

Personal Relationships Policy

From: Human Resources

Date: October 2022

POLICY INTENT

The Personal Relationships Policy is designed to:

- Set out the obligations on staff and individuals working for or with the University where there is an intimate or personal relationship (1) between a staff member and a student (2) between an individual working for or with the University and a student (3) between staff members or (4) between a staff member and an individual working for or with the University.
- Uphold mutual trust and confidence between staff, individuals working for or with the University and students through minimising risks of perceived, potential or actual conflict of interest, unwanted conduct or unfair treatment.
- Establish professional conduct responsibilities on staff and individuals working for or with the University to establish professional boundaries.
- Provide a framework for declaring and managing intimate and personal relationships that is fair, sensitive and consistent.
- Provide a framework for managing intimate and personal relationships that have ended.

LEGISLATION

- Employment Rights Act 1996
- Equality Act 2010
- Human Rights Act 1998
- Sexual Offences Act 2003
- The Safeguarding Vulnerable Groups Act 2006

Employment rights:

- Nothing in this policy will supersede an individual's rights, as set out in UK employment legislation.

UNIVERSITY POLICY

1. Policy Principles

- 1.1 The University is committed to a respectful and safe environment for Education, Research and Knowledge Exchange and Enterprise and work and study. The University believes that mutual trust and confidence between staff, individuals working for or with the University and students is central to establishing this environment.
- 1.2 The University respects the need for its community to have a private life. The University will balance the right to private life with the University's legal obligations and duty of care.
- 1.3 University staff and individuals working for or with the University have a professional and ethical responsibility to protect the interests of students.
- 1.4 University staff and individuals working for or with the University must act professionally, respectfully and with integrity when carrying out University-related work and activities. This includes after an intimate or personal relationship has ended.

- 1.5 The University recognises that many types of relationships bring benefits to the University's community. However, the University recognises that some intimate and personal relationships have a power imbalance. This may also be the case after an intimate or personal relationship has ended.
- 1.6 The University will offer support to staff and students affected by breaches of this policy.

2. Equality, Diversity and Inclusion Principles

- 2.1 The University will apply this policy fairly and consistently without prejudice to the gender identity, sexual orientation or number of individuals involved in any intimate or personal relationship.

3. Data Protection

- 3.1 The University will process any personal data in compliance with any relevant data protection legislation in force at the time.
- 3.2 If the University requires consent for any specific use of their personal data, the University will collect it at the appropriate time, explaining why the University is collecting the data and how the University will use it. Consent can be withdrawn at any time.
- 3.3 Data will be held securely, kept up to date and removed within three months of an intimate or personal relationship ending when no further action is identified by the Disclosure Manager.
- 3.4 Further information on [Data Protection](#) and the [Employee Privacy Notice](#) can be found on the University website.

4. Policy statement

4.1 Policy Scope

- 4.1.1 This policy applies to all University staff, students and individuals working for or with the University. For the purpose of this policy and for ease of reference only:

"staff" means University employees (whether full or part-time).

"individuals working for or with the University" means casual workers including those appointed through UniWorkforce, agency workers, volunteers, individuals with visitor status, all external members of the University's Council and its committees, external examiners, clients, contractors and project partners. For the purposes of this policy it also includes honorary staff and Emeritus Professors/Fellows (this list is non-exhaustive).

a "student" means undergraduates, postgraduates, summer school students, students on placement, international students, students on distance learning programmes and visiting students including exchange students. This also includes prospective students who have applied for a place at the University and students who have deferred or interrupted their studies.

Where postgraduate students are working for the University in a research, teaching or teaching-related capacity for example as a demonstrator, this policy will apply to them in their role as an individual working for or with the University.

- 4.1.2 This policy applies irrespective of whether staff, individuals working for or with the University or students are on or away from campus carrying out University-related work or activities including conferences, field trips or University social events.

- 4.1.3 This policy does not form part of any employee's contract of employment and may be amended at any time. The University may, at its absolute discretion, vary this policy at any time in consultation with the University's Recognised Trade Unions.

