Consensual Intimate Relationship Policy Regarding Undergraduate Students

POLICY TITLE: Carnegie Mellon University Consensual Intimate Relationship Policy Regarding Undergraduate Students

DATE OF ISSUANCE: This policy was originally approved by ______ on _______, 2018. This policy focuses on consensual intimate relationships between undergraduate students and other members of the Carnegie Mellon community who hold positions of authority over them. The University is presently considering the adoption of policy statements (either as separate policies or by amendment of this policy) regarding consensual intimate relationships between members of the CMU community who hold positions of authority with graduate students and with CMU employees.

ACCOUNTABLE DEPARTMENTS/UNITS: Because of the various constituents whose behavior is addressed in this policy (faculty, staff and students), the policy is owned jointly by the Office of the Provost, Office of the Associate Vice President for Human Resources and Chief Human Resource Officer, and the Office of the Vice President for Student Affairs and Dean of Students. Questions may be directed to the following individuals: Vice Provost for Faculty, Office of the Provost at 412-268-1171; Senior Director, People & Organizational Effectiveness, Human Resources Division at 412-268-9685; and Associate Vice President for Community Standards and Diversity Initiatives, Student Affairs Division at 412-268-2075.

ABSTRACT: This policy addresses the circumstances in which romantic, sexual or amorous relationships/interactions with undergraduate students, even if consensual, are inappropriate and prohibited.

RELATED POLICY: Policy against Sexual Harassment and Sexual Assault
Statement of Principles

To advance its educational mission, Carnegie Mellon University is committed to creating and maintaining a learning and work environment that fosters creativity, growth, emotional and physical wellbeing and the pursuit of scientific, academic and artistic excellence. The willingness and ability of individuals in this community to form close, professional relationships is critical to the success of this commitment. Fundamental to the integrity of these professional relationships and to the University’s larger mission is the trust that those who exercise authority or wield influence do so fairly, without question of intent, bias, conflict of interest, or the appearance of favoritism or advantage. Romantic, sexual or amorous relationships/interactions (“intimate relations” or “intimate relationship”) between a person in a position of authority or influence and a person over whom they have, or may reasonably be perceived to have authority or influence, compromise the integrity of these professional relationships and endanger the University’s mission.

Such intimate relations can create the conditions for unfair treatment, in the form of favoritism, bias, or unfair advantage as well as the conditions for the manipulation and abuse of influence or authority that is granted for the purpose of advancing the University’s educational mission. They also encourage the reasonable perception of placing others who do not engage in similar intimate relations at a disadvantage or the reasonable perception that the University condones the unfair and potentially exploitative exercise of professional authority and institutional influence. Together, these conditions and perceptions undermine the University’s commitment to upholding the highest standards of fairness, equity and professional ethics.

The validity of consent depends on, among other things, it being voluntary (free from manipulation, coercion, or undue influence). Intimate relationships of unequal power, authority or influence can undermine the validity of consent. Moreover, even when consent is freely given at the outset, consent can be withdrawn at any time. Because ending intimate relations between individuals involved in professional relationships can involve actual or perceived consequences in the workplace, educational environment or the professional realm, the threat of such consequences can lead to the perception that at some point the intimate relationship was no longer consensual. Such intimate relations pose risks to the parties to the relationship, other members of the community, the educational program, and the University, including but not limited to claims of sexual harassment (including hostile environment claims and quid pro quo claims), sexual assault, related civil or criminal claims, and reputational risk to all involved. 1

Definitions

For purposes of this Policy, the following terms shall have the meanings indicated below.

“Undergraduate Student” includes anyone who is enrolled in an undergraduate program or as a visiting/non-degree student in undergraduate courses.

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1 This policy deals exclusively with consensual relationships. Allegations of non-consensual conduct will be handled under the University’s Policy against Sexual Harassment and Sexual Assault.
“Graduate Student” includes anyone who is enrolled in a graduate program, including Masters and Ph.D. programs, or as a visiting/non-degree student in graduate courses.

“Senior Administrators” refers to all individuals in top management positions in the university and colleges/schools, including the President, Vice Presidents, Associate and Assistant Vice Presidents, Provost, Associate and Vice Provosts, Associate and Assistant Vice Provosts, Deans, Senior Associate, Associate, and Assistant Deans, Department or Unit Heads, Associate and Assistant Heads, Program Heads, and Graduate Program Coordinators.

“Faculty” includes all individuals who hold appointments on the tenure-track, research-track, teaching-track, librarian/archivist-track and special faculty track of the University (excluding Post Docs who hold appointments on the special faculty track).

“Post-Doctoral Fellow” or “Post Doc” includes individuals who hold a doctoral degree who are engaged in mentored research or scholarly training for the purpose of acquiring the professional skills needed to pursue a particular career path. For purposes of this policy, the term “Post Doc” includes anyone who holds that title, irrespective of whether s/he has the employment status of staff or special faculty.

