Towards a “Policy 6.x” on Consensual Relationships

The Consensual Relationships Policy Committee

Charles Van Loan and Anna Waymack (co-chairs)
Times Change
According to repeated nationwide surveys, 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” (for throat, for taste).

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

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**BETWEEN 1965 & 2014**

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

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**NO SMOKING**

WITHIN 20 FEET OF MAIN ENTRANCES, EXITS AND OPERABLE WINDOWS

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**1955**

**1970**

**2000+**

**2013+**
Realization that what once looked like normal, harmless student + faculty behavior is not always so harmless from students’ points of view.

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

CRPs with ‘surgeon general’ warnings for 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.

vs

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. vs 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. vs “…no person shall do any electioneering within the polling place, or within one hundred feet therefrom…” (NYS Law)
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
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<th>Prohibition</th>
<th>Description</th>
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<tr>
<td>P1 (P)</td>
<td>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.</td>
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<tr>
<td>P2 (ugrad ban)</td>
<td>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.</td>
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<tr>
<td>P3 (field ban)</td>
<td>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.</td>
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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
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
Disclosure + Recusal Can Remove Direct Authority

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
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”.
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.
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 Recusals 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.
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
CRPC = Faculty + Grads + Ugrads + Post Docs + Employees + Key Offices

Thank You Colleagues!