

Minutes of the Professional Standards Committee  
November 12, 2015

Present: Mark Reinitz (Chair), Jennifer Neighbors, Matt Warning, Amy Odegard, Tiffany MacBain, Garrett Milam, Kris Bartanen, Michael Benitez

The meeting was called to order at 2:33 p.m.

It was decided the 10/29 minutes would be approved over email in order to give everyone sufficient time to review them.

Michael Benitez, Dean for Diversity and Inclusion, was invited to join the meeting to address questions related to Title IX and how it applies to the university's policy concerning consensual sexual relationships between faculty/staff and students.

Draft language for proposed changes in the Campus Policy Prohibiting Harassment and Sexual Misconduct were distributed via email prior to the meeting. The proposed policy would prohibit all sexual relationships between faculty/staff and students.

When asked, Benitez clarified that Title IX does not explicitly prohibit consensual sexual relationships between faculty/staff and students. He added that many schools are moving in the direction of a more prohibitory policy. Benitez said he is in favor of the proposed prohibitory policy because it is less ambiguous than the current policy; it would provide more clarity and transparency, which would reduce institutional liability and protect the students.

Some committee members proposed hypothetical examples of sexual relationships between a faculty/staff member and a student that might be considered exceptions to the proposed policy. Benitez responded that each situation needs to be dealt with individually and with consideration of legal implications, regardless of the circumstances.

Committee members solicited Benitez' opinion on questions that had come up in previous meetings in relation to the proposed policy change. The following question was raised: All relationships have power inequalities, so why should we focus only on faculty/staff and student relationships? Benitez clarified that faculty are in a unique type of power position due to the nature of the academic environment. There are clearly defined roles for students and faculty/staff, with inherent power differences. Power differences exist even if faculty/staff are not in direct professional responsibility over the student. Therefore, it is important to have policy in place to protect the students. A committee member asked: If two faculty members are in a relationship with each other, aren't there also inherent power differences? It was noted that, unlike students, fellow faculty members are in the same category, with opportunities to advance to the same level; faculty and students are in two separate categories.

A committee member wondered if the policy “can go too far” and send the message to students that they aren’t capable of making their own decisions. This led to a brief discussion of paternalism. It was noted that students have a compromised ability to give consent because of the potential ramifications of not consenting or the fear of what will happen if they don’t acquiesce. A strength of a prohibitory policy is that students might be more likely to report a violation; they may feel they “have a right” to report violations.

A committee member raised a concern that the “blanket” nature of the policy is a stumbling block, and opposed a policy that prohibits all relationships, since a small number of cases may be considered reasonable. In response, it was pointed out that each situation will be dealt with on an individual basis, and the proposed policy doesn’t say faculty/staff will be automatically fired if a violation occurs, as there are varying degrees of disciplinary action.

A male committee member questioned whether faculty-student power differentials exist in all relationships by noting, “Power differentials, while they exist in many cases, are not universal.” Benitez responded by saying this position was “male-centric,” and most students who become involved in these relationships are female and most of the faculty are male, so on top of the uneven power between faculty and students, the uneven power between men and women comes into play.

It was briefly discussed how the PSC would proceed with the proposed changes to the policy. It was noted that the PSC can *recommend* changes the policy, but the committee itself does not have the authority to change the policy. The next step would be to present the proposed policy to the full faculty.

Meeting adjourned at 3:34pm.

Minutes taken by Amy Odegard