

## #MeToo in Academe: From Moments to a Movement

The 2019 FIU Women Faculty Leadership Institute is intended to highlight #MeToo issues in academe and within the disciplines as well as identify strategies to bring about institutional change in those settings, including at FIU. Members of the Office to Advance Women, Equity, and Diversity are working on addressing several aspects of #MeToo at FIU.

One specific issue and the first ACTION ITEM that we hope to address today with your support is to initiate a change in FIU's current consensual amorous relationship rule. We are providing some materials to you in advance of the Institute in this handout, including,

1. The current wording of FIU's consensual relationships procedure (below), p. 1
2. A listing of common components of consensual policies at other universities, p. 2
3. A full example of MIT's consensual relationship policy, p. 3-8

By the end of the day, we would appreciate your input and endorsement concerning what components you would like to see included in a new consensual relationship rule/policy at FIU.

Your support is a critical part of the process required to have FIU adopt an official policy. The process is quite lengthy and requires review by the administration, the Dean's Advisory Council, and various other constituencies. We hope this Institute and these materials will allow you to make an informed decision about having a formal consensual relationships policy at FIU and will enable you to educate your colleagues so that we can garner sufficient support to enact this change.

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### FIU language concerning consensual amorous relationships from the FIU Faculty Handbook 2018-2019, p. 21

**Dating a student in your class, or a student whom you advise, or whose work you will be supervising or evaluating in any manner (for example, as a member of the student's thesis or dissertation committee) creates a *de facto* conflict of interest** according to the University's Sexual Harassment rule, which states:

*The University discourages amorous or sexual relations between employees and students. Such relationships, even when consensual, may be exploitive, and imperil the integrity of the educational process or work environment... The University requires the resolution of any conflict of interest created by these relationships.*

In addition, the rule states that:

*Whenever a conflict of interest situation arises or is reasonably foreseen, the employee in a position of authority must resolve any potential conflict of interest by taking necessary steps, including removing himself or herself from evaluative decisions concerning the other individual. If he or she is unable to resolve personally the conflict of interest, he or she is required to inform the immediate supervisor promptly and seek advice and counsel in dealing with the conflict... Failure to resolve potential or actual conflict of interest...may result in disciplinary action...*

## Women Faculty Leadership Institute, May 3, 2019

### Action Item: Review and Discussion of FIU's Current Consensual Relationships Rule

Below are common components included in consensual relationship policies at universities nationally. Indicate which components you would like to be considered as part of a to-be-proposed formal FIU consensual relationships policy and sign below.

**1. Definition of terms**

Example: "D. For purposes of this Policy, direct authority is defined as the direct supervision, direction, oversight, evaluation, advisement, or substantial influence over the employment or educational status of another." USF

**2. Flat bans on undergraduates**

Example: "Sexual or romantic relationships between faculty members and undergraduate students are strictly prohibited regardless of the department, school, or college affiliation of either party." Cornell

**3. Limited bans on undergraduates and/or graduates based on academic/supervisory authority of faculty or graduate students**

Example: "Because a graduate or professional student's educational pursuits may evolve and that student may become academically aligned with a large number of faculty members or others who are affiliated with the same graduate field or degree program, the university discourages all intra-field/degree program relationships that are romantic or sexual in nature." Cornell

Example: "Therefore, Teaching Assistants, graders, and laboratory assistants are prohibited from having a sexual or romantic relationship with a student – undergraduate, graduate or other learner – over whom the TA/ grader/lab assistant has academic authority." MIT

**4. Responsibility to disclose/report relationship**

Example: "It is the employee in the supervisory position who has the responsibility to disclose the conflict created by the relationship." Florida Gulf Coast

**5. Stated individual(s) to whom relationships should be reported**

Example: ". . . the existence of the consensual relationship must be disclosed to the individuals' immediate supervisor (i.e., Chair, Director, Dean, Vice President) or, if necessary, the next higher level supervisor not involved in the relationship." USF

