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1841

YORK
ST JOHN
UNIVERSITY

Personal Relationships at Work Policy

1. Scope and Purpose of the Policy

- 1.1 This policy sets out the expectations and obligations of employees of the University, agency workers and contractors, associates and others working for the University in the UK and abroad, with respect to personal relationships between students and staff and between colleagues, regardless of their sexual orientation and gender identity.
- 1.2 All staff are in a position of trust. It is important that they demonstrate exemplary behaviour towards all students. They should always give due consideration as to what is an appropriate environment and what is appropriate conduct in relation to activities they are undertaking.
- 1.3 The University recognises that socialising on a friendship basis between colleagues, staff and students is often a positive aspect of being an active member of the University community, however the nature of staff/student and staff/staff relationships imposes particular responsibilities and duties on staff. This policy is intended to ensure that appropriate safeguards and processes are in place to prevent abuse of power, sexual misconduct and harassment.
- 1.4 This policy seeks to protect students and staff from allegations of actual or perceived conflicts of interest, and to limit circumstances where a position of power may be abused. In doing so it seeks to ensure a positive and supportive working environment where all are treated fairly.
- 1.5 This policy also prohibits all intimate relationships with staff or students who are under the age of 18 or who are an adult at risk.
- 1.6 This policy prohibits close personal and intimate relationships between staff and students where the staff member has a direct responsibility for, or involvement in that student's academic studies and/or personal welfare. Postgraduate researchers (PGRs) and Graduate Teaching Assistants who are employed temporarily or permanently have a dual role as a member of staff and a student.
- 1.7 All close personal or intimate relationships that may give rise to a real or perceived conflict of interest, exploitation, favouritism or bias must be declared

to the individuals line manager which will be kept on the individual's electronic personal file.

- 1.8 This policy applies to close personal or intimate relationships which are formed after the implementation date of this policy. Any existing or previous relationships are referred to in section 8.

2. Introduction

- 2.1 There is potential for abuse or the perception of abuse in any intimate or personal relationship between individuals in inherently unequal positions where one individual is expected to discharge their teaching or supervisory responsibility for the other, whether or not they are paid for their services. At York St John, such positions include, but are not limited to, a lecturer or supervisor and their student, a manager and staff member they manage.
- 2.3 Relationships in which one party is able to evaluate the work or influence the career or study progression of the other, may also provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities, or simply creates a perception of these problems.
- 2.4 A relationship where one party holds a position of power over the other may result in (allegations of) harassment or misconduct or risk of blackmail. The purpose of this Policy is to ensure that the correct process is followed so that members of staff are not open to allegations of impropriety, bias, abuse of authority, discrimination, conflict of interest or favouritism.
- 2.5 Implicit in the professional role of members of staff is an obligation to ensure that conflicts of interest do not arise, and that relationships with students for whom the staff member has any responsibility remain strictly professional, respecting the trust inherent in them.

3. Relationships with Students or Staff under the age of 18 or who are an 'adult at risk'

- 3.1 Members of staff must not be in, or enter into, a close personal relationship with a student or staff member under the age of 18, or an adult known or suspected to be at risk of abuse, for whom they have any responsibility for, or involvement in, that person's academic studies and/or personal welfare.
- 3.2 Staff must not engage in sexual behaviour with someone with whom they are in a position of trust. Whilst a young person can consent to sexual activity once they reach the age of 16, the Sexual Offences Act (2003) makes it a criminal offence for a person to engage in sexual activity of any kind with a person under the age of 18, where the adult is in a position of trust.
- 3.3 Anyone suspecting a member of staff of acting inappropriately towards a student or staff member under the age of 18 or an adult at risk should refer to the University's Safeguarding Policy and contact the University Safeguarding

Officer or Deputy Safeguarding Officer, who may contact the local authority designated officer and/or the police.

