority of situations, it suffices for the individuals involved to recuse themselves from decision-making authority over one-another, and to not take courses taught or TA'd by an individual with whom they have a relationship, or to grade, write reference letters, or participate in evaluations of individuals with

which they have a personal relationship. In some situations, however, where inappropriate, abusive or harassing behavior has occurred, stronger remedies may be required, ranging from close supervision by an independent individual to sanctions, even including loss of tenure and dismissal.”

So to me, that would be a broad statement covering everything I can think of here.

Then in the FAQ you can tackle specific cases, such as faculty members entering into relationships with students at various levels, graduate students dating other students, etc. The FAQ could cover concerns about not wanting to forcibly “out” an LGBT individual, or publicize relationships that some community members might have difficulty understanding or accepting. For inspiration, you might look at the conflict of interest policy, and then at the conflict of interest FAQ that accompanies it.

I'll close by thanking the committee for tackling an important but also a complex, delicate question. Getting this right does start by agreeing that there are many problematic situations that we need to avoid, and where we should absolutely side with the victims. Preventing abuse is important. Yet we have to also appreciate that love can't easily be controlled by policy, and that creating a new category of felons who were simply adults engaging in consensual activity protected under the law can't be the right way to prevent victimization. After all, we could prevent all abuses by simply banning all relationships, of all non-academic forms, between Cornell faculty, students and staff. That would cover all the problematic cases, yet would create more problems than it solves. So a balance is needed.

The current draft proposal lacks the necessary balance, in my view. I don't see it as a horribly flawed proposal, and I'm not saying we don't need a policy aimed at these specific issues. I'm simply saying that you won't come up with the kind of policy we really need if you approach it as an enumeration of all the bad behaviors (while seemingly omitting other equally bad behaviors, and yet also entrapping people who are entirely innocent). That can't work.

The conflict of interest policy had the same issue, and solved it elegantly. The members of our relationships committee can do so too!

Respectfully,

Ken Birman

March 16, 2018, at 9:25 am

As a further and somewhat unrelated remark, I perceive an inconsistency in the logic of the existing discussion, and in fact several. I'll highlight one but it seems to me that one could tease out at least three or four (and remarks at the Senate, available to you from Ms. Waymack, did so).

Consider a student who attends Cornell but in fact is related to a faculty member, perhaps a faculty member's child. Clearly this is a conflict of interest and we have ways to manage those. Any administrator knows them.

In her remarks to the Senate, Ms. Waymack said that the mere potential of conflict of interest due to the mere possibility of an undisclosed relationship forces us to think not only in terms of an absolute ban on all forms of relationships between faculty and students, but also on all relationships between graduate students (remarks on "slide 3", documented in the Senate record, available to you via the Senate minutes. You can read her exact wording if you doubt my summary).

So to me this illustrates an inconsistency: we have an equally problematic issue with parents and children, yet we don't ban Cornell children from attending Cornell because of the mere risk that to pursue "any course of study" they might have to take Mom's class. We deal with it.

Asked about this Ms. Waymack spoke about cases in which open disclosure might be an issue for those involved, pointing (obliquely) to the LGBT community, members of which might not wish to be forced to "out" themselves, and to the case of "poly relationships" involving more than two individuals. A faculty member of the Senate took this to mean "cheating spouses" but Ms. Waymack seemingly had something else in mind. Anyhow, she said that because people might be unwilling to disclose to the 6.Xx office, we would have to ban such situations outright.

To me the logic here is tortured, at best, and it illustrates problems with the current approach to the entire question. Yes, we have a need for a more enlightened and comprehensive policy, but we can't achieve that with special cases for people who don't wish their families to learn their sexual orientation, or for any of the 17 other special cases listed on a slide Charlie showed us (and that was just a slide with categories; it didn't even consider the cross-product associated with the sorts of activities Ms. Waymack seemed to have in mind).

We also run grave risk of "entrapment" and "revenge" situations with the current language. Suppose that a Cornell community member becomes involved with someone they met far off campus, perhaps at a party in one of the big wineries out in the wine area. They might not even be aware that they had entered into an illicit and impermissible relationship. Yet later, in the event of a difficult breakup, they could be accused of having concealed what might be an egregious violation, such as a faculty member having anonymous sexual hookups with undergraduates, and could lose their job. We don't have easy ways to spell out every such possible case, and every possible way of handling them.

Perhaps Ms. Waymack didn't really speak for the committee when she made the remark that elicited this second post by me. On the other hand, perhaps she did. If so, it worries me that the policy already has such flaws even in the current draft form. This is just the tip of an iceberg. My

suggestion, posted above, would help you sort out principle and articulate that distinct from application to specific situations.

Ken Birman

April 3, 2018, at 9:00 am

I commend the Committee for its thorough and transparent process. I am concerned that this version is limited only to relationships between students and faculty. Relationships between students and staff can also undermine the mission and our obligations to student confidentiality. For example, staff with access to student records in a department or college or school should not be allowed to date students in that department/college/school because of the power differential and (mis)perceptions of favoritism or conflicts of interest. Perhaps staff and student relationships are covered in another policy. If not, it should be addressed here while all of this significant work is already happening.

April 3, 2018, at 9:21 am

The peril of asking for comments section by section is that I didn't see the next section before submitting this comment. However, the gist of the comment stands. Prohibiting only those staff/student relationships where the staff member is in a position of power is unnecessarily naïve and limited view. A frontline staff member may, in fact, have little authority over a student, nevertheless, even a consensual relationship between them in the same department that leads other students to think the student is somehow favored is no less problematic. This is captured in other parts of the policy but can be clarified here.

April 3, 2018, at 9:27 am

To close the comment period on a Saturday during Spring Break is problematic. It should be extended at least until close of business or even 11:59 p.m. on Monday, April 9th, when students have returned. Additionally, representatives from each assembly should be encouraged to share this draft with their respective constituents and encourage them to provide comments and feedback, similar to what representatives on the President's Campus Climate Task Force are doing. That would only reiterate how transparent of a process this has been.

Terminology and Scope

Draft Language

This policy is about sexual and romantic relationships that are *consensual* and have a dynamic that involves *power imbalance*. This means that one individual in the relationship (the *authority*) can influence the academic or professional progress of the other (the *subordinate*). [More](#)²

Throughout this policy *graduate students* are students who have an undergraduate degree. Post-doctoral fellows, post-doctoral researchers, visiting critics, visiting fellows, and veterinary interns are *postgraduates*. All other academic title-holders are *faculty* from the standpoint of this policy, including those whose titles are modified by “visiting,” “courtesy,” “acting,” “adjunct,” or “emeritus.” [More](#)³

The policy applies only to those situations where the subordinate is either an undergraduate student, a graduate student, or postgraduate. The authority is typically a faculty member, but it can also be a postgraduate, a graduate student, an undergraduate student, or a member of the non-academic staff.

In this context, *sexual harassment* becomes an issue and Policy 6.4 becomes relevant when academic authority is used coercively to initiate or maintain a romantic or sexual relationship with a subordinate against the wishes of the subordinate. A central aim of the Consensual Relationships Policy is to prevent situations that lead to sexual harassment. [More](#)⁴

Responses

March 9, 2018, at 4:44 pm

In this section, veterinary interns should be changed to veterinary interns and residents.

Throughout this policy graduate students are students who have an undergraduate degree. Post-doctoral fellows, post-doctoral researchers, visiting critics, visiting fellows, and veterinary interns are postgraduates. All other academic title-holders are faculty from the standpoint of this policy, including those whose titles are modified by “visiting,” “courtesy,” “acting,” “adjunct,” or “emeritus.”

March 14, 2018, at 1:45 pm

The current draft seems to be crafted around conflicting ways of specifying the subject of the policy, i.e. the individuals involved in a relationship and the criteria that make this relationship problematic.

² <http://theuniversityfaculty.cornell.edu/news/consensual-relationships-policy-committee/the-public-rough-draft-page/discussion-of-authority-subordinate-pairings/>

³ <http://theuniversityfaculty.cornell.edu/news/consensual-relationships-policy-committee/the-public-rough-draft-page/definition-of-faculty-member/>

⁴ <http://theuniversityfaculty.cornell.edu/news/consensual-relationships-policy-committee/the-public-rough-draft-page/discuss-the-connection-to-harassment-and-policy-6-4/>

On the one hand, this section opens with a general stipulation of the subjects of this policy: “This policy is about sexual and romantic relationships that are consensual and have a dynamic that involves power imbalance. This means that one individual in the relationship (the authority) can influence the academic or professional progress of the other (the subordinate).”

On the other hand, the following paragraphs and sections move away from this general language of authority-subordinate and tend to define the relationship in terms of /formal/ (rather than actual) positions of authority. This focus on formal positions of authority appears to complicate the overall policy.

While this presumption seems perfectly reasonable in most cases, there might be constellations that require more differentiation. One potential issue that came up in discussions was relationships between graduate students and junior (untenured) faculty (as opposed to ‘Faculty’ in general). It was suggested that in these cases the power imbalance might not be straightforward since negative student references can have a serious impact on tenure and promotion decisions.

March 15, 2018, at 7:06 am

Does this policy apply to extramural students?

March 15, 2018, at 7:40 am

Yes. If you have an undergraduate degree, then you are classified as a “graduate student”. Otherwise, you are grouped with the undergraduates.

April 3, 2018, at 9:04 am

The proposed policy defines graduate students as anyone with an undergraduate degree, which would include professional students. Throughout Cornell, however, including in the name of the relevant assembly, we refer to that population as graduate and professional students. I think that should carry over here as well, particularly because the remainder of the policy seems to focus on the structure of typical graduate school relationships, which is not replicated in professional school settings. The impact of a relationship between faculty or staff and a student is no less detrimental, whether or not the faculty member is currently teaching that student or supervising them on a research project, particularly regarding letters of recommendation for prime post-graduation positions as well as other students’ perceptions of favoritism or partiality in such a small setting.

Rights and Restrictions

Draft Language

It is the responsibility of the faculty to guarantee that every undergraduate has the freedom to pursue their academic and professional interests across campus in an environment that is free of preferential treatment, unfair advantage, discrimination, and bias. A faculty member who chooses to engage in a romantic or sexual relationship with an undergraduate is calling into question that responsibility. All undergraduates have the right to take courses and participate in research throughout the university based solely on their academic abilities. Any interference with that dynamic runs counter to the Cornell principle of “any person any study.” Therefore, all romantic or sexual relationships between faculty and undergraduate students are prohibited under this policy

A romantic or sexual relationship between a faculty member and a subordinate who is either a graduate student or postgraduate is prohibited under this policy if the faculty member has authority to make decisions that can affect the academic progress or professional advancement of the subordinate. This includes faculty members who hold administrative positions in the subordinate’s department, school, college, center, field, laboratory, or research group. [More](#)

Romantic or sexual relationships among staff members, undergraduate students, graduate students, or postgraduates are prohibited whenever one party can make decisions that can affect the academic progress or professional advancement of the other party. [More](#)

Responses

March 9, 2018, at 5:52 pm

This policy is nonsensical in the distinction in draws between grads and undergrads.

Graduate students are also allowed to take courses throughout the university. To allow them to have relationships with faculty when there is no direct conflict of interest, but not undergrads makes no sense. This is just age discrimination in disguise.

A meaningful policy should make no distinction between undergrads, grads, staff, and faculty, and restrict relationships to only when there is a direct conflict of interest, and only during the existence of that direct conflict of interest, not the vague possibility of a future conflict of interest. The policy also should emphasize relationships between junior and senior faculty in the same field where the real conflict of interest lies, especially if they are married, and one is hired because of the other.

Our obsession with age is not consistent with the interest of the institution, but reflects only our latent bias and discrimination against age.

March 10, 2018, at 8:48 am

The policy is reasonable and well crafted. However, the actual policy (as opposed to the scope, rationale, etc.) should be clearly identified. So many of our policies have an extensive preamble and background so that it is difficult to actually find the policy text. Here the policy itself should be clearly identified as such (rather than “Rights and Responsibilities”) and should be easily extractable so that it can have wide distribution and quick reference.

March 13, 2018, at 10:53 am

The line between a consensual or a non-consensual relationship between people with very different power or authority levels is blurred. Consent requires complete freedom not to consent, and when power is unequal, that does not necessarily exist. So I would prefer that the word consensual be left out of the policy. Just say that the relationships are prohibited.

Secondly, professional students, such as 4 year students achieving a DVM degree, are more like undergrads than graduate students in their relationship to the power of their faculty. Professional degree students need to be clearly included in this policy document. There have been a number of relationships between faculty and DVM students during the past 16 years that have had to be addressed by the college and university.

March 13, 2018, at 11:16 am

I find these sentences ambiguous: “A romantic or sexual relationship between a faculty member and a subordinate who is either a graduate student or postgraduate is prohibited under this policy if the faculty member has authority to make decisions that can affect the academic progress or professional advancement of the subordinate. This includes faculty members who hold administrative positions in the subordinate’s department, school, college, center, field, laboratory, or research group. ”

Suppose that a department requires the faculty member to recuse themselves from all decisions directly affecting the graduate student they are involved with. Such an arrangement seems possible for at least some administrative positions they might hold. In that case, they would explicitly lack “authority to make decisions”. I think the policy should make clear whether such arrangements can be allowed — and I think it should allow them.

March 14, 2018, at 1:22 pm

The current draft appears to pursue two goals: (a) to make a broad and public statement that signals awareness of and sensitivity to the problem and (b) to provide an actual policy that is actionable in our everyday lives. At the moment, the conflation of the two results in a rather convoluted text (including seven or so attachments), which is difficult to understand and communicate. My concern

is that despite the very good intentions the current draft loses a lot of its intended power by wanting to achieve too much at once.

Would it be possible to disentangle the two elements and arrive at a clearer and better crafted version of the /actual/ policy, maybe with the help of a person experienced in drafting policy and legislation?

March 15, 2018, at 11:32 am

One can claim that the proposed prohibition is anti-feminist, but many feminists, including the two senators from the law school, would strongly disagree with that claim. The “right” of faculty and undergraduates to have sex with one another necessarily creates an environment in which sex and romance between students and faculty are always a possibility. College should be a place where professors serve as educators and mentors for students, a role that is comparable to that of other sorts of professionals with fiduciary obligations to their clients, including doctors, therapists, and attorneys. Part of the fiduciary obligation is an understanding that the fiduciary—the professional—will not look at the client as a potential source of sexual gratification.

Status-based prohibitions against sex are sometimes protective of agency and beneficial. That may be why all six undergraduates on the committee came to the conclusion, after careful study, that they did not want the “right” to have sex with their professors. One example of a protective status-based ban is the incest prohibition between parents and adult children. There is a reason that people become upset when they hear the President of the United States seemingly expressing sexual desire for his daughter. We view parent-child relationships as healthiest when sex is simply not a possibility, even in adulthood.

Another reason to prohibit faculty-student sex is that it creates an uncomfortable state of affairs for the many students who know about the relationship but are not themselves involved. They may come to think of themselves as potential sex partners for the professor or may wonder why they were not chosen and whether this could hurt them in some way. None of this is good. If a student truly wants a relationship with a professor, he or she can wait until graduation.

Eliminating the possibility of sex between faculty and undergraduates does not deny anyone agency. It recognizes instead that not all consensual relationships are truly voluntary. Consent simply means that the relationship is not rape. It does not mean that there is no coercion. Sexual harassment at the workplace, for example, can involve an exchange of sex for some benefit. This is called “quid pro quo sexual harassment.” The sex is consensual, and yet it is nonetheless abusive and correspondingly unlawful. Even when a student is not in a professor’s class at the moment, the power disparity is such that the student might well feel unable to refuse an overture, knowing that the professor could potentially retaliate if the student later wishes to take a class with him or her. And again, even if the

student is completely comfortable with the relationship, other students who worry about being the next target might not be.

The students have spoken through their representatives and do not want sexual access to the faculty. To reject the prohibition that the undergraduate students themselves seek will not empower students. On the contrary, it will look to all like a faculty move to preserve its own carnal prerogative.

Sherry F. Colb
Law School

March 15, 2018, at 6:47 pm

Age is relevant to issues involving sexual consent. Yet age is not the only difference between undergraduate and graduate students. Graduate students have achievements and responsibilities that can put them on a par with faculty while, at the same time, these graduate students have significantly less authority, income, and security than faculty. The possibility for abuse remains significant with graduate students, also.

The idea that undergraduates might have the “right” to have sex with faculty strikes me as unfounded. Faculty have the right to set their own professional and ethical standards. Such standards do not insure that all faculty will abide by them; they help to establish a faculty culture that respects students, that does not condone using students as objects for emotional or sexual gratification.

Additionally, about power differentials and consent: it is not just the threat of future retaliation that’s at issue. It’s that our context predisposes students to be trusting, open to, and interested in faculty. Learning can be a stimulating, intimate, and profound experience. In another context, any given faculty member would lose his or her appeal as a potential romantic interest. Because the institutional, professional relationship makes students more likely to accept faculty’s romantic or sexual overtures, the consent is not genuine: it’s structurally predictable. Faculty who cross the boundary and enter into romantic or sexual relationships with students are taking advantage of the access and attractiveness supplied by their institutional role.

Joanie Mackowski
Assoc Prof
English/Creative Writing

March 16, 2018, at 9:19 am

I support the ban on undergraduate-faculty relationships, but I wonder, would the spouse of a faculty member therefore be ineligible to enroll as a Cornell undergraduate? Nowadays academics get jobs where they can, and spouses often come along looking for something useful to do. I don't see any value in reducing their options, in a small town where there are not so many.

Steve Ellner, E&EB

April 4, 2018, at 11:50 am

In response to Steve Ellner's question about faculty spouses enrolling in undergraduate courses: the policy should not affect a faculty spouse's ability to enroll in undergrad courses. I think that this situation could even be less awkward than that of a faculty spouse who enrolls as a graduate student. There are fewer professional expectations involved with being an undergraduate, and there wouldn't be a question of whether or not the two are a "dual-career" couple (or at least not until the spouse completes his/her graduate degree).

Joanie Mackowski
Assoc Prof / English / CW

March 16, 2018, at 10:15 am

People above are making political statements. University policy should not be used to advance your political agenda. It should serve university interests without impinging on students' rights. It is nonsense to say that any undergraduate might take a course from you, or age difference automatically creates a power differential, so any relationship is a taboo. Somebody even mentioned incest, for God's sake! Our students are adults; they are not our children. The policy is paternalistic, prudish, and intrusive. I have exchange students in my class from 8 different countries. Theoretically any undergraduate anywhere in the world could take my course, and they are all younger than me. So, should we ban any relationship with any undergraduate anywhere in the world. Take your political agendas elsewhere. Stick to strict and direct conflict of interest in policy, involving only your own students or people you supervise. That includes especially junior faculty, and spouses in the same department.

An additional problem is enforcement. These are consensual relationships. So, the parties will not complain. You have to rely on complaints from third parties with political agendas to file complaints. Then you have to create a whole bureaucracy to investigate allegations, and snoop around with detectives, or rely on hearsay to investigate people's sex lives. Is that what a university is for?

Finally, this issue came before the Senate last year. We voted against the undergraduate ban overwhelmingly. How many times will you bring this issue to the Senate? How many times do we have to argue that it is nonsense and vote against it, before you stop? You are damaging the

university environment by making it a tool of your political agenda and making a political statement about sexual prohibitions.

March 16, 2018, at 1:40 pm

I agree with the comments of Sherry Colb and Joanie Mackowski above.

In order to foster a genuinely supportive and equitable educational environment, faculty ought not to view any students, at any level, as “potential sources of sexual gratification.”

Indeed, faculty ought to view their students as similar to their own children in this regard, and should view romantic relations with students in the same light as incestuous ones, i.e. with revulsion.

The alternative is to create poisonous learning environments in which the students who are groomed are put into doubt as to the source of their teacher’s attentions, and the students who have to watch the grooming are both cheated of their right to equal attention, and also react against the teacher’s favorite.

So it seems to me that the simplest policy would also be the best: faculty should not have romantic relations with any students, at any level. This should be the uniform, blanket, policy, without exceptions. If further provisions need to be made for violations of the policy (notifications, recusals, etc.), then these should not be couched as exemptions or carve-outs to that blanket policy.

People who argue that we must allow for human nature because students are incapable of resisting the attractions of faculty are 1) kidding themselves about their own attractiveness and 2) denying those students the agency of being able to control their own romantic feelings. It is a fairly transparent condescension that claims that we must accommodate the poor lambs because nothing in human nature could resist a skeezy old man in a tweed jacket.

As Professor Colb says, “If a student truly wants a relationship with a professor, he or she can wait until graduation.” It should also be said: if you truly want to sleep with your students, then you can resign your faculty position now. You have already betrayed your vocation.

There is a larger context to this, even beyond the #MeToo movement. Higher education is under a very general political assault now in the nation. A very large majority of one party claims that universities are bad for America:

<https://www.chronicle.com/article/Most-Republicans-Think/240587>

One of the most common slanders alleged against university faculty is that they treat their student body as a source of sexual gratification. This has never been true of most faculty, but it has been all

too true of some of them. It's time that we show the world that universities are not backwaters of sexual predation, but rather at the forefront of more just and equitable sexual ethics.

Tad Brennan
Professor of Philosophy and Classics.

March 16, 2018, at 1:59 pm

Because graduate students also take courses across campus, the terms of the restriction against faculty/grad relationships should be the same as they are for faculty/undergraduate relations. Otherwise it's just age discrimination.

I support a prohibition on **all** faculty/student relations with the possible sole exception of pre-existing relationships, in which case a recusal plan should be formulated that ideally imposes greater burdens on the faculty than the student.

March 18, 2018, at 11:18 pm

The policy as proposed is eminently sensible (not to mention long overdue; when I was hired 7 years ago, I was shocked to find out that we didn't already prohibit faculty-undergrad relationships). The issue is not age discrimination, but power imbalances and conflicts of interest.

I respectfully disagree with those who suggest that undergraduate and graduate students should be treated as equivalent. Yes, graduate students can theoretically (though seldom actually) take classes across the whole university. However, their funding and advancement are dependent primarily on faculty from their own department and graduate field. Accordingly, sexual relationships with those faculty should certainly be prohibited. However, it's harder to see how a relationship between, say, a PhD student in Physics and a faculty member in Comparative Literature would cause a serious conflict of interest. Obviously, both parties should be required to disclose the relationship to HR at once if any subsequent conflict of interest were somehow to arise. Under ordinary circumstances, however, such a conflict would not be expected to occur, and there would be little meaningful power differential between the two individuals.

With undergraduate students, it's a very different story. Undergraduates genuinely do take courses across the whole university, and in fact our distribution requirements oblige them to do so. Additionally, faculty from across the university may participate on committees (or, for that matter, vote on Faculty Senate resolutions) that affect all undergraduates. Accordingly, **all** faculty members can be said to hold a position of authority over **all** undergraduates. Faculty interactions with undergraduates are thus qualitatively different from faculty interactions with other members of the university community.

I also disagree with the previous commenter who asserted that exchange students somehow present a problem for the proposed policy. If an exchange student from another university enrolls in your class, then it's a pretty simple matter not to pursue a relationship with that student while they're here! If it somehow did come to pass that some faculty member's undergraduate ex-partner from another college happened to spend a semester at Cornell as an exchange student, then the appropriate thing to do would be to disclose the prior relationship to HR in order to devise some kind of situation-specific recusal plan. However, this does not seem likely to be a commonplace occurrence.

Finally, a note on age: Not all undergraduate students are 18-22 years old. Some students are "adult learners," a category that the Office of Academic Diversity Initiatives defines as students who start college at 24 years old or older. The new policy would – and should – apply to them as well. Again, the issue is power rather than age. Even if the undergraduate student were older than the professor they were dating, that student would still be structurally subordinate to the professor – and the relationship would still be inappropriate.

Caitlín Barrett
Associate Professor, Classics

March 23, 2018, at 8:45 am

Two points in support of my preferred policy, of prohibiting sexual and romantic relations between faculty and students at all levels:

Point 1) Lest anyone suppose that a blanket prohibition on sexual relations between faculty and all students is some sort of ultra-modern political correctness gone mad, let me remind you that it is already part of the oldest code of professional ethics in the West, sc. the Hippocratic oath, about 2500 years ago. That oath includes this clause:

"Into whatever houses I go, I shall go solely for the benefit of those whom I am treating, and keep myself well clear of any voluntary injustice or abuse. In particular, I shall keep myself well clear of any sexual activity with women or men, free or slave."

It is part of the vocation of a doctor to see their patients in a certain light, (i.e. as beneficiaries of their expertise and knowledge), and to strictly avoid seeing their patients in other lights—either as marks to con or rip off, or as potential sources of sexual gratification. If the doctor later in their career sees the former patient in some context in which they are not their patient, then this oath does not bind their dealings.

Likewise, it is part of the vocation of a faculty member to see their students in a certain light, (i.e. as beneficiaries of our expertise and knowledge, and sometimes as future members of our profession),

and not to see them in other lights, i.e. as potential sources of sexual gratification. If faculty interact with students after the students' graduation, when they no longer stand to them as teachers to students, then their vocation does not bind them in the same way.

