

Relationships Between Academic Staff and Students

Maintaining Appropriate Boundaries

Academic staff teach, counsel, mentor, evaluate, and supervise students, and rich exchanges between academic staff and students are essential to research, teaching, and learning. They bring vibrancy to the academic community and can give rise to lasting collaboration and, occasionally, enduring personal relationships.

However, developments in the law with respect to sexual harassment and violence, and attendant media coverage, remind us that relationships in working and learning environments pose challenges, and may lead to negative outcomes for both students and faculty. For students, these can include psychological harm and diminished academic success. For faculty, they can include the psychological stress arising from harassment allegations, investigation, and, in some cases, consequent discipline that can extend to dismissal, as well as damage to reputation.

QUFA recognizes that the overwhelming majority of academic staff wish to ensure that they are creating a positive learning environment for students and a rich culture of engagement while still respecting boundaries. Moreover, academic staff grasp that students may be vulnerable to coercion, manipulation, and abuse because of the power teachers and supervisors

hold in relation to them. While many students are legal adults and responsible for their actions, university campuses are not communities of equals.

Students, particularly undergraduates, are dependent on teachers and supervisors for academic guidance, support, and fair evaluation. Labour arbitrator Stan Lanyon, in his decision in the Okanagan University College case, held that the student/teacher relationship is a professional one and involves trust. Students and teachers are not equal, and intimate relations between them not only create a perception of conflict of interest that renders suspect professional evaluations and judgements, but they also violate professional boundaries and can presumptively amount to a breach of trust.

In view of students' dependency on and perceived vulnerability to academic staff, it is very difficult for a faculty member who has entered into an intimate relationship with a student to establish that the relationship is truly consensual, should consent be contested. In fact, section 273.1 (2) c of the Criminal Code of Canada asserts, with respect to sexual assault, that consent is vitiated when "the accused induces the complainant to engage in the activity by abusing a position of trust, power, or authority."

There are two articles of the Queen's-QUFA Collective Agreement (CA) that

pertain to this challenging terrain: Article 18 (Conflict of Agreement and Conflict of Commitment and Reasonable Apprehension of Bias) and Article 21 (Harassment). There are also relevant university policies.

Article 18

Article 18.1.1.2 stipulates that "Members are expected to avoid actual and apparent conflicts of interest." Such conflicts arise when Members are placed in a situation where their "personal interest or that of a person with whom there exists or has recently existed either a personal, intimate, or financial relationship, conflicts or appears to conflict with their responsibility to the university."

Relations with students are addressed specifically in Article 18.1.2. A faculty member "who becomes involved in a personal, intimate relationship with a student with whom the faculty member has a supervisory or evaluative relationship has an obligation to formally disclose this conflict in writing to the person to whom the faculty member reports."

The CA thus does not prohibit personal, intimate relationships between academic staff and students. However, it is extremely difficult to reconcile a personal, intimate relationship with a student with whom you have or may have a supervisory or evaluative relationship with the duty to avoid actual and apparent conflicts of interest.

Article 21

While Article 18 addresses situations involving actual and acknowledged intimate relations between faculty and students, Article 21 addresses the murkier and arguably more dangerous matter of harassment. Harassment, including sexual harassment, may arise in a working or learning environment. Students affected by sexual violence and harassment can make a disclosure or file a complaint pursuant to the Policy on Sexual Violence Involving Queen's University Students (SVP). This policy applies to all members of the Queen's community.

"Sexual violence" includes "sexual harassment." Sexual harassment is defined as "a course of vexatious comment, conduct and/or communication of a sexual nature or based on sex, sexual orientation, gender, gender identity, or gender expression that is known or ought to have been known to be unwelcome." As well, depending on the circumstances, one incident could be significant or substantial enough to be considered sexual harassment. The SVP provides examples of conduct that would constitute sexual harassment.

Students who are also employees may report or complain about harassment by QUFA Members, in a workplace context, under the Interim Workplace Harassment and Discrimination Policy (IWHDP). The IWHDP applies to all individuals employed by Queen's University in the course of their employment.

It is important to note that sexual harassment can be a matter of perception; while this subjective dimension does not mean that a person who feels harassed has ipso facto been harassed—the allegations must meet a standard of reasonableness—it does mean that behaviour that a faculty member regards as merely unguarded,

flirtatious, or joking may give rise to allegations, a process of investigation, and in some cases disciplinary action, because a student has experienced a disturbing crossing of boundaries. It should also be noted that, under the policy, the right to make a complaint is not limited to persons who are the direct recipient of allegedly harassing behaviour, but is extended to those whose living, working, or learning environment is adversely affected by the conduct.

QUFA's Advice

Because the terrain of relationships between students and academic staff is challenging to negotiate, and because the consequences of missteps can be painful or damaging, QUFA offers the following guidance regarding faculty interactions with students outside the classroom.

1. Meeting or socializing with students

Informal meetings and conversations with students are part of academic life; however, it is still essential to maintain professionalism in all social interactions. Therefore, consider the appropriateness of the venue for the meeting or event you are planning. Are you meeting alone with a student or will this be a group meeting? Are you hosting undergraduates or graduate students? Is it appropriate for a social gathering to take place at your home? Can the meeting or event take place at a public venue? Will the meeting or event take place during the evening or after hours, and would it be better if it happened during the day? Will alcohol or cannabis be available for attendees and, if so, how will you ensure student safety? Will the remoteness of the venue make it difficult for students to leave or to get home on their own? If the event is organized by students, how long or how late should you stay?

In short, avoid conditions that may make students uncomfortable, or allow you to be perceived as crossing professional boundaries.

2. Using social media

Online interaction with students is unavoidable at the university, and social media are rapidly becoming standard communication tools. However, consideration should be given to when and whether social media are appropriate to the faculty-student relationship. Where possible, communicate with students by e-mail, using their Queen's e-mail addresses, or by using official course-based online platforms, rather than by texts or private e-mail. If you are texting with students, say in a field work situation, avoid the more casual features of the medium such as all-caps abbreviations and emojis. It is not a good idea to interact with students via Facebook, Twitter, or other social media platforms unless these are being used for an explicitly academic and or public purpose, such as documenting and publicizing a research project.

Always consider your communications with students to be "on the record" and of a character that you would be comfortable with should your messages be shared or made public.

3. When something problematic happens.

Should you find yourself in a situation where you are concerned that a student may feel that a boundary has been improperly crossed, report the interaction immediately to your unit head or, if you are the student's employer, to Faculty Relations. Do not wait to see if the student files a complaint before responding. If a student shares information with you about an incident of sexual violence, the SVP requires you to notify the sexual violence prevention and response coordinator immediately.

If you are notified of a complaint and you believe you have an explanation or information to share, Article 20.3.5 (c) allows you to provide suggestions or evidence “which might expedite or simplify the investigation or render it unnecessary.”

If a Complaint Is Made

Queen’s has a legal obligation to take complaints of sexual and workplace harassment seriously. If the complaint is reasonable on its face, the university may launch a formal investigation. If you are notified that

an investigation has been launched, please avail yourself of QUFA staff assistance; they can help you navigate the process.

Power and Responsibility

Academic staff are among the most important people in students’ lives. This importance confers power and with it both responsibility and vulnerability. Being careful in relationships with students will keep those relationships rewarding.

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