**6. Responsibilities of supervisors who learn of a prohibited relationship**

Example: "The supervisor [who learns of a prohibited relationship] shall have the responsibility for making arrangements to eliminate or mitigate a conflict whose consequences might prove detrimental to the university or to either party in the relationship." University of Wisconsin-Madison

**7. Duty to recuse**

Example: "In such a case [of a prohibited relationship], the faculty or other academic staff member must promptly notify their department head, dean, or other supervisor and must recuse themselves from any academic authority over that student or other learner." MIT

**8. Disciplinary actions regarding violation of policy**

Example: "The university may take disciplinary action as appropriate if an individual is found to have violated this policy. Violations of this policy are subject to discipline up to and including termination or expulsion." Cornell

Name (print): \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## 9.5 Consensual Sexual or Romantic Relationships in the Workplace or Academic Environment

*This policy was last updated January 19, 2018. See the [update history](#) page for more information.*

### 9.5.1 Introduction

Sexual or romantic relationships may raise concerns of conflict of interest, abuse of authority, favoritism, and unfair treatment when both people are in the MIT work or academic environment, and one person holds a position of power or authority over the other. These relationships may also affect others in the work or academic environment, undermining the integrity of their supervision and evaluation as well.

These concerns exist even when the relationship is considered consensual by both individuals. In some instances, consent may not be as freely given as the more senior person in the relationship believes. Also, consent may change and relationships may end, with possible adverse effects on the more junior party's education or career.

Because of the possible adverse effects on the other party and on their fellow students, co-workers, colleagues, and others, the Institute prohibits all faculty, other academic instructional staff, other employees, and other non-student **members of the MIT community** (paid or unpaid) from having sexual or romantic relationships with certain MIT students and employees, whether or not the relationship is consensual. A summary of this policy is as follows, with more detail in the noted sections:

- *Relationships with undergraduate students:* All faculty, academic instructional staff, other employees, and other non-student members of the MIT community are prohibited from having a sexual or romantic relationship with any undergraduate student in the MIT community. (See Section [9.5.3.1](#))
  - Note: Special rules apply to relationships of students who serve as Graduate Resident Tutors or Advisors (Section [9.5.3.1](#)) or as Teaching Assistants, graders, or laboratory assistants. See Section [9.5.3.3](#).
- *Relationships with graduate students and other learners:*
  - Faculty and other academic instructional staff are prohibited from having a sexual or romantic relationship with an MIT graduate student or other learner at MIT if they have or

might reasonably be expected to have academic authority over that individual (See Section 9.5.3.2).

- Other employees whose job duties include broad influence or authority over graduate students and other learners are prohibited from having a sexual or romantic relationship with such a student or learner if the employee has or might reasonably be expected to have influence or authority over that individual (see Section 9.5.3.2).
- *Principal Investigators' relationships with graduate students or postdoctoral scholars:* Principal Investigators are prohibited from having a sexual or romantic relationship with a graduate student or postdoctoral scholar if they have direct or indirect authority over that student or scholar. (Section 9.5.4)
- *Supervisors and Subordinates:* Supervisors (including faculty supervisors and supervisors of postdoctoral scholars) are prohibited from having a sexual or romantic relationship with anyone they supervise, evaluate, or otherwise have direct or indirect influence or authority (see Section 9.5.5).

Participating in a sexual or romantic relationship prohibited by this policy, and failure to promptly notify and recuse where required by the policy can lead to disciplinary action including termination of the individual's relationship with MIT. Where this policy imposes a duty to notify and recuse, that duty falls on the person in the position of power or authority in the relationship. Where required, notification and recusal must take place as soon as practical after any action has been taken by either party to establish a sexual or romantic relationship.