Being a professor is a calling at least as noble and elevated as being a sawbones. The ethical standards it requires should not be any lower.

Point 2) Discussions of sexual relations between faculty and students often elicit anecdotes about cases in which such a relationship did not result in obvious personal catastrophe. And, for reasons that mystify me, anecdotes of this sort are often brought forward as though they somehow decisively justify the preservation of policies that allow teachers to have sexual relations with students.

But this is not how we usually judge policies, nor is it a good way to judge policies. There are relatively few policies that are so universally catastrophic, that they always and without exception result in harm. Accordingly, the advocates of even very bad policies will typically be able to point to a few cases in which nothing obviously went wrong.

For instance, it used to be common in many cultures to smear fresh cow-dung on the umbilical cords of newborn infants. And it did not always and without exception kill the child! So whenever someone wants to defend the policy of smearing cow-dung on umbilical cords, they can always point to Susie and Jimmy and say, "but look—they had cow-dung smeared on their umbilical cords, and they lived happily ever after!". Indeed, it is quite likely that the defenders of this policy will themselves be among the people in that culture who had cow-dung smeared on their own umbilical cords and survived—those who died from the policy will have less to say in later years. This is called survivorship bias.

Pointing to the survivors is obviously not a good way to assess the obstetric policy of smearing cow-dung on umbilical cords. Pointing to the cases in which no harm was caused is instead an excellent way to ignore the cases in which extensive harm was caused. To assess the policy, we need to look at all of its consequences, not only the lucky exceptions.

So too in the case of policies concerning romantic relationships. If some individuals did foolish things in the past and survived it, then I congratulate them, and wish them well. I no more wish the happy couple ill, than I wish Susie and Jimmy to die of deferred tetanus. But I do not want their good luck to be used as a basis for setting policy in the future.

There are reasons why most of us can point to a few cases where teacher-student relationships turned out non-catastrophically, and yet are aware of fewer cases in which they caused extensive harm. The reasons involve secrecy, shame, threats, and a cultural refusal to see. As the #MeToo movement is showing, extensive harm to women has been underreported for decades and centuries,

ignored and covered up. We don't want to talk about the costs of bad behavior. So instead we talk about the cases where they lived happily ever after.

And there is another reason why we don't talk about the catastrophic cases in faculty meetings: the people who were driven out of academia, either when they themselves were in bad relationships, or when they were the collateral damage of faculty relationships with other students, are exactly the ones who have less to say in faculty meetings of later years. This is called survivorship bias.

Please, can we cease to cite as decisive the same familiar anecdotes of Susie and Jimmie who followed a destructive policy but lived happily ever after? As Mill says in a comparable context, people "really ought to leave off talking a kind of nonsense on this subject, which they would neither talk nor listen to on other matters of practical concernment." We no longer think it clever to argue against smoking bans by citing anecdotes about your Aunt Madge who smoked two packs a day and lived to 100, or argue against the use of seat-belts by citing that guy Ralph you heard about who wasn't wearing a belt and so "got thrown right out of his pickup and *that's* what saved his life!"

People in the past did a lot of foolish, destructive things, and yet some of them survived. We can defend nearly any policy, no matter how backwards, outmoded, and destructive, by citing the people that it didn't kill. Citing a few happy marriages is no more clever than this, and no sounder a basis for a good policy.

Tad Brennan
Professor of Philosophy and Classics

April 2, 2018, at 2:26 pm

I agree with the ban for professor/undergraduate relationships for all undergraduates in one's classes and for all undergraduates over whom one has some academic power (e.g. oversight responsibilities, letters of recommendation).

But Cornell is very large and the ban is total and both students and faculty have lives outside the university. In principle any student from across campus could be in my class, but in practice it does not happen: I don't get ILR, Hotel, HD students at all, and I'm sure there are other places in the university that are similar and don't get my Engineering students. Unlike the graduate student ban, there is no mechanism for recusal (one could have similarly said in the case of field member/student relationships that they could just wait until graduation), nor is there a sense that in our small town relationships could develop outside the classroom in other venues in which the academic relationship does not play a role, nor a recognition that there might be students that are older than the faculty involved.

I am concerned that after banning the older prof/young student from class/major relationships that we should ban as a matter of professional ethics, we'll end up with some hard cases that are also banned (the older student from one part of campus meeting the faculty member of similar age from a very different part of campus through volunteer work at the animal shelter). And what will Cornell do then? Will the faculty member still be disciplined? Or will it then have to figure out some mechanism for letting such cases go? If the latter, can we figure out the mechanism now? If the former, are we prepared to make the policy look overly harsh by invoking it in cases in which the given rationale doesn't apply?

April 4, 2018, at 11:24 am

The comment above, that prohibiting faculty-student relationships will also ban relationships that violate no ethical standard (for example, “the older student from one part of campus meeting the faculty member of similar age from a very different part of campus through volunteer work at the animal shelter”) relates to issues that Tad Brennan raises. The comment is a form of straw man argument: that this policy will oppress people who are happily minding their own business and causing no problems. The cow dung on their umbilici did not kill Susie & Jamie, but the polio vaccine *might* kill them. Such a perspective underlies the need for the #MeToo movement: that a hypothetical long-shot exception might seem like a valid argument against anti-harassment regulations. It's not.

Joanie Mackowski

Assoc Prof, English / CW

Disclosure

Draft Language

There are situations not covered by the above restrictions where the disclosure of a consensual relationship is necessary in order to maintain an academic environment that is free of bias, discrimination, and conflict of interest. Disclosure is the responsibility of the authority in the consensual relationship. Its purpose is to set in motion a plan that guards against the potential misuse of academic authority.

Disclosure in a timely manner is required by a faculty member who has (or has had) a consensual relationship with a graduate student or postgraduate in the same department, graduate field, center, or research group:

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 Faculty, the recipient of the disclosure develops a Recusal Plan⁵ 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.
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.

Certain consensual relationships that do not involve faculty must also be disclosed. For example, consensual relationships involving academic power imbalances between undergraduate students, graduate students, and postgraduates (e.g. supervising in research groups or grading as a T.A.) must be disclosed to the faculty member in charge. It is the faculty member's responsibility to develop a Recusal Plan to ensure that all formal and informal channels of academic authority are free from bias, discrimination, and conflict of interest.

Responses

March 9, 2018, at 4:46 pm

May want to consider adding Dean of Faculty (as needed). The way it is written, the Dean of Faculty MUST be consulted by the recipient. Is this always necessary?

March 10, 2018, at 11:34 am

Good point

March 19, 2018, at 1:06 pm

I would advocate for a system where disclosures happen to a qualified, trained 3rd party and they inform the impacted people at Cornell to the degree that is appropriate. An example of a good system, now at Cornell, is in academic support for students. I get a letter from on-campus experts that simply lists the accommodations that I should make for a student in my class. ex 50% longer time on an exam in a quiet room. It only reveals what I need to know. I also have worked with Cornell's ORIA group. It is helpful to be able to direct concerned parties to that office to learn more about how a real or apparent COI is being actively managed so it does not impact perceptions of myself or Cornell.

Rumors and assumptions are a problem. Archiving past personal lives and indiscretions is also a problem. It may also fall under FERPA.

⁵ <http://theuniversityfaculty.cornell.edu/news/consensual-relationships-policy-committee/the-public-rough-draft-page/discussion-of-recusal-plans/>

March 26, 2018, at 10:37 am

As a queer student at Cornell who is not out in her department, I genuinely worry about this disclosure policy for queer students. It may force queer students/faculty to come out to avoid a penalty, and, there may be academic environments where being outed could be detrimental to either their academic success or personal safety. I second above comments that disclosure should happen to a third party member outside of the academic unit who can then evaluate whether disclosure to the academic unit is in the best interest of parties involved.

April 3, 2018, at 9:09 am

I don't think a new 6.X office is needed. Title IX covers discrimination in educational settings. Our focus here happens to be on sexual harassment and sexual violence but, conceivably, the Title IX Office can be expanded to handle these disclosures as well. If not Title IX, the Ombudsperson may be a good point person for these disclosures.

April 9, 2018, at 2:41 pm

In the past, there have been occasions when the spouse of a faculty member has pursued an undergrad degree at Cornell. It seems that this policy would prohibit that from happening. Would exceptions be made?

Getting Help

Draft Language

Any subordinate or third party who believes that their academic or professional pursuits are in jeopardy because of a past or current consensual relationship should contact the 6.X Office.⁶ They can be reached anonymously, by email, or in person.

There is frequently an understandable reluctance to consult with individuals who know and/or regularly interact with the authority. Nevertheless, there are "local options" that can be pursued at the discretion of the subordinate:

If the authority is a faculty member, then the director of the subordinate's degree program or the chair of the authority's department can be contacted.

If the authority is a member of the staff, then the authority's supervisor can be contacted.

If the authority is not a faculty member or staff, then the individual who is the supervisor or advisor of the authority can be contacted.

⁶ <http://theuniversityfaculty.cornell.edu/news/consensual-relationships-policy-committee/the-public-rough-draft-page/discuss-the-6-4xassistance-office/>

Responses

March 15, 2018, at 7:48 am

I am nervous about the confidentiality, I would like to be able to talk about my difficult situation from an informational point of view

Enforcement Procedures

Draft Language

Procedures for faculty, students, and staff are in place to handle allegations of sexual harassment and coercion and other forms of misconduct that are prohibited under Policy 6.4.

Violations of this policy by an authority include: failure to disclose in a timely manner, failure to adhere to the recusal plan, participation in a prohibited relationship, and retaliation against a subordinate who, while acting in good faith, provides information about a suspected violation of Policy 6.X.

Procedure if the authority is a faculty member.⁷

1. The allegation is immediately shared with the 6.X Office, the Dean of Faculty, and the Chair of the authority's department, hereafter referred to as "the group". (If the faculty member is part of a center and not a department, then the center director plays the role of chair. If the chair or center director is involved in the allegation, then suitable substitutes must be found, e.g., the associate chair.
2. The 6.X Office initiates an investigation to determine whether the allegations are correct. It shares the results with the group once the investigation has concluded.
3. If the allegation involves a failure to disclose or noncompliance with the recusal plan, then corrective steps without sanctions may be an option. If the group is unanimous in this belief, then those corrective steps are communicated in a letter to the authority with a copy sent to the Dean of the authority's college. The 6.X Office will ascertain through periodic check-ins that these corrective steps are being followed and may reinitiate this process if necessary.
4. Unless the option in the previous step is exercised, the group recommends a sanction and conveys it to the Dean of the authority's college in writing. Possible sanctions include mandatory training, suspension for a specified period of time, limitation of access to students of all genders, and dismissal.
5. The Dean of the authority's college enacts those sanctions, or enacts alternative sanctions providing a written rationale that is communicated to the group.
6. The authority may initiate an appeal procedure.

⁷ <http://theuniversityfaculty.cornell.edu/news/consensual-relationships-policy-committee/the-public-rough-draft-page/procedure-if-the-authority-is-a-faculty-member/>

Procedure if the authority is a staff member or postgraduate.⁸

1. The allegation is immediately shared with the 6.X Office and the Chair of the authority's department, hereafter referred to as "the group". (If the faculty member is part of a center and not a department, then the center director plays the role of chair. If the chair or center director is involved in the allegation, then suitable substitutes must be found.)
2. The 6.X Office initiates an investigation to determine whether the allegations are correct. It shares the results with the group once the investigation has concluded.
3. If the allegation involves a failure to disclose or noncompliance with the Recusal Plan, then corrective steps without sanctions may be an option. If the group is unanimous in this belief, then those corrective steps are communicated in a letter to the authority with a copy sent to the Dean of the authority's college. The 6.X Office will ascertain through periodic check-ins that these corrective steps are being followed and may reinitiate this process if necessary.
4. Unless the option in the previous step is exercised, the group recommends a sanction and conveys it to the Dean. Possible sanctions include mandatory training, suspension for a specified period of time, limitation of access to students of all genders, and dismissal.
5. The Dean of the authority's college enacts those sanctions, or enacts alternative sanctions providing a written rationale that is communicated to the group.
6. The authority may initiate an appeal procedure.

Procedure if the authority is a student.⁹

1. The allegation is immediately shared with the Chair of the authority's department and the supervising faculty member, hereafter referred to as "the group". (If the chair or the supervising faculty member is involved in the allegation, then a suitable substitute must be found.)
2. The 6.X Office initiates an investigation to determine whether the allegations are correct. It shares the results with the group once the investigation has concluded.
3. If the allegation involves a failure to disclose or noncompliance with the Recusal Plan, then corrective steps without sanctions may be an option. If the group is unanimous in this belief, then those corrective steps are communicated in a letter to the authority with a copy sent to the Chair of the authority's department and the supervising faculty member. The 6.X Office will ascertain through periodic check-ins that these corrective steps are being followed and may reinitiate this process if necessary.
4. Unless the option in the previous step is exercised, the group recommends a sanction. Possible sanctions include mandatory training, denial of future grading assistantships, teaching assistantships, or research assistantships, transcript notation, and expulsion.

⁸ <http://theuniversityfaculty.cornell.edu/news/consensual-relationships-policy-committee/the-public-rough-draft-page/procedure-if-the-authority-is-a-staff-member-or-postgraduate/>

⁹ <http://theuniversityfaculty.cornell.edu/news/consensual-relationships-policy-committee/the-public-rough-draft-page/procedure-if-the-authority-is-a-student/>

5. The appropriate degree program director, department chair, or college dean enacts those sanctions, or enacts alternative sanctions providing a written rationale that is communicated to the group and the 6.X Office.
6. The authority may initiate an appeal procedure.

These procedures should conclude within six months so as to give the authority and the subordinates and/or complainants involved a timely resolution to the situation.

In all cases, the power imbalance must be mitigated. Any harm rendered to a student that results from a violation of this policy must be remedied by “the group” that is identified by the procedure.

The 6.X Office will maintain records of violations of the policy. Non-punitive corrective action and sanctions will reflect prior violations, with the most extreme corrections and sanctions reserved for the most severe or for repeated violations of the policy

When enforcing this policy, “the group” should be alert for instances of academic or research misconduct that unfairly benefits or detracts a subordinate and should report that behavior to the appropriate office.

Responses

March 9, 2018, at 4:51 pm

The 6x office is going to be critical and should not only consist of administrators. This will prevent possible abuse of power and punishment of faculty/students by supervisors, since dismissal is a possible sanction.

It is unclear how the authority will appeal a sanction particularly if it is a dismissal. Can you really fire a tenured faculty member based on an allegation that is investigated?

March 22, 2018, at 10:01 am

Possible sanctions are not outlined. Would all breaches of this policy be met with dismissal? How does a direct breach compare with a non-disclosed but permissible relationship?

CRP-A vs CRP-B

The Proposals

CRP-A proposed a prohibition:

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.

CRP-B proposed disclosure and recusal when:

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

In all other respects the proposed policies were identical.

Feedback

April 19, 2018, at 5:01 pm

I support neither option. Let's protect our students 1) by educating and empowering them. Put in place training as a part of orientation, raise awareness, include in our curricula, fortify resources. And let's protect our students 2) by managing the behavior of those in positions of authority. Require training, offer workshops, include personal relationships across a power divide in our annual conflict of interest reports, implement a process to manage those conflicts. Let's not take the "easy" way out by implementing bans. Banning will not prevent relationships across a power divide from forming; it will drive them underground and expose individuals to greater risk of harm. Banning will not empower students to make sound decisions about entering into relationships, which they will continue to need to do after leaving Cornell. Banning will not encourage those in positions of authority to be forthright and to seek assistance in managing relationships that may form across a power divide. Let us engender, empower, and expect good decision making among all members of the Cornell community, rather than attempting to control behavior in draconian, patriarchal ways.

April 20, 2018, at 9:38 am

I support banning faculty-undergrad relations, with the understanding that whatever is banned will occur, and that the punishments should depend on circumstances.

New York's age of consent laws seem relevant: "In New York State, a person who is under age 16 but older than 13 years old can consent to sex with a person who is no more than 4 years older; the crime of the 3rd degree rape only happens when a person over the age of 21 has sex with a person who is under seventeen years old or younger and that person can or may be punished with up to 4 years in prison. The younger the victim is, the more severe the punishment."

Relationships with large age differences and where the age of the student is closer to the age of consent should result in termination. Relationships with, e.g., a 4 or 5 year age difference where the student is 21 or 22 might result in no punishment, especially if the relationship is appropriately disclosed.

April 24, 2018, at 12:14 am

Comments submitted by Risa Lieberwitz and William Sonnenstuhl (ILR):

We believe that the current Cornell policy on “Romantic and Sexual Relationships” is appropriate and adequate:

The current policy recognizes that “romantic or sexual relationships between students and persons in positions of authority compromise the relationship between students and the university.”

The current policy identifies the areas where an individual should not exercise authority while simultaneously being romantically or sexually involved with a student.

The current policy respects the right of individuals to enter consensual romantic or sexual relationships, as long as the relationship is not prohibited by the policy.

The current policy can be supplemented by increased education (classes, workshops, etc.) that raise awareness about issues of sex and sexuality and about making conscious choices of whether to enter romantic and sexual relationships.

We believe that the proposed new consensual relationships policies are overly broad and intrusive:

The CRP-A and CRP-B total ban on romantic or sexual relationships between faculty and undergraduate students treats all consensual relationships as inherently coercive.

The CRP-B total ban on sexual or romantic relationships between faculty members and graduate or professional students affiliated with the same graduate field or degree program also treats all consensual relationships as inherently coercive.

Total bans prohibit individuals from making their own choices of whether to enter a consensual romantic or sexual relationship.

The required disclosure of permitted consensual relationships invades the privacy of the individuals in the relationship.

Enforcement of overly broad total bans and disclosure requirements creates a threat of the most draconian sanctions, including discharge.

Rather than adopting overly broad total bans, Cornell can retain its current policy supplemented with increased education (classes, workshops, etc.) that raise awareness about issues of sex and sexuality and about making conscious choices of whether to enter romantic and sexual relationships.

April 24, 2018, at 7:03 pm

I totally agree!

April 24, 2018, at 12:09 pm

I am a faculty member at the Ithaca campus. I fully and wholeheartedly support P1 and P2. The undergrad ban, while sweeping, reflects a higher responsibility we hold towards students. P3 concerns me on a broader level because of the inclusion of “field” and its absolutist language. Given the size of many fields, I am not sure that this ban reflects the core goals behind P1 in a reasonably limited fashion. I question why it contains blanket language when P1 seemingly provides sufficient coverage for the ways that such a relationship could compromise the student/faculty boundary. Again, I wholeheartedly agree with the sentiment behind all three rules and the necessity of the update, but I do worry about rules written in such a general and binary way as P3.

My greater concern is in regards to definitions, reporting, and enforcement procedures. I am a single gay man in upstate NY. The nearest dedicated space for gay adults to meet is in Syracuse proper. One primary way that people in my situation connect in pursuit of both romantic and sexual relationships is in the form of web and mobile apps like OKCupid, Tinder, or Scruff. As you might be aware, these sites operate almost entirely on self-reported information and informal communication. Someone declares their age, occupation, interests, and other personal features through a profile posting, and other users must vet their information for truthfulness and authenticity. These days, most apps eschew personal information in favor of more picture content. In many of these communities it is not common practice to include photographs of faces (due to the risk of prejudice or violence) and names are not verified by any authority. Phenomena such as catfishing are common, and as expected people quite regularly misrepresent aspects of their life. These issues, of course, also occur in face-to-face interactions, but are much more acute thanks to the online, distributed mode of communication.

Users of these apps generally begin by communicating informally to vet these trust issues as well as engage in the traditional things someone would do to identify a potential partner. My question regarding the CRP comes from this activity. To what degree of engagement would communications on these kinds of tools become a violation of this policy? Is simply sending a greeting enough of a signal of desire to engage in what might be an unsanctioned relationship that it would violate this policy? Is communicating for several days enough? Is arranging (but not yet attending) an initial date sufficient? Is that first date enough? Very often one does not realize issues of misrepresentation and lying in profiles until quite deep into an exchange (note the common trope in popular media of individuals being unpleasantly surprised by their first physical meeting with an online connection). What might happen if a faculty member communicates with someone who claims to be a final year grad student in Architecture but ends up being a junior in the Engineering college? They might only discover that misrepresentation during the first face-to-face meeting after several weeks of sustained online communication. Even then, I doubt that someone could identify every single Cornell student and their corresponding year/field affiliations at a face-to-face meeting. This is true for me even for members of my own large field.

The rules regarding sanctioning or disapproving of a “relationship” are by necessity somewhat ill defined. Under the CRP rules it seems that most if not all of those situations I mentioned above could risk being litigated and prosecuted as prohibited romantic or sexual relationships even if it is a clear case of someone in category P2 falsely representing themselves. A violation could still in principle have occurred despite such misrepresentation and risks invoking an arduous and potentially career-destroying debate. While the case I mentioned above of a student misrepresenting themselves might in the end be resolved in a faculty member’s favor due to that misrepresentation, the severe damage to career and reputation would already be done. The risk is further compounded when you consider the idea of intentional misrepresentation, retribution, and blackmail.

Once again, I have absolutely no desire to engage in a relationship with an undergraduate student, both due to the exact reasons the CRP rules cite as well as my own personal ethical beliefs. I also have no desire to engage in a relationship with a graduate or faculty member within my field for similar reasons. Yet, the reality of LGBT dating outside of urban areas exposes me to a tremendous

amount of risk of inadvertently violating these rules should I encounter a single person online who chooses to misrepresent themselves. There is no reliable test for P2 or P3 violations over the web. There may not even be one that is reliable for early face-to-face interactions. In my own assessment should the rules go into effect I would have to cease any and all dating in Ithaca and surrounds due to these high risks, which introduces what I believe is an unreasonable personal hardship. I already had enough to worry about in terms of avoiding bashings and prejudice. In effect, P2 and P3 have the unfortunate side effect of turning what otherwise is an annoying and awful side effect of online dating (people misrepresenting themselves) into one that risks serious negative career implications due to their broad and binary nature. While the side effects I describe could affect everyone in the Cornell community, they risk unfairly targeting members of minority communities who have fewer means to overcome or mitigate them.

I do not have any explicit fix for this. My primary suggestion is that the definition of what constitutes a prohibited relationship be well defined enough that it is resistant to unfortunate situations like the ones I listed. Claiming that enforcement will be performed in a “common sense” is not sufficient given the potential negative consequences of even being investigated. Given the wide reach of P2 and P3, this is critical. If nothing else, a clearer definition would help delineate when communications cross the boundary from permitted to prohibited. The slide deck talks about the need for rules to change to embrace new conceptions of what constitutes harmful behavior. Likewise, the rules also need to account for the new ways in which people interact today and the reality of minority communities.

April 24, 2018, at 5:18 pm

Very well articulated.

April 24, 2018, at 5:03 pm

In the current climate, it is worthwhile to re-consider these issues. I think the guiding principal should be whether the faculty or graduate student has an authority over the student or postdoc. This should be the dividing line. In light of this, in the short 1 page summary, I basically agree with P1 and P3, although it should be more specific. On the other hand, P2 is too broad and overreaching. It's not unreasonable to expect to hire an exceptional assistant professor who is say, 27 years old. He could potentially meet an undergraduate in a dancing class for example, and they could also be the same age. If the student is in a completely different department, so that the professor has no power over the student, what is the problem? Life happens. Love happens. Cornell should not be regulating these kinds of things.

I am also concerned about the potential power of the panel that will decide on such issues. Will there be common sense, or will people's lives be turned upside down by some panel without due process? These are important questions. On the other hand I would support P2 if there is a fair way to disclose a potential relationship.

Overall, these proposals are too broad and don't allow for legitimate and innocent exceptions, that will happen, and have to be dealt with some common sense, especially if both parties have no issues with their relations. It's aimed at dealing with very rare exceptions. Cornell should not be in the

business of overseeing people's private lives where in cases it is perfectly innocent and, frankly, non of its business.

April 25, 2018, at 9:52 am

Author of comment 4 from 4/24 here. The power of the panel is a huge concern of mine. Assuming a misrepresentation situation like I described above occurs, would I have to go before the panel with transcripts of all of my communications to prove beyond a doubt that I did not know I was talking to an undergraduate? Would I have to describe potentially intimate conversations to a jury of my peers and have them entered into panel documents forever (confidential or not)? Like you nicely state, Cornell probably shouldn't be regulating these things with such aggressively defined boundaries when the targets are rare, exceptional cases and not everyday behavior. If you have to reassure people that your panel will behave in a common sense way, then you probably have rules that are too broadly defined or an institutional reach that is extended too far.

April 27, 2018, at 2:11 pm

I have voted to support neither option. My reservations concerning possible romantic / sexual relationships between the broadly defined authority figures and undergraduates seem too restrictive to me, while the proposed procedures for dealing with relationships between post-graduates and authority figures seem too cumbersome. Reading the comments, arguments, and rationales posted by some of my colleagues have strengthened my position.

