

Romantic and Sexual Relationships with Students: Frequently Asked Questions

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 relationshipsⁱ 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.