5. Definitions

- 5.1 "Consent" is the agreement between participants to have sex or engage in sexual activities. Consent cannot be assumed. Consent to one act, for example kissing, does not mean there is consent to any other sexual act. Consent can be withdrawn at any time including during sex or sexual activity and consent must be present each time sex or sexual activity occurs. All involved must have the freedom and capacity to make the decision. Individuals who are underage, intoxicated or incapacitated (by drugs or alcohol), or asleep or unconscious cannot consent. Consent given under pressure or intimidation or threat is not consent, and unequal power dynamics, such as where the individuals are manager/subordinate or lecturer/student can also undermine consent.
- 5.2 A "Disclosure Manager" is the disclosing individual's Head of School/Department, Director or their nominee responsible for managing a disclosed intimate or personal relationship. Where a Head of School/Department, Director or an individual more senior than Head of School/Department or Director is making a declaration, the Disclosure Manager is the next-level manager.
- 5.3 An "intimate relationship" refers to a consensual sexual or romantic relationship or other close relationship which goes beyond the boundaries of friendship whether that relationship is long-term or a one-off occurrence. This is irrespective of whether the intimate relationship is in person or conducted remotely for example through video calls, messages or social media platforms. This list is non-exhaustive.
- 5.4 A "personal relationship" refers to a family relationship, a relationship where there is financial dependence, a relationship where there is a business or commercial connection or a close friendship where that friendship goes beyond professional University-related activities. This list is non-exhaustive.
- 5.5 "Sexual misconduct" covers a broad range of conduct and includes any sexual conduct that is unwanted or causes distress, or that otherwise constitutes harassment, bullying or victimisation. This includes the following behaviours: initiating or engaging in a sexual act without consent from the other party, sending unwanted sexually explicit messages or photos, sharing sexual images or recordings of another individual without their consent, unwanted touching, sexual comments, jokes or degrading remarks whether made in person, on social media or otherwise. For the purposes of this policy, sexual misconduct also includes sexual criminal behaviour such as sexual assault, stalking, grooming and indecent exposure. This list is non-exhaustive.
- 5.6 "Unwanted conduct" includes, but is not limited to, discrimination, favouritism or bias. Unwanted conduct also includes bullying, harassment or victimisation as defined in the University's [Inclusion and Respectful Behaviour Policy](#).

6. Intimate or personal relationships with students

- 6.1 **Intimate relationships with students under the age of 18**
- 6.1.1 It is a criminal offence under The Sexual Offences Act 2003 for a person over the age of 18 working with young people to have a sexual relationship with a person under the age of 18 who is in education. This offence applies even if both parties consent.

6.1.2 To comply with the University's legal and safeguarding obligations, staff and individuals working for or with the University must not enter into or have an intimate relationship with a student who is under the age of 18.

6.1.3 The University's [Safeguarding Policy](#) sets out the University's position towards children and vulnerable adults and any concerns should be reported to the University's Principle Safeguarding Officer.

6.2 Intimate relationships with students over the age of 18

6.2.1 Intimate relationships between either (1) staff and students or (2) individuals working for or with the University and students can lead to serious allegations of potential, perceived or actual conflict of interest, unwanted conduct, unfair treatment, sexual misconduct and questions around consent.

6.2.2 Staff and individuals working for or with the University must accept they are in a position of trust with students. The University recognises that an intimate relationship with a student involves risks rooted in unequal power. Staff and individuals working for or with the University should accept that consent from a student may not be freely obtained due to this power imbalance.

6.2.3 For these reasons the University strongly discourages intimate relationships between (1) staff and students and (2) individuals working for or with the University and students.

6.2.4 To minimise the risks of potential, perceived or actual conflict of interest, unwanted conduct, unfair treatment or sexual misconduct, staff or individuals working for or with the University who are in an intimate relationship with a student must declare the relationship as soon as possible in accordance with section 9 below. The requirement to declare falls on the staff member or individual working for or with the University. Students are not required to make a declaration but may seek advice or support about a relationship or concern from the [Student Hub](#).

6.3 Intimate or personal relationships with students where there is a professional connection

6.3.1 The University recognises that it is difficult to maintain professional boundaries in an intimate or personal relationship between a student and a staff member or individual working for or with the University where there is a professional connection. Intimate or personal relationships with a professional connection could also damage trust and confidence or have a harmful effect on the teaching, research or work and study environment for other students, staff or individuals working for or with the University.