Other Community Feedback

Faculty Senate Resolution on Consensual Relationships Policy (Failed)

The Faculty Senate discussed and voted on “Resolution on Consensual Relations Policy” on April 25, 2018. They voted it down 30-10. However, it occasioned enough discussion around the disclosure mechanism, and references to Dr. Miller’s proposed disclosure process, that we have included the resolution, our co-chairs’ response, and other comments here.

Resolution on Consensual Relationships Policy

Posted: Friday, April 20, 2018, for consideration at the April 25 Senate meeting.

Sponsors

Professor Richard Bensel (Government)

Professor Ken Birman (Computer Science)

Professor Eric Cheyfitz (English)

Professor David Delchamps (Electrical and Computer Engineering)

Professor Richard Miller (Philosophy)

Background

Although we find the general features of CRP-B plausible, we are troubled by two features of this document, made public on Monday, which, we think, make it worse than the Rough Draft that has been available and was previously discussed by the Senate.

First, although recusal plans are the core of this alternative, guidelines for recusal plans which were part of the Rough Draft are absent.

Second, while the Rough Draft made department chairs appropriate recipients of proposals and (with consultation with the 6.x Office and the Dean of Faculty) possible determiners of recusal plans, CRP-B makes the 6.x Office, an agency solely described as a unit within the Office of Human Resources, the sole recipient of the mandatory disclosures and the sole source of recusal plans.

Of course, worries about this exclusive authority, only constrained by vague general goals, could go into comments submitted along with Yes/No votes. But if one thinks these are serious worries, it can be hard to know whether to vote yes or no to Plan B. Even more important, the proposed voting and commenting procedure does not strike us as a good way for the Senate to serve as an independent voice of the faculty in this important matter. Votes of questionable meaning accompanied by an abundance of individual comments are no substitute for deliberations that forge a genuine consensus.

Resolution

BE IT RESOLVED, that the Senate endorses Consensual Relations 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

Reference

The resolution proposes replacement of the following CRP-B disclosure process steps:

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.
2. In consultation with the authority, the Policy 6.X Office develops a Recusal Plan or determines that one is unnecessary. The Recusal Plan identifies situations where participation by the authority is to be limited because of the potential for conflict of interest, thus mitigating the academic power imbalance. The plan must also specify who in the workplace needs to be informed of its existence.
3. The subordinate is contacted by the Policy 6.X Office shortly after the disclosure is made to inform them of the disclosure, the proposed Recusal Plan, and of relevant resources.
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.

Waymack and Van Loan Response

We are concerned with three aspects of the resolution.

1. It gives the authority the option of choosing who enforces the recusal plan. This paves the way to “fox guarding the hen house.”
2. It is possible to jeopardize the safety and well being of the subordinate by allowing the authority to disclose locally first. To guard against local retaliation and bias it is critical that the 6.x office receive all the facts of the case before anyone in the workplace is brought into the picture.
3. It will discourage disclosure because everything goes to the dean no matter what. Involving the dean when nothing is wrong needlessly increases the radius of disclosure which in turn makes confidentiality and privacy harder.

Here are some more details based on what we learned in going from the disclosure/recusal part of Public Rough Draft (which you liked!) to the disclosure/recusal mechanism that is part of both the CRP-A and CRP-B proposals.

Regardless, we thank the resolution sponsors for sharpening the dialog on this issue and look forward to hearing what our colleagues have to say at the April 25 Senate meeting.

Charlie Van Loan and Anna Waymack

We altered Step 1 in the Public Rough Draft disclosure process recommending that disclosure be to the Policy 6.X Office first.

For this, our concern is the safety of community members. Individuals may not wish to out themselves to department chairs or DGSs, as such disclosure may risk harm. The Committee found that the prospect of trained HR professionals in the Policy 6.X Office offered greater security and discretion. This also ensures that students learn about disclosures of their own relationships before the disclosure reaches their chair or DGS. We would hope regardless that authority figures will discuss the prospect of disclosing with their partners before notifying the Policy 6.X Office or others.

We altered which party develops and enforces a Recusal Plan.

These alterations were to reduce the all-too-frequent practice of sweeping episodes under the rug, to ensure even treatment across programs and departments, and to protect subordinates from retaliation. It should be remembered that students do not necessarily perceive department chairs and DGSs to be impartial entities, but rather members of a “team” of faculty who may be bound to one another by longstanding friendships and associations. We chose to strengthen the dynamic of partnership between the Policy 6.X Office and the local authority—the chair or DGS—

so as to reduce scenarios in which the authority might essentially choose their own restrictions and accountability (or lack thereof).

If faculty wish to enforce Recusal Plans, we ask whether this entails a willingness to undertake more training (in the best practices regarding such matters), greater workloads, and additional liability.

We chose not to involve the academic Dean in the recusal process, and to only involve them in cases of violations of the policy.

Our reasoning was to minimize the radius of disclosure—subject to the constraint that the subordinate and environment are protected. There is additionally the workload concern and the impracticality of involving academic Deans when an authority is a student themselves.

Other Public Comments

April 20, 2018, at 12:14 pm

By replacing the 6.X office with “the individual who is responsible for the academic workplace” as the recipient of disclosure, this proposal significantly weakens the subordinate protection offered by CRP-B. I wonder how many individuals who expressed support for CRP-B will still favor the amended proposal over CRP-A. If anything, this proposal should be treated as CRP-C rather than an amendment to CRP-B.

April 20, 2018, at 12:17 pm

I support this resolution and agree that it adds clarity.

April 20, 2018, at 4:04 pm

Things should never be “contained” within the academic unit; the 6.x office must always be involved.

I might change item 2. to ” The 6.x Office and the recipient of the disclosure (if it is not the 6.x Office), in consultation with the Dean of the relevant College, develop a Recusal plan . . . i.e., I want the 6.x office centrally involved, not just consulted.

For FCOI stuff, the development of the FCOI management plan is handled by the central office, and this works fine. There are a finite number of scenarios, and the FCOI office has examined those and developed “standard” plans with customizable elements. I would guess the 6.x office would/could do the same.

Question: Should information conveyed to the Dean always come from the 6.x office, to ensure standard kinds of information are transmitted? Should the parties be identified in the information conveyed to the Dean? Is that essential? How do we make sure that such information is not prejudicial in, e.g, tenure and other promotion decisions? I could easily imagine how a Dean could misuse it in close cases.

We want to encourage disclosure. Unless the Dean’s office is to have a role in managing the Recusal plan, I don’t see why they need identifying info. However, the Dean should know, e.g., if half of their College’s cases are coming from, e.g., the Physics Department.

Regarding item 3.: Should enforcement fall solely to the recipient of the disclosure, in the event that disclosure is made to, e.g., the Department? I could easily imagine that “local” enforcement could slip. In my own FCOI experience, my Department has been less than diligent in fulfilling their oversight role in managing my conflicts of interest – and I have been less than diligent in pushing them to do so. It is better that the primary enforcer be the 6.x Office. In the event the original disclosure is made to, e.g., the Department, they can be involved in information gathering relevant

to enforcement, and possibly also enforcement, but the marching orders for enforcement and at least annual review should come from the 6.x office.

I see the possibility of disclosure to one's Department as providing an alternative that some faculty/students might be more comfortable with, and also providing another set of eyes to ensure that the faculty member and student are fairly treated. But I don't think they should have primary responsibility for designing recusals and for enforcement.

Rob Thorne

Private Comments:

Anonymous Graduate Student with JD, April 17

I just wanted to register a comment with you on the unfortunate and misleading slide presentation the CRPC supplied to the Cornell community. At the very beginning of the presentation, a constitutional claim is made. Its order in the series of slides, as well as its wording, suggests that this claim is a main foundation for the conclusions the committee came to. Whether that is the case or not (and I sure as hell hope not), the fact is that this rights claim is straight-up false.

There is no “right to romance” guaranteed by the Ninth Amendment. This was completely made up by some psychology academics at UCLA for the sake of a theoretical argument. It isn’t even a good argument, because no one ever uses the Ninth Amendment for anything remotely like this. Needless to say, “the right to romance” is not a legal doctrine, nor has anything like it ever been recognized in court. “Romance” and sexuality are governed by law related to privacy, contract, equal protection and the state’s “police” power over health and welfare.

I am concerned that people might make their minds up on this issue because they think that there is some fundamental, legally protected right to “romance” equal to the First Amendment that cannot be infringed. Not only is it inaccurate for the reasons cited above, we are at a private institution and so the Ninth Amendment, even if it mattered this way, wouldn’t even apply here in the way suggested.

I don’t know what you can do about this, but as a supporter of the work of the consent committee (and of the field ban, not that you asked) I find this method of argument disingenuous and really upsetting. We should be making policies based on what’s good for the mental and academic good of the student and the community at large which our shared governance structure gives us the power to do, not proposing fanciful “rights” bases that undercut the very premise of a policy in the first place. I can just see male faculty voting against this because they think that romance is their “right.”

Anonymous “Cornell Citizen,” April 24

Should be a part of the CJC/Campus Code responsibility

Anonymous, April 24

CRP belongs in Campus Code of Conduct

FAQ Responding to Community Concerns

Below are answers to some of the more challenging questions that have been posed by the community during the course of Committee deliberations. Most of these concerns were brought to our attention through postings on our website and by various outreach efforts to the assemblies and other groups on campus.

Q: What does this policy say to individuals who are now in successful relationships that came out of power imbalances that are now prohibited?

A: There once was a time at Cornell that it was not deemed necessary to have a Policy 1.7 (financial conflict-of-interest) or a Policy 6.4 (prohibited bias, discrimination, and harassment). However, acceptable standards of behavior change with times and that includes how we think about romantic and sexual relationships in the workplace. While there are certainly many examples of student-faculty relationships that have played out happily, there are also many examples of those that did not. Moreover, society has a heightened awareness of the negative effect that such relationships can have on workmates. As to being judgmental, would we condemn the 1955 driver-parent who let their kids sit in the front seat without seatbelts? By today's standards that would be irresponsible and we can act on that without insulting past generations.

Q: Won't the policy set up a Big Brother network of informers who are driven by puritanical concerns?

A: The current Title IX reporting system and the current hazing reporting system are staffed by professionals and maintain a respect for privacy and due process. Those reporting systems do not give voice to spurious accusations thanks to their robust procedural safeguards. A well-designed 6.X reporting system could work just as well. The system would guard against degradations of the learning environment that result through favoritism, something that is not generally regarded as a puritanical concern.

The goal of the policy is to inspire ethical behavior not through the threat of punishment but through a heightened sense of awareness of the underlying issues. Such is the goal of the University's Code of Academic integrity and the Campus Code of Conduct. A formal process can ensure better protection of all parties than informal systems such as whisper networks. Furthermore, the policy does not turn community members into mandatory reporters. In contrast, most employees are required to report anything they learn about incidents of sexual harassment and assault to the Title IX Office.

Q: Why single out romantic and sexual relationships? There are any number of conflicts of interest, and this seems like moral policing.

A: Romantic and sexual relationships are not singled out by university policy. One can say that Cornell has no business "policing" the outside financial activity of the faculty. After all, the faculty have the right to make a decent living. Nevertheless, it is in everybody's interest that these activities not undercut faculty commitment to the University mission of teaching and research. Thus, we have

Policy 1.7 that deals with financially-based conflict of interest and an office that assists faculty and others in navigating these waters.

By analogy, one can say that Cornell has no business “policing” the romantic activity of educators. After all, educators have the right to choose their relationship partners. Nevertheless, it is in everybody’s interest that these activities not undercut faculty commitment to the university mission of teaching and research. Thus, we need Policy 6.X that deals with romantically-based conflict of interest and an office that assists faculty and others in navigating these waters. We have modeled the disclosure component of Policy 6.X in part after the financial disclosure apparatus.

Q: What is wrong with the existing 1996 policy?

A: The current policy (a) sends all problems and disclosure situations to the “supervising dean,” (b) has a narrow view of conflict of interest, (c) does not address the harm to third parties that can result from a climate of favoritism, and (d) does not acknowledge special obligations to undergraduates. Furthermore, the current policy is buried in the Faculty Handbook, which works against community awareness and promotes the view that the faculty somehow “own” the issue.

Q: Why do you see the need to address indirect authority?

A: A policy that underestimates the power of indirect authority underestimates the potential for damage to third parties. It is not enough just to protect the academic freedom of the subordinate via a disclosure mechanism. The policy must ensure that those who are in the vicinity of the relationship have their academic freedom protected against the undermining force of favoritism. Moreover, in tight-knit disciplines indirect authority has significant influence over students.

Q: Why talk about power imbalances instead of solely conflict of interest?

A: The type of conflict of interest that the policy addresses is made possible by the power imbalance that naturally exists between (say) a faculty member and a student. It is impossible to disentangle the two concepts.

Q: Why is it necessary to restrict young women’s sexual agency?

A. Although we have received a number of questions regarding young women’s sexual agency, it must be stressed that 6.X applies to members of the Cornell community regardless of gender, gender expression, or sexuality. As an educational institution Cornell values agency with respect to academic decisions over agency with respect to romantic and sexual relationship decisions in the workplace. The feminist movement has brought about many positive changes in higher education; however, there remain major shortcomings—voiced especially by female graduate students—and this policy is trying to do something about it.

As we began drafting guidelines in Fall 2017, the undergraduate students who were on the committee studied the issue, discussed it amongst themselves, and asked for these guidelines for

conduct. Compared to existing policy, this one consulted the relevant parties, especially those from student female communities.

Q: What protects authorities from angry ex-partners weaponizing this policy?

A: If the relationship was prohibited and/or undisclosed, then the policy ensures that there will be a fact-gathering process followed by a fair and transparent adjudication, rather than a leap to premature judgment. Grandfathered relationships and certain others will still have to be disclosed, which gets some protection for the authority. If the ex-partner alleges coercion, then the situation falls under Policy 6.4 (as it would absent this policy) rather than the Consensual Relationship Policy.

Q: Wouldn't the rationale behind the undergraduate-faculty prohibition also require that we ban children of faculty from attending Cornell?

A: There is an exception for people whose relationship predates their affiliation with the university and another to ensure that the ban does not impede a student's educational opportunities. Analogously, if a professor's child applies to Cornell, the relationship should not impede their educational opportunity so long as there is disclosure and recusal insofar as possible. Such a situation is already covered by Cornell's policy on nepotism.

Q: Why is the policy asymmetric in its treatment of undergraduate students and graduate and professional students? For both types of student there are faculty who will never intersect their academic trajectory.

A: Graduate students may be allowed to take courses throughout the university but are admitted for a specific program; the degree demands depth rather than breadth. Graduate students have much narrower distribution requirements, and are exceedingly unlikely to switch their field of study in contrast to undergraduates.

Q: Isn't an undergraduate/faculty relationship ban age discrimination?

A: Age discrimination is a specific legal term but is not relevant here because the policy applies to undergraduates regardless of age. The policy does take into account "academic age" in that commitment to a graduate or professional program assumes a nuanced understanding of how students depend upon faculty, informed by the applicant's (anticipated) completion of an undergraduate degree. Enrollment in an undergraduate program does not.

Q: Why not eliminate the ambiguities of disclosure and recognize obligations to students' education by banning all faculty-student relationships?

A: To maximize total positive impact, the policy must land somewhere in between "total free for all" and "total ban". We worry that a total ban would increase the potential for coercion because so much would be driven underground. To make an analogy, the university could ban all fraternities as a way to solve the hazing problem. But that gesture would just distance bad behavior from the university and diminish the chance of real risk reduction that can be realized through education and awareness.

Q. Is this policy driven by fears of legal action and by an overreaction to national events?

A. The committee has been mindful of the changing legal realities in light of incidents at the University of Rochester and other peer institutions, which have shown that weak and ineffective policies cost universities millions of dollars and the respect of their peers. While this is a very legitimate concern, it has not been the primary factor in the Committee’s work or decisions.

With respect to the policy being an overreaction, it is important to review the timeline of events on-campus and off-campus. The Faculty Committee on Academic Freedom and the Professional Status of the Faculty proposed a revision of the existing policy in 2015. Another call for a more systematic revamping of the Cornell policy emerged from the Graduate and Professional Students Assembly in the spring of 2016, reiterated in the spring of 2017. President Martha Pollack charged the Consensual Relationship Policy Committee in September 2017. Thus, local interest on the issue of consensual relationships between faculty and students—as well as our formal assignment—predates the fall 2017 high-profile episodes and national discussion of sexual harassment and sex in the workplace: Harvey Weinstein, Larry Nassar, the #MeToo movement, and the University of Rochester’s mishandling of a case.

Q: How big is this problem, and what statistics are available?

A: It is difficult to answer this question with precision because of underreporting, institutional reluctance to publish unflattering statistics, concerns for confidentiality, and inconsistent and vague definitions of “consent”. However, what is true is that more and more instances of the problem are being reported by the media, as this [collection of recent articles](#) reveals. While we have limited data on consensual romantic or sexual relationships in academia, we do have some surveys on nonconsensual sexual harassment and assault in the academy. The [2015 AAU Climate Survey of Sexual Assault and Misconduct](#), the [#MeTooPhd Survey](#), and this 2018 report on [Power in the Academy](#) all suggest that sexual harassment by faculty is a major issue in higher education. Although Policy 6.4 handles the prosecution of harassment cases, we need an effective Policy 6.X to help prevent such cases from happening in the first place.

Q: What about online relationships and online dating?

A: We do not distinguish between online and in-person relationships. Where you are aware that a fellow user of a digital system is in a prohibited category, you are advised not to contact them. Where you are aware that a fellow user may be a Cornell student or postgraduate in close proximity to your academic role, we advise exercising caution and prudence. Should you become aware that another party was in a prohibited category after initiating a relationship, contact the Policy 6.X Office.

Appendix D: Shared Governance Voting and Commentary

On April 16, the Committee published two consensual relationships policies: CRP-A and CRP-B.

The two policies are identical except in one respect. CRP-A prohibits sexual and romantic relationships between faculty and graduate/professional students if both are affiliated with the same graduate field or degree program. CRP-B allows for such relationships provided there is disclosure and an appropriate recusal plan.

The committee sent a synopsis (below) and ballots to each assembly.

Developing a New Consensual Relationships Policy

April 16, 2018

As an institution where any person can find instruction in any study, Cornell demands ethical behavior from all who are engaged in its mission of teaching, research, service, and outreach. It is the responsibility of the institution to guarantee that every student has the freedom to pursue their academic and professional interests in an environment without preferential or unfair treatment, discrimination, or bias. Romantic or sexual relationships between instructors and students can jeopardize the integrity of that mission for the individuals involved and also for those around them.

The Consensual Relationships Policy Committee (CRPC) is charged by President Pollack to develop a policy, dubbed “Policy 6.x”, that addresses this issue. The policy is to be concerned with relationships where one individual (the *authority*) can influence the academic or professional progress of the other (the *subordinate*). It is to apply only in those situations where the subordinate is either a student or a postgraduate. The authority can be a member of the faculty (broadly construed), an employee, a postgraduate, or a student. The proposed policy must identify conflict-of-interest situations that require prohibitions and it must include a plan of for effective disclosure and enforcement.

After extensive research and broad consultation, the CRPC has identified three prohibitions that must be taken into consideration:

P1. 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.

P2. Sexual or romantic relationships between faculty members and undergraduate students are prohibited regardless of department, school, or college affiliation.

P3. 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.

The CRPC strongly supports P1 and P2 but has mixed views on P3. Accordingly, it has put together candidate policy CRP-A that includes P1, P2, and P3 and candidate policy CRP-B that includes just P1 and P2.

CRP-A and CRP-B are identical with respect to how they address disclosure and enforcement. They each require the creation of a “Policy 6.x Office” (located in central HR) that serves as a resource for both subordinates and authorities. The Office would work with

department chairs, degree program directors, college deans, the dean of faculty, and others to ensure that effective recusal plans are put into practice and that enforcement procedures are properly executed.

The CRPC is asking the Faculty Senate and each Assembly to stage a 3-way vote whereby members are asked to indicate support for CRP-A or support for CRP-B or support for neither. The CRPC will take the outcomes of those votes into consideration when drafting its final recommendation to the President.

Votes

Assembly	CRP-A	CRP-B	Neither	Total	Eligible
SA	13	4	5	22	31
GPSA	13	27	1	41	85
EA	4	11	0	15	28
UA	4	1	2	7	20
FS	31	45	19	93	101
CRPC					19

SA

Assembly/Senate	CRP-A	CRP-B	Neither	Total	Eligible
Student Assembly	13	4	5	22	31

Formal Comments

CRP-A

I do not feel comfortable about making a decision about graduate student relationships as I do not represent that constituency. However, I do feel if I need to decide, I'd choose CRP-A in order to prevent an abuse of power imbalance.

I think P3 is an important addition.

My main reason for supporting CRP-A is a concern for the power differential that presents itself if a grad student and professor were to engage in a relationship and it would end badly and they are in the same department.

CRP-B

I think as long as there is disclosure the relationship between grads and faculty is acceptable.

Puts regulations and codifies romantic/sexual partner rules.

Neither

Institutional watchover has historically led to the marginalization of minority communities.

I don't think people should have to disclose their relationship. This makes individuals from the LGBTQ community have to out themselves. It is unfair.

Forcing graduate students and faculty to disclose their sexual history is inappropriate.

Formal Votes

Name	Seat Held	Vote	Comment
Thomas Ball	Voting Member - Undesignated At-Large Representative	Neither	
Dale Barbaria	Voting Member - College of Engineering Representative	CRP-A	
Alex Chowdhury	Voting Member - Transfer Representative At-Large		
Olivia Corn	Voting Member - College of Arts & Sciences Representative	CRP-B	I believe as long as a relationship is disclosed, it is fine.
Renee Cornell	Voting Member - College of Agriculture & Life Sciences Representative	CRP-B	I think as long as there is disclosure, the relationship between grads and faculty is acceptable.
Varun Devatha	Voting Member - Executive Vice President	CRP-A	I don't feel that comfortable about making a decision about graduate student relationships as I do not represent the constituency. However I do feel, if I need to decide, I'd choose CRP-A in order to prevent an abuse of a power dynamic.
Omar Din	Voting Member - College of Human Ecology Representative	CRP-A	

John Dominguez	Voting Member - School of Industrial & Labor Relations Representative	CRP-B	Puts regulations and codifies romantic/sexual partner rules.
Osai Egharevba	Voting Member - Freshman Representative At-Large	Neither	
Daniel Engelson	Voting Member - College of Arts & Sciences Representative	CRP-A	
Haris Hassan	Voting Member - Minority Students Liaison At-Large	CRP-A	
Natalia Hernandez	Voting Member - Minority Students Liaison At-Large	Neither	I don't think people should have to disclose their relationships. This makes individuals from the LGBTQ community have to out themselves, it's unfair.
Rebecca Herz	Voting Member - College of Engineering Representative	CRP-A	
Matthew Indimine	Voting Member - Undesignated At-Large Representative	CRP-A	
Sushruta Iruvanti	Voting Member - College of Agriculture & Life Sciences Representative	CRP-A	I think P3 is an important addition.
Gabriel Kaufman	Voting Member - Undesignated At-Large Representative	Neither	Forcing graduate students and faculty to disclose their sexual history is inappropriate.

Savanna Lim	Voting Member - Freshman Representative At-Large	CRP-A	It's fair.
Lee Lipschutz	Voting Member - School of Hotel Administration Representative		
Debbie Nyakaru	Voting Member - First Generation Student Representative At-Large	CRP-A	I think this maintains fairness and professionalism in our institution.
Sarah Park	Voting Member - Women's Issues Liaison At-Large		
Grace Park	Voting Member - College of Art, Architecture & Planning Representative	CRP-A	
Marco Peralta-Ochoa	Voting Member - Freshmen Representative At-Large	Neither	Institutional watchover has historically led to the marginalization of minority communities.
Christopher Schott	Voting Member - International Students Liaison At-Large		
Evan Shapiro	Voting Member - College of Arts & Sciences Representative	CRP-A	
Jaewon Sim	Voting Member - Freshman Representative At-Large		

Mayra Valadez	Voting Member - Undesignated At-Large Representative	CRP-A	My main reason for supporting CRP-A is a concern for the power differential that presents itself if a grad student and professor were to engage in a relationship and it would end badly, who are in the same department or major.
Ashwin Viswanathan	Voting Member - Undesignated At-Large Representative		
Ian Wallace	Voting Member - LGBTQ+ Liaison At-Large	CRP-B	

GPSA

Assembly/Senate	CRP-A	CRP-B	Neither	Total	Eligible
Graduate and Professional Student Assembly	13	27	1	41	85

Formal Comments

CRP-A

English

I support a ban on same-field relationships, but think it should be revisited next year for Professional schools.

Romance Studies

I support CRP-A which ultimately prohibits sexual and romantic relationships between faculty and graduate/professional students if both are affiliated with the same graduate field or degree program.

Science and Technology Studies

I'm happy to see this critical power dynamic within fields being addressed. I am concerned that the GPSA does not accurately represent Professional Students in this vote, yet this still does not change my support of CRP-A.

CRP-B

Computer Science

I support the most permissive policy that still effectively enforces a high level of academic integrity and removes conflicts of interest.

Computer Science

CRP-B provides more flexibility for future changes while avoiding issues with field size and managing current relationships.

