



MEMORANDUM

To: Julio Frenk
University President

From: Tomas A. Salerno
Chair, Faculty Senate

Date: November 23, 2015

Subject: Faculty Senate Legislation #2015-06(B) – Revise *Faculty Manual* Policy on Consensual Amorous, Romantic or Sexual Relationships

The Faculty Senate, at its October 28, 2015¹ meetings, voted unanimously to approve the revised Policy on Consensual Amorous, Romantic or Sexual Relationships in the *Faculty Manual*. The purpose of revising this policy is to clearly establish what constitutes unacceptable behavior in regards to consensual amorous, romantic or sexual relationships between students and faculty members, and between faculty members and others over whom the faculty member may have authority.

Proposed changes are reflected in underlined/~~strikeout~~ format.

BEGIN TEXT, Faculty Handbook section of the *FACULTY MANUAL*:

UM Policy Statement on Consensual Amorous, Romantic or Sexual Relationships¹

Introduction

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~~Such relationships 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 an individual junior party to end ~~the-an~~ amorous relationship without fear of negative inappropriate repercussions. ~~This creates vulnerability of the senior party and the University itself to charges of sexual harassment.~~Power asymmetries make the other party, and the University, itself, vulnerable to charges of potentially unlawful conduct. These problems issues are particularly intense-problematic when the junior party one of the parties is an

¹ At the Faculty Senate meeting on November 18, there were no objections to a minor amendment.

undergraduate student, who may, because of age and inexperience, be especially vulnerable or when one party is a graduate student who may be beholden to a particular professor.

These problems may arise in a variety of contexts. There are a variety of contexts in which problematic relationships may arise when one of the parties is a student, including those between counselors and counselees; program directors and those under their supervision; coaches and student athletes; teaching assistants and students in their sections, and Residence Coordinators or Masters and students under their supervision; as well as and General faculty Faculty and students or others over whom they have such evaluative authority as well as research/teaching assistants with students over whom they have evaluative authority. Examples of the latter include relationships with may occur when:

- (1) a student currently registered participates in a course, recitation, or lab section overseen or administered by a member of the General Faculty or by a teaching/research assistant; taught by the Faculty member
- (2) a student for whom the General Faculty member and/or teaching/research assistant serves is an advisor or a member of the student's thesis or dissertation committee as an advisor on a project such as a thesis or an independent project or internship;
- (3) a student who is serving as the Faculty member's research or teaching assistant. the General Faculty member evaluates the student outside of a course by, for example, serving on defense committees or grading qualifying examinations;
- (4) a student serves as the General Faculty member's research assistant, teaching assistant, or work study student;
- (4) an untenured faculty member, for whom the senior Faculty member serves on her or his tenure review committee
- (5) the member of the General Faculty takes part in decisions directly affecting the student with respect to admissions, financial aid, or access to any institutional resources;
- (6) the General Faculty member and student work collaboratively on a project (internship; club activity; co-authoring papers; etc.); or
- (7) the General Faculty member provides (or will be needed to provide) a recommendation for a job, internship, clerkship, prize, award, or other such honor.

The examples given above are not meant to be comprehensive in illustrating all of the potential relationships that may be problematic due to an imbalance in professional power. Therefore, it is incumbent on every member of the university community to be sensitive to and aware of conduct that violates a culture where the rights and dignity of each person is valued.

Article 1. Prohibited Relationships with Undergraduate Students

Undergraduate students are particularly vulnerable to potential abuse due to power differentials, whether or not there is a current evaluative role. Therefore, no member of the General Faculty, whether full or part time, shall have an amorous relationship with a University of Miami undergraduate student regardless of whether or not the member of the General Faculty currently exercises or may exercise any pedagogical, evaluative, or administrative authority over that student. If such relationships do occur, the person in the position of greater authority will be held responsible for unprofessional and possibly unlawful conduct. Marriage and pre-existing relationships are obvious exceptions to this policy. Other exceptions can be approved by the Provost.

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.~~

Article 2. Prohibited Relationships with Graduate Students

Members of the General Faculty shall not engage in amorous relationships with any graduate student within or outside their respective department, undepartmentalized school, or graduate degree program, where the faculty member has or may have any administrative or evaluative authority over the student. If such relationships do occur, the person in the position of greater authority will be held responsible for unprofessional and possibly unlawful conduct. Marriage and pre-existing relationships are obvious exceptions to this policy. Other exceptions can be approved by the Provost.

For the purposes of this Article, graduate students include students in all professional degree programs beyond the Bachelor's degree. However, the school or college offering the professional program may modify the requirements of this article through a written bylaw adopted by the voting faculty of the school and approved by the Faculty Senate.

Article 3. Relationships Between Individuals Involving Evaluative Responsibilities or other Power Differences

Even in cases of relationships not precluded by Articles 1 and 2, members of the General Faculty, (including for these purposes research and teaching assistants) regardless of their rank, title or full or partial pay status, shall not enter into or continue amorous relationships with any individuals, over whom they have evaluative authority. When such amorous relationships already exist or develop it is the responsibility of the General Faculty member to immediately recuse themselves from all evaluative responsibilities concerning the other individual, whether student, faculty member, or employee. In the case of a General Faculty member who has an otherwise permissible amorous relationship with a graduate student, the faculty member must cease all academic, professional, and other activities affecting the student. These steps should be taken in a way that does not disadvantage the affected student. Furthermore, the more powerful individual shall promptly report the situation to their Dean or other supervisory authority, who will act to help determine the best means of resolving such actual, apparent, or potential conflicts while maintaining the confidentiality of the information reported.

Article 4. Consequences of Violating this Policy

A member of the General Faculty ~~member~~ who engages in an 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. contrary to Articles 1, 2, or 3, will be subject to disciplinary action. In the case of a member of the University Faculty, the matter shall be referred to the Committee on Professional Conduct pursuant to Section B4.9 of the *Faculty Manual*. Members of the General Faculty who violate these policies and who are not members of the University Faculty are subject to termination. Teaching or research assistants who violate this policy are subject to termination of their position and their case will be referred for possible additional action under the appropriate Honor Code.~~

Enforcement action under this Article does not preclude action also being taken under the Faculty Policy on Sexual Harassment contained in the Faculty Handbook section of the *Faculty Manual*.


END TEXT

This legislation is now forwarded to you for your action.

TAS/rh

cc: Thomas LeBlanc, Executive Vice President and Provost
David Birnbach, Vice Provost, Faculty Affairs
All Academic Deans

CAPSULE: Faculty Senate Legislation #2015-06(B) – Revise *Faculty Manual* Policy on Consensual Amorous, Romantic or Sexual Relationships

APPROVED:  DATE: Jan 13 / 2016
(President's Signature)

OFFICE OR INDIVIDUAL TO IMPLEMENT: Faculty Senate

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

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____

#2002-02(B)