



Memorandum

TO: Senate

FROM: Julie Lassonde, Senior Equity and Inclusion Officer and Chair of the Ad Hoc Senate Committee on Teaching Staff-Student Intimate Relationships

SUBJECT: Report of the Ad Hoc Senate Committee on Teaching Staff-Student Intimate Relationships

DATE: December 5, 2018

DOCUMENT #: D18-28

ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE	The final report of the McGill Ad Hoc Senate Committee on Teaching Staff-Student Intimate Relationships is presented for information.
BACKGROUND & RATIONALE	At the May 16, 2018 meeting of Senate, the Ad Hoc Senate Committee on Teaching Staff-Student Intimate Relationships was struck and mandated “to explore and make recommendations to Senate on how McGill University ought to address, from a policy perspective, teaching staff-student relationships.” The Committee undertook to complete and submit a report to Senate by December 2018.
PRIOR CONSULTATION	The Committee worked to fulfil its mandate through a regular series of meetings and through broad consultation with the McGill community. This consultation was effected through a call for written submissions to the Committee and an in-person consultation with McGill students in the Fall of 2018.
SUSTAINABILITY CONSIDERATIONS	N/A
IMPACT OF DECISION AND NEXT STEPS	The recommendations set out in the Report shall inform policy developments in the coming months, notably, amendments to the <i>Policy against Sexual Violence</i> , which will come forward to Senate and the Board of Governors in the Winter 2019 term.
MOTION OR RESOLUTION FOR APPROVAL	N/A
APPENDICES	Appendix A: Final Report of the McGill Ad Hoc Senate Committee on Teaching Staff-Student Intimate Relationships

McGill Ad Hoc Senate Committee on Teaching Staff-Student Intimate Relationships

Report – November 26, 2018

Mandate and Composition

The mandate of the [Ad Hoc Senate Committee on Teaching Staff-Student Intimate Relationships](#) (“the Committee”) was “to explore and make recommendations to Senate on how McGill University ought to address, from a policy perspective, teaching staff-student relationships.”

On May 1, 2018, Senate appointed a chair and seven members of the Committee, who were recommended by the [Senate Nominating Committee](#), as follows:

Chair

- Julie Lassonde, mediator, Office of the Senior Equity and Inclusion Advisor

Three Students Members and One Alternate Student Member

- Bee Khaleeli, student (Arts)
- Harmehr Sekhon, alternate student (PhD program in Experimental Medicine)
- Naomi Vingron, student (PhD program in Psychology)
- Safina Adatia, student (Medicine)

Three Academic Staff Members

- Brian Lewis, professor (History and Classical Studies, ARTS)
- Debra Titone, professor (Psychology, SCIENCE)
- Jean-Jacques Lebrun, professor (Medicine, MEDICINE)

On September 20, 2018, Senate appointed an additional alternate student member. The Committee Chair attempted to communicate with this Committee member from September 26 to October 22, 2018, but unfortunately did not receive any response.

Activities

The Committee had a period of only six months to complete its work and met on the following dates in 2018:

- June 18
- July 16
- August 29
- October 3 (in lieu of September meeting)
- October 22
- November 6

The Chair acted as facilitator and did not take a position on the issues or recommendations. She was responsible for ensuring the fairness of the process of Committee work. With the support of Eliza Bateman, doctoral candidate at the McGill Law Faculty, she also ensured that Committee members had access to relevant documentation to inform their work, through literature review.

The Committee worked by consensus of any three student members, including alternate student members, and three academic staff members, who were able to participate in at least three committee meetings.

In addition, to fulfill its mandate, the Committee consulted with the McGill University community through (1) a call for written submissions open to McGill students, administrative and academic staff, from July 30 to September 25, 2018 and (2) a McGill student-only in person consultation on September 18, 2018.

Recommendations

This section presents the Committee's main policy recommendation and additional recommendations, starting with the rationale for each recommendation.

Main Policy

Rationale:

Culture of Trust

- ◇ McGill University seeks to develop a culture where students can have a learning environment free from sexual harassment or abuse of power.
- ◇ The policy should be designed to develop and maintain the trust of the McGill community.

Risk of Abuse of Power

- ◇ Teaching staff who have a supervisory, evaluative or teaching role in relation to students have power over these students. Although not all relationships of power lead to abuse of power, such relationships inherently present a risk of abuse of power.
- ◇ Intimate relationships between teaching staff who have supervisory, evaluative or teaching authority over students and such students can lead to abuse of power; students need to be protected against such abuse of power.
- ◇ The policy should be designed to protect members of the McGill community who may not be fully informed about the risks of abuse of power, and especially those who are most vulnerable to such abuse of power.
- ◇ Although they may be vulnerable in different ways, undergraduate, graduate and postgraduate students all need to be protected against abuse of power and should not be treated differently under the policy.

- ◇ Teaching staff have the primary responsibility for maintaining professional boundaries; they should receive training about the policy and should face serious consequences if they violate the policy.
- ◇ The policy should be in line with McGill's policies that prohibit harassment, sexual harassment, discrimination and violence. Such policies also prohibit abuse of power in relationships between McGill community members, including between teaching staff and students, whether or not they are in an intimate relationship.