Electrical and Computer Engineering

There are enough corner cases that requires a level of flexibility. Disclosure allows for an objective way to handle such cases

Law

The way that both policies are written at this point fails to capture the differences between graduate, professional, and master's schools, however the CRP-B plan is superior. The Committee should consider making these enforcement mechanisms and the disclosure/recusal plan unique to each college and school instead of university-wide to adequately capture these differences between graduate and professional students.

Plant Breeding

I support the idea that relationships with potential power imbalances should be addressed in the graduate faculty community however I do not feel that I, as someone who is voting for this policy, have the authority to dictate someone else's personal relationship in an absolute case proposed by CRP-A.

Plant Breeding

I believe a clear set of guidelines and regulations should be enough to guarantee the appropriateness of a relationship between two consenting adults.

Plant Pathology and Plant-Microbe Biology

I support B as long as each field is required to formally approve a field-specific plan by the end of 2018

Plant Pathology and Plant-Microbe Biology

Multiple students in my field reached out to me in support of policy B, and none in support of policy A.

Soil and Crop Sciences

I feel CRP-A doesn't fully take into account the complexities of master's and Professional students, as well as students in dual or minor fields. Also, I'm of the opinion that if the goal is to prevent abuse of power, then pushing for disclosure might be more useful.

Theoretical and Applied Math

This vote/opinion is heavily contingent on the effective implementation of an appropriate recusal plan that neither encourages couples to hide their relationships from institutional oversight nor creates direct/indirect avenues for the power imbalance between students and professors in their field to be amplified. This being said, it is my belief that the policy for governing this specific issue should be field/program dependent, as the structure, size, and policies of fields/programs will generate different conditions under which allowing these relationships can be generally positive or generally negative.

Veterinary Medicine

I think CRP-A disproportionately affects professional students, particularly veterinary, given that professional fields more broadly employ faculty from a variety of degree programs and fields.

Formal Votes

NAME	FIELD	VOTE	OPTIONAL COMMENT
Carol-Rose Little	Linguistics	A	
Cheyenne Cannarozzo	Veterinary Medicine	B	I think CRP-A disproportionately affects professional students, particularly veterinary, given that professional fields more broadly employ faculty from a variety of degree programs and fields.
Elena Michel	Plant Biology	A	
Nate Rogers	Mechanical and Aerospace Eng	A	
Margaret	Applied Economics and Management	B	
Jason Sifkarovski	Veterinary Medicine	B	
Tyler McCann	Plant Biology	B	
Motasem Kalaji	Communication	B	
Jesse Goldberg	English	A	I support a ban on same-field relationships, but think it should be revisited next year for Professional schools.
Manisha Munasinghe	Computational Biology	B	

Daniel Evanich	Plant Biology	A	
Kristen Angierski	English	A	
Tanner Pearson	Applied Engineering Physics	B	
Jaron Kent-Dobias	Physics	B	
Lena Abu-Ali	Civil and Environmental Eng	B	
David Dunham	German Studies	A	
Ethan Cecchetti	Computer Science	B	I support the most permissive policy that still effectively enforces a high level of academic integrity and removes conflicts of interest.
Marie Lambert	Comparative Literature	B	
Jorge Cartaya	Comparative Literature	A	
Samir Durvasula	Electrical and Computer Engineering	B	There are enough corner cases that requires a level of flexibility. Disclosure allows for an objective way to handle such cases
Hannah Keese	Mathematics	A	

Cinnamon Mittan	Ecology and Evolutionary Bio	A	
Dietrich Geisler	Computer Science	B	CRP-B provides more flexibility for future changes while avoiding issues with field size and managing current relationships.
Wenyu Zhang	Statistical Science	B	
Felicia New	Molecular Biology and Genetics	Neither	
Ashton Yoon	Food Science	B	
Andy L Barrientos-Gomez	Romance Studies	A	I support CRP-A which ultimately prohibits sexual and romantic relationships between faculty and graduate/professional students if both are affiliated with the same graduate field or degree program.
Rebecca Harrison	Science and Technology Studies	A	I'm happy to see this critical power dynamic within fields being addressed. I am concerned that the GPSA does not accurately represent Professional Students in this vote, yet this still does not change my support of CRP-A.
Cassandra Stambuk	Animal Science	B	
Alex Loiben	Plant Pathology and Plant-Microbe Biology	B	I support B as long as each field is required to formally approve a field-specific plan by the end of 2018

Gabrielle Kanter	Law	B	The way that both policies are written at this point fails to captures the differences between graduate, professional, and master's schools, however the CRP-B plan is superior. The Committee should consider making these enforcement mechanisms and the disclosure/recusal plan unique to each college and school instead of university-wide to adequately capture these differences between graduate and professional students.
Breanne Kesselstein	Plant Pathology and Plant-Microbe Biology	B	Multiple students in my field reached out to me in support of policy B, and none in support of policy A.
Karl Kunze	Plant Breeding	B	I support the idea that relationships with potential power imbalances should be addressed in the graduate faculty community however I do not feel that I, as someone who is voting for this policy, have the authority to dictate someone else's personal relationship in an absolute case proposed by CRP-A.
Daksh Arora	Material Science	B	
Kavya Krishnan	Soil and Crop Sciences	B	I feel CRP-A doesn't fully take into account the complexities of master's and Professional students, as well as students in dual or minor fields. Also, I'm of the opinion that if the goal is to prevent abuse of power, then pushing for disclosure might be more useful.
Arcadio Valdes Franco	Plant Breeding	B	I believe a clear set of guidelines and regulations should be enough to guarantee the appropriateness of a relationship between two consenting adults.

Alexei Viarruel	Johnson Graduate School Mgmt	B	
Martha Johnson	Policy Analysis and Management	B	
Arnaldo Rodriguez-Gonzalez	Theoretical and Applied Math	B	This vote/opinion is heavily contingent on the effective implementation of an appropriate recusal plan that neither encourages couples to hide their relationships from institutional oversight nor creates direct/indirect avenues for the power imbalance between students and professors in their field to be amplified. This being said, it is my belief that the policy for governing this specific issue should be field/program dependent, as the structure, size, and policies of fields/programs will generate different conditions under which allowing these relationships can be generally positive or generally negative.
Vincent Tseng	Information Science	B	
Alexa Cohn	Microbiology	A	

Qualtrics Survey

Graduate and professional students were given the opportunity to weigh in on the field ban via a Qualtrics survey in March and April of 2018:

Strongly Against Against Neutral Support Strongly Support

Humanities	4	2	1	5	11
Life Science	9	18	5	8	14
Physical Science	8	3	4	4	3
Social Science	11	8	13	13	11 [+89]
Law	6	2	2	1	2
S.C. Johnson	8	3	2	1	0
Veterinary Medicine	6	18	4	9	6

The “+89” reflects an unusual sequence of uniform responses entered over a very short window of time.

Those surveyed were also given the opportunity to add comments.

Comments from those in favor of a field ban:

1. Makes sense for the size of the humanities. However, we recognize that this rationale may be contentious in very large fields.
2. Any relationship of this kind could potentially lead to bias within a department. It seems necessary to prohibit these relationships.
3. too much possibility/opportunity for an imbalanced power dynamic affecting the graduate/professional student in a bad way (personally, professionally, etc.)
4. This resolution will protect graduate students, by prohibiting the formation of a relationship where there can be no real consent from the person in the position of less power (e.g., graduate students).
5. I believe this situation is an "ethics of the profession" and "professional workplace culture" problem. It is not unlikely that a graduate student may at some unforeseen point in the future call on a faculty member in their field/program for a professional reference. It is also likely that even if a faculty member is not in the same specific sub-field as a graduate student, if they are in the same program the faculty member may very well be having conversations with colleagues ranging from

person gossip (e.g. "she is very easy to work with") to official meetings about the distributions of resources (e.g. teaching assignments, summer funding, post-doctoral lectureships).

6. Overall I support this, but feel that it is difficult to make a blanket statement because each individual set of circumstances is unique.

7. It shouldn't depend on sharing the same field. Any relationship between students and faculty should be prohibited even if the student is in horticulture and the faculty is in engineering

8. It shouldn't depend on sharing the same field. Any relationship between students and faculty should be prohibited even if the student is in horticulture and the faculty is in engineering

9. Faculty should not be allowed to engage in romantic or sexual relationships with graduate/professional students.

10. The power dynamic precludes the relationship from being completely consensual

11. Even without a direct supervisory relationship, a professor in the same graduate field could have strong intangible influence over a graduate student's career.

12. Power imbalance within the relationship is too great; severe implications for misuse of power personally and professionally. Creates a culture where students (whether or not they are in such a relationship) fear not being judged on their scholarship but on their relationship participation.

13. Support b/c the amount of risk for potential exploitation and negative consequences entirely outweighs the potential positives. If it intention is casual, find someone else to be casual with. If the intention is more deeply felt, maybe ask if it's worth the risk to your career, their career, and everyone else's career to provide for an environment that we know leads to harassment, abuse, assault, and professional issues for the vast majority of these relationships or allusions to them.

If it's worth that risk, wait until there's no more student-faculty dynamic, change careers. If it's not worth that much to you, find someone else. There's a lot of humans out there.

14. If a graduate student and faculty member are part of the same graduate field, romantic relationships could cause workplace problems even if the faculty member isn't directly advising the student. Often, funding decisions are made within a field or department and romantic relationships could cause conflicts of interest. Also, I think faculty-student relationships would be disruptive to the professional atmosphere of any department, and could drive a wedge between student or faculty colleagues if there are impressions of favoritism and impropriety. Not having a policy like this in place may also encourage faculty to pursue graduate students, as there are no repercussions and no

formal social standards for professional behavior in many departments. I have seen this lack of clear expectations drive inappropriate behavior in my own department.

15. The power imbalance between a faculty member and a grad student in the same field creates an opportunity for coercion. The possibility of favoritism is also unfair to other students in the field.

16. I think there needs to be some caveat for preexisting relationships though (e.g., if someone moves to Ithaca because of their spouse's faculty job and then decides to pursue their own advanced degree).

17. I support the prohibition because it mitigates the possibility of a relationship influencing an existing hierarchical power dynamic between a student and faculty member in a way that could impact either party involved negatively (or unfairly but positively). I chose not to "strongly" support the prohibition because I also want to respect the individuals' responsibilities and choices about personal relationships as adults and feel uncomfortable strongly backing a prohibition on personal relationships.

18. Even if both parties are technically able to consent, and attempt to be transparent, the possibility for abuse of power, coercion, is large. Besides this usually these relationships inevitably always affect the climate for all in the field.

19. I think this is bad if the faculty member is in some way responsible for awarding progress toward the student's degree. Otherwise, I wouldn't care about this type of relationship.

20. I am mostly concerned about the power dynamic between the faculty member and the student, but also think it would hurt both for several other reasons. First, it is commonly perceived as unprofessional, second, I can imagine there could be issues with favoritism or perceived favoritism. It could also open the door for more sexual misconduct and abuse - if sexual or romantic relationships are allowed, I can imagine it will be harder to prove that someone was abused if the perpetrator claims the relationship was consensual. It would become more normal to have flirtation etc. in the workplace, which many might perceive as abuse but don't feel comfortable complaining about/ reporting.

21. Conflicts of interest and lack of ability to be unbiased regarding the student's performance, especially at the vet school.

22. Though there may be no ill intention, having a relationship with a person in power within the same degree program is likely to sway the person in power to favor their partner over other students. On the other hand, the student may feel pressured by the person in power to begin a relationship and may not be able to end the relationship if things don't work out since the person has power over things like grades or influencing other staff members against the student.

23. Especially in veterinary medicine, there are too many opportunities for an unhealthy power dynamic or favoritism to occur when a romantic relationship develops between staff and students.

24. It creates an uncomfortable situation. For the student involved, it could become a quid pro quo situation. For other students, aware of this relationship, it creates an uncomfortable environment because a faculty member is no longer simply a superior, but a friend's lover, which can make it difficult to work with them in a professional manner if grades or critique are involved.

Comments from those against a field ban:

1. Such relationships should be generally discouraged, but not blanket banned. Any scenario involving committee members should be off limits, but other faculty/ student relationships in the same department should be addressed on a case by case basis.

2. Doesn't seem to be a fair rule unless the faculty is on their committee or somehow directly involved in that student's academic career

3. This policy as is written is overly broad. It also fails to differentiate between TA's, faculty, and adjunct faculty members. These distinctions are significant as are the distinctions between the professional schools and graduate schools.

4. Can be detrimental for students or faculty afraid to come forward about sexual assault...disincentivizes people sharing issues concerning unhealthy relationships/sexual assault

5. I don't feel a blanket ban is required on adults (encompassing graduate students, post docs, staff, and faculty) to decide whether they can have a relationship.

6. Graduate fields & degree programs can be extremely wide and span several departments, including faculty members who work in very different research areas and academic communities. These individuals may have little if any impact on a student's career at Cornell, and therefore should not be excluded. I think the prohibition should only include advisers and committee members.

7. I firmly believe that it is no one's place to tell two consenting adults they can or cannot engage in a romantic or sexual relationship. I understand the concerns with power dynamics, which is why I think the focus should be on resources available to protect the subordinate should the relationship go sour.

8. The size of the graduate field has an influence. For a smaller field, I would agree but for a larger field it wouldn't matter as much.

9. Too restrictive

10. I think it generally a bad idea for graduate students and field faculty members to date given the power differential, and I would hope two people who might find themselves in that situation would agree and abstain. However, I have a fundamental uneasiness with dictating rules such as this. When the prohibition is found to be broken, how will the guilty parties be punished?

Cornell certainly cannot forbid people from dating--would Cornell go so far as to dismiss one of the parties from the University? It's a slippery slope that I think is unwise to start down, despite the obvious harm that results from manipulative faculty members romantically courting students whose futures they control. I worry that prohibition will encourage secrecy where transparency, appropriate training, nuanced bureaucratic procedure, and accountability should be. Limiting relationships within a field is simply too broad. I think that the proposal would work better if it specifically flagged relationships between faculty and graduate students who were in a chair/committee member and student relationship or faculty who would be grading a student's work. Were a romantic relationship to form, it would be necessary for both parties to privately meet with the chair of the department and disclose that such had occurred. The chair would announce the relationship in whichever way they saw fit (perhaps announcing it once per year via a large departmental newsletter) and would be responsible for fielding complaints/conflicts of interest other faculty members and graduate students experienced. This is very neoliberal, but it might be worthwhile to consult the language and policies used for workplace relationships. Part of me feels like the committee's proposal would be listened to if HR professionals were hired and consulted - heck, even some folks from the ILR school.

11. This is too prohibitive and basically goes too far

12, I believe that in general the university should strive to play as little a role as possible in dictating personal relationships, and should intervene only when a clear academic conflict of interest is likely. I do not view the situation, as worded in the question posed here, to meet this requirement. In my view these relationships would be inappropriate only when a faculty member is in a position to determine allocation of resources to students (and could be biased for or against the student with whom they have a relationship) or to determine conferral of degrees or candidacy (i.e. a member of that student's committee). I appreciate that this may not always be straight-forward to determine, and I understand the desire to make unambiguous and sweeping regulations, but I think it is important that the university does not overstep when attempting to regulate the personal lives of the professionals working here. Otherwise, these bureaucratic initiatives have the potential to cause more harm than good.

13. People fall in love in mysterious ways and it is not the school's business to forbid such interactions. Multiple professors/students here have met their life partner in graduate school, even if one person was a professor and the other was a graduate student in the same department. Essentially, this is nobody's business but those involved in the relationship, and people can date who

they want to with consent. Let adults be adults. Spend your time with more useful programs, like preventing sexual harassment in the workplace or making campus safer to walk in at night. This is absurd and draconian.

14. People are people, we are all humans after all.

15. If the relationship might affect the assessment of one person's performance in work, it should be taken with extra care.

16. I think it's too restrictive. There are faculty affiliated with my field that are not really involved in my department, or may have no students in my field most of the time. I think this would be overreach.

17. Adults will freely make decisions about how to engage romantically and sexually regardless of regulation. We are all adults and must learn to behave in healthy ways without top down regulation. If a situation arises where someone has been mistreated, abused, harassed, coerced, etc. then there is a need for intervention. Otherwise let love, sex, and romance take their course.

18. I believe romantic/sexual relationships between graduate students and faculty serving either as current instructors or committee members to that graduate student should be prohibited, but not between graduate students and other field/degree members.

19. I believe all graduate students are adults. As long as a relationship is consensual and is disclosed (in cases where supervision or influence over outcomes is involved) there should be no problem with departmental relationships. To prohibit such would be a major assault on personal freedoms.

20. No university should have the right to dictate people's personal lives

21. That proposed prohibition goes way too far. Graduate students and faculty are adults. It's fine to prohibit relationships where there's a direct conflict of interest/perceived favoritism, such as between a current student and professor, or a student and the student's committee members. A blanket prohibition on relationships between graduate students and faculty in the same field is excessive and I think infringes on individual rights.

22. It's too restrictive. I don't think such a relationship should be barred, though there should be some kind of reporting requirement. However, I don't think a romantic relationship would be ok if the faculty member was on the student's committee/chair.

23. Relationships between faculty and graduate students should only be prohibited if there is a direct power imbalance, such as between students and their advisors or committee members.

24. I do not see any conflict of interests by having a relationship with a faculty in the same graduate field as long as the faculty member does not play any role in the decisions of the graduate student's degree (i.e. not a committee member, instructor etc.)

25. Even though power dynamics can be potentially involved, such a prohibition also impinges on the freedom of those seeking such relationships out of their own conscious will. It takes personal agency away from adult graduate students and faculty members. Even if such relationships may cause personal problems, individuals should be left to live and learn from their life experiences.

26. We should not have the power or authority to regulate the behaviors of consenting adults when there is no power differential between said individuals. It is too nuanced for a blanket ban.

Has to be case by case with HR involvement, and it's not exactly a super common situation to begin with (though clearly not rare). It would be dumb to prevent a genuine relationship when there is no real power differential. Even with slight power differential, I am against a total ban. If there is an HR mechanism for accountability. Non compliance with some HR procedure for disclosure should have steep consequences. The fact that we are not considered employees makes this more challenging of course....

27. It seems rather condescending and of very naive thinking that offering a blanket policy banning all consensual relationships among faculty and graduate would be appropriate.

With respect to the economics department and the faculty, there are over 100 professors in the field, many, if not most, of which a graduate student will never interact in a professional setting that involves a power dynamic that may affect the ability of the graduate student to consent to a relationship. I would like to remind the committee that we, graduate students, are adults and can freely choose to enter into consensual relationships. Unlike high school students, the University is not in a position of "in loco parentis" to punish grown adults for making adult decisions.

While I understand the need to protect students from being coerced into relationships between members in their committee or other faculty who may have a direct power relationship with the student, anything beyond these specific circumstances is both unnecessary and unfair.

Furthermore, many graduate students can ask professors in other departments to be in their committee - in which case this policy simply falls short and seems shortsighted.

It is important to understand that issues of coercion already fall under the umbrella of sexual harassment and thus are already covered under existing Cornell policy. In such case, this policy can only infringe upon the rights of students and faculty to determine what kind of relationships they can consent to - which is certainly not within the purview of the university.

28. Field seems unnecessary, further, I think that prohibition should be reserved for direct advisor/advisee relationships. Within the department, I think there should be a reporting requirement and an expectation that the chair assist in preventing conflicts of interest.
29. Consenting adults shouldn't have boundaries imposed upon them ever.
30. They are two consenting adults. As long as this is true and there is no abuse of power, this should be up to the discretion of those involved.
31. At this point in time. I feel as though it's safe to assume a certain level of maturity on the part of involved parties and so barring obvious special treatment, I don't see any issue with said relationship.
32. How can the relationship be consensual if a third party doesn't give consent?
33. In "real life" workplace romances are common; a lot of the time these are the only people these people get to interact with; they are all adults and can make their own choices
34. I don't think the common field is the key or even necessarily relevant distinction in these cases. Certainly power and authority can play a role despite being in different fields as well (if that is the concern that leads to this specification). Perhaps the faculty member knows someone in the students department despite not personally being in the department, for example. This particular wording seems to improperly single out certain factors in making policy
35. As long as that person does not directly grade or supervise the student then they should be able to date. Also- it happens anyways just make guidelines about how they cant be graded/supervised by whoever they date and arrangements can be made.
36. I don't think prohibiting would necessarily prevent the possible negative impacts on the department or school. I think it should be discouraged and if they do occur, the student should be placed somewhere where their significant other is no longer directly supervising them.
37. Consenting adults that are not in a direct report academic relationship should be free to do as they please.
38. I think this is too restrictive. If the student is not in any courses of the professor, and if they are not the advisor or on the committee, I think it shouldn't be a problem. What about pre-existing relationships? E.g. if the spouse of a faculty member wishes to go to graduate school in the same area?

39. Reduces the autonomy of students as consenting adults, and undermines their supposed status as colleagues.

40. As long as it is consensual, there is no reason they shouldn't be in a relationship. Some people may also begin school at a place where there significant other works, or vice versa.

41. I think that that proposed prohibition is too black/white for a topic that is certainly many shades of gray (no pun intended, but I'm sticking with it). For example, depending on the field/degree program, the two individuals may not be in a position that would lend itself to possibilities of coercion, bias/favoritism, etc. And in many cases, there could be relatively simple measures taken to avoid such negative situations if the relationship was declared. For example, a student might be assigned to a different class section/rotation/etc. from one the faculty member teaches/oversees. Certainly, there are plenty of situations where it would be difficult/impossible to avoid potential coercion/sexual harassment/bias, and those should be addressed/heavily discouraged; however, I think it would be overreaching, unnecessary, and unfair to make a blanket declaration prohibiting all faculty/student relationships when they should be reviewed on an individual case-by-case basis to assess ways to obviate such a policy.

42. If the relationship is respectful and consensual by both parties, their professional title should not impact their personal life.

43. These things should be taken on a case by case basis. The nature of any romantic relationship will be different in every context. Unless obvious conflicts of interest arise, which can be dealt with accordingly, it is difficult-if not impossible- to predict complications beforehand. My impression is that blanket policies tend to prevent more good relationships than they do bad relationships.

44. While I support efforts to prevent work-place harassment, this type of stringent policy is not the solution. We are adults and can make our own decisions about our personal lives. This type of blanket policy can also be very counter productive. Suppose my partner is a graduate student at another university and, while I am still at Cornell, manages to get an assistant professorship at Cornell in my department. If this policy is in play, then I would have to terminate a relationship. This makes no sense.

45. The nature of many sciences, especially life sciences, at Cornell are extremely interdisciplinary. In fact, there are programs at Cornell that actively promote collaborations between trainees/labs from different fields and departments. For example there are grants to promote collaborations between labs at Weill Cornell and other bio departments (in completely different programs and buildings) on the Ithaca Campus as well as between labs at the Cornell Campus and Weill New York. These collaborations do often involve grad students working closely with faculty outside of their defined field/department. Further, grad students in the biomedical sciences also have the opportunity to rotate through labs in different fields outside of the field they were admitted into at Cornell, again

posing the conundrum that they would be working closely with faculty outside of their field. Not to mention that faculty outside their field could serve on their orals and thesis committees. Therefore, prohibition of romantic relationships between faculty and grad students in the sciences may mitigate some of the risk associated with these types of relationships but they do nothing for the many situations that could arise outside of its boundaries. Therefore banning some of these relationships but not all of them does not make a lot of sense to me. Even from a legal prospective, you're still leaving wide-open many opportunities for harmful relationships to arise between faculty and graduate students.

46. Such a prohibition is only appropriate when the faculty member serves on the students committee, or is currently the students teacher.

47. What if they join the program already married/together? Can't one pursue a degree in the same field as the partner is already working in? Working together is a problem, but being in the same field should not be banned. If the relationship is new, I would still not prohibit this but have various safeguards so both parties disclose this early on and the chair/someone in authority reviews the situation on a case by case basis, sets some limits and guidelines for that couple, and people proceed with full knowledge of potential pitfalls. An outright ban seems excessive, there should be room for nuance in a workplace for adults.

48. People in academia work in close proximity with those in the same degree program. Faculty and graduate students can be very close in age. Further, just because two people work in the same field does not mean they have a superior/subordinate relationship. This rule would prohibit human feelings, on something that can be appropriate or inappropriate depending on the situation.

49. I believe the policy should be as permissive as possible while disallowing inherently problematic relationships. While there are definitely concerns to navigate around relationships within a field or degree program (e.g., recusal from full-field review discussions of the student, or the student wishing to switch areas), I do not believe these relationships are inherently problematic.

There are several issues surrounding these relationships that may require wider-than-desired disclosure. For example, if a faculty member recuses themselves from discussion of a student at a field meeting, that may disclose to the entire field that the relationship exists. For some relationships, such as LGBTQ+ ones, this disclosure may be inherently undesirable. Similarly, it may prevent the student from switching into some research areas because it would create a conflict of interests. However, as long as the parties are aware of the necessary disclosures and future limitations when they initiate the relationship, I believe it should be a decision they are allowed to make.