“Academic Instructional Staff” includes any staff member who is teaching courses or advising in a laboratory setting at Carnegie Mellon.

“Staff” includes all employees of the University who do not hold faculty appointments.

“Intimate Relations” includes all romantic, sexual or amorous relationships/interactions.

Policy regarding Consensual Relationships with Undergraduates

The integrity of the academic and professional relationship between undergraduate students and senior administrators, faculty, academic instructional staff, advisors, administrators, teaching assistants, graders, residence hall staff, coaches, staff, and others in positions of authority in the University community (as defined below) is of critical importance to the University’s mission. These community members are entrusted with authority to facilitate the intellectual, professional and personal growth of undergraduates.

Intimate relations (even if consensual) between undergraduates and those in a position of authority over them compromise the integrity of their academic and professional relationship.

Except as noted in the exceptions below, it is the policy of the University that:

(A) Senior Administrators, Faculty, and Academic Instructional Staff.
Consensual intimate relationships between undergraduate students and senior administrators, faculty, and academic instructional staff of the University are prohibited, as are actions intended to solicit such relationships.
All senior administrators, faculty, and academic instructional staff are regarded as occupying a position of authority over undergraduate students because they have the ability now, or at some point in the future, to directly or indirectly exercise authority over the undergraduate student or influence their experience at Carnegie Mellon by, among other things, teaching, grading, advising, mentoring, evaluating or supervising research; participating in decisions on academic advancement and status; participating in decisions on funding or other resources; and writing letters of reference or otherwise making recommendations for admissions, employment, fellowships or awards.

(B) **Staff and Post Docs in a Position of Authority.** Beyond the staff administrators and academic instructional staff addressed in the preceding section, consensual intimate relationships between undergraduate students and staff or post docs are prohibited (as are actions intended to solicit such relationships) when the staff member or post doc is in a position of authority over the undergraduate student. For purposes of this prohibition, “position of authority” includes any position in which the staff member or post doc has the ability now or is likely to have the ability in the future to exercise authority over the undergraduate student, or influence the student’s experience at Carnegie Mellon.

In relation to staff, the prohibition in this section includes but is not limited to staff who serve as athletic coaches, supervisors of student employees, mentors, counselors, staff involved in discipline for academic integrity and community standards violations, staff engaged in advising or administration of the undergraduate student’s academic coursework or extracurricular program, housefellows, staff providing services directly for students (including University police and providers of healthcare or psychological services), staff with the ability to access or modify a student’s academic, financial or other record, and staff working in the office of any Senior Administrator.

Consensual intimate relationships between undergraduate students and staff or post docs who are not in a position of authority or who do not expect to be in a position of authority over them, while not prohibited, are not encouraged, and must be disclosed by the staff member or post doc to his or her supervisor so that appropriate steps may be taken to prevent any potential issues.

(C) **Student Relationships.** The University does not prohibit consensual intimate relationships between students. However, consensual intimate relations between students must be disclosed and mitigated if a graduate or undergraduate student serves as an undergraduate student’s teacher, TA, tutor, research supervisor, grader, resident assistant, community advisor, supervisor in a student employment role, or mentor designated by the university (such as an orientation counselor).

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2 This policy does not preclude individual departments or organizations within the university from designating student roles other than the aforementioned as being ones where an intimate relationship with an undergraduate would be deemed inappropriate and therefore prohibited.
In such cases, the student in the position of authority must immediately disclose the existence of the intimate relationship so that alternative arrangements may be made for the teaching, evaluation or oversight/supervision. At a minimum, an appropriate mitigation plan will be put in place to assure that the intimate relations do not compromise the educational or work relationship.

Exceptions to General Rules Above

The situations described below will be treated as exceptions to this policy. In each of these scenarios, the University’s objective will be to manage or mitigate the conflicting professional and intimate relationships. While the existence of the intimate relationship will not constitute a policy violation in itself, the individual in the position of authority will be expected to immediately disclose the existence of the relationship, cooperate in the development of a management or mitigation plan, and comply with the management or mitigation plan.

1. Consensual Intimate Relationships Existing at Time of Adoption of Policy. Any faculty member, staff member or student in a position of authority over another student who, at the time of the adoption of this policy has an established intimate relationship with an undergraduate student must disclose the existence of that relationship so that appropriate steps may be taken to assure the integrity of the professional relationship.

Appropriate mitigation may include among other things, reassigning any direct teaching, evaluation or supervision as soon as practicable, avoiding direct interaction and/or influence, developing and implementing a plan to transition supervisory authority, otherwise assuring objective evaluation and supervision, and managing potential conflicts.

2. New Community Members. When two individuals who are newly joining the University community already have a consensual intimate relationship that would be prohibited by this policy before they join the University community, or when a new community member has been in a pre-existing intimate relationship with a current community member that would be prohibited by this policy, the individual in the position of authority will be expected to disclose the relationship so that mitigating steps may be taken.

