

Scope: All Staff	Effective Date: February 2012	Responsible Dept: HR&OD	Equality Impact Assessment: October 2024
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Intimate and Close 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 sets clear norms and requirements of respectful behaviour to promote healthy behaviours between staff and students.
- 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 prohibits close personal and intimate relationships between all staff and students. Exemptions to this are listed at Section 3.
- 1.6 All close personal and intimate relationships between staff (and students for roles listed as exemptions in section 3) that may give rise to a real or perceived conflict of interest, exploitation, favouritism or bias must be declared to the individual's line manager which will be kept on the individual's electronic personal file held by HROD. Where an individual member of staff forms (or is in) a relationship with their line manager this will need to be declared using the Declaration process at Appendix 4 to ensure that there are no potential conflicts of interest. Where a relationship exists then an alternative line management arrangement may need to be put in place.
- 1.7 This policy applies to close personal or intimate relationships which are formed after the implementation date of this policy.

1.8 This policy covers personal relationships which can include:

- A family relationship;
- Close personal friendships outside of the workplace that could have a workplace conflict of interest;
- A business, commercial or financial relationship; or
- A romantic/sexual relationship.

An intimate personal relationship means a relationship that involves one or more of the following elements:

- Physical intimacy, including isolated or repeated sexual activity, or
- Romantic or emotional intimacy.

1.9 The Conflicts of Interest Policy outlines the actions that need to be taken to identify a potential conflict of interest which can arise from roles or activities involving parties outside the University or where members of staff hold multiple roles inside the University. A conflict of interest may be financial or non-financial or both. Please refer to the University's policy.

1.10 This policy also covers former relationships if there is still the potential for a conflict of interest to arise. The examples provided in Appendix 1 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.

1.11 This policy is intended to ensure that appropriate safeguards and processes are in place to prevent abuse of power, sexual misconduct and harassment. Staff to student sexual misconduct will not be tolerated and action will be taken when policies and/or codes of behaviour are breached. The Sexual Harassment and Sexual Misconduct Policy and Procedure sets out how sexual harassment and sexual misconduct are to be addressed. This policy sets out the procedures for handling reports of sexual misconduct, and the support mechanisms available to support staff. It also sets out how students can report incidents, how these are investigated and potential outcomes, as well as setting out how incidents of sexual harassment and sexual misconduct are reported and monitored.

2. Introduction

2.1 There is potential for abuse or the perception of abuse in any intimate or close 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.

2.2 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.

- 2.3 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.
- 2.4 An abuse of power in the context of students means a situation where a staff member exploits a position of power in relation to a student so as to apply pressure which:
- may result in the student doing something or refraining from doing something, that they may not have otherwise done, and
 - that action or inaction could reasonably result in something that falls within the scope of an intimate personal relationship.
- 2.5 Examples of potential detrimental treatment that may occur in the context of intimate and close personal relationships between staff members and students are:
- Not receiving a positive review or reference or receiving a negative review or reference;
 - Unfavourable treatment in academic assessments, for example less access to support or feedback, less opportunity for extensions, lower grades or marks;
 - Not receiving funding for research;
 - Restricting access to resources;
 - Restricting participation in aspects of a student's education;
 - Receiving a positive review or reference;
 - Favourable treatment on academic assessments, for example greater access to support or feedback, more opportunity for extensions, higher grades or marks;
 - Being promised access to funding and resources;
 - Being promised introductions to others who could advance their academic or professional career.
- 2.6 Implicit in the professional role of members of staff is an obligation to ensure that conflicts of interest do not arise
- 2.7 Staff who work with service users of specific YSJ partnerships where individuals are classed as vulnerable adults should be careful not to cultivate relationships that are inappropriate and should not be entering into any intimate or close personal relationships with a vulnerable adult.

3. Relationships between Staff and Students

- 3.1 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.

3.2 Staff should recognise a professional and ethical responsibility to protect the interests of students, to respect the trust involved in a staff/student relationship and to accept the constraints and obligations inherent in that responsibility.

3.3 The University therefore **prohibits all close personal and intimate relationships between staff and students other than for those listed below as Exemptions.**

3.4 Academic Associates

It is recognised that Academic Associates, who are employed as a member of staff whilst also undertaking their doctorate, may enter into a relationship with another student. These roles are therefore treated as an exemption due to the dual nature of their contract, i.e. PGR student and an employee. Such a relationship would need to be declared using the Declaration process at Appendix 4. This is to ensure any potential conflict of interest is identified.