50. While serious conflicts of interest could potentially arise out of graduate/faculty power dynamics, this proposal seems rather draconian. Furthermore, I am aware of many examples of happily married couples whose relationships would have been negated by such a mandate.

51. I think a blanket ban is unneeded and unfair.

52. I think it should be forbidden while a student is in the faculty's class or if the student is required to take that professor's class in the future (because it raises grades/ethical questions), but the vet school is huge (a LA vet and a SA-oriented student are basically in different worlds for example), the students are mature, and I see no reason why it should be forbidden.

53. I think it should be further specified. I don't find it unethical if the faculty member has no power over the student's academic life.

54. I don't think personal relationships should fall under Cornell's purview.

55. So long as no power on grading we should not ban

56. Question lists the strong support option first which can prime peoples opinion towards that position. Should have a more neutral layout

57. I am older than some of my profs, what is the issue?

58. as long as one doesn't influence the others grades or academic standing- not in a position of power

Comments from those neutral on a field ban:

1. I think this is bad if the faculty member is in some way responsible for awarding progress toward the student's degree. Otherwise, I wouldn't care about this type of relationship.

2. I'm totally supportive of a prohibition if the professor is on the student's special committee or is the department's DGS, department head, or is somehow directly involved in deciding funding or advancement for the student. But I'm unsure how I feel if the professor is affiliated with the same department as the graduate student, but (other than status) has no direct control or power over the student. These relationships are a tale as old as academia itself-- I can't count the number of professors in my department who are married to former graduate students. While this becomes problematic in so many cases, an outright ban on all relationships seems too brash to me. There has to be a middle ground. We live in a world of nuance! And in a world of small dating pools. As for the professional programs-- that environment is so totally different. I am in a PhD program now, and I also have a JD. In that environment, it should be completely prohibited for a professor to have a romantic/sexual relationship with a current student. At least in my graduate program, it is far more common and expected for graduate students and professors to socialize on similar levels (especially if the other professor is not on the student's special committee). This is not true of professional programs-- the professor always has a position of power over the student.

3. In my field there are many professionals who are married/in relationships that might be prohibited under this rule (although I can imagine most would just ignore any rule put into place). On the other hand I think people need to be protected from being forced into a relationship by having rank pulled on them.

4. While I support the prohibition in principle, I feel that it won't be strictly enforced. So many of my classmates have had relationships with/dated residents even though it is discouraged. Also, relationships are so fluid. A first year vet student may be dating a fourth year. Fast forward two years, let's say the fourth year is now a resident while their partner is on clinical rotations. How would the prohibition address their relationship now?

5. It's so hard to put a blanket rule on every relationship, because each is so different. I could see the prohibited scenario playing out well or crashing and burning. My main concern would be whether the faculty member is in charge of obtaining funding or distributing funding to the student. This could lead to either intentional or inadvertent unethical behavior, and a clear power differential between the two.

Suggestions for the Committee:

1. If the two ppl in relationship can handle this well and separate it apart with work completely, I think it would be fine. However I really doubt if anyone can do this. So it is just easier to prohibit it and prevent it to happen from the beginning.

2. I wish there was mediation and code of conduct for post break up scenarios in the case of students dating within the same department/cohort

3. I'm glad ya'll are having this dialogue.

4. There are often exceptions to the rule. It's totally possible for a healthy relationship to emerge from these situations, so maybe create disincentives that might allow for it, but would require additional administrative oversight of the prof and grad student in question.

5. It is also hard to form an opinion without knowing what disciplinary actions would be taken if people are "caught."

6. Deeply concerned that faculty might be against this at all

7. If a relationship is found what are the ramifications? Relationships WILL happen. I was involved with a professor in my department..... All this document will do is scandalize the university when the relationship is found out.

8. Instead of a ban, consider instead having relationships of these sorts having to be officially reported and having resources available for both parties should the relationship sour.

9. I agree on the need for some restrictions but doubt people will agree to revealing their relationships, especially when it is very obviously made public.

10. What happens if there is already a relationship between two people (say grad students in the same field) and then one gets hired as faculty? There also needs to be more support for the subordinate member if the relationship goes south.

11. Such a policy should probably have SOME kind of system for two consenting adults to seek an exception to this policy, which would have to involve alerting department chairs, deans, committee members, and ensuring that a romantic partner is never able to vote to confer a degree to their partner. However, presenting the policy as a general ban with a stringent exception mechanism seems appropriate.

12. I think banning relationships will just make people do things in secret, which can lead to more problems for the subordinates in the long run.

13. If anything is to be done in this area, perhaps peer to peer talking circles might help. For instance, if there are current or former graduate students who experienced unhealthy relationships or power dynamics with faculty, those people may be able to share their experiences in a way that helps to inform others and encourage open communication. Regulation will in fact detract from these forms of open communication and dialog which are essential for building healthy, supportive social networks. Open communication is, in my opinion, the only real buffer against toxic relationships.

14. It shouldn't depend on sharing the same field. Any relationship between students and faculty should be prohibited even if the student is in horticulture and the faculty is in engineering

15. It shouldn't depend on sharing the same field. Any relationship between students and faculty should be prohibited even if the student is in horticulture and the faculty is in engineering

16. I also think faculty should not be allowed to engage in romantic or sexual relationships with graduate/professional students that are NOT in their field (whereas this prohibition only discusses when both are in the same field).

17. I'm guessing it's likely you'll get a lot of strong opinions on this, and maybe fewer opinions that could be considered polarizing. I'm interested to know how representative the sample is of the campus's thoughts and hope the surveyors present whatever results they get reflecting this possible incongruence

18. A blanket ban would encourage hiding such things and potentially risky behavior happening under the radar. A more nuanced policy that keeps the door open in certain circumstances will encourage open discussion and explicit guidelines that are best for everyone's protection. And if a couple is not willing to reveal their relationship at some point, maybe they shouldn't be having it in the first place, workplace issues aside.

19. Faculty outside of a graduate field or degree program may still have authority over a graduate student, ie. cross disciplinary collaborations and grants.

20. I don't know what the consequences should be if a relationship like this is discovered, but I imagine such a relationship would only come to light if it were causing the aforementioned problems.

21. What is the enforcement policy? What are the consequences if a relationship comes to light?

22. The committee should not be concerned by the possible perception of favoritism based on a potential relationship between faculty and graduate students (even if a relationship exists). There are far greater concerns and consequence than possible favoritism within a department/ field, that stuff (favoritism) happens all the time even for persons not in a relationship

23. I would suggest that "faculty" be either implicitly limited to tenured/tenure track professors and permanent lecturers. Postdocs and temporary faculty are far less likely to be in positions of power over graduate students.

24. I would like to make sure that you have also considered a policy that also includes a relationship between a post doc and faculty member of the same field and how this can affect the graduate students of that field.

25. This proposal is far too broad and restricting.

26. There are a few things that should be made more explicit (at least from 2 weeks ago when the policy was presented at the GPSA).

First, there should be an explicit clause to deal with exemption requests or at least handle preexisting relationships. There are a number of examples of spouses of faculty taking undergraduate classes (sometimes from their spouse), and these should not be prohibited. While many of those students are not in degree programs, some surely are.

Second, there should be something about the maximum amount of disclosure a given relationship might require. While the policy already discusses the minimum disclosure requirements, it should be

careful to ensure that a department does not require full public disclosure of a permitted relationship (or something similar).

27. For similar reasons I believe that it is incredibly paternalistic that the proposed CRP wants to disallow relationships between faculty and undergraduate students. What is the problem with them if both parties are consenting?

28. I read the original policy, and I more or less supported it. However, the fact that you are considering including this extremely restrictive policy makes me want to withdraw my support for the entire policy. You're going too far in trying to regulate interpersonal relations between grad students and faculty. Preventing conflicts of interest/perceived favoritism is a worthwhile goal but you are moving into a realm that's frankly none of your business.

29. I really appreciate the thought and work of the CRP Committee. I know that it's been a lot of effort and careful consideration and want to express my gratitude to those involved.

30. I am not sure what "same degree program" means. Does this mean department? Or Degree as in MHA, CIPA, MBA, etc? How does this apply to PhD students, where almost all faculty work with PhD students, and faculty in other fields?

31. This sort of blanket policy appears to be simply a PR policy to protect the university and not the best interests of the parties involved. Issues like this should be determined on a case-by-case basis and a policy should be enacted only so that any potentially "problematic" relationship between a student and a faculty member be subject to some sort of review and mitigation process.

32. I think that there should be an entity outside of the department where those in relationships disclose their status, and that a student advocate should be there to do a quick training on how power may affect the relationships, help review healthy relationships, and gives their information to the student. That way if there is an issue in the future the student can reach out to the advocate.

33. If you prohibit them, what are the consequences to the graduate student if/when caught? My best feedback would be to adopt a more nuanced perspective, and one that limits a professor's reach (like forcing a professor involved with a student to step down from any committees making decisions about graduate students' support, etc.), rather than stymies the graduate student.

34. Also, where do post-docs fit in? Lab managers? Etc.

35. It's a really hard problem but beyond a ban on faculty grad relationships where the faculty has a reasonable chance of contributing to that grad student's academic or professional trajectory, a field ban just does not make logical sense to me because it simply does not solve the problem as far as protection mainly of the student but also the campus. It might make sense to expand the ban to

relationships between faculty and grads in all of physics, or all of life sciences etc, but that seems difficult.

36. It is so unnecessary. If the relationship becomes a problem, talk to them. Don't prohibit it to begin with.

37. Do we need a specific prohibition for this? Couldn't we strengthen rules against harassment/assault, which could then help curtail inappropriate situations while stopping short of banning a whole type of relationship which is not always unhealthy? I think it would be better to focus on the problem and work on stopping that, vs. banning a situation that sometimes but not always leads to problems. It is probably easier to do the latter but may be better in the long run to do the former.

38. I think there needs to be more qualification of the policy to address the other factors in play. Im not exactly sure how I would word it though... this is a tricky topic!

39. Unless the faculty member directly grades or otherwise evaluates the student in an academic manner, I don't see an issue with it. It would only be an issue if the students grades were possibly influenced.

40. I think the policy should be to require any power-imbalance relationships be declared to the Dean (or someone similar of higher authority than the authority of the relationship in question). The Dean can then work with the individuals to discuss what measures may be able to be taken to prevent conflicts of interest. If it is determined that conflicts of interest cannot be avoided, then the Dean can have authority to prohibit the relationship from continuing or else take other action to remove conflict of interest if the individuals are unwilling to discontinue their relationship (internal transfer, termination of employment, etc.).

41. If the relationship was between a student and a faculty/staff member of another program/department I don't see a problem with it since both parties would be consenting adults and one would not necessarily hold power over the other. Additionally, if the parties were already married and one became a student, an exception should be made.

42. These rules need to be made more clear and be better enforced.

43. If there is a good reason for forbidding it then I'd consider it, but I do not see a reason for it yet.

44. I know a student who is married to and has kids with a faculty member, both in the veterinary school. I'm not sure how this would apply to them, but they shouldn't have to hide or feel secretive about their family. I think the proposed CRP is too broad. It is possible that the student and faculty member could be in the same field/program, but have nothing to do with each other academically

and would never otherwise encounter each other. If no power differential exists, I don't really see a problem with that relationship. The faculty member should not be allowed to write the student a letter of recommendation, have anything to do with the student's financial situation, influence the student's academic standing, or participate in any admissions conversation regarding the student.

Early Straw Poll

The committee took a straw poll of the GPSA in early Spring of 2018 to determine whether or not to pursue a field ban. At that time, the GPSA polled $\frac{2}{3}$ in favor of a field ban.

Prior Work

Refer to GPSA Academic Year 2015-2016 Resolution 7: Supervisor-Student Relationships, and to GPSA Academic Year 2016-2017 Resolution 14: Consensual Relationships Policy Revisited, for prior discussions around the Consensual Relationship Policy. Both are provided in Appendix B under “Consensual Relationship Policy History at Cornell.” Each calls for the policy to be revised. Resolution 14 offers specific requests, including a request that relationships with rare exceptions be banned:

- a. between students and individuals who might reasonably be expected to write them a letter of recommendation (e.g. advisors, committee members, PIs, current class instructors, and other mentors);
- b. between students and individuals who can directly control grades, academic progress, or professional development (e.g. advisors, committee members, current class instructors, current TAs, graders, directors of graduate studies, or individuals who control funding or access to research equipment);

as well as a request that “should a romantic or sexual relationship precede a development into a professional relationship (e.g. a faculty member dating a graduate student is promoted to Director of Graduate Studies), efforts should be made to eliminate conflicts of interest and pursue appropriate avenues of disclosure.” This does not call for a field ban, but does pose the challenge of ascertaining what individuals “might reasonably be expected to write” a letter of recommendation, as well as the challenge of eliminating conflicts of interest.

Employee Assembly

Assembly/Senate	CRP-A	CRP-B	Neither	Total	Eligible
Employee Assembly	4	11	0	15	28

Formal Comments

CRP-A

Faculty and grad/professional student relationship put the university at risk for potential harassment lawsuits. These relationships can also make others in the unit uncomfortable. If these relationships must be allowed, there should at least be disclosure.

Romantic relationships between faculty and students can create toxic environments for the people around them. It also can foster an abuse of power.

I do not think faculty or individuals with authority should be able to date or have intimate relationships with grad students in the same field. The possibility of abuse of authority in the event that a relationship is not healthy puts the student in jeopardy professionally as much as personally.

CPR-A provides more protection for our students and university without having a negative impact on faculty.

CRP-B

Relationships between grad/fac should be requiring disclosure

I felt this was the more equitable and realistic option.

I chose B because I don't think it feasible to tell graduate students and faculty in their field who they can or cannot have a relationship with.

Important to give some flexibility to adults to allow for ethical and open conversation if issues come up rather than just banning contact.

Because banning a relationship (CRP-A) does not work.

I think it is more realistic to ask parties to disclose relationships than to enforce a means to prohibit them.

Formal Votes

Name	Seat Held	Vote	Comment
Adam Howell	Voting Member - College of Agriculture & Life Sciences Representative		
Andrea Haenlin-Mott	Voting Member - Infrastructure, Properties & Planning Representative	CRP-B	
Arla Hourigan	Voting Member - College of Veterinary Medicine Representative	CRP-B	
Babatunde Ayanfodun	Voting Member - Graduate School, Law School, and Johnson School Representative		
Brandee Nicholson	Voting Member - Non-Exempt Employee Representative At-Large	CRP-B	Important to give some flexibility to adults to allow for ethical and open conversation if issues came up rather than just banning contact.
Bruce Roebal	Voting Member - College of Arts and Sciences Representative	CRP-A	
Carrie Sanzone	Voting Member - Vice Chair for Communications		

Christopher Dawson	Voting Member - College of Engineering/Computer Information Sciences Representative	CRP-B	Because banning a relationship (CRP-A) does not work.
Craig Wiggers	Voting Member - Veteran's Representative At-Large	CRP-A	I do not think faculty of individuals with authority should be able to date or have intimate relationships with grad students in the same field. The possibility of abuse of authority in the event that a relationship is not healthy puts the student in jeopardy professionally as much as personally
Daniela Harris	Voting Member - Disability Representative At-Large		
Hei Hei Depew	Voting Member - Less than 5 Years of Service Representative At-Large	CRP-B	I think it is more realistic to ask parties to disclose of relationships than to enforce a mean to prohibit them.
Hurf Sheldon	Voting Member - Retiree Representative At-Large (Shared Seat)	CRP-A	Romantic relationships between faculty and students can create toxic environments for the people around them. It also can foster power imbalances
Imani Allen	Voting Member - Division of Student and Campus Life Representative	CRP-B	
Jeramy Kruser	Voting Member - Research & Technology Transfer Representative At-Large	CRP-A	CRP-A provides more protection for our students and university without significant negative impact on faculty.

Kathy Sheils	Voting Member - Division of Financial Affairs Representative	CRP-A	Faculty and grad/professional student relationships put the university at risk for potential harassment lawsuits. These relationships can also make others in the unit uncomfortable. If these relationships must be allowed, there should at least be disclosure.
Kevin Fitch	Voting Member - Health & Safety Representative At-Large		
Kristine Mahoney	Voting Member - College of Human Ecology Representative	CRP-B	
Laura Johnson-Kelly	Voting Member - Library and Museum Representative		
Marjorie Mosereiff	Voting Member - College of Art, Architecture & Planning Representative		
Matthew Carcella	Voting Member - Division of Alumni Affairs and Development Representative		
Peggy Andersen	Voting Member - Retiree Representative At-Large (Shared Seat)	CRP-A	Romantic relationships between faculty and students can create toxic environments for the people around them. It also can foster power imbalances.
Pilar Thompson	Voting Member - International Representative At-Large	CRP-B	I felt this was more equitable and realistic.

Shelly Vaccaro	Voting Member - Geneva Campus Representative		
Suzanne Willcox	Voting Member - Exempt Employees Representative At-Large	CRP-B	Relations between the grad/faculty should be requiring disclosure.
Tanya Grove	Voting Member - Division of Human Resources Representative	CRP-B	I chose B because I don't think it feasible to tell graduate students and faculty in their field who they can or cannot have a relationship with.

University Assembly

Assembly/Senate	CRP-A	CRP-B	Neither	Total	Eligible
University Assembly	4	1	2	7	21

Formal Comments

CRP-A

Ekarina Winarto, GPSA:

Graduate students in Linguistics (my department) overwhelmingly support CRP-B. Considering CRP-B is also the preference shown in the GPSA vote, I am also voting CRP-B.

Neither

Gabriel Kaufman, SA:

I think we should use the Campus Code of Conduct for this “policy”

Abstention

Joseph Anderson, SA¹⁰:

Not my call. I'm an undergraduate

Martin Hatch, FS:

This CRP belongs in the Campus Code of Conduct

Robert Howarth, FS:

I believe whatever policy we adopt should be part of the Campus Code of Conduct. Within that constraint, I favor CRP-B over CRP-A

Formal Votes

Name	Seat Held	Vote	Comment
Joseph Anderson	Voting Member - SA	no vote	Not my call. I'm an undergraduate

¹⁰ Also a member of the CRPC

Matthew Battaglia	Voting Member - GPSA		
Richard Bensel	Voting Member - FS	Neither	
Alexa Cohn	Voting Member - GPSA	CRP-A	
Linda Copman	Voting Member - EA		
Marie Anne de Roos	Voting Member - EA		
Kevin Fitch	Voting Member - EA		
Vincenzo Guido	Voting Member - SA		
Martin Hatch	Voting Member - FS	no vote	This CRP belongs in the Campus Code of Conduct
Robert Howarth	Voting Member - FS	no vote	I believe whatever policy we adopt should be part of the Campus Code of Conduct. Within that constraint, I favor CRP-B over CRP-A
Gabriel Kaufman	Voting Member - SA	Neither	I think we should use the Campus Code of Conduct for this "policy"
Jung Won Kim	Voting Member - SA	CRP-A	
Jeremy Kruser	Voting Member - EA		
Ellis Loew	Voting Member - FS		
Elena Michel	Voting Member - GPSA	CRP-A	
Katherine Quinn	Voting Member - GPSA		

Christopher Schott	Voting Member - SA	CRP-A	
Charles Van Loan	Voting Member - FS		
Craig Wiggers	Voting Member - EA		
Ekarina Winarto	Voting Member - GPSA	CRP-B	Graduate students in Linguistics (my department) overwhelmingly support CRP-B. Considering CRP-B is also the preference shown in the GPSA vote, I am also voting CRP-B.

Faculty Senate

Formal Comments

CRP-A

Government

Our department is supportive of a policy that recognizes the role that power can play in relationships between teachers and students. So most colleagues favor restrictions on sexual relations between people in authority and subordinates. There is, however, concern about limitations on individual autonomy and infringement on privacy and considerable suspicion that giving an outside organization –Office 6.X– a prominent role.

Microbiology and Immunology

After extensive discussion within our department, there was overwhelming consensus (with one dissenter) around CRP-A. The dissenter was inclined towards CRP-B. Others, including me, felt that CRP-B with its 6X Office was too complex. We were also persuaded by student opinions.

Policy Analysis and Management

These proposed policies reflect a conflict between two values: 1) the educational mission of Cornell, which requires establishing a learning environment that is transparently fair and objective; and 2) the desire for everyone to have whatever relationship they want with whomever they want and to keep it private if they wish.

The need to establish a fair learning environment that is free of unwanted pressures from authority figures or concerns about faculty objectivity takes precedence over any desire some faculty may have to have intimate relations with students. For this reason I support P1, which prohibits anyone at Cornell from exercising authority over someone with whom they are having or had a sexual/romantic relationship. I support P2 because I think it's inappropriate for faculty to have a sexual/romantic relationship with an undergraduate given the power dynamic; faculty have enormous advantages over undergraduates in terms of age, income, experience, power, and education.

P3 is a tougher call, because P1 already rules out relationships in which faculty have a position of authority over the student, and P2 rules out relationships with undergraduates (the youngest students). P3 raises the issue of whether to also ban faculty relations with graduate/professional students in the same field or degree program over whom they exercise no authority. I can see arguments for both sides, but in the end I come back to the importance of protecting students from unwanted advances from faculty who are authority figures even if they are not in a position of direct authority. Even if the faculty member is not their teacher or advisor, students might fear retaliation in the allocation of TA positions, nominations for internal awards, annual reviews, or job placements. Even if faculty would not do that, a student might fear it happening and agree to things

that they would not otherwise. Likewise, students who know that other students are in relationships with faculty in the field or program may fear that the allocation of grades, awards, fellowships, and recommendations are influenced by such personal relationships, and the learning environment would be compromised.

All faculty in a graduate field or degree program, whether or not they are the student's teacher or advisor, are authority figures and thus an imbalance of power exists. I appreciate that this comes at the cost of limiting people's freedom of association. However, it is necessary to establish a fair learning environment and the parties could always begin their relationship after graduation, when the educational relationship has ended.

Science and Technology Studies

The department is in favor of instituting a policy – not unanimously, but overwhelmingly so. While questions about details and implementation remain, a strong majority of colleagues opted for CRP-A. This option was considered appropriate for a department with a comparatively small field like S&TS. However, it was also noted that the field ban included in CRP-A might be too extensive for departments with larger fields and graduate/professional student populations.

Sociology

To register the Department of Sociology's vote for the first option (CRP-A). I have had discussions with my colleagues in Sociology both over email and in person. We even discussed the issue in a recent faculty meeting (Wednesday 4/18/18). The vote for the most restrictive policy recommendation (CRP-A) was unanimous among Sociology faculty who were present at the 4/18/18 Sociology Department faculty meeting.

CRP-B

Animal Science

My vote for plan B (CRP-B) is based upon the wishes of the faculty members I represent and my own personal preference for a much less restrictive policy than is plan A. In fact, my colleagues and I are concerned that plan A is so restrictive that sexual or romantic relationships that develop between faculty members and graduate or professional students are more likely to be hidden so that – if they are later made public – there would be more damage to the two parties and the University than if they had been disclosed and a recusal plan put in place. (Thonney)

Applied and Engineering Physics

Several faculty members have witnessed many relationships between graduate students and faculty within the same that have blossomed into happy marriages. These members couldn't fully support CRP-A because it would prevent such relationships from happening in the first place.

Even though several members also felt that, in this current climate, it would be better to err on the side of caution and move forward with a ban on faculty/graduate relations within the same field,

they also accepted that CRP-B was an acceptable compromise as long as recusal plans will be well-regulated and, most importantly, enforceable.

Overall, there was a consensus that CRP-B should be enough to limit most abuses of power and unethical behavior from happening within the University.

Biomedical Engineering

This vote is based on a faculty vote taken 4/18/18 in a faculty meeting: CRP-A = 2, CRP-B=18, Neither =2. (Putnam)

Computer Science

We polled the computer science faculty in a meeting specifically for CRP proposals and via email. There was general consensus for CRP-B, some for CRP-A, and little or no support for a vote of neither. As a result, we are voting for CRP-B which seems to be the most responsible proposal with the most balance. (H. Weatherspoon)

Economics

Economics strongly supports the need for a policy and strongly prefers CRP-B to CRP-A. They wondered, however, who monitors the office.

Ecology and Evolutionary Biology

[Would have preferred to have the Miller resolution disclosure process]. I strongly support B over A, in part because of my personal history. Ten years after we married, my wife started on a PhD program at Cornell in my field and my department. We took strong steps to protect against conflict of interest, and things went well. She earned her PhD. We are still here at Cornell. Had CRP-A been in effect in 1997 when she started grad school, she would have been prevented from studying at Cornell. This may well have led to our leaving Cornell and going elsewhere, to a larger community with more than one university, so she could pursue her professional goal. (Howarth)

English

I would have preferred that the Miller disclosure process be adopted. (Cheyfitz)

Food Science

Our faculty was divided. CRP-A = 7, CRP-B = 10, Neither = 3

Information Science

IS is split between CRP-A and CRP-B, but everyone sees the arguments for both. There is strong support, however, for having a policy; and, in light of Wednesday's discussion, they mean a "visible" policy

Landscape Architecture

If a disclosure process and recusal plan is in place.

