

FACULTY PERCEPTIONS OF CONSENSUAL SEXUAL RELATIONSHIPS BETWEEN  
UNIVERSITY FACULTY AND STUDENTS

By

April Dawn Kathleen Bennett

Tammy S. Garland

Associate Professor of Criminal Justice

(Committee Chair)

Christina Policastro

Assistant Professor of Criminal Justice

(Committee Member)

Courtney Crittenden

Assistant Professor of Criminal Justice

(Committee Member)

FACULTY PERCEPTIONS OF CONSENSUAL SEXUAL RELATIONSHIPS  
BETWEEN UNIVERSITY FACULTY AND STUDENTS

By

April Dawn Kathleen Bennett

A Thesis Submitted to the Faculty of the University of Tennessee at  
Chattanooga in Partial Fulfillment of the Requirements of the Degree of  
Masters of Science in Criminal Justice

The University of Tennessee at Chattanooga  
Chattanooga, Tennessee

May 2017

Copyright © 2017

By April Dawn Kathleen Bennett

All Rights Reserved

## ABSTRACT

This study examined faculty responses concerning consensual sexual relationships between faculty members and students. Using self-report data collected from 166 university faculty members, this analysis sought to determine what variables predicted whether faculty respondents believed that a difference existed in defining consensual sexual relationships and sexual harassment. Results indicated that belief in power differentials between faculty and students as well as whether the faculty member held either a full-time or part-time position on campus influenced respondents' distinction between consensual sexual relationships and sexual harassment. These results further support the issues addressed in the literature review indicating that there is a great deal of ambiguity and subjectivity when defining consensual sexual relationships within universities.

## DEDICATION

This thesis is dedicated to my husband, Kole Bennett, my parents, Pablo and Faith Carrillo, my brother, Pablo Estevan Carrillo, and all of my treasured friends who are part of my family. I am grateful every day that I have each and every one of you to bring laughter and love to my world.

Also, I would like to dedicate my hard work to those on our campuses who are caught amidst unclear university policies and not knowing who to turn to when the lines between professional and personal become blurred. However, my hope is that bringing attention to such issues will root out these problems from the shadows where they reside.

## ACKNOWLEDGMENTS

First of all I would like to thank my committee, as without them I would still be clueless in trying to piece together this entire manuscript. Dr. Tammy Garland, my committee chair, is owed a great deal of thanks as she showed me I am capable of more than I ever thought possible. You have taught me invaluable lessons that will stay with me through my doctorate program and beyond. Thank you for everything, I am insanely grateful. Secondly, I also have to express my gratitude to Dr. Courtney Crittenden for her incredible kindness and showing me that the unconventional is the spice of life. You have brought many laughs and lighter moments to sometimes ordinary days. Third, of course I have to thank Dr. Christina Policastro who was priceless in guiding me whenever I needed assistance. It was your patience and grace that made all the difference.

Of course, I need to extend my sincere appreciation to the entire Criminal Justice Department who have taught me so much over my many years in both the Bachelor's and Master's program. It was here that I first felt at home and discovered a place where I could pursue my passions.

Finally, my deepest gratitude is owed to my husband, Kole Bennett. Your bravery, love, and support have been instrumental in my journey, especially during the conception of this manuscript. Your fierce loyalty, dedication, and patience has eased this process and I can never thank you enough.

## TABLE OF CONTENTS

ABSTRACT.....	iv
DEDICATION.....	v
ACKNOWLEDGEMENTS.....	vi
LIST OF TABLES.....	ix
CHAPTER	
I. INTRODUCTION.....	1
II. LITERATURE REVIEW.....	5
Consensual Sexual Relationships.....	5
Prevalence.....	8
Attitudes.....	10
Policies.....	13
Sexual Harassment.....	18
Types of Sexual Harassment.....	20
Sexual Harassment Law and Policy.....	22
Other Non-Consensual Sexual Relationships.....	25
III. METHODOLOGY.....	31
Independent Variables.....	32
Dependent Variable.....	33
Analytic Strategy.....	33
IV. RESULTS.....	35
Descriptive Statistics and Frequency Distributions.....	35
Independent Variables.....	35
Dependent Variable.....	37
Bivariate Analysis.....	38

Logistic Regression Analysis .....	41
Qualitative Explanations for Differing Beliefs .....	43
V. DISCUSSION .....	45
Implications .....	48
Limitations and Future Directions.....	49
REFERENCES .....	52
APPENDIX.....	58
VITA.....	60

## LIST OF TABLES

Table 1 Description of Variables of Major Variables.....	38
Table 2 Correlation Analysis for Belief in Consensual Sexual Relationship and Sexual Harassment .....	40
Table 3 Logistic Regression Analysis of Belief in Difference between Consensual Sexual Relationship and Sexual Harassment .....	42

## CHAPTER I

### INTRODUCTION

Student relationships with faculty are often characterized as impersonal interactions involving exchanges limited to minimal contact with the majority of students engaging faculty with questions regarding classroom assignments, advising, and/or the occasional request for letters of recommendation. While these type of relationships are not endemic to all university faculty and students (e.g. graduate students, small universities), relationships outside of the classroom are not the norm (Jafar, 2003). Thus, the majority of these relationships will remain on a professional level. There are instances, however, in which faculty/student relationships progress to a more personal level. Faculty serve as mentors and even befriend students as a result of factors such as ability, age, and type of student (e.g. graduate student). These personal interactions may transform from a mentorship role to that of a life-long friendship, or in some cases may evolve into an exchange of emotional and physical intimacy. While a consensual sexual relationship between two consenting adults does not typically pose a problem as the relationship is considered a private matter, faculty/student relationships differ. In a university setting, a consensual sexual relationship between a faculty member and student becomes complicated, especially if the faculty member and the student share a common department and/or field of study (Jafar, 2003).

Historically, consensual sexual relationships, sometimes referred to as dual role relationships since the faculty and student share both a role as a faculty member and student as well as romantic companions, have been largely ignored on the collegiate level (Little & Thompson, 1989; Sullivan, 2004). Unless a formal accusation of harassment is made or the partnership interferes with the education of other students, university administrators have often taken a “don’t ask, don’t tell” approach. This laissez-faire attitude regarding these unions has been noted within the academic literature (Little & Thompson, 1989; Sullivan, 2004). Little and Thompson (1989) found that only 17% of colleges had specific consensual sexual relationship guidelines specified outside of their sexual harassment policies; however, that number had increased to 57% by 2004 (Sullivan, 2004). This is a minimal change in the presence of consensual sexual relationship guidelines that still allows for a large gap in institutions which do not have specific policies on dual role relationships. However, the increase in lawsuits filed by students as a result of sexual harassment and recent court rulings on the matter, universities have begun to reevaluate their consensual sexual relationship policies.

Although many universities do not have a cohesive plan outlining their individual protocols addressing consensual sexual relationships (Bellas & Gossett, 2001; Bowman, Hatley, & Bowman, 1995; Ei & Bowen, 2002; Quatrella & Wentworth, 1995; Richards, Crittenden, Garland, & McGuffee, 2014), attempts have been made to establish clear and concise policies, albeit punitive, to address these issues. A number of universities have been working to implement full to partial bans on all faculty/student dual relationships. In 2010, Yale University implemented a policy banning sexual relationships between all undergraduate students and faculty members. This adaptation expanded Yale’s previously limited ban policy, which had explicitly prohibited sexual relationships between students and faculty only when the faculty

member had a direct supervisory role over the pupil (Bass, 2010; Richards et al., 2014). Since this decision, other universities, such as Stanford, Harvard, and Northwestern, have implemented comprehensive policies banning consensual sexual relationships between the entire faculty and student population on their respective campuses. For instance, Northwestern University wrote in their 2014 policy statement:

When undergraduate students are involved, the difference in institutional power and the inherent risk of coercion are so great that no faculty member or coaching staff member shall enter into a romantic, dating, or sexual relationship with a Northwestern undergraduate student, regardless of whether there is a supervisory or evaluative relationship between them (Northwestern, 2014, p. 4)

The earlier consensual sexual relationship prohibition policy of Yale University had only addressed two kinds of partnerships, unions between faculty and undergraduate students and relationships between graduate students and faculty members where a supervisory role exists. However, Northwestern's revised policy specifically prohibits several types of relationships that could be considered differential power relationships such as "faculty-student, graduate assistant-student, supervisor-supervisee, advisor-advisee, coach-student, senior faculty-junior faculty, senior staff-junior staff, or faculty-staff" (Northwestern, 2014, p. 3). These new policies take a more proactive approach with consensual sexual relationships.

While, these relationships have historically been overlooked or merely tolerated by universities (Bellas & Gossett, 2001; Dziech, 2011), punitive changes within the last two decades have altered academia's approach to these partnerships. The overall perspective has shifted from viewing the romance as a strictly private phenomenon to a viewpoint where regulation may be required due to the increase of sexual harassment complaints on college campuses. The

increasing attention and scrutiny targeting said relationships has created a need for additional research to explore how universities should proceed when encountering these situations.

There has been limited research conducted on this type of dual role relationship, despite the existence of the apparent power differential between the student and faculty member (Richards et al., 2014). Critics of such relationships have argued that the presence of such a power differential where academics and romance intertwine cannot only cause extreme discomfort for the student, it can expose them to vulnerability over their grades, their ability to participate in an internship, or even their graduation date. More troublesome, however, for university administrators is the ability to distinguish where consensual relationships ends and sexual harassment begins because of the power differential present between the faculty member and student. Although dual relationships between students and faculty may be seen as a form of exploitation, there is no perceived liability associated with these relationships. Conversely, the liability endemic in sexual harassment cases has been well documented. But, how can we determine the difference between the two if there is a power differential that exists between faculty and students? In an attempt to address this issue, the present study seeks to determine what factors influence faculty attitudes in determining whether consensual sexual relationships are viewed differently than sexual harassment.

## CHAPTER II

### LITERATURE REVIEW

#### **Consensual Sexual Relationships**

According to Abramson (2007), consensual sexual relationships occur when two people enter into a romantic partnership willingly and without coercion. In a university setting, consensual sexual relationships between faculty and students, also referred to as dual relationships, accept that the faculty member has stepped outside their conventional, professional role and into a romantic affiliation with a student. Although consensual sexual relationships between educators and students are not traditionally equated to sexual harassment, the power differential inherent in such relationships could blur the line of consent (Carlson, 2001; Paludi, 1996; Sullivan, 2004; Young, 1996). However, since both the professor and student are viewed as adults, society considers them to be mutually consenting members of the relationship. Nonetheless, the sole existence of the power imbalance questions whether consent can be truly given by the student (Carlson, 2001; Paludi, 1996; Sullivan, 2004; Young, 1996).

