

A Critique on the Ban on Romantic Relationships between Instructors and Students in the Higher Learning Institutions

Nelson M. Ishengoma

Department of Sociology & Anthropology, The University of Dodoma P.O. Box 259 Dodoma, Tanzania

Abstract- A major concern often overshadowing Higher Learning Institutions (HLIs) during the past three decades has been dealing with issues surrounding sexual harassment. Generally, HLIs have developed policies that sanction *unwanted sexual attention* and that prohibit working and, increasingly, learning environments which are held to be *hostile* to women. During this same period, a literature has emerged which has called on HLIs to expound further on what it entails by sexual harassment to include a ban on romantic relationships between students and instructors. It is against this backdrop where the apprehension of this paper is anchored. This paper which capitalises on a methodical analysis and review of secondary proceedings critiques the intellectual underpinnings of the banning movement and explores the underlying psychosocial dynamics which have propelled the movement forward. It contends that, the ban undermines students' self-determination and actualisation, and that; the right to form adult consensual intimate relationship is a fundamental personal freedom which must be honored and protected so long as each party does not fall a victim or compromise the responsibilities bestowed to each.

Index Terms: Romantic relationship, the ban, HLIs, Student-Instructor Relationship

I. INTRODUCTION

Inquiries, for example, should instructors engage in romantic relationships with their students? Should HLIs tolerate such relationships or should it seriously seek to frustrate and forbid them? Will the forbiddance of such relationships contravene with human and constitutional rights and hinder personal and character development of a student? Would it be appropriate for us to view such contacts as inescapable consequence of grown-ups meeting and cooperating in a mutual situation and shared context or as cases of an abuse of power by instructors or students?; have as of late pulled a great deal of attention in various academic and non-academic fora. Without regard to particulars or exceptions, romantic relationships between these two categories of people have now become a controversial issue (York St John University, 2012). Articles on the same have appeared both in national and international newspapers and similar discussions and talks have dominated both radios and televisions talk shows and broadcast. The topic has also been fiercely debated at trade union and academic conferences (LaBossiere, 2016; Philip and Ryan, 2012). Nonetheless, It appears that after decades of indifference, students, academics, HLIs administrators and the media have not been able to pin-

down inherent complexities which continue to make this subject unfathomable, and instead, policies in the form of ban both categorical and contextual have been invented, reinvented, and reinforced to protect the students.

Both consensual and non-consensual romantic relationships between instructors and students (University of Dundee, 2004) are not new to HLIs life. *Romance* has always been a distinctive attribute of the campus novel since ancient times (Eagleton, 1988; Burley, 2014; Marris, 2008). It has as well now become an important ingredient of the campus film and television drama or series (Burley, 2014). One of the greatest romances in human history rocked the University of Paris in the twelfth century when Pierre Abelard, a professor of logic, and one of his students, Heloise, fell in love and secretly got married. After being maimed by hooligans contracted by her uncle, Abelard became an abbot of a monastery and Heloise an abbess of a convent (Foucault, 1994; Hearn, et al., 2009). Their consequent correspondence, particularly, the three letters composed by Heloise, are today among the world's most noteworthy love letters (ibid).

Heloise was a rarity at the University of Paris 800 years back, as was the case for women before the 1950s. After the World War II and the begin of women's rights movements, the number of female students going to HLIs exploded to the point where there are now more women than men in HLIs in the developed countries and the number has increased significantly in the developing world (Burley, 2014; Philip and Ryan, 2012).

More female students mean more opportunities for male instructors and these students to be attracted to each other and develop a sexual relationship. Although there are no hard statistics, a background check of academicians' and staff's spouses on any large campus today would likely reveal a significant number of HLIs employees and instructors who have married former students. However, generally the literature on the same affirms that romances between students and instructors are relatively less common in small colleges, especially those with a conservative religious atmosphere, and more common in large and public HLIs with larger populations of older graduate students (Burley, 2014; Russell, 2003; Chitty, 2012). More often than not, when a romance between the student and instructors concludes, the advocators of the ban and some students come to the conclusion that she or he was the victim of sexual harassment and pressured into an intimate relationship that was never really desired (Conroe and Schank, 2009). Much as this could be true, there are numerous other cases where the student feels responsible and remorseful for the breakup and emotional injuries inflicted to the instructors (Ibid, 2012; 2009).

As a result of recent public and legal awareness on sexual harassment both developed and developing countries (Alston and Goodman, 2012), the students-instructors relationships have turned into a major political and legal debate. Similar workplace relationships have resulted in litigation (Ibid, 2012). Plaintiffs have been awarded millions of money in damages in cases when a *consensual* relationship turned sour between a manager and an employee and that employer did not take action to resolve repeated complaints of sexual harassment, which followed when the manager refused to acknowledge the conclusion of the relationship (Nicolson, 2016). To avoid this risk, some organisations have adopted policies that ban all amorous and sexual relationships between employees, regardless of their position in the organisation. In some organisations, when two employees start a romantic relationship and one supervises or evaluates the other, they must immediately advise their supervisor so that one or the other can be given a lateral transfer to avoid any appearance of conflict of interest and reduce the risk of sexual harassment charges being made. In its cruelty form, in other organisations the ban covers all employees and requires that both employees be terminated unless one seeks employment elsewhere.