Material Science and Engineering

The Policy should represent only the greatest common factor among all the fields

The nature of the interactions between faculty and graduate students vary significantly across fields in the university. Interactions in engineering and science fields tend to be relatively compartmentalized between the advisor (and a small set of collaborators) and the student. Other fields may have much more extensive interactions among many of the faculty and students throughout a PhD career. Any rule instituted at the University level should only address those issues that are clearly common and appropriate for every field. In fields where more restrictive policies would be appropriate, they should be free to develop and implement them.

There should be a distinction between pre- and post-A exam graduate students

The impact of relationships between faculty and graduate students does have the potential to negatively impact the environment for the other students, especially with regard to classes and TA assignments. But there is an important change in the nature of the interactions as students move from student/instructor in pre A-exam relationships to a mentor/mentee relationship in post A-exam research. This is the case at least in many engineering and science fields. Any restriction on faculty/graduate student relationships within a field should be limited to students pre A-exam. Of course relationships involving direct professional interactions—whether pre- or post A-exam are unequivocally prohibited.

The impact of completely prohibiting relationships within a field will fall disproportionately on graduate students.

A grad student who enters a prohibited relationship with a faculty member in the field would be the partner more likely to have to change fields, to his or her detriment. It is very unlikely that the faculty member would change fields. This is inherent in the power structure.

Mathematics

I did not vote for P3 since I do not believe it is well supported in the Mathematics Department. Among our faculty we regularly have non-tenure track assistant professors (who we call post-docs) They are often new PhDs and their circle of friends typically includes many of our graduate students. They are not field members so they do not serve on thesis committees and circumstances in which they have authority over graduate students are limited. In this instance (which is not rare) I see the “right to romance” outweighing concerns about conflicts-of-interest or impinging on the freedom to pursue academic and professional interests.

Molecular Biology and Genetics

A reasonable compromise between CRP-A and CRP-B would be to include a statement in CRP-B that says sexual relationships between faculty and grad students/postdocs is strongly discouraged

Music

On behalf of the Department of Music, I cast the attached ballot, which reflects the opinion of those from the department who have written or spoken to me about the issue.

Steve has also said to me that, in the department meeting where this was discussed, opinions were mixed and no consensus was reached, so I feel that the attached ballot is an accurate reflection of those who had clear enough opinions to state them emphatically.

I want to say that I, personally, feel that there has been not enough discussion of the mechanisms for receiving, investigating, and adjudicating (r-i-a) these issues to be reassure me that we are not getting into a situation that is, like the Policy 6.4 r-i-a processes, fraught with complications that will enmesh the university in more incidents of public open conflict and litigation.

I felt that at the last Senate meeting the members were just getting to the key points of discussion. And several of the faculty comments were cogent expressions of doubt about the (full) resolution and the r-i-a processes. It is, indeed, the faculty that is most effected by the legislation. It seems to me that CRP resolution and the processes described in it need a fuller discussion than just a choice between A and B (or neither A nor B).

My view is that we are setting up another separate “investigatory/judicial” process in the university rather than strengthening those, such as the Campus Code of Conduct, the Judicial Codes Counsellor office, and the Judicial Administrator office, that have been vetted throughout the community. I realize that, in certain areas the the code has different mechanisms of investigation and implementation on different constituencies (for example, faculty but also, in some areas, staff), but the code also has room to set some community standards in these areas.

Operations Research and Industrial Engineering

- When discussing this in ORIE, clear consensus did not emerge but feedback I got was in favor of CRPB and this is how I voted. There was clear reluctance by some to prohibit grad student—faculty consensual relationships outright. This seemed based on 2 arguments: (a) Such a policy is unworkable. [I find this puzzling since why should a grad prohibition be more unworkable than an undergrad prohibition.] (b) It’s none of our business. [This is unconvincing.] From what I can tell from our PhD students, females tend to have somewhat different views than males. No surprise. I think you accurately summarized the tensions between differing goals, eg, protecting the weaker half of a relationship vs the libertarian view.
- Recusal may not always be practical or effective. Graduate education is sometimes narrow with few (one?) specialists in an area. If the specialist is recused, who mentors the student? Also, I’m guessing the source of many relationships is working together on a problem or line of research. Years ago Walter Cohen (then Dean of the Grad School) commented: “First they are excited about the work and before you know it, they are excited about each other.”

Under such circumstances, how do you recuse the “authority” when the couple may be 3 papers into a line of investigation.

- I am against the idea that it would be effective to allow a DGS or Chair to deal with this. Reporting should go out of house to the 6.X office. I’m not particularly worried that chairs, directors, DGS’s are untrained [they are untrained for all aspects of the job] but I don’t think colleagues would be effective protectors of the student and loyalties to colleagues would intrude despite good intentions. I think you got this exactly right by suggesting this go to a 6.X office. I would not involve a Dean or Chair unless punishment was involved and in that case, the DGS would be powerless and have no coercive ability. I agree with you Deans are very busy and should not to be involved except as a hammer if needed.
- I’m not sure prohibiting relationships between faculty and undergrads but not between faculty and graduate students is logical but I guess I buy the argument that the undergrads are younger, more naive and less experienced and need Cornell acting en loco parentis.
- Extra Senate meetings should be extremely rare.

Philosophy

After extensive discussion, my department, Philosophy, voted 6 to 3 with 2 abstentions, in favor of some version of CRP B as against CRP A, and then voted in favor of these revisions in CRP B:

Revision I:

In “The Disclosure Process,” change the list headed “When the authority is ...”, to the following.

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 must be approved by the 6.X office. The Recusal Plan is signed by the faculty member, forwarded to the 6.X Office, and enforced by the 6.X Office and the recipient, as described in “Enforcement Procedures.” 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.

Revision II. Include a general statement of the undesirability of romantic or sexual relationships between faculty and graduate students within the same department or field, but not a general prohibition as in A.

My department voted for the revised plan B, 6 for, 3 against, 2 abstaining. In the course of our discussion of what version of B to support, our starting point was the resolution that the Senate considered on April 25. (Our own discussion ended earlier that afternoon.) The addition of the first sentence in 3 was favored 10 to 1. The addition of Revision II was favored, 6 for, 3 against, 2 abstaining. I myself abstained in the vote for Revision II, but was otherwise in favor. There was sentiment for greater involvement of the subordinate, but no time to develop a view of what form this should take.

Physics

Dear President Pollack, I am writing as a faculty senate representative of the Physics department to explain my vote in favor of CRP-B. Our department has caucused and I have followed up to be sure I understood positions. I have also met with my chair and that of with our sister department A&EP as well as their senator and our departmental Director of Administration.

We do not have a coherent position. That being said, I believe we generally strongly support P1 and there is good support for P2.

Also, there is definite support for the position that while consensual relationship policies as proposed violate personal freedoms, professional conduct by faculty demands that within a department, such standards should be maintained, though not through the proposed Policy 6x office. In fact, the concern was raised that Policy 6x actions kept secret from the department might in fact impede departmental investigations, in particular in the consideration of promotions.

To repeat, a number of members felt that neither CRP-A or CRP-B is appropriate since either infringed on vital personal freedom.

That being said, strong support was expressed for CRP-A.

Another concern expressed by a number of our faculty was that the rules for handling exceptions beyond existing relations was so broadly written as to be meaningless.

Importantly, it was expressed that education might be more beneficial than any new policy. In particular, young faculty need to be trained to exercise mature, professional conduct.

Finally, and very importantly in our discussions especially with AE&P, a particular instance of a faculty and graduate student consensual relationship in our department was such a positive thing

that I personally feel that from this one example that application of P3 would have been tragically wrong.

Sincerely, Carl Franck

Plant Breeding and Genetics

In theory I prefer CRP-B. In practice I am concerned about its implementation. Specifically the role played by the Director of Graduate Studies. As a former DGS, my position is that DGS's essentially have no meaningful power/authority. They cannot meaningfully enforce anything on their own. A chair also needs to be involved for any issues related to enforcement.

Plant Pathology

Although the vote represents the policy favored by most faculty in the section, there were faculty who expressed a concern that banning these relationships will not prevent these occurrences. It was suggested that a way to protect students would be to educate and empower by providing training and raise awareness. Additionally, some faculty would like to urge that enforcement plans be clarified for the official policy.

Neither

Anthropology

The current policy is sufficient and should simply be properly implemented.

Astronomy

Most of our faculty favor CRP-B over CRP-A but there are concerns about both A and B so the vote is "Neither"

There is universal support for the existing (1996) statement on relationships between students and staff. Proposition P1 in the proposed CRP's is similarly supported

We understand that prohibited relationships will not be accommodated by way of exceptions other than those listed ("Exceptions to these ... recusal")? That list (preexisting relationship, restriction of educational/research opportunities or inducement of economic hardship) appears inadequate/incomplete/inflexible. Are additional exceptions contemplated? Over various conversations examples were suggested where applying a blanket policy might be inappropriate, e.g. the hypothetical case of older undergrads (say a 30 year old, returning to school). It seems to us that this illustrates that there must always be a route to an appeal for unforeseen circumstances. Our understanding for both A and B (assuming no supplementary exceptions) is that for all prohibited relationships, no accommodation is available via disclosure/recusal so this is an important shortcoming

Setting aside the issue of how to deal with special circumstances most faculty supported the intent of the faculty-undergrad ban

Many faculty had reservations about prohibitions for grads (those in the same field; our understanding is that neither A nor B refers to grads outside the field) that are the same as for

undergrads (throughout the University). In this regard, many had personal knowledge of relationships that had “turned out well” and an expectation that mature individuals of typical age should be able to navigate the waters as long as reasonable steps were taken when situations developed (e.g. the advisor is switched). We felt that P1 (and the 1996 statement) provided the necessary rationale and guidance

We did not spend much time discussing process itself. The Office 6.X might be a reasonable way to implement the disclosure/recusal process on a institution-wide scale.

However, there is general uneasiness in empowering an administrative unit as fact-finder, judge and jury for enforcement. There is little clarity on how violations will be handled. Yes, 5 steps are mentioned but most practicalities, the nature of the process, how appeals are handled, the rights of parties, etc. are unclear. We can only imagine the worst of tenure fights and sex-related investigations rolled into one and then hidden from general view (“we do not comment on personnel issues”). This sort of endgame will not help the University’s reputation. Perhaps moving to a more public, legal framework for sanctions would simultaneously brighten the red lines for all concerned while assuring impartiality of a decision. If the violations are contested in any way then adding a lawyer and enforcing a set of rules of evidence would seem to be a minimal requirement.

Chemistry and Chemical Biology

My department is closer to CRP-B as currently formulated. We distrust the reporting/enforcement procedures as proposed. Think it is a disaster in preparation.

Computer Science

Ken Birman’s comment for the public record...

My unit asked (but did not require) that I vote for CRP-B, and it was my plan to do so when I walked to the meeting. As it turned out, though, I was unable to support either version, both because of points that were made by my colleagues during the debate, and because of the failure of Miller’s amendment.

Let me be clear: I support a “clean” ban on relationships between undergraduate students and faculty. In my opinion, given the age gap and power imbalance, a student is incapable of informed consent. This is unfortunate, because I know of at least two colleagues who are married to spouses who they met while one was a faculty member and the other an undergraduate, and both are loving and healthy families. Yet I do see the case for Cornell to ban such relationships, even though this would have destroyed those two happy families. And I feel that I should err by supporting P1.

I also support a ban on any form of harassment, coercion, preferential or unfair treatment, discrimination or bias. But Cornell already has policies that addresses these concerns. The issue on the table is a proposed ban of legal, mutually consenting relationships: loving relationships, legal under state and federal law.

And finally, I support recusal in cases of consensual relationships that have any risk of a supervisory element. But Cornell also already has a policy covering consensual relationships, spelling out precisely this obligation.

What then are CRP-A and CRP-B actually doing? We have a situation in which both parties should be presumed to be of age, emotionally mature, and fully capable of informed consent. The student or post-doc might actually be older than the faculty member!

CRP-A prohibits such relationships, which I find to be unnecessary and exceptionally harsh. In large units, it makes no sense at all to arbitrarily ban loving relationships if recusal is respected.

CRP-B requires disclosure, but this violates constitutional protections on privacy (for example, LGBTQ faculty or students might be forcibly “outed”). CRP-B makes no promise of confidentiality even where there is no risk of any kind (for example, CRP-B requires disclosure even for a post-doc who never takes classes, and even if the faculty member already recuses him/herself from decisions involving that post-doc). The DoF personally promises privacy, but as the Passover story goes, “Then came a Pharaoh who knew not Moses.” Some future DoF might prefer to out every story that reaches 6.X. Since 6.X is completely undefined, except for the uniquely powerful role it plays, that could happen. Miller’s language would have helped.

Miller’s proposed changes would have limited to scope of disclosure and made explicit the recusal process. The failure of Miller’s amendment leaves both aspects ambiguous.

My fear is that CRP-A and CRP-B, without the amended language, will create a new category of “criminals”: innocent faculty members and students who find themselves in a mutually desired but private relationship, yet have valid and legal reasons to not make them public. For example, a gay couple might fear discrimination by very conservative faculty members, or a faculty member who has separated from his or her spouse and has started a new relationship might prefer not to make that personal situation obvious to colleagues. Such individuals have a legal right to privacy, and yet under both CRP-A and CRP-B would face career-ending sanctions if denounced.

This is too high a price in terms of lost privacy protections! The core issue is described as anxiety by the CRP authors concerning “preferential or unfair treatment, discrimination, or bias”. Yet we have two policies covering that, already on the books. Were the authors unaware of this? They seemingly concealed one of them (the existing consensual relations policy), until Professor Liberwicz read our faculty handbook and found that policy. The other was never mentioned by Ms. Waymack or on the web site, although the DoF spoke about this issue of abusive behavior in the March meeting, making it clear in his slides that there was no need for a new policy to protect against abusive, coercive, harassing or other inappropriate conduct. The study authors seem to be convinced, purely from anecdotal evidence known to the 10 or so graduate students (self-selected) who participated that such problems are rampant. I very much doubt that this is the case, and would be saddened to see Cornell set a basic right to the side for such a subjective and empirically unsupported reason.

I feel that there is no choice but to override my own unit’s preferences and to vote no on both CRP-A and CRP-B.

Electrical and Computer Engineering

I sought input from my unit, the School of Electrical and Computer Engineering. I got only two responses, one favoring CRP-A and the other not clearly favoring either plan. I warned members of my unit that if I didn’t hear a clear consensus from them I would vote my personal preference, which is Neither, so I did. Below I’ll attempt to explain my vote.

Both faculty members and students check some of their legal rights and privileges, along with some of their right to privacy, “at the university gate,” to paraphrase a famous Supreme Court opinion. Most would agree that among those rights left behind are a faculty member’s right to take up consensually with a student situated within the faculty member’s suitably defined radius of authority. Similarly, a student leaves behind the right to take up consensually with a faculty member whose authority radius encompasses the student. Thus, contrary to what one faculty member said at our most recent Senate meeting, students’ behavior, as well as faculty members’, must take into account certain restrictions.

Most would also agree that our goal is to formulate a policy on consensual relationships that minimizes what community members must leave at the university gate subject to the constraint that the university qua workplace and learning environment functions in a healthy fashion. What rights and privileges besides the two examples cited in the preceding paragraph must we require community members to renounce? I’m tempted to answer “None”, but on reflection I answer, “None, but”. Here are some specific comments.

1. The committee’s presentation included lots of Venn diagrams and undirected graphs with socially awkward links. Infinitely many more such diagrams and graphs exist. Consider, for example, a relationship between a faculty member and a powerful donor alum’s child. We can’t dream up every touchy situation that might arise, and we need to resist cherry-picking touchy situations to buttress policy choices.
2. I’m comfortable discussing some kind of disclosure and recusal mechanism for relationships that fall in grey areas outside a faculty member’s radius of authority, but I’m not happy with what the committee came up with. That said, I have no better ideas, and any such mechanism would constitute a serious invasion of privacy. A necessary invasion? Something else community members need to leave behind at the university gate? I’m not convinced, but I’m willing to listen.
3. The blanket ugrad prohibition, as I said in an earlier Senate meeting looks like a miscegenation law to me, and the reasoning behind it is suspect. The committee attempts to make an academic case distinguishing grad-faculty and ugrad-faculty relationships, and I don’t buy the argument, which asserts essentially that a faculty member’s radius of authority encompasses all undergrads but only certain grads. Cases in point: One of my ECE faculty colleagues pursued a full-fledged minor in art history while studying for his Ph.D. at Stanford. I think it’s more likely that one of ECE’s Ph.D. students would take a course in the history of architecture than an architecture or Hotel undergrad would take a course in ECE. Honestly, I think the ugrad prohibition is there because of someone’s idea of what’s creepy, and the retrofitted academic justification doesn’t cut it. One of the faculty comments about the ugrad ban on the Website revealed what people are really thinking, to wit:

Like all bans on human relations that have been enacted over the millennia, I expect this one to be violated. In some circumstances I would hope that such violations would lead to dismissal. In others e.g., a 25 year old assistant professor dating an

undergrad outside her or his field I would expect accommodation. That's what the undergrad ban is really about, in my view.

I acknowledge the difficulty of the committee's task. I also acknowledge, unlike some other Senators who spoke at our most recent meeting, that the existing policy is insufficient. I appreciate the committee's (and Charlie van Loan's) excellent work assembling the supporting material, collecting faculty comments, and making a complicated issue as comprehensible as I could imagine making it. Kudos to the committee, even though neither option available on the ballot got my vote.

English

Keep the policy that is now in place.

ILR

I am against CRP-A and CRP-B. These proposals define all potential consensual relationships as coercive. This strikes me as overly broad and potentially unenforceable. Further, I think the current policy strikes an appropriate balance for choice and protecting students from coercion. However, I do not believe the current policy has ever been implemented. At ILR, for example, I do not recall our educating faculty and students. In fact, it is clear that many do not know we have a current policy. So I feel that before creating a new policy and office we need to do a better job of implementing the current policy.

Johnson Graduate School of Management

- 1. It is offensive to our students and violates their basic liberties of free association.** This is probably the worst piece of legislation I have seen during my long tenure at the Senate. It is intrusive, paternalistic, moralistic, and unnecessary. It infantilizes the students, and attempts to control their sex lives. Our students are not children. They are adults, and they deserve to be treated as adults to make their own decisions about their social lives. University has no business telling them who they should love and who they should consort with. Any exceptions to this general principle has to pass a high burden of a compelling university interest, not just a morality pronouncement. See item 3 below why that burden has not been met.
- 2. It is unnecessary.** This proposal is a solution in search of a problem. There is no evidence of wide spread romantic involvement between students and faculty. In fact, exactly the opposite. The senators are flattering themselves if they think that undergraduates are even remotely interested in romantic relationships with them. Any rare exception does not deserve such a controversial and blanket ban. Actually, it is likely to backfire, and lead to more of such banned relationships by the students that are offended by such intrusion into their private lives. More importantly, this issue was brought before the senate last year. Senators spoke at length about these problems, and voted overwhelmingly against a ban. Why is it necessary to bring the same proposal with no changes, but with some added verbiage, before the same Senate?

- 3. It solves the wrong problem.** What is the compelling argument that justifies such intrusion into students' sex lives? The only relevant issue for the university is conflict of interest, and it should be construed as narrowly as possible to avoid interfering with the students' basic freedom of association. The current policy does this reasonably well already and can be modified slightly to make it even better. A conflict of interest arises when there is a romantic relationship between a supervisor and a supervisee, as in someone grading, evaluating, judging, or promoting someone else. This would include professors and TA's versus students in their classes; advisors versus their advisees; graduate committees versus the graduate students they supervise, senior faculty versus junior faculty they evaluate for promotion, and administrative staff versus the employees they manage. The current policy identifies these real conflicts of interest, and requires disclosure, and possibly recusal. The mere possibility of a future conflict of interest is an unacceptable and unnecessarily intrusive standard, and it would be impossible to precisely define it. Any college student anywhere in the world could possibly come to Cornell and take a course here, and become one of our students in the future. That would make the whole world a banned population if we need to be consistent. More importantly, the proposal ignores the most egregious and the most common occurrence of conflict of interest. That is when a senior faculty member pressures the school to hire a spouse as a junior faculty member or lecturer in the same department, and then even serve in the committees to evaluate that spouse. That is the real problem we face in practically every department of the university. The complete omission of this issue from the proposal suggests that the committee is more concerned with making a moral and political statement about age-different relationships, rather than their real task of enacting policy that protects the institution and its proper functioning. The arbitrary distinction drawn between undergraduate and graduate students provides further evidence of such obsession by the committee with age and with the morality of romantic relationships, rather than university's interests.
- 4. It will be difficult to implement.** The proposal will be costly to implement both financially and emotionally. Such a comprehensive ban will require investigating the sex lives of students, faculty and staff. Since these are consensual relationships, the parties will not complain. The complaints will come from third parties with grudges, or as hearsay and gossip. The university will have to create a whole new bureaucracy to investigate such complaints, or it will have to reduce the burden of proof to accepting hearsay and gossip as evidence. Either approach will damage the reputation of the university considerably. Consider a hypothetical case of a ph.d. student in another university married to an undergrad. He gets hired as a faculty member at Cornell. His wife would like to transfer to Cornell to be with her husband. Are we going to reject them? Force them to get a divorce? Or are we going to make exceptions on a case by case basis, on the basis of someone's moral judgment about relationships, when they started, and how serious they are? And what happens when people challenge those moral judgments, and even file law suits? That is not a rational way to run a university.

L. V. Orman, Professor Cornell University, Johnson Graduate School of Management

Mathematics

Cornell already has a policy. I agree with the views voiced by other senators in this direction. To me it covers the essential,

“No member of the university community should simultaneously be romantically or sexually involved with a student whom he or she teaches, advises, coaches, or supervises in any way”.

My colleague senators made a number of suggestions about this; I agree, and won’t repeat them.

If I were to vote for A or B, I prefer A which spells out rules about relationships between graduate students and faculty in the same field. I am uneasy about the attempt to cover too many contingencies.

Our department was split roughly in half on plan A. One faculty mentioned (intended as a comment to the committee) “Dan: I find the language very loose. I know of no definition of romance. It is often indistinguishable from respectful friendship.”

Physics

I agree with Risa. She said it right. Keep the University away from it.

Psychology

I would strongly support adding to the proposed provisions for appeal of P1, P2, and P3. I can think of exceptional cases that might apply to each of the prohibitions and would like to see a mechanism in which the participants can request an exemption. Even the faculty-ugrad prohibition might run up against an attraction between an older non-traditional ugrad and a young faculty member from a different department or college and an appeals process could be important in such cases.

Romance Studies

The comments from members of my Department, both orally and in writing, expressed support for the idea that no one who is in a relationship should be in a position to supervise or otherwise evaluate the other person’s work, recognizing the potential problems that such relationships might entail for our academic communities in general. However, there is a sense that this policy, like others before it, moves quickly and mistakenly from relationship to harassment, confusing these in dangerous ways. Everyone supports the full enforcement –even the strengthening– of current sexual harassment policies, but no one wishes to see this confused or even paralleled to relationships. Most importantly, we see these prohibitions (!) as establishing a very dangerous precedent in terms of the university regulating the private lives of its faculty, students, and employees.

Formal Votes

Unit	CRP-A	CRP-B	Neither	Comments
Africana Studies	A			

Animal Science (2)	A	B		Y-B
Anthropology			N	Y
Applied Econ & Mgmt. (2)	A			
Applied & Engineering Physics		B		Y
Architecture	A	B		
Art				DID NOT VOTE
Asian Studies			N	
Astronomy			N	Y
Bio Stat & Comp Bio	A			
Bio & Environmental Eng		B		
Biomedical Engineering		B		Y
Biomedical Sciences (2)	A	B		
Chemistry & Chem Bio (2)			N	Y
Chemical & Biomolecular Eng.				DID NOT VOTE
City & Regional Planning	A			
Civil and Environmental Eng	A A			
Classics	A			
Clinical Sciences (2)			N N	
Communication		B		
Comparative Literature			N	
Computer Science (2)		B	N	Y-B Y-N
Cornell Assoc. Prof. Emeriti	A			
Design Environmental Analysis	A			
Developmental Sociology		B		
Earth and Atmospheric Sci		B		
Ecology & Evolutionary Bio (2)		B B		Y

Economics		B		Y
Electrical & Computer Eng. (2)		B	N	Y-N
English (2)		B	N	Y-B Y-N
Entomology				DID NOT VOTE
Fiber Sci & Apparel Design	A			
Food Science		B		Y
German Studies		B		
Government (2)	A		N	Read-A
History (2)	A	B		
History of Art	A			
Horticulture	A			
Hotel Administration (2)		B		
Human Development		B		
ILR (2)			N N	Y
Information Science		B		Y
Johnson Grad School Mgmt. (2)		B	N	Y-N
Landscape Architecture		B		Y
Law (2)	A A			
Linguistics				DID NOT VOTE
Material Science & Eng.		B		Y
Mathematics (2)		B	N	Y-B Y-N
Mechanical & Aerospace Eng (2)	A	B		
Microbiology		B		
Microbio & Immunology	A		N	Y-A
Molecular Bio & Genetics (2)		B B		Y
Molecular Medicine		B		

Music		B		Y
Natural Resources				DID NOT VOTE
Near Eastern Studies	A			
Neurobiology & Behavior		B		
Nutritional Sciences (2)	A	B		
Operations Research		B		Y
Performing and Media Arts				DID NOT VOTE
Philosophy		B		Y
Physics (2)		B	N	Y-B Y-N
Plant Biology	A			
Plant Breeding & Genetics		B		Y
Plant Pathology		B		Y
Policy Analysis and Mgmt. (2)	A A			Y
Population Med & Diag Sci		B		
Psychology			N	Y
ROTC	A			
Romance Studies			N	Y
Science & Technology Studies	A			Y
Sociology	A			Y
Soil and Crop Sciences		B		
Statistical Science		B		
At-Large (Avery)		B		
At-Large (Cherney)		B		
At-Large (Gomez)	A			
At-Large (Mazourek)		B		
At-Large (Seth)	A			

At-Large (Sipple)		B		
At-Large (Thorne)		B		

Consensual Relationship Policy Committee

Statement from Undergraduates

The following statement from Jenna Chong and Jesse Pollard represents the undergraduates on the CRPC.