While literature exists that both condemns and validates faculty/student dual relationships, the context and nature of these relationships exposes serious moral and ethical dilemmas (DeChiara, 1988; Gerdes, 2004; Jafar, 2003; Sullivan, 2004; Young, 1996). As noted within the literature, these concerns often depend on the type of relationship. Some research has indicated the existence of two types of consensual sexual relationships: a power-imbalance

versus a power-over model (Jafar, 2003; Tittle, 1998). A power-imbalance model simply means that while the faculty member is in a position of power and does not have a direct supervisory role, they possess “little institutional power over” the student (Jafar, 2003, p. 47). This indicates that the status of the faculty member and student are inherently imbalanced on campus, but if the faculty member and student are in separate departments there is no direct abuse of station (Jafar, 2003; Tittle, 1998). In contrast, a power-over model illustrates the problems associated with engaging in relationship when a student is under the direct supervision of a faculty member. The power-over model maintains that when both a power imbalance is present and the faculty member has direct control over the student's academics, consensual sexual relationships can cause severe emotional distress to the student if the faculty member decides to extend educational dominance over the student (Jafar, 2003; Tittle, 1998). Power imbalance models may share issues of consent with the power-over model, but it is more likely that power-over models have the ability to negatively impact a student's future progression and achievement (Jafar, 2003).

In both power-imbalance and power-over models, the understanding of the power differential between faculty members and students is essential. This is the cornerstone in whether one supports or rejects the idea of a student's ability to provide consent in a sexual relationship with a faculty member. A power differential exists when one person has authority over another person; therefore, a power differential between a faculty member and a student is inherent in the faculty/student relationship and is typically noted after the first classroom encounter when it is clear that the students do not hold the same influence as the faculty member. Students place great trust in educators and rely on them to nurture and protect their “intellectual development” (Mack, 1999, p. 82); hence, sexual relationships have the ability to encroach on the vulnerability

within that trust (Gerdes, 2004; Mack, 1999). Despite the fact that the age gap between the two individuals involved could be quite small (Gerdes, 2004), students perceive professors as having authority over them (Gerdes, 2004; Sullivan, 2004). A student may find attention flattering and engage in a consensual sexual relationship with a supervising faculty member, but they could also be coerced into engaging in sexual entanglements since they believe rejecting the professor could be detrimental to their education (DeChiara, 1988). Thus, the issue of consent becomes questionable, and the line between consensual sexual relationships and sexual harassment may become blurred.

Since the question of consent is a very real, viable, and complex issue, it has contributed to divisive opinions within the literature. Some research supports a solution in which universities define specific policies in order to prevent complications with consent or future consequences such as failing a student or preventing them from advancing in their career after the relationship has ended (Hutchens, 2003; Secunda, 2004; Stokes, 1995; Young, 1996). Supporters of consensual sexual relationship policies claim that guidelines can help protect faculty, students, and potentially affected third parties such as other students in the department who may feel that they do not have the same opportunities as the student in the consensual sexual relationship (Gerdes, 2004). For instance, faculty would be shielded from false accusations (Jafar, 2003; Stokes, 1995; Sullivan, 2004), students from exploitation (Hutchens, 2003; Quatrella & Wentworth, 1995), and third parties (other students) from possible conflicts of interest when a consensual sexual relationship is present (Gerdes, 2004). Policies are also supported as a means to protect universities and administrators from liability (Richards et al., 2014). However, when campuses place their consensual sexual relationship policies within mandated sexual harassment policies, the consensual sexual relationship policies

are often confusing and ineffective (Hutchens, 2003; Jafar, 2003; Mack, 1999; Ryan, Testa, & Zhai, 2008; Stokes, 1995; Young, 1996) since these polices mostly cover sexual harassment and leave consensual sexual relationships as a side note. Also, since most faculty and students in consensual sexual relationships do not see their own coupling as sexual harassment (Rhode, 2006) and it would not strike them to seek information in such polices (Mack, 1999).

On the other hand, opposing literature suggests that all consensual relationships should never be subject to regulation since implementation of any type of regulation infringes on the right to privacy (Abramson, 2007; Gerdes, 2004; Keller, 1988). The research from this point of view claim that the compelling power differential argument is nothing more than a gross exaggeration used only to strengthen the case of those advocating these types of policies (Gerdes, 2004). Literature against consensual sexual relationship regulation also asserts that the rules used to mandate personal choices are merely veiled “moral crusades” (Dank, 2008, p. 63), which deprive faculty and students from “exercising a responsible choice” (Gerdes, 2004, p. 5). These arguments also suggest these policies violate the constitutional rights of faculty and students, particularly the 14th Amendment since it is frequently referenced when discussing the right to privacy in cases reviewed by The Supreme Court (as recently as *Laurence v. Texas*, 2003) (Abramson, 2007; Hutchens, 2003). Yet, without policies on consensual sexual relationships on university campuses, students and faculty could be left vulnerable to false accusations (Jafar, 2003) and exploitation (Abramson, 2007; Hutchens, 2003).

### *Prevalence*

Limited research has been conducted on the prevalence of consensual sexual relationships among faculty and students (Bellas & Gossett, 2001; Kress & Dixon, 2007).

Since most of the research addressing the topic focuses on sexual harassment or attitudes toward dual role relationships (Bowman et al., 1995; Ei & Bowen, 2002; Quatrella & Wentworth, 1995) instead of the prevalence of consensual relationships, tracking the actual occurrence of consensual sexual relationships can be difficult. Most of the studies that have been conducted have noted that only 2-5% of college students report being involved in a sexual relationship with a faculty member (Jafar, 2003; Zakrzewski, 2006). Studies have also shown that female students who experience flirting, sexual advances, sexual propositions, sexual invitations, attempted seduction, attempts to initiate romantic relationships, or generally unwanted sexual attention experience this behavior from 2 to 48% from their professors (C. M. Stites, 1996; Zakrzewski, 2006). Glaser and Thorpe (1986) conducted one of the first studies to examine prevalence rates of faculty/student sexual relationships. Out of their 464 female graduate student participants, 17% were involved in consensual sexual relationships with one or more psychology faculty while they were in graduate school. Additionally, female student respondents reported conflicting feelings about their own consensual sexual relationships. For example, at the time of the relationship, 72% felt that they were not coerced into it at all, but only 49% felt that way after they had completed their degree. While having a consensual relationship with their professor or clinical supervisor, 49% considered their behavior to be unethical during the courtship (Glaser & Thorpe, 1986).

Almost ten years earlier in their nationwide survey of the 481 members of American Psychological Association (APA), Pope, Levenson, and Schover (1979) found that 13% of faculty reported entering into a consensual sexual relationship with their students, but only 10% of students reported engaging in a dual relationship with a professor. Pope et al. (1979) also reported that the majority of those engaging in sexual relationships as students were female,

while the majority of faculty members reporting to be in dual role relationships were male. Other studies have reaffirmed that male faculty are more likely to engage in consensual sexual relationships with students (C. M. Stites, 1996; Zakrzewski, 2006). In a sample of 235 male faculty members at a prestigious university, 26% of the respondents reported having a previous sexual encounter and/or sexual relationship with a female student (Fitzgerald, Weitzman, Gold, & Ormerod, 1988). In addition, 37% of respondents indicated that they initiated personal relationships with students, 40% admitted that this type of sexual behavior was directed at women, and 11% admitted to attempting to stroke, caress, or touch a female student (Fitzgerald et al., 1988).

### *Attitudes*

There is also only a small amount of research pertaining to attitudes about consensual sexual relationships from faculty since the majority of attitudinal studies have been conducted on students (Jafar, 2003; Zakrzewski, 2006). One study found that while respondents viewed relationships between professors and undergraduate students as inappropriate, they tended to view consensual sexual relationships between faculty and graduate students or a graduate assistant as more acceptable (Quatrella & Wentworth, 1995). This is possibly due to the fact that undergraduates may perceive no power differential present in a graduate student-faculty relationship as both parties involved are closer in age (Quatrella & Wentworth, 1995). Furthermore, undergraduates also reported that business relationships, such as babysitting or joining a professional partnership, were generally acceptable, but sexual relationships and spending time alone with the student outside of academia were seen as inappropriate (Ei & Bowen, 2002). However, while the latter examples were deemed improper, interacting with

professors on a group level for drinks, having lunch, and even calling the professor by their first name were not seen as unethical (Ei & Bowen, 2002). The findings suggest that being friendly with students is acceptable for faculty, but entering into sexual relationships with them crosses a line. Likewise, while most of the research focuses on undergraduate students, graduate students share similar feelings about consensual sexual relationships between faculty and fellow members of their program (Stites, 1993).

Both Quatrella and Wentworth (1995) and Bowman et al. (1995) have found that female students are twice as concerned about equality in consensual sexual relationships as their male counterparts. College-age women are also more likely to report dual relationships as unethical, but their male counterparts do not typically have punitive views on consensual sexual relationships. Additionally, while female students are more likely to express the need for discretion because faculty-student relationships are viewed as unethical, they also believed these relationships were private matters to be left alone (Bowman et al., 1995). Some undergraduates did report that if the professor did not have a direct supervisory role over the student or their grade, the consensual sexual relationship would be acceptable (Bowman et al., 1995). Moreover, although receiving better grades for sexual intercourse has not been found to be prevalent in consensual sexual relationships (Jafar, 2003; Skeen & Nielsen, 1983) the mere possibility creates a negative perception from undergraduate students outside of the relationship (Glaser & Thorpe, 1986; Kress & Dixon, 2007).

Faculty and students also share similar ideas of unethical behavior, noting that 90.7% of undergraduate student respondents in the study by Keith-Spiegel, Tabachnick, and Allen (1993) reported that faculty sexual advances, sexually inappropriate comments, and unwanted physical

contact were highly inappropriate. Also, (Stites, 1993) found in her research that a majority of male faculty, as well as female graduate students, acknowledged that consensual sexual relationships are riddled with issues. Such problems arise when a professor cannot avoid a conflict of interest if the faculty member has to evaluate the student, giving them the potential to abuse the power of their position (Stites, 1993). This same study included this student comment, “I view sexual relationships between faculty and students, as unprofessional in the same way I view such intimate relationships between employees and employers” (Stites, 1993, p. 102). However, Fitzgerald et al. (1988) found that male faculty members' attitudes concerning consensual sexual relationships revealed that only 5-15% of respondents considered potential ethical dilemmas regarding these relationships. One respondent noted that “Whatever two adults feel that they must do, as responsibly as they can, is just fine” (Fitzgerald et al., 1988, p. 337). This attitude was reflected in the study completed by Stites (1993) when 26% of the male faculty and 33% of female students agreed that a consensual sexual relationship can be legitimized if it ends in marriage.

Bellas and Gossett (2001) conducted a major qualitative study about consensual sexual relationships and interviewed twenty-five professors and students, or former students, who were or had been previously involved in a consensual sexual relationship. Interviewees stated that while they enjoyed sharing intellectual interests, they realize their relationship may not be (or have been) one of equals because of the imbalance of power. The respondents also noted that they did not feel they had received or had given any special treatment in the classroom setting, even though they were in a dual relationship. Furthermore, they made a point of saying that institutions should have clear distinctions between consensual and coercive relationships, stating that while “they support harassment policies, they see their own

relationships as completely consensual” (Bellas & Gossett, 2001, p. 556). This statement highlights that even participants in such relationships lend their support for consensual sexual relationship policies on university campuses.

### *Policies*

Many universities have not felt the need to explicitly address dual relationships since many faculty handbooks include a morality or behavior clause as part of the requirement of employment that prohibits behavior that might negatively affect the reputation of the university (Fleming, Cooley, & McFadden-Wade, 2009). While not implicit, it could be argued that consensual sexual relationships fall under immoral or unethical conduct since faculty can become role models and potentially influence those they teach (Fleming et al., 2009). Morality clauses have been used to sanction or terminate employment for issues concerning drug use, criminal activity, and sexual misconduct (Fleming et al., 2009). However, it was not until explicit sexual harassment legislation and policies emerged in the 1970s that university administrators began addressing issues involving consensual sexual relationships.