4. Relationships between Staff and Students

- 4.1 It is vital that the staff-student relationship is one of trust and confidence in order that students can benefit from the learning experience. It is also vital that students benefit from equality of treatment and so it is important that a personal relationship between a member of staff and a student does not in any way prejudice that equality, in reality or perception. Arrangements must ensure that the student does not suffer disadvantage because of a reported relationship.
- 4.2 The University therefore prohibits close personal and intimate relationships between staff and students where the staff member has a direct responsibility for, or involvement in that student's academic studies, or personal welfare. If a staff member is unsure if they have any responsibility for the student, they should declare the relationship to their line manager or Head of School/Department, in order that they can assess the risk of unintended consequences arising. It is recognised that some people may have dual roles i.e. a student who is also working for the University such as a Graduate Teaching Assistant (GTA), and should seek clarity from their line manager.
- 4.3 Direct responsibility includes, but is not restricted to, direct teaching, direct management, direct supervision, assessing students' work (either formative or summative assessments), and welfare, pastoral or support worker roles.
- 4.4 Staff have an obligation to declare all close personal relationships with students to enable the University to assess whether any potential or actual conflict of interest exists. The University is a Stonewall Diversity Champion and aims to provide a safe environment where, regardless of sexual orientation or gender identity, relationship can be confidentially disclosed.
- 4.5 Once declared, a conflict-of-interest management plan will be made.
- 4.6 In order to maintain appropriate relationships with students, and to help reduce the risk of sexual misconduct, abuse of power or conflict of interest, staff should:
 - maintain an appropriate physical and emotional distance from students and perform their duties in the best interests of the University without favour towards any individual student over another student.
 - avoid creating special close friendships with students as this may constitute grooming.
 - use a University email account, University telephone or mobile, University software and applications and internet access for communications with students. Personal messaging should not be used.
 - write and communicate with students in a professional and business style. Any email sent to a student or a colleague about a student may be disclosed to the student or their legal representative, for example under data protection law.

- Staff should not give their personal mobile phone number to a student. York St John communication channels such as University email or Microsoft Teams should be used. In unavoidable circumstances, for example when taking part in conferences or field trips, staff should use their work telephone numbers which may be diverted to the staff member's personal mobile.
- 4.7 Where staff have a primary role of providing supervision, teaching, or pastoral care to students (including personal tutors), staff should:
- ensure that meetings and discussions occur on campus, other University-approved premises or other University approved communication channels for on-line meetings i.e. MS Teams. Where not possible, ensure the meeting occurs in a public venue, such as a library or a café.
 - refer students with support needs to a relevant University's Wellbeing team and avoid providing personal support to a student where this is not part of their role;
 - not contact students outside of reasonable working hours;
 - not seek personal information from a student except as relevant to a University process (e.g. medical information for special consideration, or personal circumstances information as part of an academic progress process).
- 4.8 Guidance on unacceptable behaviour towards students (noting that this is not an exhaustive list of examples):
- Physical touching, that could be construed as sexualised (e.g. touches of the shoulder or squeezes of the leg), or comments or questions of a sexual nature (whether verbally or electronically).
 - Paying undue special attention to a particular student which constitutes grooming.
 - Accepting gifts from a student, unless it is following final assessment completion and deemed to be a minor token of thanks in accordance with [gifts and hospitality guidance set out in the YSJ financial regulations](#). Declarations need to be made on an annual basis on the [gifts and hospitality register](#) if staff receive a gift or hospitality over the value of £25.
 - Inviting an individual student to your private home or room without others present, or visiting their home or room, including while at conferences, overseas trips, or on placement.
 - Asking a student to care for your child, or to house sit whilst on holidays, or perform any other personal services or work-related duties when not formally employed or engaged by the University to do so.
- 4.9 Where students have flagged concerns of unacceptable behaviour or a relationship has been declared, then they should be encouraged to seek help and support from the University's Wellbeing team.