6.3.2 The University will seek to remove or minimise the risks of potential, perceived or actual conflict of interest, unwanted conduct or unfair treatment where a staff member or individual working for or with the University is in an intimate or personal relationship with a student in the following circumstances where there is a professional connection (this list is non-exhaustive). The staff member or individual working for or with the University:

- a) has academic responsibilities to the student such as teaching, learning and assessment.
- b) has pastoral responsibilities to the student.
- c) has supervisor responsibilities to the student.
- d) has mentoring responsibilities to the student.
- e) is involved in the recruitment or selection of the student.
- f) is involved in the nominating or the decision-making of the student's prize, award or scholarship.
- g) holds financial responsibilities towards the student.
- h) is involved in employment and career related duties including placements and providing references for the student.

- 6.3.3 Staff or individuals working for or with the University who are in an intimate or personal relationship with a student where there is a professional connection set out above must declare the intimate or personal relationship as soon as possible in accordance with section 9 below. The requirement to declare falls on the staff member or individual working for or with the University. Students are not required to make a declaration but may seek advice or support about a relationship or concern from the [Student Hub](#).

7. Intimate or personal relationships (1) between staff members or (2) between a staff member and an individual working for or with the University

- 7.1 The University recognises that intimate or personal relationships (1) between staff members or (2) between a staff member and an individual working for or with the University can bring positive benefits to the University community.
- 7.2 The University also recognises that intimate or personal relationships particularly those with a professional connection could result in a power imbalance. It may also lead to allegations of potential or actual conflict of interest, unwanted conduct or unfair treatment. It may also affect the working environment for other staff or individuals working for or with the University. This may also be the case after the intimate or personal relationship has ended.
- 7.3 The University considers there is a professional connection in the following circumstances (this list is non-exhaustive):
- a) where there is direct responsibility for the other party in the relationship, for example, line management, leadership, supervisory or mentor responsibilities.
 - b) there is responsibility for carrying out duties under University policies and procedures in relation to the other party in the relationship including acting as investigator or decision-maker in a disciplinary or grievance process.
 - c) there is responsibility for the recruitment, retention or promotion of the other party in the relationship.
 - d) there is responsibility for the appraisal of the other party in the relationship.
 - e) there is financial decision-making responsibilities in relation to the other party in the relationship.
 - f) there is responsibility for award, training or career development opportunities in relation to the other party in the relationship.
- 7.4 Where there is an intimate or personal relationship either (1) between staff members or (2) between a staff member and an individual working for or with the University and there is a professional connection, both parties (staff and individuals working for or with the University) must make a declaration as soon as possible in accordance with section 9 so the University can review and manage any risks. When an intimate or personal relationship ends, both parties must notify the University in accordance with section 11.

8. Professional conduct responsibilities for staff and individuals working for or with the University

- 8.1 The University recognises that staff, individuals working for or with the University and students interact closely with each other as part of the work and study environment and this interaction is key to promoting a positive University community. The University acknowledges that there is a range of cultural and language differences in the University community which may lead an individual to interpret something differently to how it was intended.

- 8.2 To establish clear professional boundaries and mitigate against allegations of misconduct including sexual misconduct, staff and individuals working for or with the University should:
- a) avoid unwanted physical contact with staff, individuals working for or with the University and students.
 - b) avoid making sexually explicit remarks, sexual jokes or innuendos towards or in the presence of other staff, individuals working for or with the University or students.
 - c) not display or distribute sexually explicit content.
 - d) wherever possible use their University email address, University phone (or Microsoft Teams) or other University applications to communicate with students where the communication concerns University-related work activities.
 - e) wherever possible hold University-related work meetings with students on campus or other University premises. Where this is not possible, the University recommends that the meeting occurs in a public venue, for example, a library or café or other similar space.
 - f) not invite students to their private residence or private room without others present including hotel rooms or accommodation whilst attending conferences or on field trips.
 - g) refer pastoral or welfare issues raised by a student to their personal tutor or advise the student to contact the [Student Hub](#).
 - h) refer welfare issues raised by a staff member to their line manager, next level manager or [HR](#).
 - i) act professionally and comply with the University's [Inclusion and Respectful Behaviour Policy](#) when carrying out University duties both on and away from campus, for example, on a field trip or a University-related social event. This is particularly important after an intimate or personal relationship has ended.