On behalf of the undergraduate students:

The undergraduate student population questions the credibility of consensual ‘relationships’ where a power dynamic is present. Such power dynamics, as exhibited by a so called ‘relationship’ between a member of the faculty and one or more undergraduate students (subordinates) may place the student(s)’s reputation and professional career at risk. Furthermore, in the instances where such ‘relationships’ become coercive, the undergraduate student is placed in an inequitable position of having to ‘get out,’ when in reality, the University should be implementing proactive systems that protect such subordinates; and place the onus of responsibility on those members with more power and social capital.

Thus, on behalf of the undergraduate students, we propose a complete ban on faculty/undergraduate ‘relationships’ to provide adequate protection for undergraduate students in this academic and professional environment. As the undergraduate population is aware of the evolving expectations and characteristics of modern day ‘relationships,’ we also support a prohibition which is inclusive of non-romantic relationships—relationships that are not exclusively romantic, but interactions which evidently still exhibit power differentials. The current university definition is not inclusive of consensual non-romantic experiences community members of all ages, genders, and sexualities may participate in during their time here.

Formal Comments

CRP-A

Tisha Bohr (Post-Doc, Molecular Medicine)

I vote in support of CRP-A with a total ban on faculty-undergrad romantic relationships and a ban on in field faculty-grad/professional student romantic relationships. This decision has been hard reached after nearly 9 months of serving on the Consensual Relationship Committee (CRPC), deliberating over ideas, thinking hard about a just Consensual Relationship Policy (CRP), and evaluating concerns from the Cornell community and individuals voting rationales from the Senate and Assembly Committees.

As a recent graduate student and now a postdoctoral researcher I have a somewhat unique perspective as I’m not too far removed from the experiences of a full graduate career, I can relate to undergraduate experiences and, as a planned near future academic, I am beginning to construct my

view of faculty responsibilities towards trainees and students and what rights I think individuals in each of these positions holds.

From this viewpoint, I believe college should be a place where faculty, teachers and mentors serve as educators for students and trainees, viewing them as beneficiaries of their expertise and knowledge. This is comparable to that of other sorts of professionals involving obligations of trust to their clients (e.g. doctors, therapists, attorneys). Part of this obligation is an understanding that the professional will not look at the client as a potential source of sexual gratification. Similarly, in order to foster a genuinely supportive and equitable educational environment, faculty should not view students and mentees as potential sources of sexual gratification. While, some would argue that this view is paternalistic or infantilizing of students that robs them of their individual sexual freedoms, it actually grants students the agency to pursue their academic endeavors (regardless of age or gender), for which they came to Cornell, without fear of or actual unwanted advances or biases from faculty who have the potential to affect their academic and professional careers.

Undergraduates at Cornell have the freedom to move about fields. As part of Cornell's mission is "any person, any study" entering a romantic relationship with any faculty could limit an undergraduate's academic freedom to take a specific courses or volunteer in a certain researcher group. Therefore, I support the ban on undergraduate-faculty relationships. Most other voting committees also support this ban.

However, a ban on relationships between graduate and professional students and faculty within the student's field or degree program that would be imposed under CRP-A has been more controversial. After considering all sides and rationales put forth by both students and faculty for either supporting or opposing this ban, I have come to support it for the following reasons: All faculty within a grad or professional student's field or degree program, whether or not they are the student's teacher, advisor or committee member, are authority figures and thus an imbalance of power exists. Recusal, as required by CRP-B may not always be practical or effective. For example, graduate/professional education is sometimes narrow with few specialists in an area within a given campus. If a certain specialist is recused the student's access to that specialist's expertise and mentoring is then limited. Further, allocation of grades, awards, fellowships, recommendations, future collaborations and/or professional and educational opportunities are likely to be influenced by such personal relationships, thus compromising learning environment not only for the student involved in the relationship but, for their peers as well. While undoubtedly there have been instances where student faculty relationships have "turned out well" this view seems to only take into consideration the experiences of the faculty and the student involved in the relationship and not the student's peers.

The rights and protections of LGBTQ individuals need to be highly considered when creating this policy as disclosure could lead to unwanted or harmful outing of these individuals. Under CRP-A or -B this would never be an issue for undergrads as relationships with faculty would be outright banned. However, under CRP-B disclosure requirements of in field relationships between grad/professional students and faculty does put this issue at risk. In my opinion, banning in field grad/professional student-faculty relationships under CRP-A would actually mitigate this risk by limiting the number of relationships that would need disclosure (since most that would require

disclosing under B would be banned under A), thus reducing the likelihood that disclosure would lead to unwanted or harmful outing of LGBTQ individuals. In the few instances where CRP-A would require disclosure we on the CRPC have suggested ways of mitigating unwanted outing by creating a place to confidentially disclose (the 6.x Office).

While, I appreciate that implementing this policy comes at the cost of limiting people's freedom of association, the educational mission of Cornell requires a fair learning environment that is free of unwanted pressures or concerns about educational objectivity from authority figures. This policy is one more step in ensuring that Cornell's educational mission is upheld.

Nate Stetson (JD 2018, Law)

Policies mandating disclosure and recusal in workplace relationships are ubiquitous in companies and industries that take employee protection and institutional legitimacy seriously. Furthermore, the professions have all voluntarily adopted stringent codes of professional ethics that prohibit relationships that even hint at implicating the professional role. These policies reflect obvious risks associated with power dynamics: they aim to minimize the risk that a currently happy relationship that sours later will be used against the party with the least power and the risk that favoritism or bias could infect the workplace. They also create transparency and accountability when people evaluate, promote, recommend, discipline, advise, or fire those with whom they are formally involved.

Academia is not immune from these power dynamics. In many ways, it is more susceptible to both these dynamics and the abuse of them than are other institutions. While the academy often strives nobly to distinguish itself from business and other institutions, that distinction favors more stringent codes of conduct rather than less. If the true mission of the academy is education, then it should not flinch from encouraging honesty and accountability regarding the risk of interfering with that mission that undisclosed relationships implicating university power imbalances pose.

Accordingly, I am in favor of the field ban, and of a robust Policy 6.X Office that enforces the policy while destigmatizing disclosure. Affiliation with Cornell requires accountability and professionalism, and the trained staff of the Policy 6.X Office should make disclosure discreet and painless. Those with authority must hold up their end of the deal by disclosing promptly and honoring the recusal plans designed to safeguard the academic environment for everyone.

Charles Van Loan (Professor Emeritus, Computer Science, Dean of Faculty)

I support CRP-A and it is easiest to explain why by considering the three prohibitions in turn.

P1 says that faculty cannot exercise academic authority over a student with whom they have (or have had) a sexual or romantic relationship. No one disagrees with this. The current policy is basically P1 and quite a few colleagues think that it is "good enough" if we simply pay more attention to enforcement and make an effort to educate the community. Others among the "neithers" favor a P1-alone policy because they have trepidations about the 6.X office and/or they have ethical concerns about the university telling the faculty that undergraduate students and certain graduate students are off-limits.

To my way of thinking even a rigorously enforced P1 is not “good enough” because it fails to look beyond the partners. It fails to acknowledge that workplace romance can have a negative impact on the surrounding academic environment—a kind of climate change denial.

On the 6.X office, it is essential to have an outside entity that oversees disclosure and enforcement. Should we be nervous about overreach, loss of privacy, etc? Absolutely and on that I agree with many who voiced such concerns. However, it is important to distinguish between mapping out the principles behind the 6.X office in broad strokes, which is what the proposal does, and the follow-up exercise of working out the make-or-break implementation details. Opposing CRP-A and CRP-B because the workings of the 6.X office are not fully detailed is a mistake. The final official Policy 6.X, if it is to be effective, must be a joint effort that involves the University Counsel Office, the Office of Human Resources, and the faculty. A cynical view of this three-way collaboration by any of the three parties guarantees no forward motion.

Regarding the ethics of having certain relationships bans, I need a good reason before I would ever agree to such a thing. Such is the case for P2, the faculty-undergraduate prohibition. I fully support P2 for all the reasons cited in our report and am very pleased that the Senate and the Assemblies concur with such large majorities.

Just about everyone, including me, hesitates when it comes to P3, the same-field faculty-grad prohibition. However, I decided to support P3 and hence CRP-A for two reasons (1) Clarity. Having a bright line sends an unambiguous signal that there is a zone where the academic interests for the group have priority over the romantic interests of the individual. The bright line will promote a positive awareness of the policy beyond what it just says about intra-field relationships. (2) Skepticism about gaming the disclosure system. There is the chance that CPR-A may drive more relationships underground. But there is also the chance that bad actors will game the CRP-B disclosure system by exploiting the vagaries of what constitutes authority within a graduate field or degree program. I am far more worried about the latter than the former. Under CRP-B It is easy to say “I probably will not have academic authority over this same-field student in the future so what’s the problem?”

It has been said by a colleague that CRP-A and CRP-B treat all consensual relationships as inherently coercive. This is a negative spin on the goal of these policies which is (among other things) to educate the community so that coercive situations do not arise. Our academic integrity policy does not treat students as “inherent cheaters”. Our financial disclosure policy does not treat professors with outside income as “inherent double-dippers.” No, these policies like CRP-A and CRP-B are intended to manage difficult situations with integrity, fairness, and respect for what the university is all about.

Jenna Chong (Undergraduate/MEng)

The undergraduate student population questions the credibility of consensual ‘relationships’ where a power dynamic is present. Such power dynamics, as exhibited by a so called ‘relationship’ between a member of the faculty and one or more undergraduate students (subordinates) may place the student(s)’s reputation and professional career at risk. Furthermore, in the instances where such ‘relationships’ become coercive, the undergraduate student is placed in an inequitable position of

having to ‘get out,’ when in reality, the University should be implementing proactive systems that protect such subordinates; and place the onus of responsibility on those members with more power and social capital.

Thus, on behalf of the undergraduate students, we propose a complete ban on faculty/undergraduate ‘relationships’ to provide adequate protection for undergraduate students in this academic and professional environment. As the undergraduate population is aware of the evolving expectations and characteristics of modern day ‘relationships,’ we also support a prohibition which is inclusive of non-romantic relationships—relationships that are not exclusively romantic, but interactions which evidently still exhibit power differentials. The current university definition is not inclusive of consensual non-romantic experiences community members of all ages, genders, and sexualities may participate in during their time here.

CRP-B

Charles Seylor (Professor, Electrical and Computer Engineering)

I would like to justify my vote for CRP-B. In principle I support CRP-A, but I believe that relationships between academic staff and Grad/Professional students in the same field will occur regardless of a ban. Therefore I feel that in order to prevent such relationships from becoming secretive and likely more problematic than if allowed with disclosure and management, it would be better to allow them under the restrictions stated in the CRP-B policy.

Emily Davenport (Molecular Biology and Genetics, Post-doctoral associate)

I fully support a ban on undergraduate - faculty relationships, as outlined in both CRP-A and CRP-B. This full ban ensures every undergraduate student is able to pursue their academic interests at Cornell free from conflicts of interest with a current or potential authority figure in their educational path.

Consensual relationships can also result in conflicts of interest between faculty members (or other authority figure) and graduate students. CRP-A addresses this issue with a graduate field ban. In my opinion, this does not go far enough.

In my particular discipline, graduate students regularly take classes outside of their declared field and seek advice from professors from a wide variety of departments. A field ban is an arbitrary line to draw, especially in the case of interdisciplinary subjects. Additionally, field size and scope varies between different parts of the university, which creates an imbalance depending on field. Finally, I worry that because policy CRP-A singles out relationships within field, relationships outside the field where conflicts of interest could potentially be stronger may not be as easily recognized by those who are in them.

Rather, I feel the process of going through the formal disclosure mechanism with the Policy 6.x Office for non-direct authority relationships between graduate students and faculty would result in greater protection of the academic environment, both within and between graduate fields.

Gina Giambattista (Office of the Assemblies)

I vote for CRP-B; supporting the majority EA vote, as it is appropriate to support the constituent group I represent on the committee.

That said, I personally support CRP-A. The difference between the two proposals is the “field ban” component which the committee discussed at length. While there was no outright unanimity in those discussions, I strongly believe that Cornell has a foremost obligation to its academic mission. Both the undergraduates and the graduate and professional students at Cornell should enjoy freedom from pressures of bias and favoritism in their academic progression. This policy goes far toward creating that environment.

Formal Votes

Co-Chairs

Charles Van Loan A

Anna Waymack A

Faculty

Rhonda Gilmore A

Kimberly O'Brien B

Charles Seyler B

Gillian Turgeon B

Makda Weatherspoon A

Researchers (sharing 1 seat)

Tisha Bohr A

Emily Davenport B

Graduate & Professional Students (sharing 3 seats)

Aubrie James A

Stephen Kim A

Katherine Quinn B

Nathaniel Stetson A

Jenna Chong (after 12/31) A

Undergraduate Students (sharing 3 seats)

Ella Ackerman A

Jesse Pollard (until 12/31) A

Joseph Anderson A

Grace Park (after 12/31) A

Renee Cornell B

Employees (sharing 1 seat)

Daniela Sorokko Harris

Gina Giambattista B

Pilar Thompson B

Laura Johnson-Kelly

Staff

Kareem Peet

Sandy Dhimitri A

Janna Lamey A

Laura Weiss A

Analysis

For both the SA and EA, there were no surprises given how they responded to our presentations. We knew that the graduate and professional students were quite split over the field ban because of a quick poll that the GPSA staged earlier. (Roughly 50-50 split over 200+ responses.) Thus, even though the GPSA voting had just a 50% turnout, we feel that it captures the sense of their constituency.

The low response rate from the UA has to do with that body's belief that the official CRP should reside in the Campus Code of Conduct. This issue confused the voting at the April 24 UA meeting with many members refusing to vote. Our view since being charged by the President in October 2017 has been that the CRP is to be situated in the University Policy Library along with

Policy 6.4. Moreover, the Campus Code is NOT to be concerned with infractions that occur in the workplace:

The procedures of this Code shall not apply to faculty members or other University employees who are accused of employment-related misconduct. (Title II, Article 1, Section C, Paragraph 2).

The entire CRP is concerned with workplace issues.

A misperception arose in the Faculty Senate discussions that the CRPC had obscured and not acknowledged the existing policy in the Faculty Handbook. On the contrary, we have linked to it on the homepage of our website throughout this process and mentioned it repeatedly in presentations as part of the history. Miscommunication also resulted in concerns that the proposed policy would prohibit partners from pursuing degrees (a contingency acknowledged by our exceptions clause) and that a field ban would prohibit postdocs from relationships with graduate students (inapplicable on the basis of the proposed field ban as postdocs are not members of graduate fields and are ineligible to serve on special committees).

Appendix E: University Policy 6.X Draft

Simplified Policy Template

Policy Name: XXXXXXXXXXXXX

Draft

May 1, 2018

CORNELL UNIVERSITY
POLICY LIBRARY

Consensual Relationships

POLICY

Volume:

Chapter:

Responsible Executive:

Responsible Office:

Originally Issued: Revised:

I. Policy Statement

Romantic and sexual relationships among certain members of the University community may implicate power imbalances in ways that create unacceptable conflicts of interest. These can take the form of real or perceived preferential treatment, unfair advantage, or bias for or against the members involved or other members of the community. This policy prohibits the relationships that pose the highest risk of such conflicts and requires in some other cases that the conflict be mitigated by disclosing the existence of the relationship and recusing the member in authority from decisions that could affect the subordinate members(s). It outlines an investigative and adjudicatory process for alleged violations that respects the substantive and procedural rights of all parties.

II. Reason for Policy

As an institution where any person can find instruction in any study, Cornell demands ethical and conscientious behavior from all who are engaged in its mission of teaching, research, service, and outreach. Romantic or sexual relationships that implicate major power imbalances, like those between instructors and students, can jeopardize the integrity of that mission for the individuals involved and for those around them. These relationships affect more than just the parties in the relationship: they can compromise the instructor's impartiality, undermine collegial dynamics among students, and tarnish the academic reputation of the instructor, the student, the field, and Cornell itself. Regardless of their outcome, their presence can linger within the careers of both parties, potentially driving the student from their discipline or hampering their lifelong academic and professional progress.

III. Entities Affected By This Policy

All units of the university.

IV. Who Should Read This Policy

All students; all postgraduate workers; all members of the University community who have academic or professional authority over any student or postgraduate worker.

V. Web Address For This Policy

The University Policy Office will complete.

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Policy Name: XXXXXXXXXXXXX

VI. Related Resources

Policy 6.X Office: TBD

Title IX Office: titleix.cornell.edu

Dean of Faculty website: theuniversityfaculty.cornell.edu

All units

University Policies and Documents
University Policy 1.2, Academic Misconduct University Policy 1.7, Financial Conflict of Interest Related to Research University Policy 4.5, Access to Student Information University Policy 4.6, Standards of Ethical Conduct University Policy 4.14, Conflicts of Interest and Commitment (Excluding Financial Conflict of Interest Related to Research) University Policy 6.4, Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct
External Documentation
N/A
University Forms and Systems
Cornell anonymous reporting form: https://cm.maxient.com/reportingform.php?CornellUniv&layout_id=6 Consensual Relationship Disclosure Form (TBD) Student Progress Review Form Other student and staff forms TBD

Ithaca-based campuses only

University Policies and Documents
Campus Code of Conduct, Title III Faculty Handbook Chapter 4.3: Appeals Faculty Handbook Chapter 6.4: Ethical Practice
External Documentation
N/A
University Forms and Systems
N/A

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Weill Cornell Medical College campus only

University Policies
Weill Cornell Medical College Academic Staff Handbook , “Leaves and Termination of Appointment” and “Grievance Procedures and Faculty Misconduct Policy” Weill Cornell Medical College Student Handbook , “Professionalism” and “Standards of Conduct” (pending consultation with WCMC)
Other Documents
(pending consultation with WCMC)
Forms and Tools
(pending consultation with WCMC)

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Policy Name: XXXXXXXXXXXXX

VII. Contacts

All units, or Ithaca-based campuses only

Subject Matter <i>(alphabetical order)</i>	Office Name <i>(not the name of an individual)</i>	Telephone Number <i>(XXX) XXX-XXXX</i>	E-mail/Web Address
Policy Clarification and Interpretation	Policy 6.X Office	TBD	TBD

Weill Cornell Medical College campus only

(Specify NYC or Qatar where different)

Subject Matter <i>(alphabetical order)</i>	Office Name <i>(not the name of an individual)</i>	Telephone Number <i>(XXX) XXX-XXXX</i>	E-mail/Web Address
Policy Clarification and Interpretation	(pending consultation with WCMC)		

Simplified Policy Template

Policy Name: XXXXXXXXXXXXX

VIII. Definitions

All units

Term <i>(alphabetical order)</i>	Definition
Authority	Where a power imbalance exists, the member who can influence the other's academic or professional progress.
Consent/consensual	All parties to the relationship affirmatively consent to the existence of the relationship as well as to all conduct within the relationship.
Disclosure	The act of alerting the 6.X Office, directly or indirectly, of a relationship governed by this policy.
Faculty member	Any academic title-holder who is not an undergraduate student, a graduate/professional student, or a postgraduate, including those whose titles are modified by "visiting," "courtesy," "acting," "adjunct," or "emeritus."
Graduate/professional student	Any student who already possesses an undergraduate degree.
Policy 6.X Office (6.X Office, the Office)	The office that coordinates disclosure, recusal plans, alleged violations, and awareness and accountability.
Postgraduate	Any postdoctoral researcher, postdoctoral fellow, visiting critic, visiting fellow, or veterinary resident or intern.
Power imbalance	The situation that exists whenever one member of the university community can influence the academic or professional progress of another.
Recusal plan	A plan created by the 6.X Office, the authority and subordinate(s) in a relationship, and the authority's supervisor to remove the authority from decisions regarding a subordinate with whom they are in a relationship.
Relationship	Any intimate, romantic, and/or sexual conduct that occurs among members of the university community, whether singular or ongoing, continuous or intermittent.
Subordinate	Where a power imbalance exists, the member whose academic or professional progress can be influenced.
Undergraduate student	Any student who does not possess an undergraduate degree.

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IX. Responsibilities (required)

All units, or Ithaca-based campuses only

Responsible Party <i>(alphabetical order)</i>	List of Responsibilities
6.X Office	<p>Receive disclosures and reports.</p> <p>Inform subordinates of disclosures and provide resources.</p> <p>Coordinate with authorities, their supervisors, and subordinates to create recusal plans.</p> <p>Monitor adherence to recusal plans.</p> <p>Investigate and adjudicate violations of this policy.</p> <p>Maintain records of violations and publish as appropriate.</p> <p>Oversee awareness and accountability through trainings and disclosure forms.</p>
All Members	<p>Avoid relationships with students and postgraduates over whom you exercise academic and/or professional influence.</p> <p>Avoid exercising academic and/or professional influence over students and postgraduate with whom you have or have had a relationship.</p> <p>Disclose to your supervisor (department chair, center director, course instructor, PI, etc.) or to the 6.X Office if you cannot avoid any of the above.</p> <p>Cooperate in developing recusal plans.</p> <p>Adhere to recusal plans.</p>
Faculty Members	<p>Avoid relationships with undergraduate students.</p> <p>Avoid relationships with graduate/professional students in your graduate field or degree program.</p>
Supervisors	<p>Convey disclosures and reported violations to the 6.X Office.</p> <p>Cooperate in developing recusal plans.</p> <p>Oversee day-to-day adherence with recusal plans.</p>

Weill Cornell Medical College campus only

(Specify NYC or Qatar where different)

Responsible Party <i>(alphabetical order)</i>	List of Responsibilities
Job Function 1	(pending consultation with WCMC)

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X. Principles

Overview

As an institution where any person can find instruction in any study, Cornell demands ethical and conscientious behavior from all who are engaged in its mission of teaching, research, service, and outreach. It is the responsibility of instructors to guarantee that every student has the freedom to pursue their academic and professional interests in an environment without preferential treatment, unfair advantage, discrimination, and bias. Romantic or sexual relationships between instructors and students can jeopardize the integrity of that mission for the individuals involved and also for those around them.

Professional and institutional power differentials are part of academic life. However, it is unacceptable that any individual so empowered by or within the university risk the potential of using that power as an instrument of coercion, making it difficult for a student to refuse an advance or leave a relationship. These problems are magnified when the individuals involved hold differing perceptions of the underlying power imbalance, perceptions colored by their own status and by their familiarity with academia. Negative outcomes from such a relationship, whether professional, academic, or personal, are more likely to affect the student, sometimes driving them from their intended field of study altogether.

Even where fully consensual, romantic or sexual relationships between students and instructors affect more than just the parties in the relationship. They can harm the overall academic environment by compromising the instructor's professional judgment and impartiality then and in the future, impacting grading, distribution of resources, academic or professional recommendations, and more. They often undermine collegial dynamics among the students themselves because of rumored or actual favoritism. They can tarnish the academic reputation of the instructor, the student, the field, and Cornell itself. Regardless of their outcome, their presence can linger within the careers of both parties, potentially driving the student from their discipline or hampering their lifelong academic and professional progress.

Undergraduate/Faculty Ban

An undergraduate degree involves experiencing the university broadly. This expectation of breadth is manifested in distribution requirements and the foundation of the liberal arts education. As a result, any faculty member is a potential course instructor, research supervisor, or academic mentor. This is amplified by the common practice of delaying or changing the selection of one's undergraduate major(s). A ban on faculty-undergraduate relationships helps ensure that all undergraduates have full access to any study they choose, based on academic ability and inclination alone, by eliminating the conflicts of interest that arise from past or ongoing romantic or sexual relationships with an academic authority figure.

Graduate or Professional Field Faculty/Graduate or Professional Student Ban

Graduate and professional students apply and are accepted to specific fields of study. Unlike undergraduates, their degrees typically only require coursework within their chosen field(s), and they are not expected to change fields. While coursework and research outside of their fields may augment their studies, neither is usually a precondition of successfully completing the program. In addition, graduate and professional students are experienced members of academia and can more accurately gauge the extent of conflicts of interest. Therefore, a blanket ban is unnecessary outside of the field, although more limited restrictions are nonetheless advisable.

