

The teacher-student relationship and the notion of authority

Should a teacher and a student be prohibited from having an intimate relationship? In the case where that student is a minor, the answer goes without saying. Our society has clearly—forgive the wordplay here—made its bed on that one. But when it comes to two consenting adults, the matter is a little less cut-and-dried. Between the real-life drama of a criminal complaint and the epic love story that withstands the test of time are dozens of other scenarios only alluded to in hushed whispers in the hallways. No need to spell each one out to get the general picture that these situations can be prickly.

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At the FNEEQ Congress in May 2015, delegates referred a motion to the Federal Bureau for a reflection process on sexual conduct in the teaching environment. At last May's Federal Council meeting, labour advisor Selma Skalli presented the jurisprudence on the matter, which can be summarized as follows: as a general rule, there is a basic presumption that a teacher is in a position of authority vis-à-vis his or her students, whether these students are minors or of legal age. But this is not sufficient when a criminal complaint is filed against a teacher and the student concerned is an adult: there must be evidence of an abuse of power in eliciting sexual consent. The rules are different when it comes to grievance arbitration: an act does not have to be a criminal offence to be considered misconduct. Arbitrators can very easily make a determination of sexual misconduct solely on the evidence that sexual relations occurred between a teacher and a student, without requiring any specific proof of abuse of power.

But Ms. Skalli issued the following caveat: "While sexual relations between a teacher and an adult student are considered condemnable, especially when the student is a member of that teacher's

class at the time the sexual or romantic relationship occurs, this does not necessarily mean automatic dismissal. Every case needs to be fully investigated to determine whether there were any attenuating circumstances or aggravating factors."

Apart from earning the teacher a reputation as some sort of Lothario or, worse, a sexual predator, what kind of impact can a relationship like this have on the student? Or on the class? How free is free consent when one of the parties holds the controls that can make or break the other's academic or professional career? And when the relationship ends, can the student trust the impartiality of the evaluation process? Couldn't it be said that a close platonic relationship between a teacher and a student carries the same risks? Conversely, aren't we being too paternalistic with our students? After all, they are adults and have to learn from their mistakes! The legal aspects aside, these situations clearly raise numerous ethical questions that challenge the notion of free will.

They also make the job more complex for labour unions, and will continue to do so as more and more teaching establishments bat



Picture: Gettyimages

around the idea of introducing a policy on teacher-student relations, including relations of a sexual nature. Whatever happens, unions will remain firm in their commitment to represent and advocate on behalf of their members.

The reflection launched last May needs to be pursued and clear guidelines have to be put in place to support the work of unions in this area. This is not merely a matter of law, or of conduct, or of ethics—for many, it is the very integrity of the teaching relationship that is hanging in the balance. The Federation's unions need to voice their concerns and speak out on an issue that has been passed over in silence for too long. ■