Human Rights and Privacy

- ◇ The policy should not create human rights or privacy concerns. It should promote a balance between the values of autonomy and safety, at both individual and community levels.

Fairness

- ◇ An educational environment cannot be experienced as fair by any student where teaching staff have intimate relationships with students over whom they have a supervisory, evaluative or teaching role.

Clarity

- ◇ McGill teaching staff are not all clear on whether intimate relationships with students are appropriate or allowed. The policy should be clear about what is allowed or not. The McGill community needs such clarity to understand what acceptable behavior is or not.

Language

- ◇ The language of conflict of interest is not strong enough to convey the risk of abuse of power in intimate relationships between teaching staff and students over whom they have a supervisory, evaluative or teaching role.

Training

- ◇ Training for teaching staff will affirm the expected professional responsibilities.
- ◇ Training for students on the policy will affirm the policy framework and empower them to exercise their autonomy in making academic choices and choices in their intimate relationships.

Remedies Least Harmful to Students

- ◇ Measures taken to ensure that teaching staff do not supervise or teach students with whom they have an intimate relationship should have the least detrimental effects possible on the concerned students.

Accommodations Least Burdensome for Teaching Staff

- ◇ When teaching staff breach the policy, their colleagues must accommodate the concerned students by taking on additional responsibilities. This burden is often gendered, i.e. female teaching staff taking on additional responsibilities for male teaching staff's policy breaches.

Recommendations

- Teaching staff-student intimate relationships are prohibited within the same academic unit and, beyond the unit, where teaching staff has a supervisory/evaluative/teaching role over the student. However, teaching staff may ask for an exemption from this rule, if they fall within the following categories:

Category 1:

The teaching staff has no supervisory/evaluative/teaching role over the student;

AND

The relationship will not create the reality or perception of any unfair advantage or disadvantage to the student concerned or to other students in the unit;

AND

The relationship will not place an undue burden on other faculty members within the unit who are obliged to make accommodations for their colleague.

Category 2:

The relationship existed prior to both parties participating in the same academic unit AND each element of the category 1 exemption applies.

A central authority that is not part of the same academic unit will receive requests for exemptions, evaluate them, decide whether to grant the exemption, and ensure that a management plan is in place where an exemption is granted.

- Require that new teaching staff acknowledge in writing the existence of the policy and related mandatory training, as part of their letter of offer, employment contract or the like.
- Require that current teaching staff acknowledge in writing the existence of the policy and related mandatory training, in a document specifically designed for such purpose, by end of 2019.
- Require that every academic unit adopt and publicly affirm professional ethics guidelines in line with the policy, a standardized version of which the university will provide. See for example, the [Department of Political Science Guidelines on Relationships Between Instructors and Students](#).
- State clearly the consequences of breaching the policy (see Policy Implementation section below).

- Provide examples of intimate relationships between teaching staff and students within the policy, such as the following:
 - A graduate student and laboratory supervisor working for a professor who romantically pursues a student in their laboratory.
 - A professor who has a sexual relationship with an undergraduate student enrolled in a class taught by another professor within the same academic program.
 - A tenured professor who flirts with a graduate student in the same academic unit.
 - A professor who received an offer to join faculty at McGill who has been in a relationship for three years with a partner who applied to McGill to become an undergraduate student within the same academic unit.
 - An undergraduate student and teaching assistant hired for a period of two months who starts dating an undergraduate student whom they are not evaluating but who studies in the same academic program.

Disclosure

Rationale:

Prevention and Recourse

- ◇ Disclosure obligations allow for preventative action to avoid the harm (unfairness, abuse of power, etc.) that can be caused to the educational environment by teaching staff-student intimate relationships, where these relationships also involve a supervisory/evaluative/teaching relationship.
- ◇ Disclosure also allows for providing recourse where harm has been done.

Preventing Stigma

- ◇ In the context of teaching staff-student intimate relationships involving an abuse of power, the policy should seek to reduce stigma around disclosure.
- ◇ Teaching staff should be responsible for ensuring proper disclosure. It would be intimidating for students to be required to disclose.
- ◇ Providing a variety of options for disclosure to different authorities, which then report to a central authority for decision-making and university-wide accountability, increases McGill community members' level of comfort with disclosure and encourages such disclosure.

Accountability and Consistency

- ◇ Accountability and consistency in dealing with disclosure is important to build trust with the McGill community.