5. Relationships between members of staff

- 5.1 Relationships between members of staff are not prohibited, however, there may be situations where members of staff are also studying at the University e.g. GTAs, and would be considered as students in respect of this Policy. In order to prevent potential abuse of power or perceived or real conflict of interest, staff must declare close personal or intimate relationships in either of the following situations:
- Where a relationship begins that may give rise to a real or perceived conflict of interest, exploitation, favouritism or bias;
 - Where a relationship already exists and a new situation arises that may give rise to a real or perceived conflict of interest, exploitation, favouritism or bias. For example, two staff members in a relationship who worked in different departments who now work in the same department.
 - Where one person is in a position of authority over the other party
- 5.2 Where staff are in an intimate or close personal relationship, consideration will be given on how to prevent conflict of interest, breach of confidentiality or unfair advantage gained (or perceived to be gained) from the overlap of a personal and professional relationship. This may include finding alternative line management arrangements.
- 5.3 The line manager will only inform other relevant members of staff about the relationship (e.g. in order to explain a change in management arrangements), if the individuals concerned agree.
- 5.4 Staff are reminded of possible power imbalances within intimate and close personal relationships. Relationships between employees in which one has direct line management for the other are prohibited and alternative line management arrangements should be put in place.
- 5.5 In order to maintain appropriate relationships with colleagues/peers, and help reduce the risk of abuse of power or conflict of interest, staff should:
- maintain an appropriate physical and emotional distance from other staff whilst at work;
 - perform their University duties in the best interests of the University without favour towards any individual staff member over another;
 - avoid paying undue special attention to a particular member of staff which could constitute grooming
 - staff should use their University email account, telephone (including Microsoft Teams) and internet access for work-related communications with staff and maintain professional communications;
 - be aware that any email sent to a staff member about a colleague may be disclosed to them or their advocate under data protection legislation. All emails and work-related instant messages should be written in a professional manner;
 - establish boundaries between professional and non-professional communication with colleagues;

- adhere to the same guidelines when you and the staff member are participating in fieldwork, conferences and other University activities away from your usual workplace;
 - ensure that meetings and discussions about University matters occur on campus or other appropriate premises.
 - refer colleagues with support needs to a relevant University support service, such as occupational health or our employee assistance programme and be mindful to limit your role in providing personal support to a staff member where this is not part of your employment duties.
- 5.6 Where an intimate relationship ends it is expected that all parties will continue to conduct themselves in a professional manner in the University and avoid personal disputes which impact on the working environment or other colleagues and students. It may also be appropriate for some of the actions, put in place by the University during the relationship, to continue for a period of time following the end of the relationship.

6. Inappropriate conduct by students and staff

- 6.1 York St John is determined to eradicate any harassment, bullying and victimisation and will take robust steps to address unacceptable behaviour at work. All staff members are expected to be respectful of professional boundaries and act in line with the acceptable behaviours of the University:
- Treat all others with dignity and respect
 - Conduct themselves professionally
 - Not behave in a manner that could be offensive to others
 - Be proactive in developing and maintaining effective working relationships
 - Take appropriate action where there are difficulties in working relationships
- 6.2 The Dignity at Work Policy outlines the procedure for action when behaviour falls short of these acceptable behaviours.
- 6.3 A staff member should seek advice immediately if they feel they have been subject to unprofessional or inappropriate conduct from a student or colleague, by speaking to their line manager, the Head of School/Department or a member of Human Resources to ensure appropriate support is provided.

7. Declaration of intimate or close personal relationships

- 7.1 All declarations are to be made as soon as reasonably practicable and always within one month.
- 7.2 As the declaration contains sensitive personal data it will be stored securely electronically and managed in compliance with data protection legislation. Such declarations will be treated respectfully, sensitively and confidentially, and the wishes of both parties respected as far as is possible. This includes same-sex relationships where the parties may not be “out” publicly. The declaration will be retained on the electronic HR file during their employment and in accordance with Leavers records as set out in the Retention Policy.

