

POLICY ON CONSENSUAL FACULTY/STUDENT RELATIONSHIPS

I. Background

This policy addresses only romantic or sexual encounters or relationships that are consented to by both the faculty member and the student. If consent is absent, any romantic or sexual interaction between a faculty member and a student may constitute sexual harassment prohibited by federal and state law as well as SAIC policy. See Policy Against Discrimination, Harassment and Retaliation in the *Faculty Handbook Legal Supplement*.

Consensual romantic or sexual encounters or relationships between faculty members, including full-time, adjunct, visiting faculty, or teaching assistants and graduate assistants, insofar as they have supervisory duties over other students (referred to as “teachers”), and students present serious difficulties within the School community. Such encounters or relationships may undermine the real or perceived integrity of the academic supervision and evaluation process, as well as affect the trust inherent in the educational environment.

Because those who teach are entrusted with guiding students, judging their work, giving grades for papers and courses, and recommending students to colleagues, teachers are in a delicate relationship of trust and power with students. This relationship must not be jeopardized by possible doubt of motivation, fairness of professional judgment, or the appearance of favoritism.

Moreover, consent may be difficult to assess in this context given the inherent inequality of the position of teacher and student. The trust and respect accorded a teacher by a student as well as the power exercised by the teacher in giving praise or blame, grades, recommendations for further study and employment, and other benefits and opportunities diminish the student’s actual freedom of

choice with the result that encounters or relationships thought to be consensual may in fact be the product of implicit coercion.

Thus, there is the possibility that what appears to a teacher to be a consensual encounter or relationship is not actually consensual on the part of the student. Some students may fear that refusal of romantic or sexual advances will result in loss of an academic benefit. The student may go along with the requested encounter or relationship even though it is in fact unwelcome to them. In the absence of consent, as noted above, the teacher's actions may constitute illegal sexual harassment. In addition, under state law, a teacher or someone in a similar relationship with a student may be individually liable when he or she makes any unwelcome sexual advances, requests for sexual favors or engages in conduct of a sexual nature with a student. (775 ILCS 5/5A-102).

II. General Caution Against Consensual Faculty-Student Relationships

Given these considerations, romantic or sexual encounters or relationships between a teacher and a student are deemed to be unwise and inappropriate, regardless of whether the encounter or relationship is understood by both parties as consensual. As a result, the School strongly recommends that teachers avoid consensual romantic or sexual encounters or relationships with students.

Such encounters or relationships can have a negative impact on the educational environment of the School and significantly undermine its reputation. On a practical level, a teacher should understand that, if he or she engages in a romantic or sexual encounter or relationship with a student and if a charge of sexual harassment is subsequently lodged, the teacher would bear full responsibility for proving a defense of mutual consent, which is likely to be exceedingly difficult. Thus, it should be understood that both

encounters and relationships of this kind pose serious risks to any who enter into them.

III. Prohibition on Academic Supervision in Consensual Faculty-Student Encounters and Relationships

The School has determined that there is an inherent conflict of interest when a teacher and a student simultaneously engage in both a direct teacher-student relationship or similar relationship of academic supervision **and** a consensual sexual or romantic encounter or relationship. Due to this conflict of interest, no teacher should initiate or participate in institutional or educational decisions involving a direct benefit or penalty to a person with whom that teacher has, or has had, a sexual or romantic encounter or relationship.

In particular, a teacher who has, or has had, a sexual or romantic encounter or relations with a student is prohibited from teaching that student in a class, supervising that student in research or graduate work or as a TA or employee of any kind, or recommending that student for fellowships, awards, or employment. Engaging in such an encounter or relationship while in this supervisory or teaching role is a violation of the policy.

For example, a teacher is not permitted to engage in a romantic or sexual encounter or relations with a student whom he or she is teaching in a class, supervising in any manner (e.g., research or graduate work, or as a TA or employee of any kind), or recommending for fellowships, awards or employment. Similarly, if a teacher has had a sexual or romantic encounter or relationship with a student, he or she is prohibited from teaching, supervising or recommending that student.

IV. Sanctions.

Any faculty member or other instructor who violates this policy shall be subject to sanctions commensurate with the magnitude of the harm caused, if any. For example, faculty may be able to minimize harm by promptly removing themselves from their teaching, supervisory, evaluative, or recommending role in a way that safeguards, to the greatest extent possible, the welfare of the students. Violations of this policy can lead to corrective action ranging from a notation in the file of the individual(s) violating the policy, up to and including termination.

The sanction shall be determined by the Dean of Faculty (or his/her designee), except as noted below. The imposition of any sanction imposed on a faculty member under this policy may be subject to review under grievance procedures or, if applicable, the appeal process applicable to termination set forth in the Faculty Handbook and Supplement.

In the case of a TA or other student engaged in academic supervision, the Dean of Students will consult with the Dean of Faculty with respect to the appropriate review process and sanction. The student will be advised of the process, including the appropriate appeal process.