

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

**BACKGROUND
& RATIONALE**

Student Intimate Relationships presented for information.

At the May

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) McGill students 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

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

Risk of Abuse of Power

- i 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.
- i Intimate relationships between teaching staff who have

- i 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.
- i 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 be

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.
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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:

- i 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.
- i Confidentiality is important.
- i Ongoing monitoring of the effectiveness of the policy is important.
- i 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:

- i 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.

- i 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 graduac s1.d0.8(y)-03(1.-0.001 T)5-8.a1 1.xd [(2-am)n-3.1(

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