This paper therefore looks into the often untold account of the need to consider individuals' freedom, growth, and right in the course of ensuring efficiency and objectivity on the one hand and halting sexual harassment on the other. It does this by critically assessing the conventional *ban approach* which has long been used to suppress individuals' rights of association and freedom and the psychosocial development. In the end, while this paper intends to invoke a more deeper and down-to-earth discussion on two controversial yet fundamental questions which require the reader to reflect on whether a strict ban on amorous relationships between the instructors and students is important to escape so as to avoid the possibilities of damaging the students, or would such a sanction generate too much unproductive vacuum between the students and instructors which can in the process affect the former both academically and psychologically (York St John University (2012)? Therefore, it is in expectation of this paper that the impending discussion will inevitably produce a more cautious and considerate approach. The paper starts by briefly expounding on the fundamentals upon which the ban movement or approach is elevated and then proceeds to explaining its weaknesses which make it unfeasible and vulnerable particularly in the liberal civilization era.

II. THE GROUNDS FOR STUDENTS-INSTRUCTORS RELATIONSHIPS BAN

In accordance with the advocates of this position, romantic relationships between instructors and students should be banned because this type of relationship is by nature lopsided and may cause instructors to abuse their position of authority (Dziech and Weiner, 1998; Audi, 2000; Benjamin and Thomas, 2002; Campbell, 1988; Connolly and Marshall, 1989; Los, 1990; Robertson, et al., 2014). Instructors hold places of trust and they are required to devise curriculums and complete their teaching obligations to help their students into becoming critical thinkers and problem solvers. This undertaking may include close

working contacts in instructional exercises or research facilities, singular gatherings to examine research projects or long papers, and more easygoing events for scholarly give and take. Thus, for susceptible youthful students, the limits between scholarly improvement and individual life may get to be obscured. In this circumstance, a few scholars slowly move from scholarly to individual to sexual connections (Brian, 2002).

In their contentions, Dziech and Weiner (1998) and Brian (2002) affirm that some students are ever, in the strictest sense, consenting grown-up. At no time will a student be on equal footing with his instructor given the positions (socially, economically and professionally) he holds which supply him power over the students. Whether the student agrees to participate or whether the instructor ever destined to utilise his influence against a female student is not an issue. The point is that the power and levels of influence always exist between the two subjects

Aside from an abuse of power and confidence, advocates argue that sexual relationships between instructors and students offer a genuine irreconcilable situation. The likelihood of favouritism in the evaluation of students' assignments is self-evident, just like the likelihood of prejudicial assessment for the individuals who have decided to cut off relationships (Brian, 2002). Connolly and Marshall (1989) and Brian (2002) emphasize that, regardless of the possibility that scholastic assessments are kept totally free of individual involvements, it is likely that there will still be a feeling of bias in the eyes of fellow instructors and students.

In each of these supporters' angles of argument, an issue of 'special treatment' was over and over referred to especially when the instructor, particularly a renowned has an intimate relationship with the student in a partner's class. As a result, pressure in a way of request might be exerted as a powerful influence for the partner to give special treatment to the student, for example, better grades, augmentations on expositions, or additional time to complete assignments (Brian, 2002; Dziech and Weiner, 1998). Indeed, even without such inducements, special treatment might be given to the student to abstain from colleagues' discontentment. At the point when there are various intimate relationships on the campus involving a few instructors and students, the potential outcomes for irreconcilable situation are psyche boggling (Brian, 2002).

However, in the assessment of many, they recognise that in numerous occasions it is hard to draw a firm line between a damaging and a welcoming affair and satisfactory and inadmissible practices. That in any case, they uphold that intimate relationships ought not to be allowed between the instructors and the students. While just a handful of banners support the 'contextual ban'(Brian, 2002), where instructors are only restricted to draw into intimate relationships with students in their own particular classes or under their watch and prescribe that if a relationship is foreseen, then a commonly pleasant course of action ought to be rolled out to change the teaching arrangement or assessment. Even after admitting that there could be a possibility and degree of influence to a colleague to favour his partner, most banners advocate for categorical banning, that is, with absolutely no fraternisation between students and instructors (University of Dundee, 2004). Generally, a tough policy against student-instructor intimate relationship is

advocated in the conviction that this would decimate the existing supposedly inappropriate practices and discourage potentially affectionate relationships.

III. ETHICAL & PRAGMATIC REFLECTIONS ON THE BANNERS' GROUNDS

Since Higher Learning Institutions (HLIs) have a commitment to provide a conducive atmosphere helpful for learning (LaBossiere, 2015), they also ought to have regulations that guide and moderate instructor-student relationships on campus. Since HLIs likewise have a commitment to guarantee that examinations grades are awarded on merit, they should also have mechanisms in place that prohibits exchange in sexual services in return for undeserving grades (Ibid). Sexual offenses, for example, rape and assault ought to be taken care of by the police despite the fact that HLIs should absolutely have rules guiding the employment of instructors who are found guilty of raping or assaulting anybody. Obviously, since the instructor would no doubt be in jail, this would likely make proceeding with work rather impossible.

