

Commission on Faculty Affairs

RESOLUTION TO AMEND THE FACULTY HANDBOOK REGARDING ETHICS OF INTIMATE RELATIONSHIPS INVOLVING FACULTY

CFA 2024-25D

Draft Notice Sent to University Council Cabinet	September 14, 2024
First Reading by Commission on Faculty Affairs	October 4, 2024
Approval by Commission on Faculty Affairs	November 1, 2024
First Reading by Faculty Senate	October 25, 2024
Approval by Faculty Senate	November 8, 2024
Staff Senate Comment	October 21, 2024
Administrative and Professional Faculty Senate Comment	October 30, 2024
Graduate and Professional Student Senate Comment	October 13, 2024
Undergraduate Student Senate Waived Right to Comment	November 8, 2024
First Reading, University Council	December 2, 2024
Approved, University Council	Date
Approved, President	Date
Approved, Board of Visitors	Date
Effective Date	Upon Approval or Date

WHEREAS, the Faculty Handbook describes the professional and ethical expectations of all faculty; and

WHEREAS, relationships involving faculty and those they supervise may arise but require specific action to mitigate bias and reduce the potential for exploitation; and

WHEREAS, ethical expectations that faculty do not engage in intimate relationships with those they supervise are stated but require additional clarification, and a procedure presently does not exist for disclosure in the event of the emergence of such relationship;

NOW, THEREFORE, BE IT RESOLVED that the Faculty Handbook, Section 2.25, be amended as shown below with changes marked in red.

Faculty Handbook, Section 2.25 (excerpt)

Consensual Intimate Relationships. It should be understood by all members of the university community that ~~consensual~~ amorous or sexual relationships (hereinafter referred to as ~~consensual intimate~~ relationships) that occur in the context of educational or employment supervision and evaluation present serious ethical concerns ~~and potential for bias or the perception thereof~~. All faculty have an obligation to eliminate any actual or perceived conflict of interest to maintain integrity and credibility for themselves and the university. Intimate relationships between supervisors and employees they directly supervise may violate university policy. ~~Consensual Intimate~~ relationships between faculty and students enrolled in their classes or students for whom they have professional responsibility as advisor or supervisor ~~violate the policy on professional ethics and responsibilities~~ contravene the Statement of Principles of Ethical Behavior. Further, such relationships ~~and~~ may be a violation of non-discrimination and/or harassment prevention policies. ~~Similarly, consensual romantic relationships between supervisors and employees they directly supervise violate university policy.~~

Faculty members or others performing instructional, ~~mentoring~~, or academic advising duties and supervisors involved in ~~consensual intimate~~ relationships must remove themselves from any activity or evaluation that may reward or penalize the affected student or employee. ~~To do so, faculty members are expected to disclose such a relationship to their department head, chair, or school director or other direct supervisor and work with them to identify and implement appropriate mitigating measures to change the supervisory structure. Failure to do so may lead to ethical investigations if reported to the Faculty Senate Committee on Ethics, and possible sanctions in accordance with the provisions of the Faculty Handbook governing that faculty member's employment category.~~

~~Consensual Intimate~~ relationships between faculty and students are particularly susceptible to exploitation. ~~An objective supervisory evaluation cannot exist if such a relationship exists. Moreover, t~~The respect and trust accorded a professor by a student, as well as the power exercised by the professor in giving praise or blame, ~~assigning grades, and providing recommendations for further study and future employment, make undermine the voluntary nature of consent by the student suspect~~, given the fundamentally asymmetric nature of the relationship.

Faculty and supervisors should be aware that engaging in ~~consensual intimate~~ relationships with students or employees they supervise could make them liable for formal action. Even when both parties have consented to the development of such a relationship, it is the faculty member or supervisor who, by virtue of one's special responsibility, may be held accountable for unprofessional behavior. Complaints alleging discrimination and/or harassment, as defined above, may be filed by either party to the ~~consensual intimate~~ relationship or by ~~an aggrieved a third~~ party outside the relationship.



Graduate and Professional Student Senate (GPSS)

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Comment on CFA 2024-25D:

The resolution CFA 2024-25D: RESOLUTION TO AMEND THE FACULTY HANDBOOK REGARDING ETHICS OF INTIMATE RELATIONSHIPS INVOLVING FACULTY is a welcome step following the discussion we had with the Faculty Senate. The language change clarifies ethical expectations surrounding the nature of such relationships and makes way for objective supervisory evaluations.

We support the resolution as written in the draft.

On behalf of the Graduate and Professional Student Senate,
Ronnie Mondal
President



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Staff Senate

<http://www.staffsenate.vt.edu/>

October 21, 2024

To: Vice President of Policy and Governance

The Staff Senate Committee on Policy and Issues has reviewed and approves CFA Resolution 2024-25D but we do have some concerns and suggestions.

The second paragraph has been amended to say that faculty members are expected to disclose an intimate relationship, of the type described previously, to their supervisor. However, there is no mechanism or description that details any requirements relating to the required timeliness of such a disclosure. Furthermore, would it not be prudent to have some type of form or written documentation of this disclosure (the parties involved, date of initiation of the relationship, date of the disclosure, and certification of the information via signature of the faculty member and supervisor)? We already have reporting, documentation, approval, and mitigation procedures for other types of conflict of interest (Section 2.36 of the Faculty Handbook).

Additional thought may have to be given to the intended nature of a relationship (need for disclosure of a one-time encounter versus disclosure of a relationship with no expected time limit). A one-time encounter could still produce the same compromise in objectivity as a relationship that stretches over a longer period. We would also recommend attempting to align the language in this amendment to the Faculty Handbook with already existing language governing familial relationships in the workplace (for example, see Faculty Handbook section 2.36.1).

Finally, it is detailed that failure to disclose an intimate relationship could lead to ethical investigations if reported to the Faculty Senate Committee on Ethics. Should different penalties be considered for “concealing” an intimate relationship versus “failing to disclose in a timely manner”? Admittedly, this would require a definition of “timely manner” to be developed.

We have no further comment.

**Thank you,
Amber Robinson, Chair Staff Senate Policies and
Issues Committee**



Administrative and Professional Faculty Senate

<https://governance.vt.edu/ap-faculty-senate.php>

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October 30, 2024

To: Vice President of Policy and Governance

From: A/P Faculty Senate Polices and Issues Committee

The A/P Faculty Senate Polices and Issues Committee has reviewed and approves/endorsees the Commission on Faculty Affairs Resolution 2024-25D to Amend the Faculty Handbook Regarding Ethics of Intimate Relationships Involving Faculty.

One comment was offered:

- In the last paragraph, it specifies who is able to file a complaint but it does not specify the mechanism to use or how to file the complaint. I think the resolution would be strengthened by making these reporting details overt, the same way that details were added to the 2nd paragraph specifying how a faculty member should disclose intimate relationships.