

Minutes of the Professional Standards Committee
Thursday, November 19, 2015
Wyatt 326

Present: Matt Warning, Jennifer Neighbors, Alisa Kessel, Mark Reinitz (chair), Kurt Walls, Amy Odegard, Garrett Milam, Tiffany MacBain

The meeting was called to order at 2:36 p.m.

Reinitz announced that the minutes of October 29, 2015 were unanimously approved via email. The committee decided not to approve the November 12, 2015 minutes until Dean Michael Benitez, a participant in the meeting, has had the opportunity to review them.

The meeting began with a conversation with Prof. Alisa Kessel on the subject of power and consent as related to the university policy governing faculty-student consensual sexual relationships. One committee member asked for Kessel's perspective on the PSC's desire to recommend a policy to prevent the abuse of professional power within faculty-student relationships: does such a policy "paint" these relationships "with too broad a brush"? Kessel responded that in considering a policy revision we must ask if there is a case in which consent cannot be given. In other words, she said, we must model policies to protect the least advantaged and to take into consideration what can and does happen in most situations rather than focus upon exceptions. She spoke, too, to a question about whether or not consent can be given within a relationship that involves a power differential. There are multiple differentials of power in a relationship, she said; we might ask whether or not a faculty member and a student could have a relationship without a power differential, but we must also consider the gender dynamic. Most often these cases involve a male professor and a female student, or a male professor and a male student, and within these relationships prescribed gender roles operate powerfully. When we acknowledge such "overwhelming inequality," said Kessel, we must "accept that the person on the powerless side cannot actually consent."

Another committee member raised a concern with including staff in a recommendation for a policy change. The committee member presented the hypothetical example of a young, recent Puget Sound graduate hired as staff and asked if a relationship between such a staff member and a student would introduce the same problems with consent. Kessel indicated that the consent problem will always assert itself when supervision or access to information is a factor in the relationship.

Addressing the topic of disciplinary action, Kessel emphasized the importance of having that provision written into a policy. She said that a problem with the current policy is that it has no such provision, so a person can continue to initiate these relationships without punishment. She said, too, that a policy must issue a prohibition for anyone in any kind of supervisory position, which, to her mind, means all faculty and most staff. Kessel explained that sexual harassment law recognizes two types of harassment: quid pro quo and hostile environment. The hostile environment is as much a concern as the quid pro quo. In Kessel's opinion, it is a violation of Title IX that students not in a faculty-student sexual relationship might be under the impression that such a relationship is tolerated or even advised, for

Title IX guarantees all students “a safe and non-discriminatory work environment” (OCR, Oct. 16, 2015). Kessel believes that because Title IX is always a step behind and trying to catch up with problems—e.g., sexual assault requirements—it is likely that Title IX will eventually prohibit the initiation of consensual sexual relationships between faculty and students.

Kessel left the meeting at 2:55, at which point Chair Reinitz called for a vote. Some conversation about the nature of the vote prompted Reinitz to ask about the process by which the PSC would endorse a policy change. One committee member had learned the process and indicated to the group that, were the PSC to decide to endorse a change of policy, Chair Reinitz or Senate liaison Bill Haltom would bring the endorsed change to the attention of the Faculty Senate. The Senate would then have thirty days in which to respond. The committee member reiterated that the president’s cabinet, not the PSC, “owns” the policy but that the cabinet would likely prefer that the will of the faculty drive this change.

After some discussion of the need to draft a rationale to accompany the recommended revision to the policy, the committee voted by paper ballot in response to the following question: “Would you support a prohibition of faculty sexual relationships with students?” The results were: 5 in favor; 2 against; 0 abstaining.

The committee member who had verified procedure presented the committee with two options for moving forward: 1) consider the proposal at hand, suggesting amendments to language, or 2) create two (or more) variations of the policy to send forward, one that looks a lot like the current proposal and one (or more) that looks significantly different.

A committee member asked if the PSC must endorse the proposal to send it to the Senate. After some conversation the majority felt that the endorsement was crucial to any effort to revise the policy, and that the vote indicates that most members of the PSC endorse the proposed revisions in principle.

The same committee member voiced concern over the inclusion of staff in the PSC’s recommendation—after all, the staff has its own Senate, and the faculty do not determine policy affecting staff. The PSC agreed to strike “staff” from the language.

The PSC agreed to move forward with refining the language of the proposed policy revision. Prior to the next meeting the electronic form of the document will be circulated via email, and PSC members will be invited to suggest revisions.

The meeting adjourned at 3:26 p.m.

Respectfully submitted,

Tiffany Aldrich MacBain