Both LaBossiere, (2015) and Audi (2000) contend that, the issue of whether or not HLIs ought to prohibit consenting intimate relationships between instructors and students when the student is registered in the instructor's class or generally professionally under the instructor's guidance is difficult to implement. There is, indeed, a genuine fear about fairness. Eventually, if the student is romantically involved with the instructor, then the student may have an undeserved advantage comparing with other fellow students. I consider this to be a unique phenomenon from trading on grades for sexual favours; rather, this involves such scenarios as 'positive favouritism' for the student that result-in special treatment. For instance, that the instructor may review his sweetheart's paper much less objective than those of different students. In its extension, nonetheless, while romantic relationships can result into academic prejudice, these are by all account not the only relations that can lead to this impact. The instructor who is a companion with the student or related to a student either by blood or any other unromantic forms can as well enjoy the same undeserving privileges. Thus, if the assumption validating barring the instructors from having the student in his class he has romantic relationship with is anchored on the potential for injustice and unfairness, then students who fall in the second category of relationship with the instructor, that is, relatives in various forms, friends, or generally equivalently associated with the instructor would likewise ought to be forbidden.

It can be contended that there is an important contrast between sexual relations and non-sexual relations that would legitimise denying the instructor from dating the student in his class, while as yet permitting him to have a friend or relative as a student (Ibid, 2015). On the other hand, HLIs could basically put a general prohibition on instructors having students with whom they have a conceivably biasing relationship be it sexual, unemotional, or a family relationship. As a general rule, this appears to bear a sense and degree of justice for categories and parties involved. It can, in any case, be countered in light of the fact that instructor who is ordinarily considered as a professional

(Ibid) ought to have the capacity to control his inclination with respect to family and friends. This, obviously, opens the castoff argument by the banners that the professional ought also to likewise have the capacity to control his predisposition with respect to a sexual relationship in spite of the fact that many would surely be incredulous about that. The considered view of this paper is a restrictive one: if the instructor can keep up his objectivity, then the unwarranted and bias contention would have no significant impetus in this regard. Nevertheless, considering the specific cases, there is a genuine fear that a few (or even many) instructors couldn't keep up such neutrality, and therefore, justifying the application of a general rule as a legitimate framework for handling romantic relationships between instructors and students on campus. Besides, social and statutory mechanisms devised to restrict what is perceived as misconducts are not made in light of the best individuals in society, but rather those that are not exactly the best (LaBossiere (2016) like the instructors who seduce and take advantage of their students.

Because of lack the forcible nature of elements and harassment in the relationship and the presence of fairness which are, obviously, used to legitimise not barring instructors from dating students who are not and won't be in the instructor's classes (or generally under their supervision), then this sort of approach would appear to be significantly appropriate than the categorical ban which demoralises and cancels such relationships entirely. While there it would appear to be no reason for denying this relationship, in any case, there are the individuals who might contend that the justification for a general prohibition are significantly imperative educationally even in the absence of intimidation, provocation, injustice, harassment et cetera (Ibid). One supposedly major justification that can be associated to this reasoning is that romantic relationships for the most part come up short and regularly flop in emotional ways that sometimes spillover to other delicate sections of the institution, and thus, have an effect on the undertakings and reputation of the institution. Therefore, it could be risky for the HLIs to have such a sensational disappointment play out on campus. But then again, another reason could be that such relationships can be a legal powder barrel in terms of potential lawsuit claims against the institution (Ibid), as such, the administration most likely feel that their image ought to be ensured by denying any such connections notwithstanding the fact that such events have never been used in rating the HLIs as academically and socially poor or excellent.

One widespread argument for the ban is that there is always a power play and dissimilarity between instructors and students (Chitty, 2012; LaBossiere, 2015; 2016), and this means that, at all times where these two subjects meet, the context is hypothetically coercive. Regardless of the possibility that most instructors would not deliberately force the student, rules (as noted earlier) are not made for the best individuals. Accordingly, the sweeping restriction on instructors-students relationships is important to keep any probability of coercive relationships between the two unequal categories (Ibid, 2015;2016). Nonetheless, this could without much of a stretch be disputed that the instructors always has power over the students by virtue of the positions and status they hold even when the instructor has no professional relationship to the student (LaBossiere, 2016). While it somewhat true the instructors may have some "power" with respect to being more established (more often than not),

having some status, having more wage (for the most part), etc, these don't appear to be unique from the "power" anybody could have over any other individual. That is, there is by all accounts nothing particular to being the instructor that would give the instructor control over the student that would make the relationship naturally coercive. Thus, there would appear to be no justification for prohibiting the relationship.

