

Cornell University
Graduate and Professional
Student Assembly

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;¹ and

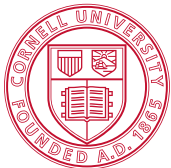
Whereas, this policy dictates that "No member of the university community should simultaneously be romantically or sexually involved with a student whom he or she teaches, advises, coaches, or supervises in any way. Individuals in such positions of authority must not allow these relationships to develop 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

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.



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37 impunity; and

38

39 *Whereas*, the Faculty Senate has had multiple opportunities to update or amend this policy; and

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41 *Whereas*, in October and November of 2015, the Committee on Academic Freedom and Professional
42 Status of the Faculty in concert with the Dean of Faculty, the Dean of Students, Alan Mittman (then
43 Director, Workforce Policy & Labor Relations and Title IX Coordinator for Investigations), and
44 Pam Strausser (Senior Consultant, Academic Human Resources) brought forward proposed changes
45 to the Faculty Senate,² to wit:

46 1. Relationships with undergraduate students.³

47 2. Relationships with graduate students and professional school students.⁴

48 3. Obligation to disclose relationships.⁵

49 4. Remedies;⁶ and

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51 *Whereas*, on November 11, 2015, the Faculty Senate voted down three of these four proposed
52 changes, on the grounds that 58% of the Faculty Senate disapproved of banning relationships with
53 undergraduates (with exceptions for unusual circumstances), 60% disapproved of requiring the
54 disclosure of faculty-student relationships covered by this policy, and 74% disapproved of

² “October 14, 2015 Faculty Senate Agenda & Meeting Minutes,”

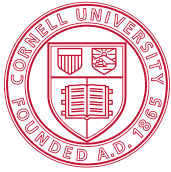
<https://blogs.cornell.edu/deanoffaculty/files/2016/07/AFPSRPT101415-1rfvd9u.pdf>

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.)



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55 introducing remedial and disciplinary possibilities;⁷ and

56

57 *Whereas*, GPSA AY 2015-16 Resolution 7 asked the Cornell Faculty Senate in Spring of 2016 to
58 implement changes to this policy similar to those proposed by the Committee on Academic
59 Freedom and Professional Status of the Faculty; and

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61 *Whereas*, the Committee on Academic Freedom and Professional Status of the Faculty (CAFPS)
62 responded to GPSA 2015-16 Resolution 7 in its meeting on May 5 2016⁸; and

63

64 *Whereas*, the GPSA has not yet seen changes in this policy from the Faculty Senate; and

65

66 *Whereas*, Dean of Faculty Charles Van Loan has clarified these policies and past discussions by
67 assembling a comprehensive resource at [http://theuniversityfaculty.cornell.edu/news/campus-](http://theuniversityfaculty.cornell.edu/news/campus-climate/graduate-and-professional-student-assembly-initiatives)
68 [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
69 conversation; and

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71 *Whereas*, several of Cornell's peer institutions have more comprehensive bans or restrictions on
72 supervisor-supervisee relationships, several of which provide for feasible enforcement;⁹ and

73

74 *Whereas*, the AAUP recognizes that the “respect and trust accorded a professor by a student, as well
75 as the power exercised by the professor in an academic or evaluative role, make voluntary consent

⁷ “A Meeting of the University Faculty Senate, Wednesday, November 11, 2015,”

<https://blogs.cornell.edu/deanoffaculty/files/2016/07/111115FSMIN-1r26eyl.pdf> 29-30

⁸ “2016 Annual Report: Committee on Academic Freedom and Professional Status of the Faculty,”

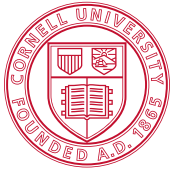
<https://blogs.cornell.edu/deanoffaculty/files/2016/06/AnnualReportCAFPS2016-2l94n8a.pdf>

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>);

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>);

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>);

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>).



