

CRP-B

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. 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 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 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 of specified duties.
- (d) 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.

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

The 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 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.