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## 9.5.2 Definitions

- **Academic authority** includes teaching, grading, advising, mentoring, evaluating or supervising research; participating in decisions on academic status; managing teaching assignments; participating in decisions on funding or other resources affecting students; writing a letter of reference or otherwise recommending for admission, employment, fellowships or awards. For MITx courses and for professional or executive education classes or programs, a faculty or other academic instructional staff member does not have academic authority if they only supply lectures and materials but otherwise do not participate in teaching or managing the course, nor do they have academic authority with respect to any individual learner or participant who is not seeking credit or a credential.
- Employees whose jobs confer **broad influence or authority** over MIT graduate students or other learners include counselors; athletic coaches; staff involved in discipline; staff providing services directly for students; staff with the ability to access or modify a student's academic, financial or other record; and staff working in deans' offices or academic headquarters.
- A **sexual or romantic relationship** is any intimate, sexual, or other type of romantic or amorous relationship, whether casual or serious, short or long term, and whether or not consensual. A single sexual encounter is considered a sexual relationship under this policy. Conversely, the relationship does not have to include physical intimacy if a romantic relationship exists that is beyond the reasonable boundaries of a collegial or professional relationship. If there is any doubt whether a relationship falls under this policy, individuals should seek guidance from their supervisor or an MIT human resources professional.

- For this policy, **undergraduate student** means any student at MIT who does not have a college degree, regardless of registration status. The term “undergraduate student” includes high school students; MIT undergraduate students during the summer or on a leave of absence; visiting, exchange and special students; and summer school students. **Graduate student** means any student at MIT who has an undergraduate degree, regardless of registration status, including visiting, exchange and special students, and MIT graduate students on leave. **Other learner** means anyone studying at MIT other than an undergraduate or graduate student; this term includes online learners on an MIT-sponsored site such as MITx and participants in an MIT professional or executive education program or class.
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## 9.5.3 Relationships with Students

### 9.5.3.1 Relationships with Undergraduate Students

Faculty, other **academic instructional staff**, other employees, and other **members of the MIT community** (other than MIT students) are prohibited from having a sexual or romantic relationship with any undergraduate student at MIT.

Anyone who serves as a graduate resident tutor or graduate resident advisor is prohibited from having a sexual or romantic relationship with any undergraduate student who lives in that residence/housing.

If an employee is in a romantic or sexual relationship with an undergraduate student that pre-dates their employment at MIT or their role as a graduate resident advisor or tutor, or that predates the student’s registration at MIT, the employee must notify their supervisor of the relationship.

### 9.5.3.2 Relationships with Graduate Students or Other Learners

#### *Faculty and individuals with academic instructional appointments*

Sexual and romantic relationships are prohibited where the faculty member or other **academic instructional staff** member has or might reasonably be expected to have “academic authority” (defined above) over that graduate student or other learner. (Such relationships with undergraduates are always prohibited. See Section 9.5.3.1.)

In addition, faculty members and other academic instructional staff may not exercise academic authority over any graduate student or other learner with whom they had a prior sexual or romantic relationship. In such a case, the faculty or other academic staff member must promptly notify their department head, dean, or other supervisor and must recuse themselves from any academic authority over that student or other learner.

If such a sexual or romantic relationship develops with a graduate student or other learner over whom they have academic authority, the faculty or other academic instructional staff member must withdraw from any academic authority or supervision for that individual. The faculty or academic instructional staff member must notify their department head, dean, or other supervisor so that other arrangements for academic authority and supervision can be made for that student or other learner. See Section 9.5.5.1.

### ***Other employees working with graduate students and other learners***

An employee whose job confers “broad influence or authority” (defined above) over students or other learners is prohibited from having a sexual or romantic relationship with a graduate student or other learner if the employee has or might reasonably be expected to have influence or authority over that particular individual. (Such relationships with undergraduates are always prohibited. See Section 9.5.3.1.)

In addition, employees may not exercise influence or authority over a graduate student or other learner with whom they had a prior sexual or romantic relationship. In such a case, the employee must promptly notify their supervisor and recuse themselves from any influence or authority regarding that graduate student or other learner.

If such a sexual or romantic relationship develops with a graduate student or other learner, the employee must withdraw from exercising any influence or authority over that individual. The employee must also notify their supervisor so that other supervisory or evaluative arrangements can be made for that student or other learner. See Section 9.5.5.1.