Recommendations:

- Continue to require disclosure of any teaching staff-student intimate relationships within an academic unit. Also require disclosure beyond an academic unit where there is a supervisory/evaluative/teaching relationship.
 - o Teaching staff are required to disclose
 - o Students and third parties can disclose but it is optional for them to do so.
- Include the requirement for disclosure in all relevant policies dealing with teaching staff-student intimate relationships, such as any sexual harassment or violence policy, and not exclusively in the conflict of interest regulation.
- Require that disclosure be made within ten days of the beginning of the relationship and prior to the beginning of any physical and sexual aspect of relationship or, in the case of pre-existing relationships, prior to both parties joining the same academic unit.
- Provide more than one option for disclosure, with the understanding that each authority receiving disclosure in turn report to a central authority for decision-making and university-wide accountability. Ensure that failure to report to the central authority leads to disciplining of the first authority receiving disclosure.
- Ensure that the disclosure process protects the teaching staff and student's privacy.
- Ensure that a central authority that is not part of the academic unit where the disclosure is made, is accountable for overseeing the entire disclosure system through the provision of anonymous annual statistics around disclosure (see Transparency section below).
- Ensure that disclosure triggers a process of inquiry into the situation by the relevant central authority.
- Inquiry into the disclosed situation should be done by someone who is not in the same academic unit as the concerned teaching staff and student.
- The policy should clearly explain the disclosure mechanism:
 - o Who has the obligation to disclose
 - o Who, in addition, is allowed to disclose
 - o When disclosure should be made
 - o Type of information that needs to be disclosed
 - o To whom disclosure should be made
 - o How disclosed information will be shared and with whom
 - o What steps will be taken following disclosure and by whom
 - o Consequences of disclosure for both teaching staff and students
 - o Consequences of lack of disclosure (see recommendations on discipline in the Policy Implementation section below)

Policy Implementation

Rationale:

- ◇ A policy framework without solid implementation mechanisms and clear disciplinary measures will be ineffective.

Recommendations:

- Ensure that mechanisms are in place so that the policy is applied on an ongoing basis
- Clearly explain implementation mechanisms, including disclosure, complaint and resolution mechanisms within relevant policies
- Encourage prevention by rewarding conformity with the policy, such as participation in training and proper disclosure
- Ensure that the principles of progressive discipline are applied within the policy
- Clearly explain disciplinary measures that will be applied if there is a breach of the policy, including the fact that an official human resources record will be kept of all breaches of the policy.
- Ensure that official records, including any disciplinary actions for breaching the policy, are communicated to the Dean of the Faculty, prior to a decision being made about tenure.

Transparency

Rationale:

- ◇ McGill community members are not aware of the degree to which policies are used and applied at McGill, which decreases trust in mechanisms available under such policies.
- ◇ Confidentiality is important.
- ◇ Ongoing monitoring of the effectiveness of the policy is important.
- ◇ The current McGill policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law requires the production of anonymous annual statistics and can be used as a model for transparency.

Recommendations:

- Require the production of anonymous annual statistics on the application of all relevant policies related to teaching staff/student relationships.
- Ensure that these statistics do not reveal the names of people or units involved.
- Ensure that statistics cover activities under all relevant policies, including the number of disclosures or complaints involving teaching staff-student intimate relationships, outcomes of such cases and, where applicable, the type of discipline imposed.

Definitions

Rationale:

- ◇ Definitions of key terms in current McGill policies are not always clear and consistent. Clear definitions are necessary for McGill community members to understand policies.

- ◇ While the McGill [Regulation on Conflict of Interest](#) already covers conflicts of interest involving family members, which are included in the “related party” definition, “intimate relationships” still need to be defined for the purpose of policies related to teaching staff/student intimate relationships.

Recommendations:

- Adopt the definition of teaching staff that is included in the [Guidelines on Intimate Relationships Between Teaching Staff and Students](#) in all related policies dealing with teaching staff-intimate relationships, which is a broad definition that includes teaching assistants and reads as follows:
 - “Teaching staff” includes every person delivering any component of an academic program, including, but not limited to: undergraduate and graduate courses, supervision of graduate students, supervision of post-doctoral researchers, and services delivered by University librarians and archivists. “Teaching Staff” in this context also includes coaches of University athletic teams.
- Provide clear definition of the following terms:
 - Academic unit: organizational unit in which an academic program is delivered at undergraduate, graduate or postgraduate level.
 - Ensure that it is clear that a small department or faculty could be considered a unit, and that a large department or faculty could include multiple units. For example, the Faculty of Medicine is divided into multiple units, such as the School of Nursing or the graduate program of Experimental Medicine.
 - Intimate relationship: Any sexual or romantic relationship, including verbal, electronic or physical interaction.

Communication and Training

Rationale:

- ◇ McGill community members are not aware of current policies and how such policies are implemented. Without a reasonable degree of awareness, the policy framework will be ineffective.
- ◇ McGill currently offers [mandatory training to new graduate supervisors](#), which provides an example of mandatory training.
- ◇ Mandatory training is only effective if repeated.

Recommendations:

- Communicate clearly and provide mandatory and repeated training to McGill community members on the following:
 - What policies apply to whom
 - Content of policies
 - Processes available under policies

- Communicate the following annually:
 - Anonymous statistics on activities under policies (see transparency section above)
- Training should be:
 - Created by experts in area
 - Long enough (at least three hours) to meaningfully cover relevant content
 - Accessible