

Should sexual relations between professors and students be prohibited?

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In Quebec, a new law calls for universities to adopt a code of conduct covering faculty-student relationships.

On December 8, the Quebec government passed [Bill 151](#), an act aimed at preventing and combatting sexual violence on the province's university and college campuses. Among other things, the new law mandates that universities and CEGEPs (Quebec's colleges) develop standalone sexual violence policies. British Columbia, Manitoba and Ontario all passed similar legislation that came into effect during the past year.

However, Quebec's new law has generated much discussion because it has a provision requiring postsecondary institutions to adopt policies governing intimate relationships between students and university personnel, including professors and lecturers. Quebec's minister responsible for higher education and the status of women, H el ene David, said during public hearings on the bill that the government can't ban such relationships. But, she said universities and CEGEPs would have the authority to do so.

The new law requires such policies to be adopted by September 1, 2019. Prior to the new law's adoption, Jean-Fran ois Hupp e, communications director at Universit e Laval, said his institution supports the legislation. "Its proposals are in line with ... the desire of educational institutions to combat sexual violence more effectively. A number of measures are already in effect at Laval, and others will follow. We want to guarantee the well-being of students, staff members and the entire university community."

Other parties are less enthusiastic. Sandrine Ricci, scientific coordinator for the *R eseau qu eb ecois en  tudes f eministes* (the Quebec network for feminist studies), said she was disappointed that the minister – despite her remarks – did not simply prohibit outright sexual relationships between faculty and students. "We maintain that relationships between students and people who are in a position to influence their progress, in terms of both their studies and employment in an academic environment, should be banned," said Dr. Ricci.



Demonstrators protest against sexual violence in Montreal in 2016. Photo by Paul Chiasson/Canadian Press.

There appears to be no Canadian university that currently bans sexual relations between faculty and students. In the spring of 2016, the interim president of the University of British Columbia, Martha Piper, instructed university officials to examine whether there should be such a ban, but nothing came of it. In the U.S., Harvard University's faculty of arts and sciences did ban "sexual and romantic relationships" between faculty and undergraduate students in 2015, revising a policy which deemed such relationships to be "inappropriate."

Most Canadian universities do offer at least some guidance on the matter. For example, McMaster University's office of human rights and equity services suggests that: "To prevent creating a conflict of interest, instructors should remove themselves from positions of power over students prior to engaging in romantic or sexual relationships." It directs instructors to the faculty association's faculty handbook for further advice.

Neil McArthur, an associate professor of philosophy and director of the Centre for Professional and Applied Ethics at the University of Manitoba, wrote in a February 2017 paper in *The Journal of Ethics and Education* that there is relatively little data on the incidence of student-professor relationships. "This is not surprising, given the sensitivity of the issue, as well as the confidentiality that must surround any investigation by university administrators." What studies do exist suggest that such relationships are "not uncommon." Regardless, he argues that they should not be banned.

A survey on sexual relations on campus, conducted by a team of researchers from six Quebec universities, adds fuel to the debate. The *Enquête Sexualité, Sécurité et Interactions en Milieu Universitaire*, or ESSIMU, published its findings last winter. The survey found that more than a third of respondents (36.9 percent) had experienced some form of sexual violence in a

university setting. Of that group, 30.3 percent reported a situation involving a person in a position of authority; over one quarter reported at least one incident involving a faculty member.

Two student groups, the *Union étudiante du Québec* and the *Association pour la voix étudiante au Québec*, support prohibition when there is a direct relationship of authority between a professor and a student – for example, when the professor is acting as a teacher, a supervisor or an employer.

“It is very difficult to tell whether the consent is real in cases like these,” said Simon Telles, UEQ president. “Another issue raised is the value of the teacher’s assessment and the equality of opportunities between students – for example, the awarding of research contracts.” Mr. Telles added that his group is concerned that allowing each university to adopt its own policy will create disparities between institutions in terms of protections for students and the remedies available to them in such situations.

Martine Delvaux, a professor of literature at Université du Québec à Montréal, has for several years publicly questioned the fairness of sexual relationships between professors and students. But, she said that she understands it is difficult for the minister and for university administrations to take a tough stand. Even some feminists argue against the adoption of a code of conduct, she said, arguing that this is patronizing to adult students who are capable of making their own decisions.

The “consenting adults” argument is often advanced by those who oppose a code of conduct. But Dr. Delvaux said she believes that “consent between two persons in such an obvious relationship of power is non-existent.” When a relationship of this type goes sour, she said, the more vulnerable partner, the student, is the one who suffers. Students who fall out with a thesis director, for example, can seriously jeopardize not only their academic success but also their career, because the director may also sit on editorial boards of academic journals, hiring committees and so on.

Jean-Marie Lafortune, president of the *Fédération québécoise des professeures et professeurs d’université* (Quebec federation of university teachers), said his organization is concerned about how a new code of conduct would be enforced. “Will we have morality police on campus to keep an eye on faculty? We risk creating a climate in which everyone feels they are being spied upon,” he said.

Perrine Argiles, spokesperson for the *Association pour la voix étudiante au Québec*, said her group worries that the debate about relations between faculty and students draws attention away from sexual violence between students. In the *ESSIMU survey* (PDF), 70 percent of those who had experienced a form of campus sexual violence reported that it involved a student. “Clearly, relationships between teachers and students have to be discussed, but let’s not forget that the perpetrators of sexual violence are students much more frequently than teachers,” Ms. Argiles said.