



## OFFICE OF THE SENATE

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### MEMORANDUM

**From:** Robin Bradley Kar  
Chair, Senate Executive Committee

**To:** Senate Executive Committee

**Date:** April 20, 2020

**Re:** Some Preliminary Suggestions for Possible Revisions to the Draft System-Wide Intimate Relationships Policy Based on Preliminary Senate Input

I have now read carefully through all of the Senate comments and input that we received from the web survey from April 7 through April 15 on the draft System-Wide Policy on Intimate Personal Relationships. I have compared the comments against the draft policy. Although this input is only preliminary, I hope this process may help put our full Senate in a position to have a more thoughtful and deliberative discussion at our next full Senate meeting on April 27 than if we were starting fresh. In the meantime, I have developed twelve preliminary recommendations for possible revisions to the draft policy that should be probably considered before any final policy is submitted to the Board for approval.

These recommendations are not based on my own views. Nor are they meant to capture the final or exhaustive will or input of the Urbana Senate. Instead, I have sought to identify some fairly straightforward revisions that may help to address some of the concerns that we heard most repeatedly from senators so far in our web survey. When we next meet, I would like to move that the Senate Executive Committee pass this memorandum on to relevant parties who may be able to begin considering these recommendations in the context of our broader Senate input. Here are the possible suggested revisions:

- (1) **Management Plan Language:** Clarify that “management plans” are plans to manage conflicts and potential harms to other institutional interests, not to manage relationships. For example, one might rename these plans something like “Conflict Management Plans.” For another example, one might consider rewording the sentence

on the top of p.3 (first full sentence) from “Undergraduate Students’ broad educational opportunities and experiences are such that management of relationships is typically inadequate to address these issues” to something like “Undergraduate Students’ broad educational opportunities and experiences are such that plans to manage these important issues are typically inadequate to address the issues.”<sup>1</sup>

- (2) **Exceptions:** Consider changing the text in “Other Exceptions” from “will be granted in rare instances and only when” to “will be granted when but only when.” We suggest this change because several commenters indicated that it is currently unclear how often exceptions may need to be granted on purely noncontroversial grounds in some contexts; and cautioned against exceptions not being granted when relationships do not cause or are not likely to cause the problems that this policy targets. It may also help to clarify that exceptions will be granted when but only when a workable plan to manage the risks to the University of Illinois System’s interests is in place and has been agreed to by all parties. The point is to manage risks, not relationships. Many comments we received expressed the view that the institution should not be granting permission to be in relationships but rather seeking to manage risks to the institution that can arise when the risks arising from some relationships with supervisory or other power dynamics are not managed well. It is possible that this is all the original draft policy meant to target but this aim could be made clearer and alleviate a lot of possible concern among some senators.
- (3) **Sanctioning Language:** Consider adding a sentence to the section on “Consequences for Violations of this Policy” that says: “Any disciplinary action taken will be commensurate with the nature of the wrong and will take into account the degree to which the relationship is actually non-problematic to the U of I System’s missions and/or any special reasons for not disclosing a relationship that is non-problematic.” We make this suggestion because a number of senators commented on the vagueness of the current language about consequences and the importance that disciplinary actions, if any, are commensurate with the degree of wrongdoing.
- (4) **Exceptions Team:** Consider allowing campuses to decide at the point of implementation whether a “unit” will be granting exceptions or whether there is some better mechanism or group that might be delegated that authority (i.e., some group that can simultaneously maintain confidentiality, produce uniformity, and identify needed exceptions to the main policy prohibition to prevent overly broad impositions and address noncontroversial cases—possibly with faculty or other stakeholder input).
- (5) **Repeat Exceptions Language:** Consider inserting (for repetition) “Unless an exception is granted” in the section on “Relationships Between Faculty or Staff and

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<sup>1</sup> Several comments indicated that any suggestion that relationships are being managed, as opposed to conflicts or other problems, would likely cause harm to the culture and climate of our university.

Graduate/Professional Students.” We suggest this revision because this was one place where several senators felt that there might need to be humane exceptions at times, given some examples of healthy and nonproblematic relationships. This revision would send a less harsh message about nonproblematic relationships and even marriages on campus that will be continuing very publicly, regardless of the proposed policy change, without changing the meaning or application of the draft policy.

