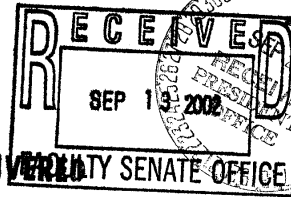




MEMORANDUM
HAND AND DELIVERED



IN/OUT KL RH F C

To: Donna E. Shalala, President

From: Jane E. Connolly *Jane*
Chair, Faculty Senate

Date: 04 September 2002

Subject: Faculty Senate Legislation #2002-02(C) – Policy on Consensual Amorous Relationships

The Faculty Senate, at its 28 August 2002 meeting, voted to approve the attached policy on Consensual Amorous Relationships with the proviso that it shall become effective immediately after parallel policies are put in place in a) the undergraduate Honor Code for undergraduates who may be T.A.'ing a course; b) the Graduate Student Honor Code; c) contracts for athletic coaches unless their employment is covered by overall personnel policies for staff and administration; and d) personnel policies applying to all staff and administration.

This legislation is now forwarded to you for your action.

JC/kl

cc: Luis Glaser, Executive Vice President and Provost

Faculty Senate
325 Ashe Admin. Bldg.
Coral Gables, Florida 33124
Phone: (305) 284-3721 Fax: (305) 284-5515
<http://www.miami.edu/FacultySenate>
e-mail: facsen@miami.edu

POLICY STATEMENT ON CONSENSUAL AMOROUS, ROMANTIC OR SEXUAL RELATIONSHIPS

Amorous, romantic or sexual relationships (“amorous relationships”) between members of the University community, where one of the parties (the senior party) has academic, administrative or other evaluative authority over the other (the junior party) are highly problematic, even when entirely consensual. The amorous relationship may create, or be perceived as creating, a conflict of interest that undermines the objectivity of evaluations. Others may perceive that the relationship creates favoritism. There is a risk of exploitation and coercion. Furthermore, the line between consensual and non-consensual relationships may be blurred, particularly in regard to the freedom of the junior party to end the amorous relationship without fear of inappropriate repercussions. This creates vulnerability of the senior party and the University itself to charges of sexual harassment. These problems are particularly intense when the junior party is an undergraduate student, who may, because of age and inexperience, be especially vulnerable.

These problems may arise in a variety of contexts, including counselors and counselees, coaches and student athletes, teaching assistants and students in their sections, and Residence Coordinators or Masters and students under their supervision, as well as faculty and students or others over whom they have such evaluative authority. Examples of the latter include relationships with

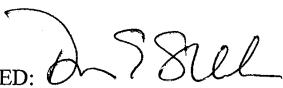
- (1) a student currently registered in a course taught by the Faculty member
- (2) a student for whom the Faculty member is an advisor or a member of the student’s thesis or dissertation committee
- (3) a student who is serving as the Faculty member’s research or teaching assistant.
- (4) an untenured faculty member, for whom the senior Faculty member serves on her or his tenure review committee

Members of the University community are strongly discouraged from entering into amorous relationships with persons over whom they have such evaluative authority or from attaining evaluative authority over those with whom such a relationship exists. If they nevertheless do so, they must take whatever steps are necessary to ensure that they do not simultaneously have evaluative authority and an amorous relationship. Such steps may include, for example, withdrawing from a position as thesis advisor or teaching assistant supervisor. These steps should be taken in a way that does not disadvantage the junior party. For example, if an amorous relationship develops with a research assistant, the Faculty member should seek to provide the student with a similar research assistantship opportunity under another Faculty member’s supervision. The Faculty member shall report the situation to the relevant program director, department chair, or dean, who will act to help determine the best means of resolving such actual or potential conflicts and shall maintain the confidentiality of the information reported to the extent possible and appropriate to the circumstances. If a Faculty member does so and follows the means indicated, there shall be no sanctions.

A Faculty member who engages in amorous relationships with a person over whom he or she has evaluative authority without taking steps necessary to resolve the conflict, including reporting such a relationship at the earliest opportunity, may be subject to disciplinary action under the policies and procedures embodied in the Faculty Manual governing charges of unprofessional conduct.

CAPSULE: Faculty Senate Legislation #2002-02(C) – Policy on Consensual Amorous Relationships

PRESIDENT'S RESPONSE

APPROVED:  DATE: Sept 11 2002
(President's Signature)

OFFICE OR INDIVIDUAL TO IMPLEMENT: Provost

EFFECTIVE DATE OF LEGISLATION: _____
(if other than June 1 next following)

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____