GPSA 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; 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

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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.
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, to wit:

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

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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.” (Ibid.)
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 2016\(^8\); 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](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

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\(^7\) “A Meeting of the University Faculty Senate, Wednesday, November 11, 2015,” [https://blogs.cornell.edu/deanoffaculty/files/2016/07/111115FSMIN-1r26eyl.pdf](https://blogs.cornell.edu/deanoffaculty/files/2016/07/111115FSMIN-1r26eyl.pdf) 29-30


\(^9\) 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](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](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](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](http://spg.umich.edu/sites/default/files/601x22.pdf)).
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

¹⁰ https://www.aaup.org/issues/sexual-harassment/policies-2002
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.
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…

\(^{15}\) [Link](https://www.theguardian.com/world/2017/mar/08/sexual-harassment-university-california-faculty-target-students)
\(^{16}\) [Link](https://www.theguardian.com/us-news/2015/oct/14/uc-berkeley-astronomy-professor-quits-amid-sexual-harassment-allegations)
\(^{17}\) [Link](http://www.huffingtonpost.com/entry/gabriel-piterberg-returns-ucla_us_57757836e4b0a629c1a92d22?aw60fs3oyug0315rk9)
\(^{18}\) [Link](http://www.sciencemag.org/news/2016/01/caltech-suspends-professor-harassment-0)
\(^{19}\) [Link](https://www.insidehighered.com/quicktakes/2016/11/15/berkeley-finds-professor-guilty-harassment)
\(^{20}\) [Link](http://www.nytimes.com/2013/08/03/arts/colin-mcginn-philosopher-to-leave-his-post.html)
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,” 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

21 “A Meeting of the University Faculty Senate, Wednesday, November 11, 2015,” https://blogs.cornell.edu/deanoffaculty/files/2016/07/111115FSMIN-1r26ey1.pdf 21, 23, 24 and 27
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

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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