- 7.3 Staff who are unsure whether they have a close personal or intimate relationship with a student or staff member, should seek advice from their line manager. Staff are particularly encouraged to seek advice if the other party expressly does not wish the relationship to be reported.
- 7.4 Staff should make the disclosure in writing using the form in Appendix 4 for Staff/student relationships or Appendix 5 for staff/staff relationships, and forward to their line manager. The line manager will then be responsible for carrying out the appropriate risk assessment.

The purpose of the risk assessment is to ensure that all parties are protected from claims of actual or perceived conflict of interest and allows for measures to be agreed and put in place to support both parties.

This form should be completed even if the relationship was previously declared prior to the introduction of this Policy.

The form is held securely on the HR system and is only accessible to designated members of the HR team. The University recognises that there may be a breach of the Data Protection and Equality legislation if information is shared from this form which may disclose a persons' gender, gender identity, trans history or orientation and confidentiality will be maintained.

- 7.5 In placing measures to manage any conflict of interest, the line manager may consider the following:
- any known vulnerability of the student or staff member;
 - the student's or colleague's personal circumstances at the time;
 - whether there is a supervision or teaching arrangement in place at the time; the circumstances of the student when the close personal relationship commenced or was initiated;
 - any special family, kinship and elder relationships;
 - the nature of the two individuals' contact in study, research or employment;
 - the potential for the staff member to influence the academic progress and outcomes or career progression of the student or colleague; and
 - the extent of the power imbalance between the two individuals.
- 7.6 The line manager will take steps to consult with the member of staff to identify any impact their relationship may have within the University, ensure action is taken to minimise the potential effect of the relationship on other staff and/or students.
- 7.7 Both the staff member and student or colleague will be notified of the conflict of interest, management measures put in place. Further guidance on undertaking the risk assessment is at Appendix 1.

8. Existing relationships

- 8.1 This section applies to relationships which are in existence at the time this policy is published.
- 8.2 Members of staff must, within 2 months of this policy being published, declare any existing close personal or intimate relationships with students with their line manager who will undertake the risk assessment set out in Appendix 4.
- 8.3 Members of staff must, within 2 months of this policy being published, declare any existing close personal or intimate relationships with colleagues (where there has is line management responsibility, or where there could be a potential conflict of interest). to their manager. The Risk Assessment will then be completed as set out in Appendix 5.
- 8.4 The completed form should be submitted to Human Resources via HROD@yorks.ac.uk for secure confidential storage

9. Breach of Policy

- 9.1 An intimate relationship between a staff member and student with direct supervision is a breach of this policy and will be investigated under the staff disciplinary procedure.
- 9.2 Failure to disclose a close personal or intimate relationship with a student or with a colleague where there is a supervisory relationship as set out in section 5 will be investigated under the staff disciplinary procedure.
- 9.3 This policy will be updated in line with any statutory obligations, and in line with business requirements. The University will keep this policy under review with the recognised Trade Unions. This policy is not contractual and may be varied from time-to-time following consultation with the University's recognised Trade Unions.

Appendix 1: Risk Assessment Process

The following steps are required.

- Report
- Risk Assess
- Take Action
- Record

Report

Where relationships exist that pose an actual, or potential conflict of interest or may cause others to question the integrity of a member of staff, the relationship must be reported.

The member of staff must report this in writing to their line manager using the appropriate form.

Where the member of staff is unclear whether or not it is necessary to report a relationship they must seek advice from their line manager. If an individual is advised it is unnecessary to report the matter any further, they should keep a record of this and the line manager should make a record that the conversation has taken place.

Risk Assess

The line manager (or other nominated individual) will make any necessary enquiries in order to assess the level of risk posed by the relationship and make appropriate recommendation, seeking advice from Human Resources as necessary. The member of staff will be kept updated.

Some forms of relationship (such as family ties) that exist between members of staff, or a member of staff and a student may not pose a conflict of interest. An example of this might be where the staff member does not:

- Teach
- Assess or provide resources to the student or other party;
- Have influence over decisions which personally affect them;
- Line manage or work with them.

