

Policy: Personal relationships

1. Introduction

1. The University values and relies on the professional integrity of relationships between staff members and in the staff/student relationship. In order that University activities are conducted and are perceived to be conducted in a professional and appropriate manner it is necessary to distinguish between, and take account of, personal relationships which overlap with professional ones. The University recognises that there may be occasions when students or staff members are related to or become close to another member of staff. They may be faced with situations where personal interest may conflict with their duties and may be uncertain about how to deal with them. This policy seeks to identify appropriate behaviour in such situations.
2. In the context of this policy a personal relationship refers to a close connection between people and includes the following:
 - A family relationship including a spousal, civil or other enduring partnership or a relative
 - A business/commercial/financial relationship
 - A sexual relationship
 - A close friendship
3. A business, commercial or financial relationship may lead to a personal relationship. Equally a personal relationship may already exist and then a business, commercial or financial relationship occurs. This policy applies to these situations which may lead to the potential for a conflict of interest to arise.

4. A consensual relationship is one which requires the consent of the people involved. A person consents if s/he agrees by choice and has the freedom and capacity to make that choice.

2. Purpose

1. The purpose of this policy is to clarify the conduct expected of staff, to ensure the safeguarding of students and to enable the correct procedure to be followed so that members of staff are not open to potential, perceived or actual impropriety, bias, abuse of authority, discrimination, conflict of interest or favouritism. It applies to relationships between staff and students, and those between members of staff as well as staff and third parties such as suppliers where there may be a business, commercial or financial relationship.
2. For the purposes of this policy, the term **staff** is used broadly and includes individuals who are engaged on a casual basis. It covers the situation where a post-graduate student is carrying out teaching or other activities for the University. It covers former relationships if there is still the potential for a conflict of interest to arise. These examples are not exhaustive but serve to illustrate the sorts of situations that may occur. The guiding principle will be whether there is an imbalance of power/authority/influence and the potential for a conflict of interest to arise.
3. Appendix B provides some examples of circumstances in which a personal relationship should be disclosed as they could give rise to a conflict of interest.

3. Aims

1. The aim of the policy is to set out principles to help staff avoid conferring, or being perceived as conferring, unfair advantage or

disadvantage on students, staff or other individuals because of personal relationships.

2. All staff should adhere to the 'Seven Principles of Public Life' drawn up by the Committee on Standards in Public Life (Appendix A) link below:

<https://www.gov.uk/government/publications/the-7-principles-of-public-life>

4. Roles and responsibilities

1. Relationships between staff and students

1. The University is committed to providing an environment for staff and students where decisions about assessment, selection and access to resources are based on merit.
2. The University values good relationships between staff and students. These relationships are reliant on mutual trust and confidence and can be put at risk when a member of staff enters into a personal relationship with a student. At the extreme these can result in an abuse of power. Problems may also occur when a relationship ends or if a consensual relationship later becomes non-consensual or a case of harassment. The University relies upon the integrity of both parties to ensure that abuses of power do not occur.
3. The professional responsibilities of staff towards students may be academic (including assessment), administrative or advisory. If a member of staff has a personal relationship with a student to whom they have, or are scheduled to have, any such responsibility, then the member of staff must inform their Head of Department as soon as possible. The Head of Department will be responsible for ensuring that the member of staff will

have no involvement in the student's assessment and, as far as practicable, will separate the member of staff from other responsibilities in respect of the student. Failure to do so may result in bias and/or abuse of power or leave the member of staff open to allegations of bias and/or abuse of power and may lead to disciplinary action.

4. The conduct of staff should be based on the following principles:

- 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 personal relationship with a student may involve serious complications 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 personal relationship with a member of staff and who do not consider their involvement to be consensual will have the right of complaint under the [University's Dignity at work and study policy](#) and should email student-hub@york.ac.uk for advice and support.
- The establishment of an academic relationship with family members or with friends or associates who become students also raises ethical and/or professional issues

- The Sexual Offences Act 2003 makes it an offence for a person aged 18 or over intentionally to behave in certain sexual ways in relation to a child aged under 18, where the person aged 18 or over is in a position of trust in respect of the child.

2. Relationships between members of staff

1. Where a personal relationship occurs between staff, it is the responsibility of both individuals to consider whether there may be a conflict of interest or the potential for a conflict of interest to arise and then to deal appropriately with it
2. It is recognised that not all personal relationships give rise to a conflict of interest or the potential for a conflict of interest to arise and this policy does not apply in these cases
3. It may be necessary to review the relevant reporting structure if the relationship is between a line manager and a member of their team. Any staff needing advice should approach his/her own Head of Department/line manager or HR Partner/Advisor for the Department
4. In addition to the situation where there is a formal supervisory/managerial relationship between members of staff, a conflict of interest could also arise in less formal situations where one member of staff has influence over academic, financial, progression or other opportunities of another member of staff with whom they are in a personal relationship
5. Staff should take care that any personal relationships entered into on a consensual basis do not unfairly advantage or disadvantage any member of staff, or other individual e.g. job applicants or service providers.
6. The following should be noted and observed:

- Should such relationships occur then the staff affected will be expected to inform the Head of Department/line manager as soon as possible to ensure that the potential effects can be considered. If the relationship is between a Head of Department/line manager and a member of staff whom s/he supervises, the relationship should be declared to a more senior manager
- The Head of Department/line manager must treat these matters in confidence and with sensitivity and respect at all times and will, in consultation with the staff, find ways in which actual, perceived or potential conflicts of interest might be avoided
- A member of staff may be in a personal relationship with another member of staff for whom they have supervisory responsibility whether formal or informal and which may also include having influence over academic, financial, progression or other opportunities. In these circumstances where the actual or perceived conflict of interest cannot be resolved by any other means and is adversely affecting work, it may be necessary to explore the possibility of moving one or both of the parties to other areas of work or location. This will only be done after all other reasonable alternatives have been explored. In these circumstances, the Head of Department or other manager at an appropriate level will discuss this with HR and will then consult both members of staff and seek to reach a satisfactory agreement regarding the transfer of one or both of them
- In line with the University's Recruitment Policy, if a member of staff involved in the recruitment process has a

close personal relationship with an applicant they must declare this as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process

- External and internal applicants for posts are asked to declare relevant personal relationships on appointment
- A member of staff who is, or who has been, involved in a relationship with another member of staff and who does not consider their involvement to be consensual will have the right of complaint under the [Dignity at work and study policy](#)

3. Relationships between members of staff and third parties including clients, customers, contractors or suppliers

1. This policy also applies to a member of staff who begins a personal relationship with a client, customer, contractor or supplier or when a personal relationship exists and then becomes a business, commercial or financial relationship.
2. If the individual's job allows him/her authority over a client, customer, contractor or supplier (for example if the member of staff has the authority to decide to whom to award contracts) the relationship must be declared to their Head of Department/Line Manager.
Declaration of personal relationships where they overlap with professional roles
3. Staff who are uncertain about whether they should take action regarding a personal relationship are invited to seek guidance, in confidence, from the HR Partner/Advisor for their Department.
4. A case whereby any personal relationship, as defined in this code, is not declared and results in an unfair advantage or

disadvantage to either of the parties to the relationship will be considered a serious matter and may lead to disciplinary action.

5. Confidentiality

1. Information provided by staff about personal relationships at work will be treated in a sensitive, respectful and confidential manner. Information concerning the individuals involved will only be disclosed to third parties with the agreement of those involved, or on a need-to-know basis.

6. Consequences of non-compliance

1. Staff should be aware that a breach of this Policy could lead to action under the [Disciplinary Policy](#).

7. Harassment and bullying at work

1. The University will not tolerate harassment and bullying at work or in the study environment and the University's dignity at work and study may be invoked:
<https://www.york.ac.uk/about/equality/policy-guidance/dignity-work-study>.

8. Review of policy

1. This policy will be reviewed every three years.

Document Control

Date Last Reviewed: January 2018

Appendix A

Confidentiality

Members of staff are specifically required to fulfil a duty of fidelity to the University as their employer, including a duty of confidentiality. During the course of employment members of staff must not disclose to third parties the University's confidential information and trade secrets obtained during the course of, and as a result of, the employment; or use the University's confidential information for their own purposes. Confidential information includes information which a member of staff is told is confidential or which, from its character, is obviously confidential.

This includes - but is not restricted to - the situation where a member of staff in an academic department is in a personal relationship with a member of staff in another department, including one in a professional/support directorate.

The Seven Principles of Public Life

Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for

rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

<https://www.gov.uk/government/publications/the-7-principles-of-public-life>

Appendix B

Examples of circumstances which could give rise to a conflict of interest

The Personal Relationships Policy provides guidance to all University staff regarding personal relationships within the University in order to avoid any perceived, potential or actual conflicts of interest or misuse of authority.

It is recognised that there will be particular circumstances where the member of staff will need to withdraw from certain decisions or from

undertaking certain roles, in order to protect themselves and the University from any possible criticism of unfair bias.

As a guide, the following examples indicate circumstances in which a personal relationship should be disclosed as they may give rise to a conflict of interest:

- A member of staff who enters into a personal relationship with a student and has influence over the student's academic, financial, progression or other opportunities - potential or actual
- Any personal relationship between a manager and their direct report or supervisee should be declared to a senior manager
- Any personal relationship between a manager and their direct report or supervisee should be declared to a senior manager. In these circumstances it is recommended that an alternative line manager is identified and approved by the Head of Department. Where the personal relationship involves a HoD and their direct report, it should be considered by a more senior manager - usually the Dean or Director or Registrar and Secretary (for professional and support directorates). Line managers and senior managers should take advice from their HR Partner to ensure a reasonable outcome for all parties.
- Any colleague who embarks on a personal relationship with a colleague working in the same department/section should declare the relationship to their line manager
- Any member of staff who has a personal relationship with another member of staff outside their immediate work team should declare the relationship to their line manager if there could potentially be a conflict of interest for example in relation to recruitment panels, grading or promotion decisions

- A member of staff who has a personal relationship with a client (including a student) customer, contractor or supplier should declare the relationship to their line manager if the member of staff's job allows them authority over the client etc. for example, if they have the authority to decide who to award contracts to

These examples are for illustrative purposes only and are not an exhaustive list.

If the member of staff feels uncomfortable in discussing this matter with their line manager, they may inform their Head of Department.

The line manager/Head of Department will discuss this with the HR Partner/Advisor and will, in consultation with the member of staff, find a way in which a potential conflict of interest can be avoided

The information declared will be recorded and treated in confidence, as far as this is practicable

Appendix c

References

The following document was considered in the development of this policy:

Guidance For Higher Education Institutions, How To Handle Alleged Student Misconduct Which May Also Constitute A Criminal Offence.
Universities UK and Pinsent Masons at:

<http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/guidance-for-higher-education-institutions.pdf>