9. Declaring intimate and personal relationships

- 9.1 When an intimate or personal relationship meets the criteria for disclosure under this policy, the parties must make a declaration to their Disclosure Manager.
- 9.2 If a staff member or individual working for or with the University is unsure whether they are required to declare an intimate or personal relationship, they should contact [AskHR](#).
- 9.3 Where a declaration is required under this policy, the staff member or individual working for or with the University must declare the intimate or personal relationship as soon as possible.
- 9.4 Failure to declare a disclosable intimate or personal relationship may be treated as a breach of this policy in accordance with section 12.

10. Managing declarations

- 10.1 An Employee Relations Manager will support the Disclosure Manager to manage a declared intimate or personal relationship in a fair, sensitive and consistent manner.

- 10.2 The Disclosure Manager will acknowledge the declaration and inform any named parties that a declaration has been made. The Disclosure Manager will seek consent from all parties where it is necessary to inform others about the intimate or personal relationship.
- 10.3 The Disclosure Manager will review the declaration and seek to manage any professional connection, potential, perceived or actual conflict of interest and mitigate against the risks of unwanted conduct, unfair treatment and sexual misconduct.
- 10.4 The Disclosure Manager will consult with all parties in the intimate or personal relationship on proposals to manage the declaration.
- 10.5 Parties are expected to comply with any actions or decisions made by the Disclosure Manager. A failure to comply will be treated as a breach of this policy in accordance with section 12.
- 10.6 The Disclosure Manager will confirm the outcome in writing to all parties in the intimate or personal relationship including if no actions are needed. The Disclosure Manager will review any actions at least on an annual basis.

11. Relationships which have ended

- 11.1 When an intimate or personal relationship has ended both parties must notify their Disclosure Manager.
- 11.2 An Employee Relations Manager will support the Disclosure Manager to manage a relationship which has ended in a fair, sensitive and consistent manner.
- 11.3 When a Disclosure Manager is notified that an intimate or personal relationship has ended, the Disclosure Manager will review the initial actions and consider whether further actions are necessary. The Disclosure Manager will aim to establish a harmonious working environment and mitigate against the risk of abuse of power in order to protect both parties.
- 11.4 Where further actions are necessary, the Disclosure Manager will consult with both parties in the intimate or personal relationship on the proposed actions.
- 11.5 Parties are expected to comply with any further actions or decisions made by the Disclosure Manager. A failure to comply will be treated as a breach of this policy in accordance with section 12.
- 11.6 Parties must behave in a professional manner and avoid personal disputes whilst carrying out University-related work or activities. A failure to do so will be treated as a breach of this policy in accordance with section 12.

12. Compliance with this policy

12.1 Non-compliance by an employee

- 12.1.1 University employees who fail to comply with this policy may face disciplinary action under the University's [Disciplinary Procedure](#) or other relevant procedures, up to and including summary dismissal.

12.2 Non-compliance by an individual working for or with the University

- 12.2.1 Individuals working for or with the University who fail to comply with or breach this policy may have their engagement with the University terminated.

12.3 Reporting non-compliance

- 12.3.1 Staff, individuals working for or with the University or students who become aware of breaches of this policy can report the breach using the University's [Report + Support](#) system.

RESPONSIBILITIES

Human Resources

- To support Disclosure Managers in managing a declared intimate or personal relationship.
- To store declarations in accordance with the University's Data Protection policy and legal obligations.

Disclosure Manager

- To manage declarations of personal relationships to mitigate against any potential, perceived or actual conflict of interest, favouritism, sexual harassment, unwanted conduct, victimisation or bias.

Staff

- To declare an intimate or personal relationship as required under this policy.

Individuals working for or with the University

- To declare an intimate or personal relationship as required under this policy.
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VERSION CONTROL

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