University administrators are tasked with determining if consensual sexual relationships are immoral, whether consent can truly be given by a student where a clear power differential is present, and if new policies are needed in order to protect students and faculty members (Fleming et al., 2009; Sullivan, 2004). In a national study of consensual sexual relationship policies at universities, Sullivan (2004) found that while 71.5% of university and student administrative respondents believed that their university should have consensual sexual relationship policy and a majority favored a discouragement policy (83.1%). Discouragement policies typically keep the university out of the relationship until a conflict has arisen from a

formal complaint or it has been noticed by administration (Little & Thompson, 1989; Sullivan, 2004). Not only can these policies fail to catch the potential abuses by the faculty, they are also historically vague and are a more hands off type approach that do not provide the faculty or student in consensual sexual relationships with any clear guidelines about how to deal with dual role relationships (Sullivan, 2004).

Consensual sexual relationship policies that are implemented on universities are broken down into four distinct categories. The first type is an advisory policy where a dual role relationship is simply discouraged by the university (Mack, 1999). The next type of policy is that of a limited ban, which may prohibit consensual sexual relationships between a faculty member and a student only if the faculty member in question has direct responsibility for the student. This would occur when a particular student is currently enrolled in a faculty member's course or the faculty member is a direct administrator over the student (Jafar, 2003). Then, there are policies that combine the first two university mandates, advisory and limited policies, to encompass all scenarios where faculty may or may not have a supervisory role over the student (Mack, 1999). This type of policy is accepting of consensual sexual relationships as long as the faculty member does not have a direct role over the student. Theoretically, this means that a student majoring in biology would be free to have a dual relationship with a criminal justice professor since the faculty member would not be in a supervisory role over the student. However, these hybrid policies often still discourage these relationships even in the absence of a direct supervisory role. The final type is that of a total prohibitive nature.

Policies similar to the previously mentioned Yale and Northwestern policies are the most controversial and known as complete bans of any form of consensual sexual relationships.

Outright bans are not typically supported by either faculty or students (Bellas & Gossett, 2001) and are often seen as too simplistic to be effective (Jafar, 2003). Consensual sexual relationships between professors and students are based upon the idea that both parties are consenting adults who understand how the dynamic of the relationship will work with a power imbalance in place. Critics of completely prohibiting consensual sexual relationships claim that these policies take away the autonomy of the professor and student. Rather than a means to shield professors and students from harm, total bans are seen as a method of control under the guise of protection (Abramson, 2007; Dank, 2008). Additionally, although universities may enact policies to prevent potential harms of students, the reality remains that many may continue to engage in behaviors regardless of whether a policy is in place or not (Mack, 1999)

Another criticism of outright bans is the gendered nature of these policies. While these prohibitive policies are supposed to be gender neutral, critics maintain that they target women because of the patriarchal nature of these policies (Jafar, 2003). These prohibitive policies use a narrative of protecting female students from male faculty members, who have more power in the relationship due to their status (Young, 1996) and implying that women, despite consent, cannot be equal to men because of the power that the man holds over the woman (Jafar, 2003). Furthermore, these bans can also unknowingly imply that women students are not informed enough to make their own decisions, so they need the choice to be made for them in lieu of being informed (Jafar, 2003). Conversely, after a consensual sexual relationship has occurred, the student can experience harmful after effects such as having to interact with the professor at a later date pertaining to their education (Jafar, 2003; Mack, 1999). These scenarios can place students in awkward situations if they have to ask the faculty member in question for a recommendation, advise on their education, or actually have to take a core class with them (Jafar,

2003; Mack, 1999). Situations like this can put students, especially if they are women, in a compromising and vulnerable position when a university has banned such relationships since the choice is being made for them by these bans they are left to figure out the next steps on their own (Jafar, 2003; Mack, 1999).

Little and Thompson (1989) in their early study of consensual sexual relationships polices on college campuses found that only 17% of institutions nationwide had explicit polices that solely dealt with dual role relationships. However, Sullivan (2004) found that while the percentage of institutions with consensual sexual relationship polices had increased to 57%, there were specific issues with 25 polices that were chosen to be explicitly analyzed. The study noted that these polices did not have specific aspects that dealt with important issues such as “reporting policy violations, procedures for handling violations, alternative reporting procedures, and consequences for policy violations” (Sullivan, 2004, p. 9).

In the most current review of consensual sexual relationship polices, a sample of 55 polices from various universities were analyzed by Richards et al. (2014), who found only one explicit ban of consensual sexual relationships (e.g. Yale University). 45 universities fully discouraged consensual sexual relationships meaning which means that any dual role relationship between a faculty member and student was looked down upon, despite the fact that the student and faculty member may not have any direct academic contact. Also, 8 schools simply discouraged dual relationships, but simultaneously accepted a consensual sexual relationship where a direct supervisory role was not present (Richards et al., 2014). While 45 colleges discouraged these relationships, only 24 schools had specific reporting guidelines to

make administration aware of these relationships. A majority of these universities (98%) were also noted to have recognized that power differentials are the main issue in such relationships. Additionally, 38% acknowledged the potential university liability in the event of a consensual sexual relationship (Richards et al., 2014). Nevertheless, only 28 of the 55 universities policies had specific outlines for discipline concerning those who violate the policies which include anything from informal disciplinary actions to termination (Richards et al., 2014).

Despite discouragement policies and acknowledgement of liability, consensual sexual relationship policies are still often placed alongside sexual harassment policies (Mack, 1999). Stand-alone consensual sexual relationship policies are needed so students and faculty can be aware of career, institutional, and personal risks before entering into such relationships (Gerdes, 2004). When consensual sexual relationship policies are placed as a part of sexual harassment policies, these policies are often confusing and the nuances of dual role relationships, such as if a professor decides to exploit their institutional power, will be missed and cases may go undocumented (Hutchens, 2003; Mack, 1999; Rhode, 2006). Sexual harassment policies also do not take into account the concerns of other students or third parties, outside of the relationship and the possibilities of favoritism inside the classroom (Secunda, 2005). Additionally, specific consensual sexual relationship policies allow students to file complaints for their unique situation, as some may not feel that it falls under sexual harassment (Rhode, 2006). Having clear information for students, and faculty, on how to handle their dual role relationship will allow them to make informed decisions, especially if the relationship ends (Mack, 1999). Furthermore, since consent is a vague and undetermined issue when discussing consensual sexual relationships, specific policies may allow administration to intervene in consensual sexual

relationships on the student's behalf in the wake of the apparent power differential (Young, 1996) without being misinterpreted as sexual harassment.

## **Sexual Harassment**

Consensual sexual relationships have systematically been ignored by many universities unless a direct threat to the school was present (Fleming et al., 2009), sexual harassment, has been well documented on college campuses (Cortina, Swan, Fitzgerald, & Waldo, 1998; Huerta, Cortina, Pang, Torges, & Magley, 2006; Richards et al., 2014). Unlike consensual sexual relationships where consent is an implied understanding, sexual harassment occurs when unwanted physical and/or verbal contact occurs because of the recipient's sex instead of a mutual attraction or interest (Equal Employment Opportunity Commission, 2016). While Title VII of the Civil Rights Act of 1964 prohibits any discrimination based on race, color, religion, sex, or national origin, Title IX of the Educational Amendments of 1972 specifies the prohibition of sex discrimination and sexual harassment under federal law. Title IX states that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance” (Title IX of the Educational Amendments of 1972, 2015, n.p.)

The Equal Employment Opportunity Commission's guidelines concerning sexual harassment encompasses “unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature” (Equal Employment Opportunity Commission, 2016). While sexual harassment has been well documented in the workplace (*Burlington Industries, Inc. v. Ellerth*, 1998; *Ellison v. Brady*, 1991; *Faragher v. City of Boca Raton*, 1997; *Harris v. Forklift Systems, Inc.*, 1993; *Meritor Savings Bank v. Vinson*, 1986; *Oncale v.*

*Sundowner Offshore Services, Inc*, 1998; Runtz & O'Donnell, 2003; Uggen & Blackstone, 2004) the focus of this study is on inappropriate sexual relationships on college campuses. Therefore, this section, however, address the prevalence of sexual harassment on university or college campuses.

The National Advisory Council on Women's Educational Programs defines academic sexual harassment as “the use of authority to emphasize the sexuality or sexual intent of a student in a manner which prevents or impairs that student’s full enjoyment of educational benefits, climate, or opportunities” (Till, 1980, p. 7). Sexual harassment is extensive on college campuses with studies showing a vast amount of college students are subjected to this behavior (Cantor, Fisher, & Chibnall, 2015; Huerta et al., 2006; Silva & Hill, 2005). For example, the American Association of University Women surveyed a nationally representative sample of undergraduate students to determine the prevalence of sexual harassment on college campuses (Silva & Hill, 2005). The study noted that two-thirds of college students experience some form of sexual harassment before they graduate (Silva & Hill, 2005). The majority of student respondents (80%) reported being harassed by a fellow or former student, while 18% of student respondents reported being sexually harassed by a faculty or staff member. More recently, a 2015 report conducted by the Association of American Universities found that 47.7% of higher education students reported being sexually harassed since entering college (Cantor et al., 2015).

Although sexual harassment is not gender specific, with victims being both men and women, women have been found to be more likely to experience sexually intimidating behaviors including direct methods of harassment (e.g. quid pro quo) (Cantor et al., 2015; Huerta et al., 2006; Silva & Hill, 2005). The extant literature has noted that among the entirety of female

student populations, rates of sexual harassment on campus ranges from 49% to 79% and among sexual harassment victims, female students find themselves on the receiving end of unwanted physical contact more often than their male counterparts (Cantor et al., 2015; Huerta et al., 2006; Silva & Hill, 2005) and are more likely to experience harassment within their first year of college (Cantor et al., 2015; Silva & Hill, 2005). Additionally, female graduate students more often reported that their harasser was a faculty member and not an undergraduate student (22.4% v. 5.9%).

### *Types of Sexual Harassment*

Quid pro quo and hostile work environment are the two main types of quantifiable sexual harassment. Quid pro quo is when an individual is subject to sexual advances, propositions of sexual favors, and/or verbal or literal sexual misconduct as a condition of advancement in their place of employment (Equal Employment Opportunity Commission, 2016). While often applied to a workplace setting, this definition may also be applicable to colleges where employment and advancement may be interchangeable with opportunities in education, such as the passing of a class, improvement a grade, or participation in an internship. Quid pro quo is commonly recognized because it is a blatant act of coercing someone to exchange sexual favors or acts in order to receive better opportunities (Runtz & O'Donnell, 2003). In instances of consensual sexual relationships, there may be confusion over quid pro quo since dual relationships can be perceived as being beneficial for the student in order to receive a better grade (Gerdes, 2004). For example, a professor may enact quid pro quo harassment by soliciting sex from a student in exchange of an internship opportunity, but conversely, a student could accost sex from a professor to ensure an internship opportunity.