Moreover, it could be protested that students are helpless against the power of the instructors and that do not possess the overriding power to oppose instructors' power (LaBossiere, 2016; Conroe and Schank, 2009). However, rather than furnishing the students with the ability to battle back when not intrigued and report the matter to the higher administrative powers for enquiry any disciplinary procedures, HLIs must act paternalistically and deny all romantic relationships in defense of the supposedly innocent, credulous and totally weak students from the finesse, immoral and irrepressible sexual predatory instructors. In the view this paper and the conclusions of numerous who subscribe to my perspective, this would be comparable to the laws that protect minors (under 18 from grown-ups 18 or more), where the minors can't and ought not to provide informed consent (LaBossiere, 2016). If students in the HLIs are also regarded as minors and considered defenseless against instructors, then a similar sort of rules applies or then there ought to be a reevaluation of the agreeable age of consenting, raising it to twenty four where most undergraduates students graduate (Ibid). But again since there is similarly a good number of students who spend up to four and five years, then maybe it ought to be twenty five. There are also postgraduate students, so maybe it should be extended up thirty or even more. Besides, the students can decide to join the college at any age they deem fit. Unless it is accepted that students are 'powerless victims' and instructors are 'powerful predators', then a sweeping restriction on instructors-students romantic relationships appears to be ethically baseless, at least on the basis of disallowing such relationships due to a belief of coercion.

Nevertheless, there are other moral justifications for such principles to apply. For instance, a case can be made that dating students would be a violation of professionalism. While the impact would be the same, the grounds do appear to make the difference.

IV. THE DISTORTED LENS OF THE FEMINIST BANNERS

Starting in the 1980's, a feminist literature emerged calling for the banning of intimate, organisationally based, asymmetrical relationships and the subsumption of such relationships under the rubric of sexual harassment. Thus, when individuals in asymmetrical relationships engage in sexual behavior such a relationship is seen as sexual harassment with the person in the superordinate position viewed as the harasser and the person in the subordinate position as the victim. Fitzgerald and Weiner (1990) provide a representative statement of sexual asymmetry as sexual harassment when they state;

...When a formal power differential exists, all sexist or sexual behavior is seen as harassment, since the woman is not considered to be in a position to object, resist, or give

fully free consent; when no such differential exists, it is the recipient's experience and perception of the behaviour as offensive that constitutes the defining factor... [1990: 19]

Or, as Paludi puts it;

... Sexual harassment is an issue of organisational power. Since work (and academic) organisations are defined by vertical stratification and asymmetrical relations between supervisors and subordinates...individuals can use the power of their position to extort sexual gratification from their subordinates... [2002: 14]

As indicated in these statements, the woman's perception of the situation is no longer central. What is central is her organisational position relative to the man. If her organisational position is subordinate and she is involved in an intimate relationship, she is simply incapable of giving fully free consent. Given that consent is precluded in an asymmetric relationship, the banning of such relationships becomes appropriate. Indeed, if such a ban does not exist, the non-prohibiting organisations may become liable for the resulting sexual harassment.

Although the principles which lead to the prohibition of intimate asymmetrical relationships are applicable to both the normal working-environment and the HLIs, concern has been prevalently within the latter; and within the HLIs, concern has overwhelmingly focused on students-instructors relationships (Dundee University, 2004). It is in the context of student-instructor relationships that the inapplicability of the concept of consent has been advocated with particular vigor. In 1984 the authors of *The Lecherous Professor* set the tone of the debate when they spoke of consent in student-instructor relationships as a myth. As they advocate;

... "Some of the students are ever, in the strictest sense, consenting grown-ups. A student can never be a true equivalent of his instructor given that his professional edge provides upper-hand over her" [Brian, 2002: Dziech and Weiner, 1984: 74]. Or as Sandler (1990) succinctly puts it: *... another myth is that of the consenting adult. True consent can occur only between equals, and a relationship does not consist of equals when one party has power over the other...* [1990: 8]

Given the belief that consent is a myth, it follows that a student in a relationship with the instructor cannot meaningfully indicate to herself or others whether the professorial attention is welcome or unwelcome. As Wagner (1993) has indicated, the usefulness of the argument that a student consented to a sexual relationship lost significant ground when the authoritative structures like the disciplinary bodies set this victimless act at 'unwelcome'. He goes on by asking, how many female college or university students have endured the sexual advances of their instructors out of the fear, fascination, or just plain naiveté, but found them 'unwelcome' nonetheless (Ibid).? And even when a student internally feels that the attention is wanted, consent still cannot be given, these feminist writers argue. This is however in direct opposite to what Lori Peters, a student from the University

of Ghana found as a result of her consensual relationship with a professor;

...my past experience with sexual harassment led me to believe that in the context of power imbalance there is no such thing as consent. Where the power lies so lies the responsibility. This is however in direct opposite to what actually happened between I and my husband. I was the one who came on to him and dictated the terms of our engagement except for academic favours which he had cautioned me from earlier on.... [In Sipchen, 2009: 21]

Another way of putting it is that, to the feminist banners, the subjective perceptions of the student are neither a necessary nor a sufficient condition in determining whether sexual harassment has occurred. In light of Lori Peter's confession, either party may propose and either may accept, but according to this emerging perspective, the instructor is still guilty of harassment since the student is in an asymmetrical relationship and is simply incapable of consent. As Fitzgerald and Weiner (1990) have indicated in their analysis on who falls the victim between the two parties, perceptions alone, whether those of observers or victims are not adequate for a valid definition. The feminist perspective nevertheless defines 'sexual harassment' not as subjectively presented by the supposedly the victim (woman), but objectively by what feminists like to call the power-relations, a situation that on the one hand ends up infringing the rights of both parties and victimises male instructor on the other.