Take Action

Where appropriate, the manager or another nominated individual will propose a course of action to avoid the potential conflict of interest. This might involve for example making alternative governance, approval or authorisation arrangements. In some circumstances it may be possible to adjust an individual's responsibilities to avoid a conflict of interest.

Record

The line manager will report the outcome of their enquiries and their proposals to their Director or Head of School, taking into account any potential breach of the Equalities Act.

Where it is advised that the matter is not regarded as a conflict, a record should be kept of this decision.

A copy of the record should be provided to the staff member(s).
A copy should be sent to Human Resources for placing on the employee's personal file. Where circumstances change, the employee should inform their line manager, who will arrange for the record to be updated.
Records must be kept in line with data protection legislation.

Appendix 2 – Examples of Potential Conflicts of Interest

The following are examples of relationships and areas of potential conflicts of interest. This is not an exhaustive list.

Examples of relationships which apply to this Policy

- Current partners, romantic or sexual, cohabitantes
- Family, including wider family, stepfamily, godparent, guardian
- Directorships or company partnerships, business, commercial, financial
- Close personal friendships with students

Circumstances where actual or potential conflicts of interest arise

- One party to the relationship is responsible for (or could influence) decision-making that affects the other party or their circumstances including authorising expenses, applications, assessment, award of contract or payment.
- Decisions about a student's admission, assessment, academic progress, or access to student resources or support, prizes, paid work, research awards, industrial or clinical placements, participation in field visits.
- Any form of non-anonymous assessment
- Supervision of a PGR student
- Events or meetings with students that take place outside of University premises.
- Teaching, personal tutoring, mentoring, pastoral care of a student with whom a close personal relationship exists.
- Business or financial arrangements with a student or member of staff or a member of their family (e.g. rental of property).
- Exchange of money or gifts or favours between staff and students or their families.
- Employment of a member of staff by a student or members of their family.
- Employees are in a personal relationship and are working together.
- Decisions about the member of staff's recruitment, development, promotion, remuneration, appraisal, performance management, disciplinary, access to resources where a relationship exists as set out above.
- Decisions about procurement/contract negotiation/award to a person or company where a relationship (as set out above) exists or has existed.
- Decisions about allocation of project benefits or resources in an international development context where a relationship (as set out above) exists.

Appendix 3 – Definitions

Abuse of power

Abuse of power is where someone uses their position of power or authority in an unacceptable manner. Abuse of power can take various forms and may include, but is not limited to, grooming, manipulation, coercion, putting pressure on others to engage in conduct they do not feel comfortable with.

Adult at risk

An adult at risk is someone over the age of 18 who

- Has needs for care and support
- Is experiencing, or at risk of, abuse or neglect
- As a result of those needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect. This can relate to physical, mental or psychological wellbeing or the potential to be drawn into sexual or criminal exploitation and activity.

Close personal relationships

Personal relationships for the purpose of this policy are deemed to include:

- Family relationships e.g. brother, sister, daughter, son, mother, father and also being related by marriage or civil partnership e.g. brother-in law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in law, step children or parents etc
- Married partners, co-habiting partners and civil union partnerships
- A business/commercial/financial relationship
- Sexual/intimate relationships
- A close friend or a relationship of a personal nature than can be considered to affect the professional objectivity of the member of staff

Consent to an intimate relationship

Consent is agreeing by choice and having the freedom and capacity to make that choice. The person seeking consent should always take steps to ensure that consent is freely given, that it is informed and recognises that it can be withdrawn at any time.

Freedom to consent

A person is free to make a choice if nothing negative would happen to them if they said no. For example, a person is not free to choose if:

- they are being threatened with violence (by the perpetrator and/or by someone else);
- they are being threatened with humiliation
- they believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk, if they refused.
- they are being blackmailed.
- there is a significant power imbalance and the party without power feels pressured to continue in the relationship against their will.