Hostile work environment type of harassment occurs when offensive jokes or comments, propositions for sex, or unwanted sexual contact make the work environment unbearable for the victim or interferes with the recipient's ability to physically complete the job at hand (Equal Employment Opportunity Commission, 2016). Many times, this type of harassment is downplayed, and as a result, female and male students have a difficult time distinguishing these actions as true forms of sexual harassment (Cortina et al., 1998; Silva & Hill, 2005). Because hostile work environment can include non-contact offensive behaviors like tasteless wisecracks or commentary, this treatment is devalued in terms of its seriousness and, therefore, effects the reporting rate. For example, victims are less likely to report student on student hostile work environment harassment when perpetrators are similarly aged persons (78% vs. 39%) (Runtz & O'Donnell, 2003; Silva & Hill, 2005), but may also be hesitant to report hostile work environment from faculty as well, in fear of retaliation. Students may ignore a faculty member's inappropriate behavior in order to make it through their program without delay or difficulty which could also result in low reporting rates (Cortina et al., 1998; Silva & Hill, 2005).

The literature has consistently found that victims of sexual harassment are more apt to experience negative consequences and suffer increased psychological stress, lower academic performance, and physical illness (Cortina et al., 1998; Huerta et al., 2006; Young, 1996). These symptoms can vary in severity, but a student could possibly lose precious opportunities that would advance their academic and professional career, such as an internship, as a by-product of the harassment they experience. Also, if the student is constantly forced to face their harasser on campus, their energy and resources will be drawn away from excelling in academia and instead redirected in order to deal with the individual committing the harassment (Cortina et al., 1998; Huerta et al., 2006; Silva & Hill, 2005; Yoon, Funk, & Kropf, 2010; Young, 1996).

## *Sexual Harassment Law and Policy*

Prior to the 1970s, universities failed to acknowledge or confront sexual harassment behaviors permeating campuses nationwide, as it was viewed as nothing more than a traditional part of the college experience that students endure during their education similar to employees in the workplace (Silva & Hill, 2005). Changes in policy finally began to occur when the Equal Employment Opportunity Commission (EEOC) was created and mandated that government agencies enforce Title VII of the Civil rights act of 1964. The EEOC had a heavy hand in creating Title VII which finally allowed victims of sexual harassment to hold their harassers responsible (Equal Employment Opportunity Commission, 2016).

In 1986, the Supreme Court heard the landmark case for addressing sexual harassment claims. The US Supreme Court made the decision (*Meritor Savings Bank v. Vinson*, 1986) that certain forms of sexual harassment violate Title VII of the Civil Rights Act of 1964. The plaintiff, Vinson, had accused her employer of soliciting sex from her as a condition of her employment during her tenure at Meritor Savings Bank. The Supreme Court not only ruled in favor of the plaintiff, but they also included specific guidelines for the lower courts on how to identify and handle sexual harassment (*Meritor Savings Bank v. Vinson*, 1986). Following the *Meritor Savings Bank v. Vinson*, (1986) decision, the Supreme Court began to litigate an increasing number of sexual harassment cases. Starting in 1991, *Ellison v. Brady* (1991) created the “reasonable woman’s standard” where the precedent was set for cases of sexual harassment to be viewed from the woman’s perspective. Next, the ruling from *Harris v. Forklift Systems, Inc*, (1993) deemed that it is not the duty of the plaintiff to prove psychological harm as a result of the sexual harassment they endured in the workplace. In 1998, two landmark cases

ruled that employers could be held liable if supervisors or managers within their company were actively engaging in sexual harassment against employees (*Burlington Industries, Inc. v. Ellerth*, 1998; *Faragher v. City of Boca Raton*, 1997). Furthermore, the Supreme Court's decision in *Oncale v. Sundowner Offshore Services, Inc.* (1998) held that sexual harassment in the workplace applied to both different-sex and same-sex harassment.

While the previously mentioned cases address sexual harassment within the workplace, the Supreme Court also adjudicated cases addressing sexual harassment and sexual discrimination in academic institutions. For instance, *Grove City College v. Bell* (1984) was the first Supreme Court decision that ordered the protection of students from sexual discrimination while attending a private institution that was receiving federal money. This decision also required colleges to be held liable for any acts of discrimination that occurred within their campus, including sexual harassment (*Grove City College v. Bell*, 1984). *Gebser v. Lago Vista Independent School District* (1998) followed the latter case when the parents of a young female student sued the school district after their daughter was repeatedly sexually harassed by her teacher. Even though the Supreme Court ultimately did not side with the plaintiff, their ruling outlined that Title IX monetary compensation can be awarded if a school official intentionally turned a blind eye to repeated sexual harassment of a student by a faculty member. Although in *Gebser v. Lago Vista Independent School District* (1998), the student in question was still in grade school, the ruling was also applied to higher education (*Gebser v. Lago Vista Independent School District*, 1998).

Another major case concerning sexual harassment and Title IX came before the U.S. Supreme Court in 1999 with the case of *Davis v. Monroe County Board of Education* (1999).

Similar to *Gebser v. Lago Vista Independent School District* (1998), *Davis v. Monroe County Board of Education* (1999) centered on a student being sexually harassed, but instead of the perpetrator being a teacher, it was another student. In this case, the Supreme Court ruled that the school was liable for turning a blind eye to student on student harassment that interfered with the victim's ability to get an education. However, the decision also included the benchmark that the school would have had to ignore the harassment with "deliberate indifference" an idea extremely hard to define, let alone prove (*Davis v. Monroe County Board of Education*, 1999). Sexual harassment legislation and enforcement laid dormant until 2011, when the U.S. Department of Education, Office of Civil Rights released a "Dear Colleague Letter" concerning sexual violence in American high schools and colleges.

The "Dear Colleague Letter" or DCL shocked many educators by holding "mandatory reporters" culpable for ignoring and failing to report instances of sexual harassment along with other forms of sexual violence. The letter was released as a result of the vast number of students being sexually harassed in secondary schools and universities according to the definitions outlined by the EEOC. The DCL stated that by the time students reach the college level, 20% of female students and 6% of male students will have already been the victims of sexual assault attempted sexual assault. Additionally, the DCL not only provided new guidelines to colleges and high schools on how they could become compliant with new government regulations, it also assisted them in addressing complaints of sexual violence, including sexual harassment After the DCL was published, the Office of Civil Rights collaborated with the Department of Justice to begin investigations as well as prosecutions concerning Title IX violations. As of June 15, 2016, the Office of Civil Rights is currently investigating 246 sexual violence cases from 195 different post-secondary institutions (Kingkade, 2016).

Ultimately, these efforts have forced universities nationwide to create prevention policies to stop sexual harassment on campuses. Changes in reporting have helped produce a culture focused on accountability, liability for unjust responses, and victim awareness and assistance. However, consensual sexual relationships do not fall under Title IX protections, and as a result, dual relationships remain a secondary concern for universities even though there is a lack of clear, concise policies and widespread confusion as to what is considered consensual in these dual relationships.

### **Other Non-consensual Sexual Relationships**

The controversy surrounding consensual sexual relationships between a faculty member and a student parallels other relationships where power differentials exist. For instance, a sexual relationship that transpires between an attorney and their client leaves one individual the ability to exploit the other which makes it asymmetrical (Subotnik, 1997). The attorney-client scenario is considered a power-dependency relationship since the dynamic is truly a barrier preventing the willing participants to engage in any form of an ethical relationship. While a sexual relationship could begin with consent, the client still relies on the attorney for legal representation which could be tainted from a sexual relationship (Subotnik, 1997). Other examples include staff-inmate relations and statutory rape as these legal models both contain asymmetrical power positions within the relationship structure where participants are not considered to be able to consent.

In correctional facilities, sexual relationships between staff and inmates are strictly prohibited by the Prison Rape Elimination Act, otherwise known as PREA (Prison Rape Elimination Act, 2003). PREA was passed into law in 2003 in an effort to prevent and eliminate

sexual victimization of offenders while in state custody (Prison Rape Elimination Act, 2003). Under PREA legislation, regardless of a mutual agreement from both parties in the relationship, sex between staff and inmates cannot be consensual because of the apparent power differential (Prison Rape Elimination Act, 2003). Essentially, inmates cannot consent to being in a relationship with correctional staff. Prior to PREA, there were no specific rules or laws about staff-inmate sexual interactions, consensual or otherwise. PREA was enacted since this lack of policy created a widespread problem throughout the United States prison system leading to large rates of sexual assault and victimization (Human Rights Watch, 1996). Women prisoners were especially left vulnerable because they had no avenue to report sexual harassment and abuse from correctional officers (Human Rights Watch, 1996). It was not until PREA that the sexual desecration suffered by prisoners from their overseers was finally brought to light and legally addressed (Human Rights Watch, 1996).

Before PREA, women were reported to be typically more susceptible than their male counterparts to be the victims of abuse from staff (Struckman-Johnson & Struckman-Johnson, 2002) which can include one or more of the following: “sexual harassment, coercive sexual fondling, molestation, and forced sexual intercourse” (Struckman-Johnson & Struckman-Johnson, 2002, p. 217) especially when the staff member was male. Nevertheless, both male and female prisoners have reported having sexual relationships with staff at their particular institutions (Beck, Harrison, & Berzofsky, 2010), in typically heterosexual encounters (Beck et al., 2010). In the Bureau of Justice Statistics’ annual report of PREA statistics, incidents of staff-inmate sex between the years of 2007 to 2012 noted that 64% of the time, the participants appeared to give consent. Still, PREA explicitly prohibits these relationships as it is considered an abuse of power (Prison Rape Elimination Act, 2003). After PREA, reports of consensual

incidents, female and male prisoners report similar rates of victimization from staff sexual misconduct (Beck et al., 2010). Victimization in 2010 were reported to have occurred at rates of 2.9% (male) and 2.1% (female) in state correctional facilities and 2.1% (male) and 1.9% (female) in jails, respectively (Beck et al., 2010). Since subordinates in consensual sexual relationships are defined by the power differential when inmates engage with staff on sexual level they are arguably not able to give true consent and be able to fully understanding the consequences they could suffer as a result of the relationship (Garland & Policastro, 2015). In this way, college students draw a parallel to inmates because the faculty member can be easily seen as paralleling the role of an overseer in the life of a student. However, unlike correctional facilities, student have much more basic rights than those of an inmate and students have greater access to reporting and fleeing the situation than inmate victims.

Statutory rape laws are another instance where the legal system is used to mandate consensual sexual relationships. Unlike rape legislation which is typically consistent nationwide, statutory laws can vary from state to state (Mitchell & Rogers, 2003). States generally try to abide by the FBI's definition of statutory rape, found in the National Incident Based Reporting System (NIBRS), which reads as follows, "Non-forcible sexual intercourse with a person who is under the statutory age of consent" (FBI, 2014, p. 3). The largest variance between the states and their differing statutory rape laws sprout from age issues, as in what age is appropriate to provide consent and what age gap is acceptable to have between sexual partners. Nationwide there is no finite age of consent so across the fifty states so it can range anywhere between 14 and 18 years old. There is a lack of consensus in the legislation for age differences of consenting partners, which can vary from 2 to 5 years depending on the state they are living in (Glosser, Gardiner, & Fishman, 2004; Mitchell & Rogers, 2003). These laws were originally created

to protect young people from becoming the prey of much older partners, however many teenagers might not see their sexual relationship with an adult as nonconsensual because they were not forced or threatened (Mitchell & Rogers, 2003). Similar to the confusion over differing consensual sexual relationship policies among universities, the assortment of laws cross country leaves teenagers vulnerable and possibly uninformed concerning the legality of their own relationship (Mitchell & Rogers, 2003).