V. ACADEMICIANS AS SEX OBJECTS

For Hearn and Parking (2010), the boundary dividing students and instructors was inviolate. And, as for instructors who crossed such boundaries, for them the common story is *the teacher who is a sickie*. They objectify academicians who are sexually involved with students as being intrinsically abusive. In fact, the entirety of the banning literature makes instructors out as sexually obsessed predators who prey on their female students and treat them as sexual objects. Perhaps not surprisingly, while condemning professional objectification of female students, feminist banners have no problem with sexually objectifying male academicians. Almost all of the banning literature since the publication of *The Lecherous Professor* is simply an embellishment on this theme. Illustrative of such objectification is that of Herklots account;

...finally rape of the mind... Most young women experience a profound mixture of humiliation and intellectual self-doubt over sexual gestures by men who have power to award grades, open doors to grants and graduate school... Even if turned aside, such gestures constitute mental rape, destruction to a woman's ego. They are acts of domination, as despicable as the molestation of the daughter by the father... [Herklots, 2008: 26]

Given the powerful imagery of the predatory sex-obsessed instructors, it is also not surprising that such imagery also contains elements of pollution and poison, elements that often characterise the imagery of threatening outsiders (Dank and Los, 2003). As feminist scholar, Audi notes:

...today the psychological and social pollution... harassment spews forth is like air pollution. No one defends either one of them... below the stratosphere, in classrooms and laboratories, sexual louts refuse to disappear, imposing themselves on a significant proportion of our students... [Audi, 2000: 12]

Some may view such rhetoric as simple hyperbole. Others, however, take it quite seriously, invoking it in the attempt to implement categorical bans. Accordingly, the chairman of the council of the University of Helwan (Egypt) when advocating the categorical ban he explicitly indicated that the love affair between the instructor and the student is poison (Hollway and Jefferson, 1994). The instructor intimately involved with a student has thus been effectively dehumanised, deprived of individual motivations not to mention feelings and is seen entirely in categorical terms. An English professor Joan Blythe (1993) has poignantly responded to this objectification and dehumanisation;

...education is also a transformation of us by our students, allowing us to learn and be changed by our encounter in the classroom. This ban is a prophylactic to that kind of fertility because it presents me, the teacher, as rapacious, predatory, and dangerous even before I walk into the classroom... In setting up a law, you have immediately cast me as a potential raptor. You are emphasizing my role not as educator but as assailant. You define me in negative terms, stripping me of my ability to teach... [Blythe et al., 1993: 42]

VI. THE STUDENT AS AN INNOCENT CHILD

Just as the banning movement has objectified instructors, it has also objectified female students. The literature has almost uniformly cast students as gullible, innocent, helpless children or youths who must confront the all-powerful manipulative male instructors. It is an imagery that reinforces the premise that female students cannot give consent. Since there is a social consensus that children cannot give sexual consent, and since the image of student and child are so often used interchangeably, the premise that female students cannot give sexual consent to their male teachers since they are childlike, innocent, and powerless meets with social receptivity.

Illustrative of this construction of female students as innocents who need protection is the commentary by Russell

...“they (female students) are at that developmental stage in which it is common to question values and standards of behaviour and open themselves to new viewpoints and experiences... Students look up to their professors with great admiration, and attribute to them such appealing characteristics as brilliance, sophistication, wisdom, and maturity... [2003: 105]

Or as Zalk articulates;

...the bottom line in the relationship between academic staff and student is POWER. The faculty member has it and the student does not... The student does not negotiate-

indeed, has nothing to negotiate with. There are not exceptions to this. Knowledge and wisdom are power. While superior knowledge, and presumably greater wisdom, are often ascribed to academic staff by society at large, the student's adolescent idealism exaggerates its extent... [1990: 145].

And Hearn and Parking (2010) have directly involved the image of the innocent young girl in their advocacy of categorical banning. In responding to a question as to whether they made any differentiation between female students in or out of the professor's classroom, they stated.