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76 by the student suspect;¹⁰ and

77

78 *Whereas*, faculty have power such that they can ignore requests by fellow stakeholders, and have (as
79 demonstrated above) done so in the case of Workforce Policy & Workforce Relations, Academic
80 Human Resources, and the Graduate and Professional Student Assembly; and

81

82 *Whereas*, the positive experiences of supervisor-supervisee relationships several Cornell faculty have
83 cited cannot be construed as representative, as negative experiences often go unreported due to
84 feared or actual repercussions including but not limited to exclusion from academia; and

85

86 *Whereas*, faculty do not uniformly agree with graduate and professional students on where overtures
87 shade into harassment and coercion; and

88

89 *Whereas*, a recent AAU survey at Cornell found that 22.4% of female graduate and professional
90 students who reported experiencing sexual harassment identified the offender as a faculty member,
91 as did 16.5% of male graduate and professional students;¹¹ and

92

93 *Whereas*, studies in the 1980s found that approximately 30% of female graduate students were
94 harassed by faculty members;¹² and

95

96 *Whereas*, contemporary studies show no improvement, such that a 2016 study among graduate
97 students found 38% of female and 23.4% of male participants had been sexually harassed by faculty
98 or staff;¹³ and

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100 *Whereas*, the same study found that 57.1% of female law students have been sexually harassed by
101 faculty or staff;¹⁴ and

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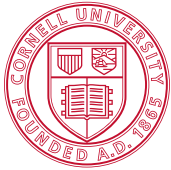
¹⁰ <https://www.aaup.org/issues/sexual-harassment/policies-2002>

¹¹ "Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct"
<https://blogs.cornell.edu/sexualmisconduct/files/2015/09/aau-aggregate-report-full-1yq8tkw.pdf> 31 and 85.

¹² <http://www.sciencedirect.com/science/article/pii/0001879188900127>

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.*



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103 *Whereas*, increasing media attention has exposed a pattern of troubling cases at peer institutions,
104 including but by no means limited to:

- 105 1. Eric Gans sexually harassing a female graduate student while grading her, assuming his
106 harassment was welcomed despite her explicit message that “I have to make it clear that I
107 don’t see you in a romantic way” (UCLA)¹⁵
- 108 2. Geoffrey Marcy sexually harassing female students (UC Berkeley)¹⁶
- 109 3. Gabriel Piterberg sexually harassing female students (UCLA)¹⁷
- 110 4. Christian Ott sexually harassing female graduate students (Caltech)¹⁸
- 111 5. Nezar AlSayyad sexually harassing female graduate students (UC Berkeley)¹⁹
- 112 6. Colin McGinn sexually harassing a female graduate student (University of Miami);²⁰ and
113

114 *Whereas*, the consequences for graduate and professional students of speaking out mean that many
115 more examples remain unproven or anonymous, such as those at
116 <http://www.facultyagainstrape.net/faculty-retaliation-experiences/>; and
117

118 *Whereas*, lack of clear and unfettered consent contributes significantly to this pervasive harassment
119 and sexual assault that graduate and professional students experience; and
120

121 *Whereas*, several arguments in the Faculty Senate against a more restrictive policy seem based on a
122 perception of graduate students as autonomous peers; and
123

124 *Whereas*, members of the Faculty Senate hinged arguments for inaction on this policy on students’
125 perceived freedom to give or withhold consent from faculty members without penalty, making the
126 following points:

- 127 1. That this policy is not about “gross power imbalances,” and that “we expect our students to
128 be adults and to be able to give consent...it maybe reduces the power of consent when you
129 continually construct environments where people are not allowed to give it and not give it.”
- 130 2. That “we create a set of compulsion[sic] to lie under threat of your job for things that
131 sometimes happen between consenting adults.”
- 132 3. That graduate students by implication “would then be not able to gauge or deal with power
133 differentials, as if they were somehow to magically disappear when they were to graduate...

