

CAFPS is considering proposed revisions to the existing Romantic and Sexual Relationships Between Students and Staff faculty resolution, which resolution was approved by the President and Provost as Cornell policy on September 18, 1996.

That policy governs romantic and sexual relations between faculty/staff having supervisory or other positions of authority over students.

Joe Burns, working with Kent Hubbell, brought a proposed draft faculty resolution to CAFPS. Research and drafting support was provided by Alan Mittman (Director, Workforce Policy & Workforce Relations and Title IX Coordinator for Investigations) and Pam Strausser (Senior Consultant, Academic Human Resources).

The major proposed changes from existing policy are:

1. Faculty and staff are prohibited from pursuing or engaging in romantic or sexual relationships with undergraduate students. (This type of policy has been enacted at Yale, Dartmouth, Harvard, Stanford and U Conn.)
2. Graduate and undergraduate students are prohibited from pursuing or engaging in romantic or sexual relationships with students over whom they exercise academic or supervisory authority.
3. In addition to continuing the prohibition for faculty or staff romantic or sexual relationships with graduate students they teach, advise, coach or supervise in any way, the new proposal prohibits such relationships whenever a faculty member might reasonably be expected to have academic authority over the graduate student in the future or where the faculty member is exercising academic authority over a graduate student with whom he or she has previously pursued or had a sexual or romantic relationship.

## Major changes (continued):

4. If a prohibited relationship nonetheless exists or develops, it must be disclosed and remediation pursued with specified offices. Failure to disclose is considered a violation of policy.
5. Supervisors will resolve conflicts with this policy; violations can lead to discipline up to and including termination.
6. Adoption of the guidance from OCR that there is a strong presumption that sexual activity between an adult faculty or staff member and a student who meets the legal age of consent is unwelcome and nonconsensual, and is always unwelcome and nonconsensual with a student below that age of consent.

## CAFPS:

- Met twice to discuss the draft policy
- Reviewed data from a number of other institutions with romantic relations policies. This showed us that much has changed in the almost two decades since our policy was enacted that merits a fresh look at that policy in light of current cultural expectations and changes in similar policies at peer and other institutions.
- Solicited input from representatives of undergraduate and graduate students.
- Is in the process of finalizing its position on the proposed changes.

## Arguments in favor:

- “I support a ban on relationships between faculty and undergraduates because the gross power imbalance is incompatible with the notion of consent.”
- “However well intended a relationship may be, it could be viewed as an abuse of power. Many of our students are quite young. How they view these interactions now may change markedly over time.”

## Argument against:

- “I am opposed to the blanket prohibition against all faculty-undergraduate romantic and sexual relationships. I'm reluctant to judge and regulate the personal choices of consenting adults. Cornell generally considers its undergraduates as adults when it comes to FERPA and HIPPA regulations, and it should do so when it comes to their personal relationships.”

CAFPS is focusing is on faculty, not staff.

The committee has discussed adding certain exceptions to the ban on romantic/sexual relations with undergraduates if it adopts such a provision.

The committee has suggested modifications to other proposals, including reporting, sanctions and remediation.

We expect to report further at the November 11 meeting.

Senators should consult with their department faculties prior to the meeting.

A revised draft will be made available prior to the meeting.

## Committee on Academic Freedom and Professional Status of the Faculty

Elizabeth Adkins Regan (Chair, A&S)

Kimberly O'Brien (CHE)

Ritchie Patterson (A&S)

David Ruppert (ENG)

Charles Seyler (ENG)

Paul Soloway (CALs)

Tracy Stokol (VET)

Gillian Turgeon (CALs)

Bruce Van Dover (ENG)

Diana Li (undergraduate, ILR)

Joseph Burns (ex officio, ENG)

Michael Fontaine (ex officio, A&S)