...no...An 18 year old woman, first time away from home, she's in this new environment. She changes her major... she might think she will never take a chemistry class, because she can go out with the chemistry teacher. But... she suddenly decides she wants to be a vet and now she has to take chemistry, but the relationship has ended badly. We have situations where the woman cannot even walk into the classroom or will not even walk into the building... [2003: 13]

Given the helpless-child imagery of female students, they are seen as needing protection from predatory male instructors, protection in the form of prohibition. The banners' reduction of female students to children places them into the traditional protected category of "women and children". It functions to disempower female student and empower (feminist) professors and administrators as their protectors. Ironically, it not only affirms an asymmetrical, not equalitarian relationship between instructors and students, it flies in the face of what many believe is the core of true feminism that advocates for the empowerment of all women. As Zalk et al (1990) pointed out; campus feminists often do just the opposite. Any value there may be in promoting this idea about female passivity and gullibility is eclipsed by its negative effects. In her opinion, feminist educators should keep track of the images they project, particularly, the demeaning credence that "women cannot take care of themselves, women cannot make their own decisions". She adds, this is an invasion of the private lives of consenting adults, and it reeks of paternalism. This also affirms the concerns of the two female students from Makerere and Ibadan Universities with 22 and 20 years of age respectively who impliedly claimed to have been offended by the feminists' banners respectively;

... "I am older enough to decide who to bed with and when to do it"... [Female student In: LaBossiere, 2016; Hollway and Jefferson, 1994: 12]

... "I do not need outsiders to tell us what is going on and how we should react in such situations as if we are ten years old. We know better, even better than the supposedly called predators"... [Female student-In: Wise & Stanley, 2001: 8]

The banners' emphasis on the youthfulness and childlike qualities of female students is also at odds with demographics of female students in, for example, East African HLIs as they are in many other parts in the world. According to the records of the

Inter-University Council for East Africa, 59% are 22 years or older, 43% are 25 years or older, and 30% are 30 years or older. In fact, the student population is aging rather significantly. The proportion of students entering HLIs at the age of 22 or older was 28% in 2009 and in 2012, it was 38%. Despite the demographics, banning advocates continue to see students-instructors romances through the child-adult lens. It serves well for their purposes because of the powerful taboos surrounding adult-child sexuality. While this model functions as a powerfully device of social control, pornographising student-instructor romances, it also reinforces the instructor as "child-molester" caricature. No wonder a few instructors are willing to come forward as involved or formally involved in intimate relationships with students (Los, 1990; Robertson, et al., 2014). Even those in ongoing marriages have generally chosen to remain insulated from the public throughout the debate, a situation that has made it so difficult for scholars to pound a fair verdict on the phenomenon.

VII. THE REAL ISSUE: AGE AND AGE-DISLOYALTY

Given that the instructor and student categories are age-differentiated, it is to be expected that romantic relationships between students and instructors are almost always older man-younger woman. Skeen and Nielsen (1983) and Sipchen (2011) found an average age differential of 10 years. Of course, romantic relationships generally reflect the proclivity of women to be attracted to older men and of men to be attracted to younger women (Buss, 1994). With academic couples, the age differential tends to be significantly above that of non-academic couples; at times so great as to reflect a crossing of generational boundaries, that is, middle-aged men paired with women in their twenties.

It is in the view of this critique that many women are deeply offended by older men dating and/or marrying much younger women. Why? Given the age and dating norms in Africa as extensively studied by McDonald (2000) in his work *Reproductive Change in Developing Countries: Insights from the World Fertility Survey*, the eligible men for middle-aged single women are their cohorts middle-aged men. The field of eligible is further narrowed for middle-aged academic women because social norms dictate not dating and/ or marrying down. Thus, the female academic's field of eligible men is radically decreased by their academic accomplishments. Of course, the most eligible men for middle-aged academic women in terms of propinquity, age, and social status are academic middle-aged men. And it is these same men who are perhaps seen as deserting their female age cohorts to date much younger students. In fact, this paper would go so far as to suggest that many women, particularly, academic women resent the *power* that young women have to attract their eligibles. In fact, one can view the banning movements as reflecting a rather traditional generational conflict, an attempt by older women to control the dating/ mating behaviour of younger women. This attempt, of course, is disguised by the banners' construction of the lecherous-predatory-male instructor as exploiting younger women. But the banners undermine a key feminist principle, that 'no' means 'no', as well. Surely, if anything means 'yes', 'yes' means 'yes'

Farrell (1993) captures the potentially traumatic nature of the situation when he makes the following comparison;

...“when a man is forced into early retirement, he is often being given up for the young man. Being forced into early retirement can be to a man what being ‘given to a younger woman’ is for a woman” (1993:174)

Given this framework, it is only to be expected that many academic women would feel hostility toward student-instructor couples. Unfortunately, too many campus feminists (Ann Lane, Anita Hill, Tail Hook, Catherine Stimpson, and Robin Wilson amongst many) have dealt with their problem by advocating policies that effectively disempowered, infantilise, and patronise younger women. Such infantilisation is evidenced by their inability to imagine a female student ever taking the initiative with a male instructor consenting.

To be sure, few feminist academics have conceded such motivations. When there are such public avowals, it is usually by men coming to the defense of women. When the Principal of Université Ferhat Abbas de Sétif, was interviewed by *The Horizons* regarding his ban of student-instructor couples, he indicated that he based his decision in part on his being tired of seeing professors *dump* their wives for younger women (May, 1999). Interestingly and yet incongruous is the phenomenon that, some banners do back off when same-age relationship are invoked in student-instructor relationships as it is the case in many younger academic institutions jam-packed with younger instructors like the University of Dodoma in Tanzania.