¹⁵ <https://www.theguardian.com/world/2017/mar/08/sexual-harassment-university-california-faculty-target-students>

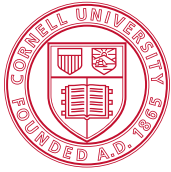
¹⁶ <https://www.theguardian.com/us-news/2015/oct/14/uc-berkeley-astronomy-professor-quits-amid-sexual-harassment-allegations>

¹⁷ http://www.huffingtonpost.com/entry/gabriel-piterberg-returns-ucla_us_57757836e4b0a629c1a92d22?aw60fs3oyugo315rk9

¹⁸ <http://www.sciencemag.org/news/2016/01/caltech-suspends-professor-harassment-0>

¹⁹ <https://www.insidehighered.com/quicktakes/2016/11/15/berkeley-finds-professor-guilty-harassment>

²⁰ <http://www.nytimes.com/2013/08/03/arts/colin-mcginn-philosopher-to-leave-his-post.html>



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134 they will have to deal with power differentials at every single point of their careers, and here
135 it would be the faculty having, bearing the responsibility,”

136 4. That “We have this tendency to conflate this relationship stuff with assault, with
137 predation;”²¹ and

138
139 *Whereas*, as we have demonstrated above, an academic and professional power differential between
140 faculty and students nonetheless exists, compromises autonomy, and creates significant potential for
141 abuse; and

142
143 *Whereas*, the GPSA speaks on behalf of the graduate and professional students of Cornell University
144 and has clearly requested that the policy (affecting graduate and professional students as both
145 students and instructors, lab supervisors, and other figures of academic authority) be amended as it
146 regards their constituents; and

147
148 *Whereas*, the Faculty Senate is in a position not only to unilaterally set policy directly affecting
149 graduate and professional students, but also, in doing so, to consider, reject or ignore the input of
150 graduate and professional students (here, conveyed through the GPSA); and

151
152 *Whereas*, by ignoring the wishes of graduate and professional students regarding policy around
153 faculty/staff--graduate/professional student romantic relationships, the Faculty Senate ignores our
154 collective refusal of consent to their unilaterally setting policies that affect our agency; and

155
156 *Whereas*, the GPSA is committing our constituents through this resolution to the same standards we
157 ask of the faculty, insofar as we are allowed to govern the conduct of our members; and

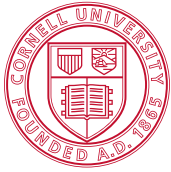
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159 *Whereas*, shared governance of, by, and for stakeholders is a core value of Cornell University; and

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161 *Whereas*, it is in the best interests of Cornell as an institution, as well as its faculty, administration,
162 and student body, that Cornell avoid attracting negative media attention in line with recent
163 publicized cases from peer institutions; and

164
165 *Whereas*, such a public reputation would negatively affect Cornell’s present and prospective graduates
166 and their career prospects, reflecting on Cornell at large and the relevant department(s) in particular;
167 and

168
169 *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-1r26eyl.pdf> 21, 23, 24 and 27



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170 members and of top students; and

171

172 *Whereas*, the Department of Education’s Office of Civil Rights has more open Title IX investigations
173 into Cornell than into any other institution; and

174

175 *Whereas*, it is in the best interest of faculty, students, and the university as a whole to avoid
176 ambiguities around consent;

177

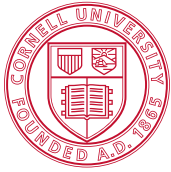
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179 *Be it therefore resolved*, that the GPSA calls upon the Faculty Senate to either promptly act upon our
180 resolution, or extend to us equal ability to amend and revise policies that directly pertain to us; and

181

182 *Be it further resolved*, that the GPSA calls upon the Faculty Senate to reconsider the policy with the
183 following specific recommendations:

- 184 1. That relationships, with rare exceptions available for pre-existing ones, be banned
 - 185 a. between students and individuals who might reasonably be expected to write them a
186 letter of recommendation (e.g. advisors, committee members, PIs, current class
187 instructors, and other mentors);
 - 188 b. between students and individuals who can directly control grades, academic progress,
189 or professional development (e.g. advisors, committee members, current class
190 instructors, current TAs, graders, directors of graduate studies, or individuals who
191 control funding);
- 192 2. That should a romantic or sexual relationship precede a development into a professional
193 relationship (e.g. a faculty member dating a graduate student is promoted to Director of
194 Graduate Studies), efforts should be made to eliminate conflicts of interest and pursue
195 appropriate avenues of disclosure;
- 196 3. That pre-existing relationships require exemption by both the faculty member’s supervising
197 dean and the Division of Human Resources;
- 198 4. That other relationships involving a supervisor-supervisee power imbalance (i.e. shared
199 departments, shared fields of research, the possibility that one member may assume one of
200 the aforementioned positions of power, or pre-existing relationships) be reported to a point
201 person in all possible confidentiality, chosen at the discretion of the Faculty Senate;
 - 202 a. Such reporting must be incumbent upon the person in the position of power
 - 203 i. If relationships are not reported within two weeks, and are subsequently
204 discovered, they are presumed coercive and fall within the jurisdiction of
205 Policy 6.4;
 - 206 ii. Determinations of what must be reported should abide by the proposed
207 language that “If there is any doubt whether a relationship falls within this
208 policy, individuals should disclose the facts and seek guidance rather than fail



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- 209 to disclose”;
- 210 b. That the point person then contact the subordinate member of the relationship to
- 211 ascertain free consent, present available resources for navigating complicated
- 212 relationships and conflicts of interest, emphasize support of subordinate’s freedom
- 213 to leave relationship (specifically the point person’s support in this eventuality), and
- 214 clarify possible professional repercussions to the subordinate;
- 215 5. That the policy implement remedies:
- 216 a. In cases of consensual relationships, that upon the close of that relationship the
- 217 department and university endeavor to prevent academic or professional
- 218 repercussions resulting from the termination of the romantic or sexual relationship
- 219 (e.g. flexibility with academic deadlines, course enrollment, or thesis committee
- 220 nominations);
- 221 b. In cases of violations of this policy, that all information collected under this policy be
- 222 forwarded with the subordinate’s approval to a 6.4 investigation, and that the
- 223 professional relationship be replaced with one amenable to the subordinate within
- 224 reason at minimal financial or academic cost to the subordinate; and
- 225

226 *Be it further resolved*, that until the policy is satisfactorily amended the GPSA enjoins its constituent

227 graduate and professional students to uphold a higher standard of behavior in their roles as

228 instructors and authority figures and to eschew romantic or sexual relationships with their own

229 students; and

230

231 *Be it further resolved*, that the GPSA promises the SA that it will commit to the following actions:

232 1. Holding its elected officers, voting members, and (inasmuch as in our power) field

233 representatives accountable;

234 2. Facilitating reports to the Title IX office;

235 3. Asking our representatives to the University Assembly to move for tighter restrictions on

236 supervisor/supervisee relationships through the Campus Judicial Codes committee; and

237

238 *Be it further resolved*, that the GPSA explicitly asks the SA for input with regard to graduate or

239 professional student-undergraduate relationships; and

240

241 *Be it further resolved*, that the GPSA asks that the University Assembly put the issue of consensual

242 romantic and sexual relationships between supervisors and supervisees on its agenda during the

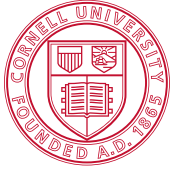
243 2017-2018 academic year; and

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245 *Be it further resolved*, that the GPSA send this resolution to the Faculty Senate, the Student Assembly,

246 and the University Assembly; and

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248 *Be it further resolved*, that the GPSA expresses its gratitude to Dean Van Loan for his timely, helpful,
249 and welcome participation; and

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251 *Be it further resolved*, that the GPSA asks the Faculty Senate that members of the GPSA Student
252 Advocacy Committee be permitted to present this resolution to the Faculty Senate by the end of
253 September 2017; and

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255 *Be it finally resolved*, that the GPSA thanks Alan Mittman, Pam Strausser, and those administrators and
256 faculty who have devoted time and energy to advocating for such changes to the relevant policy.

257

258 Respectfully submitted,

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260 Anna Waymack

261 Voting Member for the Humanities, GPSA

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263 Graduate and Professional Women's Network

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265 GPSA Student Advocacy Committee

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267 Graduate Women in Science