3.5 Family Member

It is also recognised that a family member of an employee (definition set out in Appendix 3) may become a student at the University. Such a relationship would need to be declared using the Declaration process at Appendix 5. This is to ensure any potential conflict of interest is identified.

3.6 Student Ambassador

A student ambassador, whilst engaged to undertake work on a casual basis with the University, would be permitted to enter into a relationship with another student and such a relationship **would not** need to be declared.

3.7 Staff Members who are also students

Where there are staff members who are also students such a relationship would need to be declared using Appendix 5. For example, this would apply to some catering staff who are also students, PGR students who work part time for the library, PhD student who are also Technicians.

4. Relationships between members of staff

4.1 Relationships between members of staff are not prohibited, however, 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
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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 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 or message 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.

- 4.6 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.

5. Declaration of intimate or close personal relationships

- 5.1 All declarations are to be made as soon as reasonably practicable and always within one month.
- 5.2 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.
- 5.3 Staff who are unsure whether they need to declare a close personal or intimate relationship with a 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. If a member of staff forms a relationship with their line manager, they may need to seek advice from a more senior member of staff regarding what needs to be reported to avoid potential conflicts of interest. Where a relationship with a manager develops an alternative line management arrangement may need to be put in place.
- 5.4 Staff should make the disclosure in writing using the form at Appendix 4 for staff/staff relationships or Appendix 5 for those exempt roles defined in section 3, and forward to their line manager. The line manager will then be responsible for discussing potential conflicts of interest and if necessary agree appropriate measures to be put in place to mitigate these.
- 5.5 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 sexual orientation and confidentiality will be maintained.
- 5.6 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.

6. Breach of Policy

- 6.1 An intimate close personal relationship between any staff members and students is a breach of this policy and will be investigated under the staff disciplinary procedure, unless the relationship falls under the exemptions listed at Section 3 and has been declared.
- 6.2 Failure to disclose a close personal or intimate relationship with a colleague as set out in section 5 will be investigated under the staff disciplinary procedure.
- 6.3 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 – Definitions of Relationships that apply to this policy

Intimate personal relationships

The definition of intimate personal relationship between staff members and students means a relationship that involves one or more of the following elements:

- Physical intimacy, including isolated or repeated sexual activity; or
- Romantic or emotional intimacy.

An intimate close personal relationship would include marriage or civil partnership, as well as co-habiting partners.

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. Further guidance on what constitutes a conflict of interest is set out in the Conflict of Interest Policy.
- A close friend or a relationship of a personal nature that can be considered to affect the professional objectivity of the member of staff. Close personal friendships outside of the workplace that could have a workplace conflict of interest

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 2 – Maintaining Professional Boundaries

In order to maintain appropriate relationships with students, and to 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 only give out their mobile number in certain circumstances. When travelling abroad where data is not always available and/or is expensive both for receiving and making texts and calls, social media Apps such as Whats App or similar can be used and a personal mobile number could be given out.

There could also be circumstances where a PGR might be in an activist Community/charity group that staff are involved with, and communications would likely be via WhatsApp or similar method.

Some staff may use their own personal numbers to contact student ambassadors via Whats App groups during residential

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);
- not use either personal or YSJ social media platforms to form an inappropriate close or intimate personal relationship with a student.

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.

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.

(Appendix 4)

Est. 1841	YORK ST JOHN UNIVERSITY	DISCLOSURE OF INTIMATE OR CLOSE PERSONAL RELATIONSHIP BETWEEN STAFF	
<p>This form should be used to declare when a staff member discloses that they are in an intimate or close personal relationship as set out in Section 5 of the Intimate and Close 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: Review of Declaration and potential impact			
Conflict of Interest Declaration 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?			

Appendix 5

Est. 1841	YORK ST JOHN UNIVERSITY	DECLARATION OF PERSONAL RELATIONSHIP BETWEEN A STAFF MEMBER AND A STUDENT- EXEMPTIONS OUTLINED IN SECTION 3	
<p>This form should be used to make a declaration of any 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 which are classed as exemptions under Section 3. 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)
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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:			