3. Existing Community Member Enrolled as a Student. When a faculty or staff member is in a consensual intimate relationship with another faculty or staff member and one of them enrolls in undergraduate courses, the individual who is in the position of authority will be expected to disclose the relationship so that mitigating steps may be taken.
Disclosure and Reporting

As indicated above, there are a number of circumstances in which the individual in the position of authority in a consensual intimate relationship must “disclose” the existence of that relationship so that the University may take action to manage or mitigate the situation. In addition to required disclosure by the individual in the position of authority, the other party to the consensual intimate relationship may choose to disclose the existence of the relationship, and third parties who are aware of the relationship or suspect the relationship may also “report” the relationship to the University. This section identifies the various options available for disclosure and reporting.

(Disclosure)

Where disclosure or notice is required to be given by the individual who is in a position of authority, or where the other party to the consensual intimate relationship chooses to make disclosure, such notice may be given in any of the following ways:

- directly at the local level to the involved faculty instructor for a course, academic department head, dean or staff supervisor;
- where a faculty member is involved, to the Vice Provost for Faculty;
- where a staff member is involved, to the Senior Director, People & Organizational Effectiveness, Human Resources Division; or
- students may make disclosure to the Associate Vice President for Community Standards and Diversity Initiatives

Alternatively, if the party making disclosure would prefer not to reach out directly to one of the individuals identified above, s/he may do so by completing an online form. Disclosure using the online form will go initially to the Vice Provost for Faculty, the Senior Director, People & Organizational Effectiveness, Human Resources Division, or the Associate Vice President for Community Standards and Diversity Initiatives, as applicable. The party receiving the form may reach out to facilitate a dialogue with the individuals involved in the consensual intimate relationship, and will coordinate an effort with the instructor, department head, dean or staff supervisor, as necessary and appropriate, to develop a management or mitigation strategy or take such other action as may be appropriate.

Where the situation is addressed directly at the local level (e.g., with the faculty instructor for a course, academic department head, dean or staff supervisor), the responsible party at the local level will be expected to inform the University (e.g., Vice Provost for Faculty, Senior Director, People & Organizational Effectiveness, Human Resources Division, or the Associate Vice
President for Community Standards and Diversity Initiatives, as applicable) of the situation and planned local action to assure appropriate oversight, accountability and coordination of action.

The responsible parties shall consider the perspectives and preferences of the individuals involved in the consensual intimate relationship in devising and implementing a management or mitigation strategy, to the extent consistent with the principles and purposes of this policy.

(Reporting)

Where a third party is aware of a consensual intimate relationship that is addressed in this policy or suspects the existence of such a relationship, s/he should report this information, and may do so by contacting any of the individuals identified in the disclosure section above. If the reporting party would prefer to remain anonymous, s/he may report through the University's confidential ethics reporting hotline at www.reportit.net (login: tartans | password: plaid). Please note that it is important to provide sufficient detail in a report so that the University is able to take appropriate and meaningful action.

Compliance with this Policy by Individuals in Position of Authority

Allegations that the individual in the position of authority has failed to comply with this policy (e.g., soliciting a prohibited relationship, failing to disclose a consensual intimate relationship where required, or failing to comply with an approved management or mitigation strategy), will be reviewed in accordance with the relevant community standards or other applicable standards of conduct, handbooks, policies, procedures, practices and contracts, and may result in remedial or disciplinary actions and/or sanctions.

Alleged violations of this Policy, the decision to impose sanctions and the procedure for imposing sanctions shall conform: (a) in the case of a faculty member on the tenure-track, research-track, teaching-track, librarian/archivist-track, or special faculty track, to the provisions of the section on "Dismissal for Cause and Other Sanctions" of the Appointment and Tenure Policy of Carnegie Mellon University (except that action regarding such a person's administrative appointments is at the discretion of the President); (b) in the case of a student, whether undergraduate, graduate, or non-degree, to the provisions in the section on Community Standards in the Student Handbook; and (c) in the case of a staff member, to the provisions in the section on Staff Relations in the Staff Handbook, unless superseded by the provisions of an applicable collective bargaining agreement.3

Questions about this Policy / Support

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3 To the extent that an intimate relationship gives rise to claims under the University’s Policy against Sexual Harassment and Sexual Assault, such non-consensual conduct will be subject to review under the standards and process provisions set forth in that policy, and may lead to the imposition of separate, additional discipline or sanctions.
If you are uncertain whether a relationship is covered by this policy, you are encouraged to disclose the facts and seek guidance rather than fail to disclose. Questions may be addressed to your department head or supervisor, and to the other individuals referenced in the disclosure section above.

Anyone who is in need of support, particularly those who are not in the position of power, and third parties who feel that they have been impacted by the existence of a prohibited intimate relationship should reach out to any of the individuals referenced in the disclosure section above.