Other areas of emphasis which need clarity and which have barely been addressed by the banners either by being afraid of committing more controversy or being forgotten, and thus, making the ban untenable, include cases where what is now seen as a romantic relationship between the instructor and the student by the HLIs managements is simply a continuation of what they (instructor-student) had started earlier on even before the male became an academics. How about those who are searching for soul-mates particularly in the younger HLIs where majority of instructors (Tutorial Assistants and Assistant Lecturers) are sailing relatively in the same age (peers) as their students and also given the fact that social proximity and repeated exposures play a greater role in *social bonding*? If at all ethics and adult-child sexuality taboo are central to the ban, why is it okay now for instructor-student relationship violation to be committed in other HLIs where the instructor is not employed?, lastly, the current feminists’ writings on the ban invoke two fundamental yet complicated and controversial issues, these include, the issue on what love is and how it happens, but fundamentally, whether humans (particularly men) are rational or irrational beings.

VIII. CONCLUSION

Given the prevalent caricaturing of student-instructor romances, such relationships give the impression on professorial abuse thus presenting problems for HLIs administrators concerned with public relations and *appearances*. But such superficial concerns must not be used as a rationale of repression of the associative freedoms. The concept of informed consent between adults should be the guiding principle for intimate relations on or off campus. According to UNHCR [United Nations High Commission for Refugees] (2003), intimate association is intrinsic element of personal liberty and is secured generally by the Bill of Rights which proclaims that “choices to

enter into and maintain certain intimate relationships must be secured against undue intrusion by the State”. It is in the strong conviction of this piece that the freedom to decline or resist intimate associations is inextricably bound up with the freedom to form desirable intimate associations. Upholding both of these freedoms simultaneously in the HLIs may appear to engender inherent conflict. However, the right to form adult consensual intimate relationships is a fundamental personal freedom which must be protected. A strong and effective university policy against sexual harassment together with the recognition of the right to privacy of instructors and students will serve the interests of both the HLI and the individual.

ACKNOWLEDGMENT

The author wishes to acknowledge the editorial assistance and critical reading of this manuscript by Haji Chang’a (University of Dodoma), Andre Guy (Bradley University), Christie Church (Bournemouth University) and Jennifer Thompson (Boston Graduate School of Psychoanalysis)

REFERENCES:

- [1] Audi, R. (2000). *The Ethics of Graduate Teaching*; In: Cahn, S (ed) *Morality, Responsibility and the University: Studies in Academic Ethics*. Philadelphia: Temple University Press.
- [2] Benjamin P and Thomas L. (2002). Inappropriate behavior on a college grounds: The conversion of power relations, sexual intrigue and sex stratification. *Journal of Social Problem*, Vol 5, No. 29, 65-78
- [3] Brian, M. (2002). "Instructor-student sex: abuse of trust and conflict of interest," in William J. Taverner (ed.), *Taking Sides: Clashing Views on Controversial Issues in Human Sexuality* (Guilford, CT: McGraw-Hill/Dushkin, 2002), pp. 124-126. Available at: <http://www.uow.edu.au/~bmartin/pubs/91aust.html>
- [4] Burley, D. (2014). *Informal Education: A place in the new school curriculum*; In Jeffs, T. and Smith, M. (2014), *Using Informal Education*. Buckingham: Open University Press.
- [5] Buss, D. M. (1994). *The Strategies of Human Mating*, *American Scientist*, 82, 238-249
- [6] Campbell, J. (1988) "Assent, Equality, and the Legal Control of Sexual Conduct". *Southern California Law Review* 61(4)
- [7] Chitty, C. (2002). *Understanding Schools and Schooling*. London: Routledge Falmer
- [8] Connolly, W.B. and Marshall, A.B. (1989) "Inappropriate Sexual Conducts at the Campus" Cambridge University Press.
- [9] Conroe, R.M. & Schank, J.A. (2009). Sexual intimacy in clinical supervision: Unmasking the silence. In Schoener, G., Milgrom, J., Gonsiorek, E., Luepker, E., & Conroe, R. (Eds.), *Psychotherapists' sexual involvement with clients: Intervention and prevention* (pp. 245-262). Minneapolis, MN: Walk-In Counseling Center.
- [10] Dank, L. and Los, M. (2003) "Feminism and Rape Law Reform"; In Gelsthorpe, L. and Morris, A. (eds) *Feminist Perspectives in Criminology*, Buckingham: Open University Press.
- [11] Dzeich, B. and Weiner, L. (1984). *The Lecherous Professor: Sexual Harassment on University Campus*. Urbana and Chicago: University of Illinois Press.[online]. Available at: <http://www.oberlin.edu/staff/challen/recommended2.txt>[11th August, 2016]
- [12] Eagleton, T. (1988). *The Campus Novel*. *New Left Review* 172
- [13] Farrell, J. (1993). Meaning and credibility in cheap-talk games: *Games and Economic Behavior*, 5(4):514—31