For example, in Georgia any sexual contact with any person under the age of 16 is considered statutory rape (GA Code 16-6-3, 2016). In Tennessee, however, partners have to be 13 years of age or older, but less than 18 years of age. If there is a four year difference between the partners that fit within the 13 to 18 age range, such as 13 and 17 for example, the relationship can be prosecuted as a statutory rape offense (TN Code 39-13-506, 2016). The last nationwide statistical analysis was completed by NIBRS (National Incident-based Reporting System) and measured 7,557 statutory rape incidents in 21 states from 1996 to the year 2000 (Leasure-Troup & Snyder, 2005). Ninety-five percent of the incidents surveyed involved female victims with male offenders and 60% of those female victims were either 14 or 15 years of age (Leasure-Troup & Snyder, 2005). Furthermore, while 45% of the perpetrators were male and over the age of 21, the median age difference between the female and her older male partner averaged only six years (Leasure-Troup & Snyder, 2005). Arguably, these laws are still enforced because the belief is that teenagers are not seen by society as being able to make informed decisions about sexual encounters they enter into with adults (Nobullying.com, 2015). This is reflected when considering college students and faculty members on college campuses because without regulation or policies, students entering into consensual sexual relationships with a faculty member do not have all the information they need about future consequences from a dual role

relationship (Hutchens, 2003; Jafar, 2003; Mack, 1999; Ryan et al., 2008; Stokes, 1995; Young, 1996).

Little research has been done to evaluate how young adults view statutory rape, but the small number of studies have found that several factors influence the respondent's attitudes, such as the span of the partner age gap and gender of the respondent (Oudekerk, Farr, & Reppucci, 2013). Women respondents deem statutory rape offenses as more harmful (Horvath & Giner-Sorolla, 2007; Sahl & Keene, 2010), which coincides to how women responded in research pertaining to attitudes concerning consensual sexual relationships. However, Oudekerk et al. (2013) found in their study that there was no statistically significant difference between women and men respondents' attitudes pertaining to the hypothetical relationships in which they were presented. In terms of partner age gap, two major studies by Horvath and Giner-Sorolla (2007) and Sahl and Keene (2010) found that participants appeared to be more disgusted by hypothetical vignettes of relationships as the age gap was increased. This could be due to the fact that partnerships with larger age gaps are seen as exploitation of the younger partner.

For example, in the study done by Horvath and Giner-Sorolla (2007), respondents reacted angrily toward a vignette concerning a 30 year old having a sexual relationship with a 14 year old, even though it explicitly stated that no harm was inflicted on either party (Horvath & Giner-Sorolla, 2007). These results were similarly mirrored in the study by Sahl and Keene (2010) as well as Oudekerk et al. (2013) study of undergraduate students. Oudekerk et al. (2013) found that 60% of their respondents argued that love between the partners should be considering factor against statutory rape charges, even if the age gap was as high as 4 or 6 years. This could suggest that respondents felt that loving, positive relationships should be excluded from statutory

rape laws, and punishment only be reserved for exploitative relationships (Oudekerk et al., 2013). These attitudes are similar to the views shared about consensual sexual relationships between faculty and students in that if the relationship ended in marriage and was not seen as exploitive it should not be penalized the same as an exploitative relationship (Fitzgerald et al., 1988; Stites, 1993). Similar to those involved in consensual sexual relationships with faculty, victims of statutory rape do not see their own coupling as exploitative, despite acknowledging a power differential that comes with age and status clearly exists.

The current study seeks to analyze faculty attitudes of consensual sexual relationships based on a number of factors. These factors include age, race/ethnicity, sex, sexual orientation, field of study, university status, frequency of attendance of religious services, and if respondents were inclined to believe in the existence of power differentials. These factors will be examined in order to determine if there is any relationship between them and if a faculty respondent does/does not see a difference between consensual sexual relationships and sexual harassment.

## CHAPTER III

### METHODOLOGY

Between January 29 and March 15, 2016, faculty from a southern university were sent invitations via email requesting their participation in an exploratory study concerning consensual sexual relationships between faculty and students. A link to participate in the survey was included within the email. The survey instrument was a self-report questionnaire which used the secure online tool Qualtrics in order to gather data from the sample. The initial recruitment email was sent out on January 29, 2016, with a reminder email being sent out one month later. The recruitment email described the survey and the types of questions voluntary respondents would be asked. Faculty were made aware that the questionnaire was seeking to assess attitudes toward consensual sexual relationships between faculty and students as well as other issues pertaining to faculty and student interactions. Additionally, respondents were given contact information for the university's counseling center and employee mental health services in the event that they were emotionally affected by any of the material presented in the questionnaire.

The participants were guaranteed confidentiality and were provided with a hyperlink to the study's website for their reference and review. Those who did not respond to the initial email were sent a reminder during the sample time period. The final response rate was 175 (22.8%), which is very low, and nine additional cases were eliminated due to missing data (n = 166). Using the Qualtrics system may have been a factor in the low response rate, however the small response rate is consistent with previous research that notes surveys dealing with sensitive

issues typically receive less than a 25% response rate (Hensley, Tallichet, & Dutkiewicz, 2011; Tourangeau, Rips, & Rasinski, 2000).

### **Independent Variables**

Information was collected on age, race/ethnicity, sex, sexual orientation, field of study, university status, frequency of attendance of religious services, and if respondents were inclined to believe in the existence of power differentials. *Age* was measured as a continuous variable, given in years. *Race/Ethnicity*, originally coded as White, Black or African-American, Hispanic, Asian, Native American, and Other, was collapsed into a dichotomous variable that included White (0) and Non-White (1) due to a majority of respondents were found to be White. *Sex* was also measured as a dichotomous variable (Male = 0; Female = 1). *Sexual orientation* initially included multiple categories including heterosexual, homosexual, bisexual, and other. Since the majority of respondents indicated that they were heterosexual, this variable was collapsed and recoded as a dichotomous variable (Heterosexual = 0; Non-Heterosexual = 1).

Faculty were asked their *field of study* in which they predominately teach. The variable of *field of study* originally included STEM (Science, Technology, Engineering, and Mathematics), Humanities, Education, Business, Social Sciences, and Other, but was collapsed into a dichotomous variable (Social Science = 0; Other = 1) to determine if social scientists were more likely to view consensual sex differently than other fields. The respondent was also asked their *university status*, specifically if they were part-time or full-time employees. The variable *university status* initially included Administrator, Adjunct, Lecturer/Instructor, Assistant Professor, Associate Professor, and Full Professor, but was recoded into a dichotomous variable to address differences between part-time faculty and full-time faculty (Part-time = 0; Full-time =

1). *University status* was collapsed into two attributes because full-time faculty typically spend a majority of their time on campus while part-time faculty typically have another job in workforce outside the university. Faculty were asked how often they attended religious services. The *frequency of religious attendance* was measured using a 6-point scale (1 = Never, 2 = Less than Once a month, 3 = Once a Month, 4 = 2-3 Times a month, 5 = Once a week, and 6 = 2-3 times a week). An attitudinal question was constructed to assess the respondent's *belief in a power differential* in faculty student relationships. Respondents were given a 4-point Likert scale question (1 = strongly disagree; 2= disagree; 3 = agree; 4 = strongly agree) to assess belief in power differentials: "faculty members do not hold power over their students." Higher scores indicated respondents believe in a power differential between faculty and students.

### **Dependent Variable**

In this study, the dependent variable assessed whether the respondent believed that there is a difference between sexual harassment and consensual sexual relationships. The dependent variable was dichotomous and was measured as Yes (1) and No (0). Respondents were asked, "In your opinion, is there a difference between consensual sexual relationships and sexual harassment?" which was followed by the prompt, "If yes, explain how there are different." Open ended responses to the second part of the question will be addressed qualitatively.

### **Analytic Strategy**

The relationships between the independent and the dependent variables were first explored at the bivariate level using a Pearson correlation analysis to determine if the independent variables, age, race/ethnicity, sex, sexual orientation, field of study, university status, frequency of attendance of religious services, and belief in power differentials were

significantly related to the dependent variable. Then logistic regression analysis was run on the model since the dependent variable is dichotomous. Logistic regression allows for the prediction that the event will or will not occur. The independent variables (age, race/ethnicity, sex, sexual orientation, field of study, university status, frequency of attendance of religious service, and belief in a power differential) were regressed on the dependent variable of “In your opinion, is there a difference between sexual harassment and a consensual sexual relationship?” Finally, a qualitative description of why faculty viewed the two concepts in a different manner was addressed because their elaboration on their opinion can give more insight as to why they see a difference in consensual sexual relationships and sexual harassment.

## CHAPTER IV

### RESULTS

#### **Descriptive Statistics and Frequency Distributions**

##### *Independent Variables*

The demographic independent variables for this study included age, race/ethnicity, sex, and sexual orientation. Additional independent variables included within the analysis were respondent's field of study, university status, frequency of attendance of religious services, and belief in a power differential. The average age of the faculty respondents was 47.87 and all the respondents were between the age of 25 and 77. Race/ethnicity was originally measured in six separate categories: White (88.6%; n = 147), Black/African American (2.4%; n = 4), Hispanic (0.6%; n = 1), Asian (1.8%; n = 3), Native American (0.6%; n = 1), and Other (4.2%; n = 7). Since the majority of respondents were White, these categories were collapsed into a dichotomous variable in which 88.6% were White (n = 147) and 9.6% were Non-White (n = 16) (see Table 1). Of the faculty participants, 46.4% (n = 77) were male and 52.4% (n = 87) were female. Sexual orientation was originally separated into four categories of heterosexual (93.4%; n = 155), homosexual (1.2%; n = 2), bisexual (1.8%; n = 3), and other (1.8%; n = 3). However, the overwhelming majority of the sample indicated heterosexual as their sexual orientation; heterosexuals made up 93.4% (n = 155) of those sampled in comparison to non-heterosexuals who made up less than 5% (n = 8) of those sampled.

Field of study was initially measured as Social Sciences (Anthropology, Criminal Justice, Sociology, Psychology, etc.) (16.9%; n = 28), STEM (Science, Technology, Engineering, Mathematics) (19.9%; n = 33), Humanities (English, History, Foreign Languages, Philosophy) (16.9%; n = 28), Education (12%; n = 20), Business (5.4%; n = 9), and Other (27.7%; n = 28). However, for the purposes of this analysis, it was recoded to compare social science attitudes against other fields. Those indicating “social science” as their field of study comprised 16.9% (n = 28) of the sampled population, with those in other fields making up 81.9% (n = 136).

