Special Senate Meeting

Consensual Relationships Policy
April 25, 2018

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<th>Assembly</th>
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<th>CRP-B</th>
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Towards a “Policy 6.x” on Consensual Relationships

The Consensual Relationships Policy Committee

Charles Van Loan and Anna Waymack (co-chairs)
Times Change
Times Change

1955

More Doctors Smoke CAMELS than any other cigarette!

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

THE DOCTORS’ CHOICE IS AMERICA’S CHOICE!

For 30 days, test Camels in your "D" Zone (Try for Threat, Try for Taste).

1970

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

2000+

BETWEEN 1965 & 2014

263,000 CANCERS HAVE BEEN CAUSED BY EXPOSURE TO SECONDHAND SMOKE

2013+

NO SMOKING
WITHIN 20 FEET OF MAIN ENTRANCEs, EXITS AND OPERABLE WINDOWS
Realization that what once looked like normal, harmless student + faculty behavior is not always so harmless from students’ points of view.

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

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

CRPs that protect students AND the academic workplace.
Fundamental Tensions and Realities
The University should not be involved in the private lives of faculty, students, and staff.

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

Agency, Consenting Adults vs Any Person, Any Study
The University should not be involved in the private lives of faculty, students, and staff.

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

Sometimes competing ideals have to be reconciled.

The First Amendment right to free speech.

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

Faculty + Student Relationships imply:

There is the potential for exploitation.

Voluntary consent by the student is suspect.

There is the potential for later allegations of sexual harassment.

* American Association of University Professors, 1996
Specific Prohibitions
A romantic or sexual relationship between a graduate or professional student and a faculty member is prohibited whenever both parties are affiliated with the same department, field, or degree program.

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

Any member of the Cornell community who has (or has had) a romantic or sexual relationship with a student or post-graduate is prohibited from exercising academic or professional authority over that student or post-graduate.
Members of the Senate & the Assemblies Are Being Asked to Check One Box

☐ I support “CRP-A” which includes P1 + Ugrad Ban + Field Ban

☐ I support “CRP-B” which includes P1 + Ugrad Ban

☐ I support neither CRP-A nor CRP-B
Let’s Consider a P1-Only CRP
Is Faculty + Ugrad OK?

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

Should we worry that Professor Red can coerce Ugrad Cyan using Professor Green?
Is Faculty + Ugrad OK?

Perhaps not....

Prohibition P2
“ugrad ban”

A romantic or sexual relationship between an undergraduate student and a faculty member or coach is prohibited regardless of the student’s department, school, or college affiliation.
This Brings Us to CRP-B

CRP-B Assumes that Faculty ✧ Grad Can be Managed Through Disclosure
Recusal Plan: Put together by 6.X office, DGS, and Faculty member (for example)
Typical: Faculty Member cannot participate in Field decisions that concern funding/progress.
Professors Red and Green are in the same department and co-manage a lab that is of importance to Grad Cyan.

The recusal plan guards against coercion and protects the integrity of the lab.
The Disclosure Mechanism Needs to Be Good If it is to Be Effective
The Tension and the Plan

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

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

The Committee recommends:

1. The creation of a Policy 6.x Office that would serve as a resource for subordinates, authorities, and those concerned with enforcement.

2. Procedures that respect privacy by minimizing the radius of disclosure.

3. Recusal mechanisms that prevent “looking the other way”.

vs
1. The disclosure shall first be made to the Policy 6.X Office to ensure protection of the subordinate. Faculty may also consult with the Dean of Faculty. There may also be a dialog between the subordinate and the 6.X Office.
2. In consultation with the authority, the Policy 6.X Office develops a Recusal Plan. The plan must also specify who in the workplace needs to be informed of its existence.
Disclosure Process

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.
Disclosure Process (As Proposed in Resolution)

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

Does this protect the subordinate, e.g., the outing of LGBTQ+ students to their field? Does it guard against “looking the other way?” Does this require DGS/Chair training?
Disclosure Process (As Proposed in Resolution)

The person disclosed to develops the recusal plan in consultation with the relevant academic dean and the 6.x office.

Why increase the radius of disclosure by including the relevant dean? Is it necessary to involve deans when nothing is wrong?
Disclosure Process (As Proposed in the Resolution)

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

Is it “safe” to have an in-house enforcer chosen by the authority?
The Pitfalls of Intra-Field Disclosure

Chairs and DGS’s already have enough to do.

When to disclose is debatable.

Bad actors tend not to disclose.

Uncertain boundaries can create angst, chill collegiality, and complicate the pursuit of academic goals.
This Brings Us to CRP-A

CRP-A Includes a Prohibition on Faculty + Ugrad and Same-Field Faculty + Grad
A romantic or sexual relationship between a graduate or professional student and a faculty member is prohibited whenever both parties are affiliated with the same department, field, or degree program.
The Committee Has Mixed Opinions On This. That is Why It is Asking For Your Opinion.

☐ I support “CRP-A” which includes P1 + Ugrad Ban + Field Ban

☐ I support “CRP-B” which includes P1 + Ugrad Ban

☐ I support neither CRP-A nor CRP-B
Ella Ackerman
Joseph Anderson
Sofie Cornelis
Renee Cornell
Caitlin Gleason
Grace Park
Jesse Pollard

Sarah Affel
Sandy Dhimitri
Janna Lamey
Laura Weiss

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

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

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

Daniela Harris
Gina Giambattista
Pilar Thompson
Laura Johnson-Kelly

Tisha Bohr
Emily Davenport

Thank You Colleagues!
Resolution on Consensual Relations Policy

Sponsored by:

Professor Richard Bensel
Professor Ken Birman
Professor Eric Cheyfitz
Professor David Delchamps
Professor Richard Miller  (Presenter)
RESOLUTION ON CONSENSUAL RELATIONSHIPS POLICY

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

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

1. The disclosure should be made to either the 6.X office or the individual who is responsible for the academic workplace that is shared by the faculty member and the subordinate, e.g., the director of the student’s graduate program or the chair of the faculty member’s department.

2. After consulting with the 6.X Office and the Dean of the relevant College, the recipient of the disclosure develops a Recusal Plan or determines that one is unnecessary. The Recusal Plan identifies situations where participation by the faculty member is limited because of the potential for conflict of interest, thus mitigating the academic power imbalance. For example, the authority should not be involved in decision processes that determine TA assignments if the subordinate is in the TA pool. The authority must not be involved in any decisions that allocate resources to a student cohort that includes the subordinate.

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

4. The subordinate is contacted by the 6.X Office shortly after the disclosure is made to inform them of the disclosure and of relevant resources.
A PROHIBITION (AS IN A AND B)

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

Sexual or romantic relationships between faculty members and graduate or professional students are prohibited whenever both parties are affiliated with the same graduate field or degree program.
1. The disclosure should be made to either the 6.X office or the individual who is responsible for the academic workplace that is shared by the faculty member and the subordinate, e.g., the director of the student's graduate program or the chair of the faculty member's department.

2. After consulting with the 6.X Office and the Dean of the relevant College, the recipient of the disclosure develops a Recusal Plan or determines that one is unnecessary. The Recusal Plan identifies situations where participation by the faculty member is limited because of the potential for conflict of interest, thus mitigating the academic power imbalance. For example, the authority should not be involved in decision processes that determine TA assignments if the subordinate is in the TA pool. The authority must not be involved in any decisions that allocate resources to a student cohort that includes the subordinate.

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

4. The subordinate is contacted by the 6.X Office shortly after the disclosure is made to inform them of the disclosure and of relevant resources.
A POSSIBLE AMENDMENT

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