Within their fields, graduate and professional students must take courses from and are subject to formal and informal evaluation by field faculty, even when those faculty are not teaching required courses or directly supervising the student. For graduate students, any field faculty member may challenge the validity of a student's dissertation defense to the Dean of the Graduate School. Despite varying practices by field, graduate students enter the university without having formally assembled their special committees; prior or ongoing relationships with faculty members restrict the student's potential opportunities for that committee. While special committees, primary investigators, laboratory supervisors, and so forth may not be part of the graduate student's field, those roles are significantly more likely to be filled by faculty within the field. Professional students lack many of the formal structures of the graduate field and special committee, but as professional faculty are overwhelmingly selected for expertise in a specialized area, relationships with faculty members in the professional field would preclude a student from pursuing certain careers. Graduate and professional students apply to programs with a reasonable expectation of being able to access faculty based on their academic merits.

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XI. Procedures

Ithaca-based campuses

Prohibited relationships: Any member of the Cornell community who has or has had a relationship with a student or postgraduate is prohibited from exercising academic or professional authority over that student or postgraduate. Positions of such authority include but are not limited to: dissertation, thesis, or academic advisors; special committee members; instructors; graders, teaching assistants, and other positions of evaluation; coaches; center, laboratory, research group, and/or field directors. Any member of the Cornell community who currently exercises such authority over a student or postgraduate is prohibited from engaging in a relationship with them while retaining the authority.

Relationships in which the authority is a faculty member and the subordinate is an undergraduate student are prohibited. Relationships in which the authority is a faculty member and the subordinate is a graduate/professional student in the same graduate field or degree program are prohibited.

Any member of the community who finds themselves in a prohibited relationship must disclose it.

Exceptions to prohibitions: Exceptions to the above prohibitions apply if the relationship preexists any of the following: one or more member's affiliation with Cornell University, the power imbalance, or the effective date of this policy. Exceptions also apply if enforcing the prohibition would seriously restrict the subordinate's academic or professional opportunity or create a serious economic hardship for the subordinate. Exceptions require disclosure, approval, and as much recusal as is feasible.

Relationships requiring disclosure: Any member of the Cornell community who has or has had a relationship with a student or postgraduate over whose academic or professional advancement they might reasonably expect to hold authority in the future, or whose advancement they can indirectly affect at present, must disclose that relationship. For faculty, this includes a graduate student or postgraduate in their department, center, or research group. For students, this includes a student enrolled in a class they plan to TA. The Office is available to clarify whether a given relationship requires disclosure.

Retaliation and knowingly false reporting: Retaliating against anyone for reporting the existence of a relationship or the violation of a recusal plan is a violation of this policy. Inaccurately reporting the existence of a relationship or the violation of a recusal plan is a violation of this policy only if the reporter knew the report to be inaccurate.

Disclosing relationships: Disclosure is the responsibility of the authority in the relationship. Its purpose is to set in motion a plan that guards against the potential misuse of academic authority. The authority must disclose in a timely manner.

When the authority is a postgraduate or student, and the power imbalance may be eliminated by simply transferring the authority to another class section, residence hall, etc., they may disclose directly to their supervisor and handle the situation at that level. They may also disclose to the 6.X Office. In all other cases, including when the authority is a faculty or staff member or when a transfer does not solve the problem, the authority must disclose first to the 6.X Office. Faculty may also choose to consult with the Dean of Faculty.

Upon receiving a disclosure, the 6.X Office will contact the subordinate to inform them that a disclosure concerning them was made. The 6.X Office will offer information and resources on mitigating the academic and professional risks of a relationship with an academic superior. The Office will also solicit input on an effective recusal plan.

The Office will then assemble a recusal team consisting of one member of the Office, the authority's immediate supervisor, and the authority's ultimate supervisor. For faculty, this would likely mean the Department Chair and Dean of Faculty; for students, their academic workplace supervisor and the Dean of their College; for staff, their academic workplace supervisor and the head of their unit.

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In cases where disclosure outside the 6.X Office could endanger the safety or freedom of the subordinate, the 6.X Office can at its discretion deal only with the parties in the relationship.

Creating a recusal plan: After a relationship is disclosed, the recusal team will create a recusal plan. The recusal plan must remove the authority from evaluations of and decisions about the subordinate. The recusal plan should be shared only with those necessary to carry it out, as specified in the recusal plan. Within reason, the recusal plan should accommodate the wishes of the authority and the subordinate. Both the authority and the subordinate must sign to acknowledge their awareness of the recusal plan.

Monitoring adherence to the recusal plan: The 6.X Office will consult at appropriate intervals (at least annually) with the people involved in the relationship and the authority's academic supervisor to ensure that the recusal plan is being followed and to address any necessary changes. Day-to-day compliance with the recusal plan is the responsibility of the authority and their academic supervisor.

Getting help and reporting: No subordinate or third party has an obligation to report a consensual relationship. However, any subordinate or third party who believes that their academic or professional progress is in jeopardy because of a past or current consensual relationship should contact the 6.X Office to alleviate the problem through recusal, an investigation, or other interventions as appropriate.

There is frequently an understandable reluctance to consult with individuals who know and/or regularly interact with the authority. Nevertheless, there are local options that can be pursued at the discretion of the subordinate or third party: they can contact the director of the subordinate's degree program or the chair of the authority's department, if the authority is a faculty member; the authority's supervisor, if the authority is a staff member; or the authority's supervisor or advisor, if the authority is neither faculty member nor staff.

Investigating alleged violations: Violations of this policy include engaging in a prohibited relationship, failing to disclose in a timely manner, failing to adhere to a recusal plan, retaliation against someone who reports a violation in good faith, and making a knowingly false report of a violation. The 6.X Office will investigate reports of violations, providing all involved parties notice of the alleged violation and the opportunity to be heard.

Adjudicating violations: If the 6.X Office determines that a violation has occurred, it oversees adjudication of the violation. The Office first forms an adjudicatory panel: If the authority is a faculty member, then the panel includes a member of the Policy 6.X Office, the Dean of Faculty, and the chair of the authority's department. (If the faculty member is part of a center and not a department, then the center director plays the role of chair. If the chair or center director is involved in the allegation, then suitable substitutes must be found.) If the authority is not a faculty member, then the panel consists of a member of the Policy 6.X Office, the authority's immediate supervisor, and the individual responsible for the affected workplace.

Determining consequences: The panel will determine the appropriate consequences for the violation, considering the results of the investigation, proportionality to the harm rendered, the wishes of those harmed, and prior violations of Policy 6.X. In all cases, the authority must be removed from power over the subordinate, and any harm rendered to a subordinate or other student or postgraduate must be remedied by the authority's academic unit under the guidance of the Policy 6.X Office.

If the violation involves minor noncompliance with a recusal plan, then corrective steps without sanctions may be appropriate. If the panel is unanimous in this belief, then those corrective steps are communicated in a letter to the authority with a copy sent to the Dean of the authority's college or equivalent. The Policy 6.X Office will ascertain through periodic check-ins that these corrective steps are being followed and may re-initiate this process if necessary.

Otherwise, the panel recommends a sanction and conveys it to the Dean of the authority's college or

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equivalent in writing. Possible sanctions include mandatory training, suspension for a specified period, limitations of power over students, and dismissal.

The Dean of the authority's college or equivalent enacts those sanctions, or enacts alternative sanctions providing a written rationale that is communicated to the panel.

The authority may appeal the sanctions.

These procedures should conclude as promptly as possible to give the authority and the subordinates and/or complainants involved a timely resolution. The Policy 6.X Office shall keep the parties apprised of progress and the nature of any delays. Any harm rendered to a subordinate that results from a violation of this policy.

Keeping and publishing records: The Policy 6.X Office shall maintain records of policy violations. If a Cornell community member is under consideration for internal hiring, promotion, or tenure to a role with authority over students or postgraduates, the Policy 6.X Office shall provide records of their Policy 6.X violations upon request. The Policy 6.X Office shall periodically publish anonymized statistics of the number of recusal plans and the number and type of violations.

Overseeing awareness and accountability: The Policy 6.X Office shall monitor active recusal plans and oversee administration of annual disclosure forms. The Policy 6.X Office shall provide orientation and training for new faculty, staff, postgraduates, graduate and professional students, residential life staff, teaching assistants, and graders.

Weill Cornell Medical College campus only

(Specify NYC or Qatar where different)

(pending consultation with WCMC)

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XIII. Appendices

Appendix A: FAQ for Policy Implementation

Q: I am a faculty member and my romantic partner wishes to enroll in an undergraduate degree program. Is that allowed?

A: Yes. This situation is covered by the exceptions. A prohibition does not apply if it limits the educational opportunities of the subordinate, which would be the case in this example. Disclosure with a recusal plan would be required before matriculation in order to protect the academic environment. Note that if you became involved with a current undergraduate, then the exception clause would not apply. That is because lifting the ban does not increase educational opportunity.

Q: I am a faculty member and my romantic partner wishes to enroll in a graduate or professional degree program with whom I am affiliated. Is that allowed?

A: Yes. This situation is covered by the exceptions. A prohibition does not apply if it limits the educational opportunities of the subordinate, which would be the case in this example. Disclosure with a Recusal Plan would be required before matriculation in order to protect the academic environment. Note that if you became involved with a student who is currently enrolled your degree program, then the exception clause does not apply. That is because lifting the ban does not increase educational opportunity.

Q: I am a faculty member and do not belong to my romantic partner's graduate field. I am not on my partner's special committee. Is it necessary to disclose the relationship?

A: You should disclose if you have a graduate field colleague or a department colleague who is a member of your partner's special committee. Another situation where you should disclose is if you and your partner share the same workplace.

Q: I am a TA/grader in a course and I have a romantic partner who is enrolled in the course. What should I do?

A: You must disclose the relationship to the faculty member who is responsible for the course. A Recusal Plan needs to be developed so that you do not participate in any evaluation of your partner. If the course involves multiple TAs and graders, then it is usually easy to adjust your role in the course so that this is possible. If not, then you must exit the course.

Q: I am a graduate student/ postgraduate who works in a faculty member's lab with somewhat informal academic authority over other students who work in the lab. What should I do if my romantic partner is among those students?

A: Disclose the relationship to the supervising faculty member and develop a Recusal Plan that treats informal authority as formal authority.

Q: I am a faculty member and my romantic partner is a student in a professional degree program with whom I have no academic connection. Is it necessary for me to disclose the relationship?

A: No.

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Q: I am a graduate/professional student and have to take a course in another department/field that is taught by my romantic partner. What should I do?

A: If the course is required by your program or essential to your research, then disclosure is required and a workaround needs to be developed with the director of your degree program. Possibilities include just auditing the course or taking it when it is taught by someone else.

Q: The policy requires disclosure when the subordinate's partner is in a professional or academic relationship with a third party who has academic influence over the subordinate. What relationships might this cover?

A: This includes faculty in the subordinate's minor field of study or in the subordinate's department but not field. It could also include faculty who share research projects with the subordinate's supervisor(s), staff in the same office that oversees resource distribution, or others.

Q: I have a concern that relates to Policy 6.X. Who can I contact for help and/or information?

A: There are a number of "local options" that can be pursued at the discretion of the subordinate:

If the authority is a faculty member, then the director of the subordinate's degree program or the chair of the authority's department can be contacted.

If the authority is a member of the staff, then the authority's supervisor can be contacted.

If the authority is not faculty or a member of the staff, then the individual who is the supervisor or advisor of the authority can be contacted.

If these options are unattractive for any reason, then the 6.X Office should be contacted.

Q: Who counts as an undergraduate, a graduate, or a professional student?

A: Undergraduates are students enrolled in, on leave from, or suspended from an undergraduate degree program; non-degree-seeking students enrolled in only undergraduate classes; and undergraduate special students. Graduate/professional students are students enrolled in, on leave from, or suspended from a graduate or professional degree program and non-degree-seeking students enrolled in any graduate or professional classes.

Q: What is the 6.X Office?

A: This office is situated within Central Human Resources and serves as a resource for subordinates, authorities, and those responsible for enforcement of the policy. It is responsible for the faithful execution of all 6.X-related procedures. It can be reached anonymously, by email, or in person.

The 6.X Office is NOT a confidential resource, although it maintains privacy as much as possible. A list of confidential resources is available on the SHARE website.

A third party who believes that their academic or professional pursuits are in jeopardy because of proximity to someone else's consensual relationship should contact the 6.X Office.

Q: What if an attraction develops between an authority and subordinate, *e.g.*, a T.A. in a large course and student, Freshman Writing Instructor and student, or special committee member and graduate advisee?

A: Where possible, we would encourage removing the power imbalance, whether by asking the supervisor of a large course for another T.A. to take on grading the subordinate's work or by finding a new special committee member (perhaps as an external committee member from an institution outside

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Cornell). Where such is not possible, the policy does require waiting to initiate a relationship, in these examples either until after the relevant course is completed or the dissertation has been defended.

Q: A graduate or professional student has a preexisting relationship (outside their field) and then wishes to take a course with the authority. Is this possible?

A: Normally, such a course will not be required, and it will not be possible to take it with the authority teaching. If the course is required for their degree, the relationship should already have been disclosed, if not prohibited.

Q: What happens if I notice a relationship that might fall under this policy?

A: You are under no obligation to report. You may choose to, especially if you feel that the relevant educational environment is being disrupted. You may contact the 6.X Office anonymously through the bias reporting form, in person, or via email.

Q: How does this policy apply to visiting faculty?

A: Visiting faculty are held to the same standards as all other Cornell faculty. It is incumbent upon the unit hiring the individual to communicate the applicability of Policy 6.X.

Q: Would the spouse of a faculty member be ineligible to enroll as a Cornell undergraduate?

A: No. This is covered both by grandfathering in preexisting relationships and also by the exception for those relationships where a ban would in fact hinder the subordinate's education.

Q: What happens if I allege that a relationship is non-consensual, but the 6.4 investigation does not come to the same conclusion?

A: Policy 6.X is separate from Policy 6.4. An investigation of a violation of any university policy may prompt an investigation into a violation of any other university policy.

Q: When does a relationship become romantic or sexual?

A: We expect people to exercise their judgment: would a reasonable individual who heard about this relationship consider it to be romantic or sexual? If there is uncertainty, then the recommendation is to err on the side of disclosure or consult with the Policy 6.X Office.

Q: Why notify the subordinate when a relationship is disclosed?

A: The subordinate has a right to know that such a disclosure concerning them has been made. In addition, if they are surprised to learn that the authority considers them to be in a romantic or sexual relationship, we see this information as critical for the subordinate to be aware of. This provision also ensures that lines of communication between the Office and the subordinate are open to provide the subordinate with resources for managing the conflict of interest.

Q: Upon disclosure, will the Office be investigating or asking about my private romantic or sexual relationship?

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A: The Office will ask only about such aspects of the situation as are necessary to formulate a recusal plan. They will never address the intimate details of the relationship: its existence and the circumstances of the workplace are sufficient.

Q: Won't disclosure endanger some individuals, especially LGBTQ+ students who may not be public about their sexuality?

A: We recognize that, in certain cases, disclosure could be extremely risky. Where the safety of a student is at stake, there is a provision for disclosure to be made only to the trained professionals in the 6.X Office rather than a broader group that includes faculty.

Q: What does the department, field or degree program ban mean for units like the Law School, the Johnson School of Business, and the multitude of professional master's programs across the university?

A: For units like the Law School and the Johnson School of Business, the coursework requirements are such that the whole school needs to be treated as a field of study and is therefore subject to the Field-wide ban. Being unable to work with specific faculty in these units may well prevent the student from pursuing a specific specialization or even career path.

With respect to faculty associated with a given master's program, they are prohibited from having romantic/sexual relationships with students enrolled in the same master's program.

Q: What would be some examples of retaliation against an individual who in good faith reported a violation of the policy?

A: Examples include making it difficult for the reporter to obtain (a) funding, (b) access to resources, (c) fair T.A. assignments, or (d) an objective letter of recommendation. Retaliating by bad-mouthing the reporter to an influential colleague is also a violation.

Q: Who forms the panel for adjudication of sanctions?

A: When the authority is a student, their immediate supervisor is their supervising faculty member and the individual responsible for the affected workplace would be the chair of the relevant department or director of the center. When the authority is a veterinary resident/intern, the relevant parties are their supervisor and the Dean of Students of the Veterinary College. When the authority is another postgraduate, the relevant parties are their supervising faculty member and the chair of the department or director of the center. When the authority is a staff member, the relevant parties are their supervisor and their unit head.

Appendix B: Responding to community concerns

Below are answers to some of the more challenging questions that have been posed by the community during Committee deliberations. Most of these concerns were brought to our attention through postings on our website and by various outreach efforts to the assemblies and other groups on campus.

Q: What does this policy say to individuals who are now in successful relationships that came out of power imbalances that are now prohibited?

A: There once was a time at Cornell that it was not deemed necessary to have a Policy 1.7 (financial conflict of interest) or a Policy 6.4 (prohibited bias, discrimination, and harassment). However, acceptable standards of behavior change with the times, and that includes how we think about romantic and sexual

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relationships in the workplace. While there are certainly many examples of student-faculty relationships that have played out happily, there are also many examples of those that did not, not all of which are known to anyone but the people involved. Moreover, society has become more aware of the negative effect that such relationships can have on workmates. As to being judgmental, would we condemn the 1955 driver-parent who let their kids sit in the front seat without seatbelts? But by today's standards, that would be irresponsible, and we can act on that without insulting past generations who acted within their knowledge.

Q: Won't the policy set up a Big Brother network of informers who are driven by puritanical concerns?

A: The current Title IX reporting system and the current hazing reporting system are staffed by professionals and enshrine a respect for privacy and due process. Those reporting systems screen out spurious accusations via their follow-up procedures. A well-designed 6.X reporting system will work just as well. The system would guard against degradations of the learning environment that result from favoritism, something that is not generally regarded as a puritanical concern.

The goal of the policy is to inspire ethical behavior, not through the threat of punishment, but through a heightened sense of awareness of the underlying issues. Such is the goal of the University's Code of Academic Integrity and the Campus Code of Conduct. A formal process can ensure better protection of all parties than informal systems such as whisper networks. Furthermore, the policy does not turn community members into mandatory reporters. In contrast, most employees are required to report anything they learn about incidents of sexual harassment and assault to the Title IX Office.

Q: Why single out romantic and sexual relationships? There are any number of conflicts of interest, and this seems like moral policing.

A: One can say that Cornell has no business "policing" the outside financial activity of the faculty. After all, the faculty have the right to make a decent living. Nevertheless, it is in everybody's interest that these activities not undercut faculty commitment to the University mission of teaching and research. Thus, we have Policy 1.7 that deals with financially-based conflict of interest and an office that assists faculty and others in navigating these waters.

By analogy, one can say that Cornell has no business "policing" the romantic activity of educators. After all, educators have the right to choose their relationship partners. Nevertheless, it is in everybody's interest that these activities not undercut faculty commitment to the University mission of teaching and research. Thus, we need a Policy 6.X that deals with romantically-based conflict of interest and an office that assists faculty and others in navigating these waters. We have modeled the disclosure component of Policy 6.X in large part after the Financial Disclosure apparatus.

Q: What is wrong with the current policy?

A: The current policy (a) sends all problems and disclosure situations to the "supervising dean," (b) has a narrow view of conflict of interest, (c) does not address the harm to third parties that can result from a climate of favoritism, and (d) does not acknowledge the differences between undergraduates and advanced-degree students. Furthermore, the current policy is buried in the Faculty Handbook, working against community awareness and promoting the view that the faculty somehow "own" the issue. It dates from 1996 and has not been revised since. It also contains no provision for accountability: it does not describe enforcement, and it creates no evidence that it is being used, effectively or ineffectively.

Q: Why do you see the need to address indirect authority?

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A: A policy that underestimates the power of indirect authority underestimates the potential for damage to third parties. It is not enough just to protect the academic freedom of the subordinate via some disclosure mechanism. The policy must ensure that those who are affected by the relationship through proximity have their academic freedom protected against the undermining force of favoritism. Moreover, in tight-knit disciplines indirect authority has significant influence over students.

Q: Why talk about power imbalances instead of solely conflict of interest?

A: The type of conflict of interest that the policy addresses is made possible by the power imbalance that naturally exists between (say) a faculty member and a student. It is impossible to disentangle the two concepts.

Q: Why is it necessary to restrict young women's sexual agency?

A. Although we have received several questions regarding young women's sexual agency, it must be stressed that 6.X applies to members of the Cornell community regardless of gender, gender expression, or sexuality. As an educational institution, Cornell values agency with respect to academic decisions over agency with respect to romantic and sexual relationship decisions in the workplace. The feminist movement has brought about many positive changes in higher education; however, there remain major shortcomings (voiced especially by female graduate students) and this policy seeks to address them.

As we began drafting guidelines in Fall 2017, the undergraduate students who were on the committee studied the issue, discussed it amongst themselves, and asked for these guidelines. Compared to existing policy, this one consulted the relevant parties at length, especially those from student communities.

Q: What protects authorities from angry ex-partners weaponizing this policy?

A: If the relationship was prohibited and/or undisclosed, then the policy ensures that there will be a fact-gathering process and not a leap to summary judgment. Grandfathered relationships and certain others will still have to be disclosed, which provides some protection for the authority. If the ex-partner alleges coercion, then the situation falls under Policy 6.4 (as it would already) rather than the Consensual Relationship Policy. Additionally, the policy enshrines significant procedural protections for those accused of violating it.

Q: Wouldn't the rationale behind the undergraduate-faculty prohibition also require that we ban children of faculty from attending Cornell?

A: There is an exception for people whose relationship predates their affiliation with the university, and another to ensure that the ban does not impede a student's educational opportunities. Analogously, if a professor's child applies to Cornell, the relationship should not impede their educational opportunity so long as there is disclosure and recusal insofar as possible. Such a situation is already covered by Cornell's analogous policy on nepotism.

Q: Why is the policy asymmetric in its treatment of undergraduate students and graduate/professional students? For both types of student there are faculty who will never intersect their academic trajectory.

A: Graduate students may be allowed to take courses throughout the university but are admitted for a specific program: the degree demands depth rather than breadth. Graduate students have much narrower distribution requirements and are exceedingly unlikely to switch their field of study compared to undergraduates.

Simplified Policy Template

Policy Name: XXXXXXXXXXXXX

Q: Isn't an undergraduate/faculty relationship ban age discrimination?

A: Age discrimination is a specific legal term. It is not relevant here because the policy applies to undergraduates regardless of age. The policy does account for "academic age" in that commitment to a graduate or professional program assumes a nuanced understanding of how students depend upon faculty, informed by the applicant's presumed completion of an undergraduate degree. Enrollment in an undergraduate program does not.

Q: Why not eliminate the ambiguities of disclosure and recognize obligations to students' education by banning all faculty-student relationships?

A: To maximize total positive impact, the policy must land somewhere in between a total lack of restrictions and a total ban devoid of nuance. We worry that a total ban would increase the potential for coercion because so much behavior would be driven underground. Analogously, the University could ban all fraternities as a way to solve the hazing problem. But that gesture would just distance bad behavior from the University and diminish the chance of real risk reduction that can be realized through education and awareness.

Q: Is this policy driven by fears of legal action and by an overreaction to national events?

A: The committee has been mindful of the changing legal realities in light of incidents at the University of Rochester and other peer institutions, which have shown that weak and ineffective policies cost universities millions of dollars and the respect of their peers. However, while this is a very legitimate concern, it has not been the primary factor in the Committee's work or decisions.

With respect to the policy being an overreaction, it is important to review the timeline of events on-campus and off-campus. The Faculty Committee on Academic Freedom and the Professional Status of the Faculty proposed a revision of the existing policy in 2015. Another call for a more systematic revamping of the Cornell Policy emerged from the Graduate and Professional Student Assembly in the spring of 2016, reiterated in the spring of 2017. President Martha Pollack charged the Consensual Relationship Policy Committee in September 2017. Thus, local interest in the issue of consensual relationships between faculty and students—as well as our formal assignment—predates the fall 2017 high-profile episodes and national discussion of sexual harassment and sex in the workplace: Harvey Weinstein, Larry Nassar, the #MeToo movement, and the University of Rochester's mishandling of a case.

Q: How big is this problem, and what statistics are available?

A: It is difficult to answer this question with precision because of underreporting, institutional reluctance to publish unflattering statistics, concerns for confidentiality, and inconsistent definitions of the term "consent." However, what is true is that more and more instances of the problem are being reported by the media as [this collection](#) of recent articles reveals. While we have limited data on consensual romantic or sexual relationships in academia, we do have some surveys on nonconsensual sexual harassment and assault in the academy. The [2015 AAU Climate Survey of Sexual Assault and Misconduct](#), the [#MeTooPhd Survey](#), and [this 2018 report on Power in the Academy](#) all suggest that sexual harassment by faculty is a major issue in higher education. Although Policy 6.4 handles the prosecution of harassment cases, we need an effective Policy 6.X to help prevent such cases from happening in the first place.