University status had original classifications of Adjunct (27.7%; n = 46), Lecturer/Instructor (10.2%; n = 17), Assistant Professor (22.9%; n = 38), Associate Professor (13.3%; n = 22), Full Professor (15.7%; n = 26), and Administrator (i.e. department chair, dean, provost, etc) (7.2%; n = 12). These six categories were then collapsed into a dichotomous variable that included Part-Time, (adjunct faculty) who comprised the minority at 27.7% (n = 46), and Full-time, which included Lecturer/Instructors, Assistant Professors, Associate Professors, Full Professors, and Administrators who encompassed the majority, 69.3% (n = 115). Over half of the faculty surveyed indicated that they did not frequently attend religious services; Frequency of attendance of religious service was measured using the categories of Never (33.1%; n = 55), Less than once a month (19.3%; n = 32), Once a month (6.6%; n = 11), 2-3 times a month (9.6%; n = 16), Once a week (17.5%; n = 29), and 2-3 Times a week (9.6%; n = 16). A majority of respondents indicated that they agreed with the statement “faculty members do not hold power over their students”; Strongly Disagree (3.6%; n= 6), Disagree (5.4%; n = 9), Agree (19.9%; n = 33), and Strongly Agree (71.1%; n = 118).

### *Dependent Variable*

The dependent variable in this analysis measured the respondent's belief in the difference between a consensual sexual relationship and sexual harassment. The majority of respondents indicated that there was a difference between sexual harassment and consensual sexual relationships (68.7%; n = 114) and only 28.3% of respondents did not see a difference between the two concepts (n = 47).

**Table 1:**  
Description of Variables of Major Variables (n=166)

<b>Variable and Coding</b>	<b>Distribution and Descriptive Findings</b>
Age	$\bar{x}$ = 47.87; Range = 25-77
Race/Ethnicity (White=0)	White = 88.6%; Nonwhite = 9.6%
Sex (Male=0)	Male = 46.4%; Female = 52.4%
University Status (Part-time=0)	Full-time = 69.3%; Part-time = 27.7%
Sexual Orientation (Heterosexual=0)	Heterosexual = 93.4%; Non-heterosexual = 4.8%
Field of study (Social Sciences=0)	Social Sciences = 16.9%; Other = 81.9%
Power Differential	Strongly Disagree = 3.6%; Disagree = 5.4%; Agree = 19.9%; Strongly Agree = 71.1%
Freq of Religious Attendance (Never = 0)	Never = 33.1%; Less than one month = 19.3%; Once a month = 6.6%; 2-3 times a month = 9.6%; Once a week = 17.5%; 2-3 times a week = 9.6%
Difference in CSR/SH (No=0)	No = 28.3%; Yes = 68.7%

### **Bivariate Analysis**

Pearson correlations, a bivariate analysis technique, was conducted in order to identify any possible statistically significant relationships between the independent variables and the dependent variable (difference between consensual sexual relationships and sexual harassment).

Among all the variables analyzed, belief in a power differential ( $r = -0.182$ ;  $p \leq 0.05$ ) was the only variable found to have a statistically significant relationship with the dependent variable (see Table 2). This finding indicates that belief in a power differential was significantly correlated with the dependent variable in a negative relationship. This means that as belief in a power differential increases it decreases the likelihood that the respondent sees a difference between consensual sexual relationships and sexual harassment. Conversely, this also means that as belief in a power differential decreases the likelihood that the respondent sees a difference between consensual sexual relationships and sexual harassment increases. None of the demographic variables (age, race/ethnicity, sex, and sexual orientation) as well as the other independent variables (university status, field of study, and frequency of religious service attendance) were found to have a statistically significant relationship with the dependent variable.

**Table 2: Correlation Analysis for Belief in Consensual Sexual Relationship and Sexual Harassment**

	Age	Race	Sex	Sexual Orientation	Department	Religious Attendance	University Status	Power Differential	Difference CSR/SH
Age	1	-	-	-	-	-	-	-	-
Race	0.02	1	-	-	-	-	-	-	-
Sex	-0.325**	0.023	1	-	-	-	-	-	-
Sexual Orientation	-0.033	0.307**	-0.015	1	-	-	-	-	-
Field	0.084	0.042	0.096	-0.051	1	-	-	-	-
Religious Attendance	0.088	0.066	-0.182*	-0.049	-0.001	1	-	-	-
University Status	-0.101	-0.064	0.181*	0.016	-0.26	-0.138	1	-	-
Power Differential	0.086	-0.088	0.074	-0.098	0.048	0.046	0.113	1	-
Difference CSR/SH	-0.054	0.002	-0.009	0.02	-0.044	.063	0.129	-0.182*	1

\*p < .05; \*\*p < .001

## Logistic Regression Analysis

Logistic regression was used in this study in order to analyze faculty responses of “In your opinion, is there a difference between consensual sexual relationships and sexual harassment?” Logistic regression was chosen because it can be used to predict a dichotomous dependent variable based on independent variables, as well as determining the importance of independent variables and their relationship with the dependent variable. Furthermore, since the dependent variable was dichotomous with a yes/no outcome, binary logistic regression was the most appropriate multivariate statistical technique to use in this study (Hoffman, 2004).

A binary multivariate logistic regression model was used to determine possible relationships between the independent variables and the dependent variable of belief in a difference between consensual sexual relationships and sexual harassment. After the variables were entered into the statistical program SPSS, the estimation terminated because the parameter estimated changed by less than .001 percent. After iteration 5, the Nagelkerke  $R^2$ , a pseudo  $R^2$ , was calculated as .124 indicating that an estimated 12.4% of the variance is explained by the model.

The results indicate that the independent variables, university status and belief in a power differential, are significantly associated with the dependent variable when all else was constant. These results indicate that the independent variables both had with p values  $\leq 0.05$ ; university status ( $p = 0.035$ ) and belief in a power differential ( $p = 0.018$ ). When analyzing the odds ratio for university status, (OR= 2.429), indicated that for every one unit increase of university status, the odds of the respondent believing in a difference between consensual sexual relationships and sexual harassment are multiplied by 2.429. This means that full-time faculty member

respondents believing in a difference between consensual sexual relationships and sexual harassment are 2.429 times the odds than part-time faculty members, holding all else constant. The odds ratio for belief in a power differential (OR = .429) indicated that for every one unit increase of belief in a power differential, the odds of the respondent believing in a difference between consensual sexual relationships and sexual harassment are multiplied by .429. This means that when a respondent indicates the belief in a power differential they are .429 times the odds of seeing a difference between consensual sexual relationships and sexual harassment than their counterparts who did not believe in power differentials, holding all else constant.

**Table 3: Logistic Regression Analysis of Belief in Difference between Consensual Sexual Relationship and Sexual Harassment (n = 147)**

Variables	B	S.E.	EXP (B)
Age	-0.001	0.017	0.999
Race	-0.709	0.764	0.492
SexOrientation	1.188	1.239	3.379
Sex	0.075	0.416	1.078
Field of Study	-0.312	0.566	0.732
Freq of Rel Attend	0.084	0.111	1.088
University Status	0.887	0.420	2.429*
PowerDifferential	-0.846	0.358	.429*
Constant	3.509	1.609	33.416
<i>PseudoR<sup>2</sup></i>	0.124		

\* $p < .05$ ; \*\* $p < .01$

## **Qualitative Explanations for Differing Beliefs**

In measuring our dependent variable of whether the respondent believed in a difference between consensual sexual relationships and sexual harassment, an open-ended question was used to allow individuals to elaborate on why they believed such a difference existed. The open-ended question used was for respondents to elaborate why they believe in a difference between consensual sexual relationships and sexual harassment; there were 87 total responses. The majority of the responses centered on consent and its role in determining the difference between consensual sexual relationships and sexual harassment. For example, 46 of the responses read “while a consensual relationship may not be wise or appropriate, it does not necessarily mean that the individual has the intent to be harassing,” “consensual implies mutual desire, as in a dating relationship while harassment implies desired by one party and not the other,” and “consensual implies both parties agree to the relationship: harassment is a one-sided initiative.” The latter quotes encompass the pragmatic logic reflected in a majority of the written comments in response to the dependent variable. Many of the survey participants emphasized that consensual sexual relationships and sexual harassment are inherently different, even though the balance of power between a faculty member and student can blur these lines. Overall, these comments generally made a distinction between consensual sexual relationships and sexual harassment because of consent.

While other comments did not explicitly define a stark difference between consensual sexual relationships and sexual harassment they also revolved around consent. For instance, 19 of the faculty responses placed consent at the forefront as a major concern in such examples as the following, “consensual indicates both parties are willing” and “parties are making informed

decisions and are willing participants”, placed consent at the forefront as a major concern. Paralleling these statements are 22 responses that addressed sexual harassment as a clear antagonist of consent. For example, “harassment is unwelcome/uninvited”, “Harassment is incompatible with consent”, and “one is illegal.” The bulk of responses dealt with issues revolving around consent and how the lack of consent is the defining feature that separates consensual sexual relationships and sexual harassment. This is also seen in the literature as consent is the dividing factor, specifically concerning whether a student can truly give consent (Mack, 1999; Young, 1996).

## CHAPTER V

### DISCUSSION

The goal of this research was to analyze the perceptions of university faculty members concerning faculty/student consensual sexual relationships. More specifically, the purpose was to see if faculty saw any difference between consensual sexual relationships and sexual harassment. While demographic variables did not have an effect on faculty perceptions, the current study did find that university status and belief in power differentials were shown to have a statistically significant relationship on the respondent's belief in the difference between consensual sexual relationships and sexual harassment. While not significant at the bivariate level, faculty status was found to be a statistically significant predictor of the dependent variable. In essence, if the respondent indicated they were a full-time faculty member, it increased the likelihood that they viewed consensual sexual relationships and sexual harassment as separate instances, inverse of part-time faculty. Notably, the bivariate analysis found that there was a negative relationship between faculty status and belief in power differentials which indicated that as the belief in power differentials between student and faculty increased, the likelihood of the respondent seeing a difference between consensual sexual relationships and sexual harassment decreased.

The difference of opinion between full-time faculty and part-time faculty could possibly be due to the fact that full-time faculty interact more with both undergraduate and graduate

students on a daily basis as opposed to their part-time counterparts. Graduate students especially spend a large portion of their time inside the department to work closely with faculty on research projects and/or their thesis, so this could lead to friendlier terms between them and faculty (Quatrella & Wentworth, 1995). Conversely, part-time faculty do not usually have their own office and do not spend a majority of their time on campus, so their opportunities for interacting with students are much less than full-time faculty. Additionally, part-time faculty typically hold another job outside campus where traditionally there are rules and policies that prohibit sexual relationships between colleagues and coworkers. These types of policies at their workplace may influence how they deal with students and perceive intimacy with them as they are used to keeping relationships professional. This finding was interesting in that it suggests that since part-time faculty may have more access to trainings and seminars about such relationships they are more hesitant than their full-time counterparts to see consensual sex with a student as different than sexual harassment.

While the finding that belief in a power differential is significant to the dependent variable is not surprising because it is one of the largest point of contention when discussing consensual sexual relationships (Fleming et al., 2009; Gerdes, 2004; Sullivan, 2004). Nevertheless, the negative relationship with the dependent variable is interesting. As previously mentioned, this negative relationship is as follows: as the belief in a power differential between faculty and students increases the likelihood that respondent sees a difference between consensual sexual relationships and sexual harassment decreases. A majority of the respondents were found to be full-time faculty who must be aware that they are not on the same power level as students. This is because they have the potential to control student grades, opportunities, and potentially other factors of the students' academic life, but despite this most respondents saw

consensual sex and sexual harassment as two different occurrences. The intersectionality between being a full-time faculty member and belief in power differentials suggests that a suspension of belief in the apparent power differential between a student and faculty member must take place in order for the respondent to see a difference between consensual sex and sexual harassment. This could have long-term consequences as full-time faculty in this study included department heads and administrators who could potentially have a heavy hand in creating policy concerning consensual sexual relationships.