Capacity to consent

Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have the capacity to give consent if they are asleep or unconscious. A

person's capacity to consent may be inhibited by the influence of drugs or alcohol or the presence of a cognitive or learning difficulty, or mental health condition.

Grooming

Grooming can be defined as a gradual process that someone in a position of power uses to manipulate someone to do things they may not be comfortable with and to make them less likely to reject or report abusive behaviour. Grooming will initially start as befriending someone and making them feel special and may result in sexual abuse and/or exploitation.

Intimate relationships

An intimate relationship is a consensual romantic or sexual relationship which goes beyond the bounds of a platonic or working relationship. An intimate relationship means any association, however brief of a sexual or other intimate nature, either in person or remotely (for example via social media, email, or text messaging).

Position of Trust

Any staff member who has direct contact with students, children and young people under the age of 18, or adults at risk, is in a position of trust.

Appendix 4

Est. 1841	YORK ST JOHN UNIVERSITY	DISCLOSURE OF PERSONAL RELATIONSHIP BETWEEN A STAFF MEMBER AND A STUDENT – RISK ASSESSMENT	
<p>This form should be used to assess and record any real or perceived conflict of interest when a staff member discloses that they are, or have been, personally involved with a current or incoming student. This will include any personal or intimate relationships as defined by the Policy. Once complete, the form should be forwarded by email to the HROD Department via HROD@yorks.ac.uk and a copy retained by the staff member.</p> <p>If you require any support with this document please contact Human Resources. The member of staff to complete Section 1 and 2 and the line manager to complete section 3.</p>			
Section 1: Staff Details:			
Name:		School/Department:	
Job Title:		Date of Disclosure:	
Section 2: Student Details:			
Student name:		Student Status:	<input type="checkbox"/> Undergraduate: <input type="checkbox"/> Postgraduate: <input type="checkbox"/> Other (please specify)

Section 3: Assessment			
Conflict of Interest Assessment Is/will the member of staff be directly involved in:	YES	NO	If 'Yes', detail the measures which will be put in place to remove the conflict and protect both parties, by whom and when.
Any aspect of the student's learning?			
Marking or any assessment of the student's work			
Any aspect of the student's pastoral care			
Any decision making process regarding the student's academic progress?			
Selecting the student for a course of study?			
Any aspects of the student's research?			
Any aspect of their non-academic life on campus?			
Any other aspect of the student's learning experience?			
Section 4: Any other relevant information:			
Any other action Taken:			

Assessment Undertaken by (line manager): Date:

Appendix 5

Est. 1841	YORK ST JOHN UNIVERSITY	DISCLOSURE OF INTIMATE RELATIONSHIP BETWEEN STAFF – RISK ASSESSMENT	
<p>This form should be used to assess and record when a staff member discloses that are in a close personal relationship as set out in Section 5 of the Personal Relationships at Work Policy. Once complete, this record should be forwarded by email to the HROD Department via HROD@yorks.ac.uk and a copy given to the staff member.</p> <p>If you require any support with this document please contact Human Resources. The member of staff to complete Section 1 and 2 and the line manager to complete section 3.</p>			
Section 1: Staff Details:			
Name:		School/Department:	
Job Title:		Date of Disclosure:	
Section 2: Relationship Details:			
In a relationship with (staff member's name):		School/Department:	
Job Title:		Line Management /supervisory connection?	

Section 3: Assessment			
Conflict of Interest Assessment Is/will the member of staff be directly involved in:	YES	NO	If 'Yes', detail the measures which will be put in place to remove the conflict and protect both parties, by whom and when.
Recruitment / selection of staff member?			
Promotion / Reward / other recognition recommendations?			
Annual Review?			
Delegation/allocation of work?			
Approval of travel / attendance at conferences / expenses etc.?			
Performance Management?			
Accompaniment at formal meetings? (e.g. grievance, flexible working)			
Any other management / supervisory activity?			
Section 4: Any other relevant information:			
Assessment Undertaken by:			
Date:			