### **9.5.3.3 Undergraduate and Graduate Students Serving in a Teaching or Advising Capacity**

Undergraduate and graduate students who serve as Teaching Assistants, graders, or laboratory assistants may face conflicts of interest if they have a sexual or romantic relationship with a student in their class or laboratory. Therefore, Teaching Assistants, graders, and laboratory assistants are prohibited from having a sexual or romantic relationship with a student – undergraduate, graduate or other learner – over whom the TA/ grader/lab assistant has academic authority.

In addition, if a student serving as a TA/grader/lab assistant had a prior sexual or romantic relationship with a student or other learner over whom the TA/grader/lab assistant has academic authority, the TA/grader must notify their supervisor of that prior relationship. The TA/grader/lab assistant must withdraw from any academic authority over that student or other learner.

If such a relationship develops, the TA/grader/lab assistant must notify their own supervisor and must withdraw from any academic authority over that student or other learner.

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### **9.5.4 Relationships between Principal Investigators and Graduate Students or Postdoctoral Scholars**

Principal investigators are prohibited from having a sexual or romantic relationship with any graduate student or postdoctoral scholar (postdoctoral associate or fellow) over whom they have direct or indirect supervisory or other authority. (Such relationships with undergraduates are always prohibited. See Section 9.5.3.1.) Examples of “indirect” supervisory authority or “other authority” are the ability to evaluate, to assign or recommend a role in research, to write a letter of recommendation, to determine authorship on papers, and to influence who goes to conferences or who has access to equipment or

resources. Principal investigators are also subject to the policy on relationships with subordinates who are not students or postdoctoral scholars. See Section [9.5.5](#).

In addition, a principal investigator cannot oversee a graduate student or postdoctoral scholar with whom they had a prior sexual or romantic relationship. That principal investigator must notify their department head, dean, or other supervisor and must withdraw from any supervisory or evaluative functions regarding that individual.

If such a relationship develops, the principal investigator must withdraw from any supervisory or evaluative functions for that individual. The principal investigator must notify their own supervisor so that other supervisory or evaluative arrangements can be made. See Section [9.5.5.1](#).

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## **9.5.5 Relationships between Faculty or Other Supervisors and Subordinates**

A faculty member, other academic instructional staff member, other employee, or any other member of the MIT community who has supervisory responsibility over a faculty member, employee, postdoc scholar, visitor, or other member of the MIT community is prohibited from having a sexual or romantic relationship with that subordinate.

In addition, a supervisor cannot oversee someone with whom they had a prior sexual or romantic relationship. The supervisor must recuse themselves from any supervisory or evaluative functions and must notify their own department head or other supervisor.

If such a relationship develops, the supervisor must withdraw from any supervisory or evaluative functions for that subordinate and must notify their own supervisor.

Even if a direct supervisory role does not exist, one person in a relationship may not evaluate the other's work or exercise direct or indirect influence or authority over the other person's work or position, including sitting on or writing a letter of reference to a hiring or promotion and tenure committee considering that other person. In such cases, the senior person in the relationship must recuse themselves and must notify their own supervisor.

See also Section [7.2, Employment of Members of the Same Family](#).

### **9.5.5.1 Responsibilities of Supervisors Who Learn of a Prohibited Relationship**

A department head, supervisor or other manager who learns of a current or prior sexual or romantic relationship must take steps to eliminate or manage the potential conflict of interest or abuse of authority. The goal is to put in place adequate alternative supervisory or evaluative arrangements that are fair to the subordinate party and also to their colleagues or peers. The alternative arrangements may include measures like anonymous grading (where practical) or direct evaluation or supervision by someone at or above the level of the senior person in the relationship, or by someone in a different line of authority. Where an alternative supervisor or evaluator is used, that alternative person cannot report to the senior person in the relationship.

The alternative arrangements will vary depending on the specifics of the relationship and the context, and supervisors are encouraged to consult with their department head or other superior or with an MIT human resources professional.



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