

THE UNIVERSITY OF BOLTON

GUIDELINES ON CONSENSUAL RELATIONSHIPS (Applicable for Employees and Students at the University of Bolton)

1.0 Scope

These guidelines have been developed to provide employees and students with information on the University of Bolton's expectations regarding conflicts of interest and relationships, the associated dangers of and the reporting requirements. This document covers consensual relationships between employees and also between employees and students. However, they should be considered for any personal relationship that could result in a conflict of interest.

2.0 General

The term "consensual relationship" describes a situation where two individuals at the University willingly embark on a romantic/sexual relationship. One view is that such relationships are equal adult-to-adult relationships and that interference would infringe on personal freedom. There are however a number of situations in the employment and educational contexts where such relationships may create a conflict of interest, breach of trust or compromise duty of care (e.g. a family relationship, a business / commercial / financial relationship).

Whilst the existence of consensual relationships between employees or employees and students does not necessarily constitute a bar to employment for the employee concerned, it is incumbent on employees to disclose all such relationships.

Where any such relationship leads to allegations of harassment, the University will treat the matter seriously and will investigate and resolve the matter under the relevant procedure. Similarly, the University will not tolerate any employee or student pursuing non-consensual relationships at the University.

Employees who have a pre-existing relationship that comes within this guidance and have not already disclosed it should inform the HR Director or the Registrar as soon as possible. The HR Director and Registrar will treat the matter sensitively and confidentially.

The University requires that, if such consensual relationships arise, they are conducted with the utmost discretion and entirely outside the professional environment. However, as there may be potential for impact on either the employee's work or the student's studies, the relationship must be disclosed.

3.0 Consensual Relationships Between Employees

Where two employees engage in a consensual relationship and one of them has management responsibilities for the other, this inherently poses conflicts of interests and professionalism. In particular, the University strongly advises against an employee having a consensual relationship with another employee who reports to them directly or indirectly. Where there is evidence that the relationship has had a serious impact on the University's business then the relevant disciplinary or other appropriate procedure may be used.

Where an employee has a consensual relationship (or past relationship) with a person who reports to them they are under an obligation to inform their Academic Group Leader (AGL) or Head of Department of the existence of this relationship. This disclosure will be treated confidentially and sensitively. The employee may find it helpful to discuss the disclosure to their AGL or Head of Department beforehand with their HR Partner in the first instance. However, it is the individual's responsibility to make the disclosure.

The AGL or Head of Department, in consultation with HR, may consider transferring one or both parties, making alternative line management or supervisory arrangements or implementing other appropriate arrangements to eliminate any potential conflict of interest, depending on the circumstances. In very rare circumstances, such alternative arrangements may not be feasible and the University may then have to consider dismissing one or both parties.

Failure to disclose a consensual relationship in good time may be considered a disciplinary matter and could amount to a breach of trust between the University and the individual employee.

3.1 Situations that pose issues of conflict of interest

Consensual relationships may pose risks for employees and the University even where there is no line management relationship. Employees may be involved in employment decisions relating to the person with whom they have a relationship. Examples of such instances include:

- Participating in recruitment and retention activity where there is a personal relationship with a candidate
- Providing input to any type of performance appraisal
- Providing input to any type of recommendation for salary or reward
- Making a recommendation or decision in relation to an application for funds
- Providing a Reference

These examples are not exhaustive and employees who have a personal relationship with another employee are advised to consider carefully whether there is a potential for conflict of interest as they are best placed to assess this. Where a potential conflict of interests arises, the person is under a duty to disclose the relationship to their AGL or Head of Department who can then take a decision (in consultation with the HR Partner) on whether the person can be involved in the relevant decision or what steps are necessary to manage the conflict of interest. Such a disclosure will be treated in confidence and sensitively.

4.0 Consensual Relationships Between Employees and Students

The University actively values good professional relationships between employees and students that are based on mutual trust and respect. In addition, employees involved in teaching / supervision have a duty of care towards their students.

Although the University recognises that human beings do become attracted to and involved with one another without deliberate intent and that such relationships may be desired by both parties and genuinely affectionate, it discourages consensual employee/student relationships in general. It regards it as unprofessional for an employee to seek to initiate or pursue a relationship of this kind without thinking of the problems which may ensue.

Employees are strongly advised not to enter into a consensual relationship with any student they are responsible for teaching, supervising or assessing. Such relationships could compromise the professional relationship between employees and students, and damage the teaching and learning environment for other students and employees.

Moreover, employees are frequently in a position of authority over students and their relationship may not be an equal one. It is therefore important for employees to question whether such relationships are appropriate since they involve a significant power imbalance. This rests on the fact that some employees set examination papers, grant or deny extensions for pieces of work, award grades, sit on examination boards, write references, etc.

Employees at the University may have professional responsibilities towards students, e.g. in relation to supervision, pastoral care or assessment. If an employee has a consensual relationship with a student to whom they have, or are likely to have, any such responsibility, then he/she is under an obligation to withdraw from all processes concerning the student.

In all cases, whether the employee has a direct professional responsibility or not, the employee must also inform his/her AGL or Head of Department of any relationship with a student. The AGL or Head of Department will be responsible for ensuring that the employee has no involvement in the student's assessment or, as far as practical, in any other responsibilities in respect of the student and will note the fact that a relationship exists – seeking advice from their HR Partner, as appropriate.

Failure to meet this requirement of notification may lead to formal disciplinary action. If the employee concerned is a AGL or Head of Department, then he/she should inform the HR Director or Registrar.

Where a student is involved in a consensual relationship with an employee and wishes to discuss the possible impact on them/their studies, they may wish to raise this in confidence with the Student Services Manager or any other person who has an advisory role for students.

Please note: where any consensual relationship between an employee and a student creates a conflict of interest or has a significant detrimental impact on

- i) A student's ability to complete their studies
- ii) An employee's ability to carry out their duties
- iii) The University's ability to carry out its operations

The University retains the right to take appropriate action, in line with the relevant University procedure

4.1 Potential Consequences with consensual relationships between employees and students

4.1.1 Consequences for the student

Engaging in a relationship with an employee can have damaging effects on the student. He/she may, for example, suffer extreme distress upon discovering that the employee has no intention of sustaining the relationship for long, or is having a series of affairs with students. His/her physical and mental health may be affected. He/she can become isolated from peers and labelled by other students and employees.

In academic terms, the student may be subjected to over-severe marking as the employee tries to avoid any suggestion of preferential treatment.

If the relationship ends, or if the student seeks to terminate the relationship, he/she may be exposed to harassment by the employee but may well be afraid to complain. It may even be that the student will feel that he/she has no choice but to leave the course.

If the relationship becomes known to other students, the entire group may experience adverse effects. Students may be drawn into keeping secrets or tension may be created among the whole group. Also, however hard the employee tries to maintain his/her professional integrity, the existence of the relationship is bound to make other students feel that the student will get preferential treatment.

4.1.2 Consequences for the employee

For those employees involved in the teaching process the employees capacity to teach a group of students in a fair and even-handed manner may be compromised if he/she is involved with a member of the group and a relationship of this kind, whether hidden or open, may disturb his/her their emotional equilibrium while working.

In addition, such relationships may well have a divisive effect on employees. Conflicts can be caused if other employees become aware of the liaison – particularly if a student complains to another employee, who then faces the difficulty of deciding whether to bring the issue into the open. The employee may also lose the respect of his/her work colleagues.

5.0 Advice

Employees can speak informally with their HR Partner or trade union representative.

Students can speak with the Student Services Manager or another employee responsible for their welfare.

V1. August 2014.