- [14] Fitzgerald, L. and Weitzman, L. (1990). Men who harass: Speculation and Data; In Paludi, M. (ed) Ivory Power: Sexual Harassment on Campus, Albany, NY: SUNY Press.
- [15] Foucault, M. (1981). The History of Sexuality, Volume One. Harmondsworth: Penguin.
- [16] Hearn, J. and Parking, W. (2010). Sex at Work: the power and paradox of organization sexuality. Brighton: Wheatsheaf.
- [17] Hearn, J., Sheppard, D.L., Tancred-Sheriff, P. and Burrell, G. (2009). The sexuality of Organization. London: Sage.
- [18] Herklots, H.G. (2008). The New Universities. London: Benn.
- [19] Hollway, W. and Jefferson, T. (1994). PC or Not PC: Sexual Harassment and the Question of Ambivalence. Paper presented to BSA Annual Conference, University of Central Lancashire.
- [20] LaBossiere, M. (2015). "Talking Philosophy: Sex, Power, Professors & Students". The Philosophers' Magazine Blog. [online]. Available at: <http://www.blog.talkingphilosophy.com/?p=8592> [11th August, 2016]
- [21] LaBossiere, M. (2016). "Sexual Assault: Argument for Bathroom Bill". The Philosophers' Magazine Blog. [online]. Available at: <http://blog.talkingphilosophy.com/?tag=sexual-assault> [11th August, 2016]
- [22] Los, M. (1990). Feminism and Rape Law Reform; In Gelsthorpe L. and Morris A. (eds) Feminist Perspectives in Criminology, Buckingham: Open University Press.
- [23] Marris, P. (2008). The Experience of Higher Education. London: Routledge
- [24] May, R. (1972) Power and Innocence. New York: Dell.
- [25] McDonald, P. (2000). Social organization and nuptiality in developing societies. Pp. 87-114; In: Hobcraft, J. (ed), Reproductive Change in Developing Countries: Insights from the World Fertility Survey. New York: Oxford University Press.
- [26] Nicolson, J. (2016). A house Full of Daughters: A Memoir of Seven Generations.[online]. Available at:
- [27] <https://www.thestar.com/news/insight/2016/10/03/juliet-nicolson-pens-a-family-memoir-of-strong-women-with-hopeless-husbands.html> [10th Sept, 2016]
- [28] United Nations High Commissioner for Human Rights (2003). Human Rights in Action: Promoting and Protecting Rights around the World, Switzerland, Geneva
- [29] Paludi, M. (2002). Ivory Power: Sexual Harassment on Campus, State University of New York Press: [online]. Available at: <http://www.icasa.org/forms.aspx?PageID=219>
- [30] Philip, A. and Ryan G. (2012). International Human Rights, Oxford University Press.
- [31] Richard Skeen, R. and Nielsen, J. (1983). Student-faculty sexual relationships: An empirical test of two explanatory models, Journal of Qualitative Sociology, Volume 6, Issue 2, pp. 99-117
- [32] Robertson, C., Dyer, C. and Campbell, D. (2014). Campus Harassment: Sexual Harassment Policies and Procedures at Institutions of Higher Learning' Signs, Journals of Women in Culture and Society 13 (4).
- [33] Russell, C. (2003). Academic Freedom. London: Routledge
- [34] Sipchen, B. (2009). A Lesson in Love? The Latest Campus Debate is whether student-professor Romances are about power or passion, Los Angeles Times, pp. E1, E6.
- [35] University of Dundee (2004). Code of Practice for Supervised Postgraduate Research. [online]. Available at:<http://graduate.cmdn.dundee.ac.uk/sites/graduate.cmdn.dundee.ac.uk/files/Code-of-practice.pdf> [20th Sept, 2016]
- [36] Wise, S. and Stanley, L. (2001). Georgie Porgie: Sexual Harassment in Everyday Life. London: Pandora.
- [37] York St John University (2012). HR/SIP/Policy on Consensual Relations between Staff and Students.[online].Available at: [https://www.yorks.ac.uk/media/content-assets/humanresources/documents/Policy on Consensual Relations between Staff and Students Feb-2013.pdf](https://www.yorks.ac.uk/media/content-assets/humanresources/documents/Policy%20on%20Consensual%20Relations%20between%20Staff%20and%20Students%20Feb-2013.pdf) [15th Sept, 2016]
- [38] Zalk, S.R. (1990). Men in the Academy: A Psychological Profile of Harassment; In; Paludi, M. (ed) Ivory Power: Sexual Harassment on Campus. State University of New York.[online]. Available at: http://www.cg2consulting.com/bib_sexual_harassment.html [11th August, 2016]
- [39] Zalk, S.R., Paludi, M.A and Dederich, J. (1990). Women Students' Assessment of Consensual Relationships with their Professors: Ivory Power Reconsidered; In Cole, E. K. (ed) Sexual Harassment on Campus: A legal compendium. Washington DC: National Association of College and University Attorneys. [online]. Available at: http://cg2consulting.com/bib_sexual_harassment.html[11th August, 2016]

AUTHORS:

First Author - Nelson M. Ishengoma; Department of Sociology & Anthropology, University of Dodoma, ishengomanelson@gmail.com