



Policy on Consensual Relationships

2018-21

1. Introduction

This policy relates to all staff and students working or studying at the University of Chichester.

The University values and relies upon the professional integrity of relationships between staff members and in the staff/student relationship. For these reasons, the University has adopted a policy to promote better understanding of the difficult issues which may arise as a result of consensual relationships between members of the University community. The Policy on Consensual Relationships covers two areas: staff relationships and staff-student relationships.

'Relationships' that are **not** consensual should be addressed through the University's Equality and Diversity policies or through the Dignity at Work/Anti-Bullying and Harassment Policy.

Relationships that pre-date this Policy remain subject to these guidelines.

2. General Principles

It is the University's intention to support fair and ethical treatment of all staff and students through this policy. It is not the University's intention to infringe on personal freedom or to intrude on the privacy of students or members of staff. Nor does the University seek to forbid consensual relationships of an intimate/sexual or familial nature which can and do exist between staff members, and staff and students. The University does however have an obligation to protect the health, safety and welfare of anyone associated with the University in an employment and/or learning environment. It must therefore be acknowledged that situations can arise where personal interests conflict with ethical, job or conduct requirements, both perceived and real. The University does not wish to, nor can it, legislate against the development of personal relationships between staff and students, or staff members. However, three key principles must govern any such relationships:

- a) There should be no abuse of a position of power or trust
- b) All staff must be (and be seen to be) unbiased in their dealings with other staff as well as students.
- c) All teaching, and management of staff and research must be, and be perceived to be, unbiased and reasonable ensuring professional standards are maintained.

This policy and these three key principles apply equally.

It is wholly unacceptable for either a student or member of staff to form, or attempt to form, a relationship based on an implicit or explicit promise of preferential treatment or an implicit or explicit threat of detrimental treatment.

Any member of the University community who has substantial reason to believe that a violation of the Consensual Relations Policy has occurred should discuss their concerns, in confidence, with their Manager or a member of Human Resources.

Any breach of this Consensual Relations Policy is a potentially serious matter and could result in disciplinary action being taken.

3. Policy implementation

No Policy can deal specifically with all relationships that can potentially arise and all cases will be considered on their own merits. The following minimum guidelines should be followed.

4. Staff Relationships

Personal relationships (including familial ones) do exist or develop between members of staff and usually pose no problems. Where personal relationships occur between members of staff it is the responsibility of the individuals to deal appropriately with any potential conflicts of interest and ensure the three key principles are maintained.

In any process of recruitment, selection, appointment, appraisal (Performance, Review, Development Plan), organisational change, salary review or promotion, three criteria must be met by those involved in the process to assist in complying with the three key principles above:

1. Any interest must be declared before the process commences.
2. The process must be transparent, and the relation/partner must not be involved.
3. Any process that causes a directly hierarchical relationship between the parties should be avoided so far as possible. Where such a relationship is unavoidable (e.g. through one of the parties being appointed a Head of Department), subsequent opportunities to achieve a hierarchical separation should be pursued or mitigating action taken.

Staff should take care that familial or personal relationships (entered into on a consensual basis), do not advantage or unfairly disadvantage any member of staff or other individuals e.g. applicants for jobs or service providers.

Where sexual/romantic relationships occur between members of staff (which involve an actual, potential or perceived conflict of interest), the following should be noted and observed:

- 1) Should such relationships occur the members of staff affected are expected to inform their Manager to ensure that any actual, perceived or potential conflict of interest can be minimised.
- 2) The Manager will, in consultation with the member of staff, find ways in which conflicts of interest might be avoided.
- 3) If members of staff are working in the same department or section or are in a supervisory relationship, it may be necessary to explore the possibility of one party being moved to another area of work or work location, or for line management to be changed. The University is not obliged to provide different arrangements for those involved in consensual relationships.
- 4) If a member of staff has a close personal relationship with an applicant for employment it would normally be necessary for the member of staff to avoid any involvement in the appointment process, e.g. membership of an appointment panel or acting as a referee. External and internal applicants for posts are asked to declare relevant personal relationships on the application form for the post.
- 5) A member of staff who is, or who has been, involved in a sexual/romantic relationship with another member of staff, and who does not consider their involvement to be truly consensual, will have the right of complaint under the University's Dignity at Work/Anti-Bullying and Harassment Policy and Procedure.

