

Report on Recommendations to Revise Policy on Consensual Relationships ACA 33

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UFC Taskforce

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CURRENT POLICY

The current IU policy regarding consensual relationships, as laid out in the Code of Academic Ethics ([ACA-33](#)), reads as follows:

1. Relationships in the Instructional Context. A faculty member shall not have an amorous or sexual relationship, consensual or otherwise, with a student who is enrolled in a course being taught by the faculty member or whose performance is being supervised or evaluated by the faculty member.
2. Relationships outside the Instructional Context. A faculty member should be careful to distance himself or herself from any decisions that may reward or penalize a student with whom he or she has or has had an amorous or sexual relationship, even outside the instructional context, especially when the faculty member and student are in the same academic unit or in units that are allied academically.

TASK FORCE CHARGE

The Task Force charge was to:

1. Develop revised policy language for [ACA-33](#), the Code of Academic Ethics.
2. Make a recommendation to the University Faculty Council Policy Committee about how to potentially integrate all members of the university (students, faculty, staff, administration) into a) the revisions proposed to ACA-33 OR b) a new standing policy that exists separately from and in addition to ACA-33.

TASK FORCE PROCESS

To inform our recommendations, members of the Task Force reviewed relevant policies from other Big Ten Alliance institutions. We also conducted a survey of faculty, students, and staff at IU campuses. The specific groups invited to the survey varied by campus based, in large part, on campus-level differences in access to listservs.

The survey included the following questions:

- Should there be an outright ban on all faculty-student relationships or a rigorous reporting process?

- Should the ban include relationships involving faculty members with other faculty, administrators, and staff members where there is an opportunity for the faculty member to exercise power over the other party (e.g., tenured faculty member and untenured faculty member; faculty member and staff member in the same unit)?
- Should there be exceptions to an outright ban, and if so, what should those be?
- If there is a reporting process to disclose such a relationship, what should the chain of reporting be?
- Should the policy distinguish undergraduate and graduate students?

Survey results (see appendix) revealed broad preferences for a rigorous reporting process over an outright ban, as well as a preference for incorporating specific exceptions to the ban.

RECOMMENDED REVISIONS TO THE CODE OF ACADEMIC ETHICS

Our recommended revisions to the Code appear below in *italics* and removal of current language is shown by a ~~strike through~~. Per the current Code UA-33(A)(1), the terms “faculty” and “faculty member” refer to all those who teach and/or do research at the University, including (but not limited to) tenured and tenure-track faculty, librarians, research faculty, lecturers, and clinical faculty at all ranks, graduate students with teaching responsibilities, visiting and part-time faculty, and other instructional personnel including coaches, advisors, and counselors.

Faculty members exercise power over students, whether in giving them praise or criticism, evaluating them, making recommendations for their further studies or their future employment, or conferring any other benefits on them. All amorous, *sexual, or inappropriately intimate*¹ relationships between faculty members and students are unacceptable when the faculty member has any professional responsibility for the student *unless properly disclosed and managed*. Such situations increase the chances that the faculty member *could will* abuse *their his or her* power and *sexually* exploit the student. ~~Voluntary consent by the student in such a relationship is suspect, given the fundamental asymmetric nature of the relationship. As a result of the power imbalance, the faculty may explicitly or implicitly make receiving benefits contingent on intimate, amorous, or sexual favors. (See quid pro quo sexual harassment in the Sexual Misconduct Policy, UA-03, definition of sexual harassment.)~~ Moreover, other ~~students and faculty~~ people may be affected by such ~~unprofessional behavior~~ relationships because ~~it places~~ they place the faculty member in a position to favor or advance one student’s interest at the expense of others. ~~and implicitly makes obtaining benefits contingent on amorous or sexual favors. At a minimum, faculty-student relationships can raise questions about potential favoritism, which may disadvantage the student.~~

Therefore, *unless properly disclosed and managed*, the University will view it as a violation of this Code of Academic Ethics if faculty members, engage in amorous, *sexual, or inappropriately intimate relations* with students for whom they have professional responsibility, ~~as defined in number 1 or 2 below~~ including *but not limited to supervisory, evaluative, or advisory*

¹Recognizing that some relationships may be intimate, such as a mentoring relationship, without being sexual or amorous. An inappropriately intimate relationship is one that is sexual, amorous, or in other ways potentially exploitative of the student.

relationships, even when both parties have consented or appear to have consented to the relationship. Such professional responsibility encompasses both The violation applies whether such supervisory, evaluative, and advisory relationships occur in instructional or non-instructional contexts.

- ~~1. Relationships in the Instructional Context. A faculty member shall not have an amorous or sexual relationship, consensual or otherwise, with a student who is enrolled in a course being taught by the faculty member or whose performance is being supervised or evaluated by the faculty member.~~
- ~~2. Relationships outside the Instructional Context. A faculty member should be careful to distance himself or herself from any decisions that may reward or penalize a student with whom he or she has or has had an amorous or sexual relationship, even outside the instructional context, especially when the faculty member and student are in the same academic unit or in units that are allied academically.~~

All faculty-student relationships of an amorous, sexual, or intimate nature must be disclosed according to the procedures outlined below. Failure to disclose an amorous, sexual, or inappropriately intimate relationship(s) and/or to comply with the management plan shall be considered a violation of this policy.

The presumption of this policy is that all relationships covered by this policy require disclosure to the respective designee by the faculty member. If there is doubt about the potential need for disclosure, the faculty should presume that there is an obligation to disclose. If a faculty member becomes aware that an amorous, sexual, or inappropriately intimate relationship has occurred there is an obligation to disclose. If a faculty member becomes aware that an individual with whom they had an amorous, sexual, or inappropriately intimate relationship is a student, the faculty member should disclose that information even if the relationship is no longer on-going.

REQUIRED DISCLOSURE PROCEDURES

- *Faculty-student relationships must be disclosed to the faculty member's unit head(s) (e.g., department chair, dean, dean's designee). The responsibility to disclose rests with the faculty member. The faculty member must have this disclosure in written form placed in their personnel files. If the relationship involves the department chair or unit head, the relationship must be disclosed to the next higher-level administrator, typically a dean or associate dean.*
- *The person to whom the disclosure is made is responsible for developing a specific plan that resolves the conflict and potential for abuse of power and must maintain confidentiality to the fullest extent possible. At a minimum, the faculty member must recuse themselves from all future evaluative actions involving the student.*

A faculty member shall be considered in violation of the university's discrimination, harassment, and sexual misconduct policy ([UA-03](#)) if the relationship is not properly disclosed or the management plan is not properly followed.

OTHER CONSIDERATIONS

The Task Force considered incorporating variation in the policy for undergraduate and graduate students but decided against doing so. The age ranges and prior life experiences of undergraduate and graduate students differ significantly across IU campuses, blurring the distinctions between those groups. Management plans may still need to consider that relationships with younger students may be more suspect and thus should be subject to more scrutiny.

The Task Force does not recommend addressing faculty-faculty, faculty-staff, or staff-student relationships in the Code of Academic Ethics. There are existing policies regarding nepotism management, sexual misconduct, and (what on the HR side) address amorous, sexual, and intimate relationships among these members of the IU community.

OTHER RECOMMENDATIONS

The Task Force recommends that these revised sections of the Code of Academic Ethics be highlighted in all Sexual Misconduct & Title IX trainings and information for both faculty and students. Effort should be made to widely communicate this policy to students, staff, faculty, and any IU employees.

The Task Force recommends a policy, like the Sexual Misconduct Policy, that applies across all constituent groups (faculty, staff, students).