

## PERSONAL RELATIONSHIPS POLICY

### 1. SCOPE AND PURPOSE OF THE POLICY

This policy sets out the expectations and obligations of all Arden University colleagues and contractors, with respect to personal relationships between colleagues and students and between colleagues, regardless of sexual orientation and identity.

This policy is intended to ensure that appropriate safeguards and processes are in place to prevent abuse of power and sexual misconduct and seeks to protect both all parties from allegations of actual or perceived conflicts of interest, and to limit circumstances where a position of power may be abused.

This policy prohibits intimate relationships between colleagues or students who are under the age of 18 or who are deemed to be an adult at risk.

This policy prohibits close personal or intimate relationships between colleagues and students where there is direct supervision.

Where a close personal or intimate relationship exists between a colleague and student with direct supervision, or between colleagues where the relationship may give rise to real or perceived conflict of interest, breach of trust or confidentiality, there must be a clear declaration of the relationship as detailed in clause 8.

This policy does not form part of any contract of employment and may be amended from time to time.

### 2. INTRODUCTION

There is potential for abuse or the perception of abuse in any intimate relationship between individuals in inherently unequal positions where one individual is expected to discharge their teaching or supervisory responsibility for the other.

Due to the potential for conflict of interest, exploitation, favouritism or bias, such relationships may undermine the integrity of the supervision or evaluation provided, or may have adverse effects on the working and learning environment for those directly involved, as well as for the broader team and departmental culture.

Relationships in which one party is in a position to evaluate the work or influence the career 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.

#### **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 receives or may need community care services by reason of disability or illness and as a result of those needs is unable to protect themselves against significant harm or exploitation. 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**

A close personal relationship is a relative or close family friend, or a relationship where there is financial dependence

**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.

**Position of Trust:**

Any colleague working closely with young people or adults at risk, is in a position of trust.

### **3. RELATIONSHIPS WITH STUDENTS OR COLLEAGUES UNDER THE AGE OF 18 OR WHO ARE AN "ADULT AT RISK"**

You must not be in, or enter into, a close personal or intimate relationship with a student or colleague under the age of 18, or an adult known to be at risk for whom you have any responsibility for, or involvement in, that person's academic studies and/or personal welfare.

You must not engage in sexual behaviour with someone with whom you 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.

### **4. RELATIONSHIPS BETWEEN COLLEAGUES AND STUDENTS**

Arden University prohibits close personal and intimate relationships between colleagues and students where one party has a direct responsibility for, or involvement in that student's academic studies and/or personal welfare.

Direct responsibility includes direct management, direct supervision, assessing students' work, welfare or pastoral roles.

You have an obligation to declare an intimate or close personal relationship with any other student, for whom you have direct supervision, (whether new or existing), to enable the University to assess whether any potential or actual conflict of interest exists.

In order to maintain appropriate relationships with students, and to help reduce the risk of sexual misconduct, abuse of power or conflict of interest, you 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;
- Avoid creating special friendships with students as this may be seen as grooming;
- Use a University email account, telephone, software and applications and internet access for communications with students where possible, avoiding personal messaging (such as through Messenger or Twitter);
- Set an example by writing and communicating with students in a professional and business style. Any email sent to a student or colleague about a student may be disclosed to the student or their legal representative, for example under data protection law;
- You should give careful consideration before giving your personal mobile phone number to a student. Sometimes it may be unavoidable. You are encouraged to use your work telephone numbers which may be diverted to your personal mobile.

Where you have a primary role of providing supervision, lecturing, or pastoral care to students, you should:

- Wherever possible, ensure that meetings and discussions occur in Centres or other University-approved premises. 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 support service and limit your role in providing personal support to a student where this is not part of your employment duties;
- Refrain from contacting students outside of reasonable working hours;
- Not seek personal information from a student except as relevant to a University process.

## 5. GUIDANCE ON UNACCEPTABLE BEHAVIOUR TOWARDS STUDENTS:

Please note that the below 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 may be seen as grooming
- Accepting gifts from a student.
- Inviting an individual student to your private home or room without others present, or visiting their home or room.

## 6. RELATIONSHIPS BETWEEN COLLEAGUES

We acknowledge that relationships do occur at work and they are not prohibited. However, in order to prevent potential abuse of power or a perceived or real conflict of interest, you should declare close personal or intimate relationships in 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, you currently work in different departments but a change means that one party now becomes their line manager;
- Where you 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.

In order to maintain appropriate relationships with colleagues/peers, and help reduce the risk of abuse of power or conflict of interest, you should:

- Perform your duties in the best interests of the University without favour towards any individual colleague over another;
- Avoid paying undue special attention to a particular colleague which may be seen as grooming;
- Where possible you should use your University email account, telephone (including Microsoft Teams) and internet access for work-related communications with colleagues and maintain professional communications;
- Be aware that any email sent about a colleague may be disclosed to them under the General Data Protection Regulations. All emails and work-related instant messages should be written in a professional manner;
- Establish boundaries between professional and non-professional communication with colleagues.

Where an intimate relationship ends it is expected that all parties will continue to conduct themselves in a professional manner and avoid personal disputes which impact on the working environment or other colleagues and students.

## 7. INAPPROPRIATE CONDUCT BY STUDENTS AND COLLEAGUES

Unprofessional or inappropriate conduct towards a student or colleague is not acceptable. This may breach the Anti-harassment & Bullying Policies accessible [here](#) for Colleagues and [here](#) under 'Student Policies' for Students.

You should seek advice immediately if you feel you have been subject to unprofessional or inappropriate conduct from a student or colleague, by speaking to your Programme Team Leader, line manager, or People Business Partner to ensure appropriate support is provided.

## 8. DECLARATION OF INTIMATE OR CLOSE PERSONAL RELATIONSHIPS

All declarations are expected to be made as soon as reasonably practicable by completing the form accessible [here](#) for colleagues and [here](#) under 'Student Policies' for Students.

As the declaration contains sensitive personal data it will be stored securely and managed in compliance with data protection legislation. Such declarations will be treated respectfully, sensitively and confidentially.

- **Step 1** – Colleagues should submit the form to their People Business Partner who may need to discuss the details with you or your Line Manager/Head of Department.
- Students should submit the form to their Programme Team Leader who may need to discuss the details with you and/or the Line Manager & People Business Partner,
- **Step 2** – The People Business Partner/Programme Team Leader will review the form and where appropriate and necessary, consult the parties and the Line Manager on what actions, if any, are required to remove any potential conflict. People Services will store the form securely on their central file.

In placing measures to manage any conflict of interest we may consider the following:

- Any known vulnerability of the student or colleague;
- 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 (for example, if the personal relationship existed prior to the colleague/student relationship);
- Any special family, kinship and elder relationships;
- The potential 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.

All parties will be notified of any conflict of interest management measures that are required to be put in place.

## 9. BREACH OF POLICY

An intimate relationship between a colleague and student with direct supervision is a breach of this policy and will be investigated under the disciplinary procedure.

Failure to disclose a close personal or intimate relationship with a student, or with a colleague where there is a real or perceived conflict of interest, breach of trust or confidentiality, may be investigated under the disciplinary procedure.

### Change Control

<b>Policy Written &amp; Published</b>	<b>Tracie Greenhalgh</b>	<b>November 2020</b>