When analyzing the open-ended questions of this study, respondents typically made the stark distinction between consensual sexual relationships and sexual harassment by relying heavily on consent. Consent was at the heart of many of the 87 responses, but this is interesting because respondents seem to assume that the student has the ability to truly give consent when engaging in a sexual relationship with a faculty member. In the literature, it is noted that other factors impede on a student's ability to consent such as the faculty member having direct academic authority over them with the power to ruin the student's academic future (Jafar, 2003; Mack, 1999). But, the respondents in the open-ended question portion seemed to make the clear distinction between consensual sexual relationships and sexual harassment, determined by whether the student either gives or does not give consent, regardless of other influences. On the other hand, issues such as age, a presentation of a power differential, and if the student was taught directly by the faculty member in question could have changed how respondents viewed the dependent variable. Also, if respondents were given a series of vignettes where the line between consensual sexual relationships and sexual harassment is easily blurred it could also have had an impact on responses.

The implications of these findings give moderate support that power differentials are a significant issue in consensual sexual relationships between faculty and students; however, it was the inherent nature of consent in the faculty responses to the open-ended questions that provided the most interesting information for this study. The answers from the qualitative portion of this study show that faculty respondents consider the issues of consent when determining the difference between consensual sexual relationships and sexual harassment. Yet, despite the fact that full-time faculty are more likely to see a difference; respondents who are less likely to believe in power differentials are also more likely see a difference between consensual sexual relationships and sexual harassment. This leaves a crossroads where consent is emphasized as the main characteristic of consensual sexual relationships, but ironically, what is left out is that students and faculty are not equals in such a relationship which could taint any rigid idea of consent.

### **Implications**

Overall, these findings reflect the complicated nature of consensual sexual relationships on universities as they contain elements of the management of power differentials alongside consent. While policing consensual sexual relationships between students and faculty members can impede on the right to privacy, ignoring issues around the student's ability to give consent can potentially leave them vulnerable as a victim of their own choice. As previously analyzed within inmate-correctional officer sex and statutory rape literature, there is legal precedent when the law steps in to protect special populations when their ability to give consent is questioned. While inmates do not have the same rights or basic access as teens protected by statutory rape laws and students on college campuses, all three types of special populations share a

vulnerability that can be exploited by a power differential within a sexual relationship. Acknowledging power differentials and issues with consent on college campuses when discussing the sexual relationship between a faculty member and student can lead to the creation of stand-alone consensual sexual relationship policies on campus. The creation of such policies can have a profound impact on university campuses as sexual harassment policies have had for the last 30 years. These policies can protect students from exploitation, faculty members from false accusations and provide much need access to resources since without them participants in such relationships have been left vulnerable and exploited on the campus they cherish.

### **Limitations and Future Directions**

While the current study attempts to address the issue of making the distinction of consensual sexual relationships and sexual harassment within faculty/student relationships, this research is not without limitations. One major limitation comes from the fact that this research relies on self-report data. Responses to self-report surveys can be misleading as respondents may either inflate or even undersell the truth in their answers (Sandvik, Diener, & Seidnitz, 1993). They may also feel embarrassed about answering honestly about behaviors that may be deemed as socially unacceptable, especially concerning a sexual relationship with an undergraduate student (Quatrella & Wentworth, 1995). Because of a potential concern over social desirability, respondents may have misrepresented themselves in the survey in order to cast themselves in a favorable light (Fischer, 1993). For example, originally, this research asked respondents if personally, they had ever participated in a consensual sexual relationship with a student in the past, but there were so few respondents who had engaged in such relationships that the reliability of the data was affected.

Additionally, faculty may have been unlikely to report engaging in such relationships due to perceived broader implications on their career or personal life. Although this survey was confidential, sensitive material can still have an effect on how the respondent answers such a question in fear that it might be traced back to them specifically or they could simply be ashamed (Hensley et al., 2011; Tourangeau et al., 2000). Conversely, respondents may change their answers not to hide a taboo act, but to appease the researcher by modifying their answers to fit within societal norms (Maxfield & Babbie, 2012; Sandvik, Diener, & Seiditz, 1993). As previously mentioned, online surveys, especially ones dealing with sensitive issues, have low response rates due to their inherent nature to tackle delicate matters (Hensley et al., 2011; Tourangeau et al., 2000).

Since the online survey only sampled faculty at one southeastern university, generalizing these findings to the larger university faculty population may be difficult since other factors may influence faculty attitudes towards consensual sexual relationships between faculty and students. Also, the sampled faculty may not reflect broader characteristics of the faculty population in the whole United States. For example, while undergraduate students having a relationship with faculty members were not condoned (Quatrella & Wentworth, 1995), other studies have shown relationships between graduate students and faculty members are viewed as more acceptable (Ei & Bowen, 2002; Quatrella & Wentworth, 1995). Also, just by the nature of surveying a university in the south may present its own social difficulties, especially in the Bible belt where participants in unconventional sexual activities are often looked down upon (Garcia & Kruger, 2010). For this reason, respondents may be less forthcoming than if the survey was completed in another area of the United States. Other difficulties, such as this sample being a convenience

sample rather than a nationally representative sample can affect replication and generalizability to the broader population of university faculty (Maxfield & Babbie, 2012).

More research needs to be conducted not only measuring attitudes concerning consensual sexual relationships, but also gathering information about these relationships. Few studies have measured the prevalence of these relationships which can lead not only to untrue generalizations, but also just a general lack of knowledge for policy makers and university officials. If the goal is to protect the students, then more studies need to be conducted in order for the university to have a better grasp on this topic. Future research should continue to ask attitudinal questions of the faculty and staff on consensual sexual relationships as well as attitudes concerning policies. A college campus is already equipped with numerous offices and programs designed to accommodate and aid a variety of situations that may occur within the boundaries of the university. Offering an office or even a resource for those participating in these relationships can be beneficial for the university, as well as affected faculty and students.

## REFERENCES

- Title IX of the Educational Amendments of 1972, (2015). 20 U.S.C §1681-1688
- Abramson, P. R. (2007). *Romance in the Ivory Tower: The Rights and Liberty of Conscience*.
- Bass, C. (2010). University bans faculty-student sex. *Yale Alumni Magazine*. Retrieved from: <https://yalealumnimagazine.com/articles/2740-university-bans-faculty-student-sex>
- Beck, A., Harrison, P., & Berzofsky, M. (2010). Sexual victimization in prisons and jails reported by inmates, 2008-09. Washington DC: Department of Justice, Bureau of Justice Statistics; 2010.
- Bellas, M., & Gossett, J. (2001). Love or the "Lecherous Professor": Consensual Sexual Relationships between Professors and Students. *The Sociological Quarterly*, 42(4), 529-558. doi:150.182.144.17
- Bowman, V. E., Hatley, L. D., & Bowman, R. L. (1995). Faculty-Student Relationships: The Dual Role Controversy. *Counselor Education and Supervision*, 34, 232-242.
- Burlington Industries, Inc. v. Ellerth, 524 US 742 (1998).
- Cantor, D., Fisher, W. B., & Chibnall, S. (2015). Report on the AAU campus climate survey on sexual assault and sexual misconduct. *Association of American Universities*.
- Carlson, R. R. (2001). Romantic Relationships Between Professors and Their Students: Morality, Ethics, and Law. *South Texas Law Review*.
- Commission, E. E. O. (2016). *EEOC Regulations*. Retrieved from <http://eeoc.gov>
- Cortina, L. M., Swan, S., Fitzgerald, L. F., & Waldo, C. (1998). Sexual Harassment and Assault: Chilling the Climate for Women in Academia. *Psychology of Women Quarterly*.
- Dank, B. M. (2008). Out of the Campus Closet: Student Professor Consensual Sexual Relationships. *Sexuality & Culture*, 12(3), 192-192. doi:10.1007/s12119-008-9025-y
- Davis v. Monroe County Board of Education, 526 US 629 (1999).
- DeChiara, P. (1988). The Need for Universities to Have Rules on Consensual Sexual Relationships between Faculty Members and Students *Columbia Journal of Law and Social Problems*, 21, 136-162.

- Dziech, B. W. (2011). Beyond Quid Pro Quo: Undergraduates and "consensual" sex with professors. . In J. Martin (Ed.), *Women as leaders in education: Succeeding despite inequality discrimination, and other challengers*. (pp. 299-323). Santa Barbara, CA: ABC-CLIO.
- Education, U. S. D. (2011). *Dear Colleague Letter: Sexual Violence Background, Summary, and Fast Facts*. Retrieved from U.S. Department of Education:
- Ei, S., & Bowen, A. (2002). College Students' Perceptions of Student-Instructor Relationships. *Ethics and Behavior, 12*(2), 177-190.
- Ellison v. Brady, 924 F.2d 872, 875-76 (9th Cir. 1991).
- Faragher v. City of Boca Raton, No. No. 94-4878, 111 1530 (Court of Appeals, 11th Circuit 1997).
- FBI. (2014). *Frequently Asked Questions about the Change in the UCR definition of Rape*. Retrieved from: <https://ucr.fbi.gov/recent-program-updates/new-rape-definition-frequently-asked-questions>.
- Fischer, R. J. (1993). Social Desirability Bias and the Validity of Indirect Questioning. *Journal of Consumer Reserach, Inc., 20*, 303-315.
- Fitzgerald, L. F., Weitzman, L. M., Gold, Y., & Ormerod, M. (1988). Academic Harassment. *Psychology of Women Quarterly, 12*(3), 329-340.
- Fleming, M. B., Cooley, A. H., & McFadden-Wade, G. (2009). Morals Clauses for Educators in Secondary and Postsecondary Schools: Legal Applications and Constitutional Concerns. *Brigham Young University Education and Law Journal*.
- GA Code 16-6-3, Georgia Code (2016).
- Garcia, R. J., & Kruger, J. D. (2010). Unbuckling in the Bible Belt: Conservative Sexual Norms Lower Age at Marriage. *Journal of Social, Evolutionary, and Cultural Psychology, 4*(4), 206-214.
- Garland, T. S., & Policastro, C. (2015). Victimization of the Vulernable. In T. N. Richards & C. D. Marcum (Eds.), *Sexual Victimization: Then and Now*
- Gebser v. Lago Vista Independent School District, 524 US 274 (1998).
- Gerdes, C. (2004). The Case for University Consensual Relationship Policies. *Wayne Law Review*.
- Glaser, R. D., & Thorpe, J. S. (1986). Unethical intimacy: A survey of sexual contact and advances between psychology educators and female graduate students. *American Psychologist, 41*(1), 43-51. doi:10.1037/0003-066X.41.1.43