- (6) **Terminology of “Faculty”:** Change the term “faculty” in the definitions section to something like “covered faculty,” so that this policy does not create different definitions of “faculty” among different system-wide and campus policies.
- (7) **Soften Some Criticism of Intimate Personal Relationships:** Consider changing the first sentence in the full first paragraph on p. 3 from “Intimate Personal Relationships between Faculty or Staff and Graduate/Professional Students are also problematic” to “Intimate Personal Relationships between Faculty or Staff and Graduate/Professional Students can also be problematic”—given that there are exceptions and we do not want to inadvertently condemn healthy relationships that are not problematic in overly general terms.<sup>2</sup>
- (8) **Acknowledge Importance of Healthy Relationships in Purpose:** Consider inserting the following sentences into the beginning of the “Purpose” section: “There are many healthy and professional relationships among faculty or other employees and students that enhance students’ learning experiences and the mission of the U of I system. Intimate personal relationships can also be a healthy and vital part of the lives of the members of any institution.” Then consider inserting “and Students” and “nevertheless” into the next sentence so that it reads: “Sexual, amorous, dating, and romantic relationships between Faculty, Staff, or Teaching Assistances and Students or where a party to the relationship has a supervisory or evaluative authority over the other party can nevertheless interfere with achievement of the U of I System’s institutional mission by undermining the integrity of professional roles.” Prefatory remarks like these may help the community understand that what this policy is targeting is problematic relationships, not intimate personal relationships more generally.
- (9) **Avoid Inadvertently Criticizing Healthy Intimate Personal Relationships:** Consider changing the first sentence of the last paragraph of the “Purpose” section from “This policy is intended to address these conflicts and to reduce the risks of any actual or potential conflict of interest resulting from Intimate Personal Relationships” to “This

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<sup>2</sup> A number of comments indicated the importance of distinguishing relationships that actually cause harm or are likely to cause harm to the University of Illinois System’s missions from relationships that do not and are not likely to. The latter, in many senators’ apparent views, should not be prohibited, managed, or even inadvertently condemned in any way by this policy because they may contribute to these same missions and to many peoples’ lives.

policy is intended to address these conflicts and to reduce the risks of any actual or potential conflict of interest resulting from Intimate Personal Relationships that may prove problematic—again, because we probably do not want to suggest that Intimate Personal Relationships are problematic, only that problematic ones are.

- (10) **Avoid Inadvertently Criticizing Healthy Intimate Personal Relationships:** In the first sentence of the “Policy” section, consider changing “Intimate Personal Relationships are strongly discouraged where their development impedes the U of I System’s institutional mission and are prohibited...” to “Intimate Personal Relationships between Covered Faculty, Staff, Teaching Assistants, or Persons with Supervisory or Evaluative Authority over a Student and a Student are strongly discouraged where their development impedes the U of I System’s institutional mission and are prohibited...”—again to make it clearer that this is not a policy against intimacy but only certain classes of relationships that may prove problematic to the University of Illinois System’s missions.
- (11) **Clarify Relationship to Sexual Misconduct and Sexual Harassment Policies:** Consider changing the sentence in the first paragraph of the Purpose section from “The fact that a relationship was initially consensual does not insulate either conduct from a claim of sexual misconduct, nor does it guarantee that said relationship will remain consensual to the parties” to “The fact that a relationship was initially consensual does not insulate either conduct from a claim of sexual misconduct or sexual harassment, nor does it guarantee that said relationship will remain consensual to the parties.” Then consider adding as an insertion: “Claims for sexual misconduct and sexual harassment are governed by separate policies.” We suggest these revisions because several senators were confused about the relationship between this policy, which prohibits or attempts to manage conflicts and other potential problems with consensual intimate relationships, and other policies against sexual misconduct and sexual harassment—which typically involve unwelcome and nonconsensual conduct.
- (12) **Possibly Defer Any Policy Language Relating to Graduate Students and TAs for Further Discussion at the Implementation Phase:** Consider removing, for now, the policy language that applies to relationships between faculty and graduate students in the same unit or department. Instances of such relationships will already be covered in cases where there is any evaluative or supervisory authority. A broader policy may also be warranted, but it might help to develop that broader policy language with more Senate input over the next year so as to ensure that the final policy is targeting what is harmful while preserving a place for healthy and nonproblematic relationships, which cause no harm to the University of Illinois System’s interests. Similarly, it may be wise to remove the language relating to TAs for now and consider broader coverage only with more time for Senate input over the next year.