The University requires that, if such relationships arise, they must be conducted with the utmost discretion and entirely outside the professional environment.

5. Personal relationships between staff and students

The staff-student relationship represents a special case because the integrity of this relationship is of such fundamental importance to the central mission of the University.

Staff are expected to maintain a professional relationship with all students at all times and to develop their students' abilities and safeguard students' welfare.

It is essential that the conduct of staff should be based on the following which will help ensure compliance with the three key principles:

- Members of staff should recognise a professional and ethical responsibility to protect the interests of students, to respect the trust involved in the staff/student relationship, and to accept the constraints and obligations inherent in that responsibility.
- To embark on a sexual/intimate relationship with a student can involve serious difficulties rooted in unequal power, and hence choice, of the parties concerned, as well as real problems in maintaining the boundaries of professional and personal life. Such relationships can also disrupt the teaching and learning environment for other students and for colleagues.
- Students who are, or who have been, involved in a sexual/intimate relationship with a member of staff, and who do not consider their involvement to be truly consensual, will have the right of complaint under the Harassment Policy.

Although not possible to define all situations where this policy and procedure may be applicable, for this purpose, it will include

- academic assessment, supervision and progression
- research assessment, supervision and progression
- administrative, managerial or advisory responsibilities

Where a personal relationship occurs between a member of staff and a student, the following should be noted and observed:

- 1) Should such a relationship occur, the member of staff should inform their Manager immediately. This is particularly important if the student is someone to whom they have or are scheduled to have any responsibility. Failure to do so could make the member of staff open to charges of bias which may lead to disciplinary action.
- 2) Teaching and assessment arrangements will need careful consideration. The Manager should make arrangements to ensure impartial assessment by making sure that the member of staff does not directly assess the student's work.
- 3) The Manager may ask to see the member of staff and the student to discuss what needs to be done to minimise ethical or professional problems arising in such circumstances.
- 4) Students who have been involved in such a relationship with a member of staff, and who do not consider their involvement to be truly consensual, have the right of complaint under the University's Dignity at Work/Anti-Bullying and Harassment Policy and Procedure.

6. Students under the age of 18

- Particular care must be exercised in relation to any relationship with a student under the age of 18, given the normal imbalance of power between an adult in authority and a minor.
- Any sexual relationship with a student under the age of 18 is likely to constitute a criminal offence under the 'abuse of trust' provisions of the Sexual Offences Act 2003. This includes relatively minor sexual contact such as kissing. The University deems any sexual relationship with a student under 18 as professional misconduct subject to disciplinary action, and does not permit it in any circumstances.
- Further advice and guidance in dealing with students under the age of 18 is available from Student Support and Wellbeing. Staff are recommended to seek advice if they have any doubts or concerns over specific issues or circumstances.

7. Communicating the Policy

This policy should be widely publicised among staff and students. Such publicity should present the issue as one of professional conduct and safeguarding of students' and staff interests, not as an invasion of privacy. The Policy is available on the Human Resources and Student Support & Wellbeing pages of the University's Intranet and in hard copy if required.

8. Other relevant policies/documents

Any student or staff member who has reason to believe that they have been disadvantaged as a consequence of a conflict of interest or breach of trust arising from a personal or family relationship should inform their Head of Department/line manager. Further advice can also be obtained from the Director of Human Resources or the Director of Student Support & Transition.

Policy documents for reference:

- Dignity at Work/Anti-Bullying & Harassment Policy
- Equality and Diversity Policy
- Disciplinary Policy
- Grievance Policy
- Safeguarding Children and Young People