- Glosser, A., Gardiner, K. N., & Fishman, M. (2004). *Statutory rape: A guide to state laws and reporting requirements*: Department of Health and Human Services.
- Grove City College v. Bell, 465 US 555 (1984).
- Harris v. Forklift Systems, Inc, 510 US 17 (1993).
- Hensley, C., Tallichet, S. E., & Dutkiewicz, E. L. (2011). Exploring the age of onset and recurrence of childhood animal cruelty: can animal cruelty be learned from witnessing others commit it? *International journal of offender therapy and comparative criminology*, 0306624X11405480.
- Hoffman, J. P. (2004). *Generalized Linear Models: An Applied Approach*. Boston: Pearson.
- Horvath, M. A., & Giner-Sorolla, R. (2007). Below the Age of Consent: Influences on Moral and Legal Judgments of Adult–Adolescent Sexual Relationships1. *Journal of Applied Social Psychology*, 37(12), 2980-3009.
- Huerta, M., Cortina, L. M., Pang, J. S., Torges, C. M., & Magley, V. J. (2006). Sex and power in the academy: modeling sexual harassment in the lives of college women. *Pers Soc Psychol Bull*, 32(5), 616-628. doi:10.1177/0146167205284281
- Hutchens, N. (2003). The Legal Effect of College and University Policies Prohibiting Romantic Relationships between Students and Professors. *Journal of Law & Education*, 32(4), .
- Jafar, A. (2003). Consent or coercion? Sexual relationships between college faculty and students. *Gender Issues*, 21(1), 43-58. doi:10.1007/s12147-003-0021-0
- Keith-Spiegel, P. C., Tabachnick, B. G., & Allen, M. (1993). Ethics in academia: Students' vies of professors' actions. *Ethics and Behavior*, 3(2), 149 – 162.
- Keller, E. A. (1988). Consensual Amorous Relationships Between Faculty and Students: The Constitutional Right to Privacy. *Journal of College and University Law*, 15, 21-42.
- Kingkade, T. (2016). There Are Far More Title IX Investigations Of Colleges Than Most People Know. Retrieved from: [http://www.huffingtonpost.com/entry/title-ix-investigations-sexual-harassment\\_us\\_575f4b0ee4b053d433061b3d](http://www.huffingtonpost.com/entry/title-ix-investigations-sexual-harassment_us_575f4b0ee4b053d433061b3d)
- Kress, E. V., & Dixon, A. (2007). Consensual Faculty-Student Sexual Relationships in Counselor Education: Recommendations for Counselor Educators' Decision Making. *American Counseling Association*, 47, 110-122.
- Leasure-Troup, K., & Snyder, H. N. (2005). *Statutory Rape Known to Law Enforcement*. Retrieved from <https://www.ncjrs.gov/pdffiles1/ojdp/208803.pdf>
- Little, D., & Thompson, J. (1989). Campus Policies, the Law and Sexual Relationships. *Thought and Action*, 5(1), 17-24.

- Mack, M. H. (1999). Regulating Sexual Relationships Between Faculty and Students. *Michigan Journal of Gender and Law*.
- Maxfield, M. G., & Babbie, E. R. (2012). *Basics of research methods for criminal justice and criminology*. Boston: Cengage Learning.
- Meritor Savings Bank v. Vinson*, No. No. 84-1979, 477 57 (Supreme Court 1986).
- Mitchell, C. W., & Rogers, R. E. (2003). Rape, Statutory Rape, and Child Abuse: Legal Distinctions and Counselor Duties. *Professional School Counseling*, 6(5), 332-338.
- Nobullying.com. (2015). What You Need To Know About Statutory Rape. Retrieved from <https://nobullying.com/statutory-rape/>
- Norwestern. (2014) *Consensual Romantic or Sexual Relationships Between Faculty, Staff, and Students*. Retrieved from: [http://policies.northwestern.edu/docs/Consensual\\_Relations\\_011314.pdf](http://policies.northwestern.edu/docs/Consensual_Relations_011314.pdf)
- Oncale v. Sundowner Offshore Services, Inc*, No. No. 96-568, 523 75 (Supreme Court 1998).
- Oudekerk, B. A., Farr, R. H., & Reppucci, N. D. (2013). Is it love or sexual abuse? Young adults' perceptions of statutory rape. *J Child Sex Abus*, 22(7), 858-877. doi:10.1080/10538712.2013.830668
- Paludi, M. A. (1996). *Sexual harassment on college campuses : abusing the ivory power*. Albany: State University of New York Press.
- Pope, K. S., Levenson, H., & Schover, L. R. (1979). Sexual intimacy in psychology training: Results and implications of a national survey. *American Psychologist*, 34(8), 682-689. doi:10.1037/0003-066X.34.8.682
- Prison Rape Elimination Act (2003). 42 U.S.C § 15601 et seq
- Quatrella, L. A., & Wentworth, D. K. (1995). Students' perceptions of unequal status dating relationships in academia. *Ethics and Behavior*, 5(3), 249 – 259.
- Rhode, D. L. (2006). The Professional Ethics of Professors. *Journal of Legal Education*, 56(1), 70-85.
- Richards, N. T., Crittenden, C., Garland, S. T., & McGuffee, K. (2014). An Exploration of Policies Governing Faculty-to-Student Consensual Relationships on Universtiy Campuses: Current Strategies and Future Directions. *Journal of College Student Development*, 55(4), 337-352. doi:10.1353/csd.2014.0043
- Runtz, M. G., & O'Donnell, C. W. (2003). Students' Perceptions of Sexual Harassment: Is It Harassment Only If the Offender Is a Man and the Victim Is a Woman? *Journal of Applied Social Psychology*, 33(5), 963-982. doi:10.1111/j.1559-1816.2003.tb01934.x

- Ryan, J. P., Testa, M. F., & Zhai, F. (2008). African American males in foster care and the risk of delinquency: The value of social bonds and permanence. *Child Welfare: Journal of Policy, Practice, and Program*, 87(1), 115-140.
- Sahl, D., & Keene, J. R. (2010). The sexual double standard and gender differences in predictors of perceptions of adult-teen sexual relationships. *Sex Roles*, 62(3-4), 264-277.
- Secunda, P. M. (2004). Getting to the Nexus of the Matter: A Sliding Scale Approach to Faculty-Student Consensual Relationship Policies in Higher Education. *Syracuse Law Review*.
- Secunda, P. M. (2005). Lawrence's Quintessential Millian Moment and Its Impact on the Doctrine of Unconstitutional Conditions. *Villanova Law Review*.
- Silva, E., & Hill, C. (2005). *Drawing the Line: Sexual Harassment on Campus*. Retrieved from: [www.aauw.org/files/2013/02/drawing-the-line-sexual-harassment-on-campus.pdf](http://www.aauw.org/files/2013/02/drawing-the-line-sexual-harassment-on-campus.pdf)
- Skeen, R., & Nielsen, J. M. (1983). Student-faculty sexual relationships: An empirical test of two explanatory models. *Qualitative Sociology*, 6(2), 99-117. doi:10.1007/bf00987082
- Stites, C.M. (1993). Faculty-student consensual sexual relationships and university policy. In M. Paludi (Ed.), *Sexual Harassment On College Campuses: Abusing the Ivory Power* Albany: State University of New York Press.
- Stites, C. M. (1996). What's Wrong With Faculty-Student Consensual Sexual Relationships? In M. Paludi (Ed.), *Sexual Harassment On College Campuses: Abusing the Ivory Power* Albany: State University of New York Press.
- Stokes, J. (1995). Consensual Sexual Relations Between Faculty and Students in Higher Education. *West's Education Law Reporter*.
- Struckman-Johnson, C., & Struckman-Johnson, D. (2002). Sexual coercion reported by women in three Midwestern prisons. *Journal of Sex Research*, 39(3), 217-227.
- Subotnik, D. (1997). What's Wrong with Faculty-Student Sex? Response II. *Journal of Legal Education*, 47(3), 441-444.
- Sullivan, E. (2004). Perceptions of Consensual Amorous Relationship Polices (CARPs). *Journal of College and Character*, 5(8). doi:10.2202/1940-1639.1395
- Till, F. J. (1980). *Sexual Harassment. A Report on the Sexual Harassment of Students*. National Advisory Council on Women's Educational Programs, Washington, D.C.
- Tittle, P. (1998). On Prohibiting Relationships Between Professors and Students. In B. Dank & R. Refinetti (Eds.), *Sexuality and Culture*. New Jersey: Transaction Publishers.
- TN Code 39-13-506, Tennessee Code (2016).

- Tourangeau, R., Rips, L. J., & Rasinski, K. (2000). *The psychology of survey response*: Cambridge University Press.
- Uggen, C., & Blackstone, A. (2004). Sexual Harassment as a Gendered Expression of Power. *American Sociological Review*, 69(1), 64-92. doi:10.1177/000312240406900105
- Watch, H. R. (1996). *All Too Familiar: Sexual Abuse of Women in U.S. State Prisons*. Retrieved from New York:
- Yoon, E., Funk, R. S., & Kropf, N. P. (2010). Sexual Harassment Experiences and Their Psychological Correlates Among a Diverse Sample of College Women. *Affilia*, 25(1), 8-18. doi:doi:10.1177/0886109909354979
- Young, S. (1996). Getting to Yes: The Case against Banning Consensual Relationships in Higher Education. *Gender and Law*.
- Zakrzewski, R. F. (2006). A national survey of American Psychological Association student affiliates' involvement and ethical training in psychology educator-student sexual relationships. *Professional Psychology: Research and Practice*, 37(6), 724-730. doi:10.1037/0735-7028.37.6.724

APPENDIX A  
IRB LETTER OF APPROVAL

**Institutional Review**

Dept. 4915  
615 McCallie Avenue  
Chattanooga, TN 37403  
Phone: (423) 425-5867  
Fax: (423) 425-4052  
instrb@utc.edu  
<http://www.utc.edu/irb>

**MEMORANDUM**

---

TO: Dr. Tammy Garland  
Dr. Courtney Crittenden **IRB # 15-086**

FROM: Lindsay Pardue, Director of Research Integrity  
Dr. Bart Weathington, IRB Committee Chair

DATE: 9/17/15

SUBJECT: IRB #15-086: Consensual Relationships on College Campuses

The IRB Committee Chair has reviewed and approved your application and assigned you the IRB number listed above. You must include the following approval statement on research materials seen by participants and used in research reports:

***The Institutional Review Board of the University of Tennessee at Chattanooga (FWA00004149) has approved this research project # 15-086.***

Please remember that you must complete a Certification for Changes, Annual Review, or Project Termination/Completion Form when the project is completed or provide an annual report if the project takes over one year to complete. The IRB Committee will make every effort to remind you prior to your anniversary date; however, it is your responsibility to ensure that this additional step is satisfied.

Please remember to contact the IRB Committee immediately and submit a new project proposal for review if significant changes occur in your research design or in any instruments used in conducting the study. You should also contact the IRB Committee immediately if you encounter any adverse effects during your project that pose a risk to your subjects.

For any additional information, please consult our web page <http://www.utc.edu/irb> or email [instrb@utc.edu](mailto:instrb@utc.edu)

Best wishes for a successful research project.

## VITA

April Bennett was born in Hinsdale, IL and lived there until she moved to Tennessee in 2003 with her brother and parents until she graduated in 2011 from North Side High School in Jackson, Tennessee. After graduation she attended the University of Tennessee at Chattanooga where she married on March 29, 2014 and was later awarded a Bachelor of Science Degree with a major in Criminal Justice in 2015. After graduating she then entered the Master of Science degree program at the University of Tennessee at Chattanooga in Criminal Justice where she is a candidate for graduation in 2017. April plans to attend Old Dominion University in the fall of 2017 to pursue her doctorate in Criminology.