



# THE UNIVERSITY *of* EDINBURGH

## Policy on Disclosure of Intimate Relationships

### 1. Policy Statement

The University aims to provide its students and staff with an environment in which they can excel and thrive. It recognises that close and often long-lasting relationships can and do form between students and staff members, and between workplace colleagues.

The University does not wish to interfere in the personal lives of its students or staff. Nor does it seek to prohibit intimate relationships between consenting adults. However, it has to recognise that there are risks when one party is in a position of power, trust and authority relative to the other.

This policy seeks to minimise these risks and in so doing protect all of its students and staff.

### 2. Definitions

For the purposes of this policy:

**Staff:** anyone who carries out work for the University, including employees, holders of honorary status (e.g. professor emeriti, NHS clinical lecturers), agency workers, self-employed contractors, visiting lecturers/researchers, external examiners, University accommodation wardens and University students who are also employed/engaged by the University, such as Ph.D. students who hold designated student experience posts, e.g. tutors or demonstrators, Residence Life assistants

**Student:** anyone studying at the University of Edinburgh, including postgraduate students, distance learners and summer school students

**Intimate relationship:** any one-off or ongoing consensual contact between a member of staff and a student, or between two members of staff which is for example romantic, intimate and/or sexual in nature

**Professional connection:** where the student employed by the University has a role in

- teaching, assessing, examining, supervising the student with whom they are in an intimate relationship,
- the pastoral care of the student with whom they are in an intimate relationship

**Consent:** free, informed, clearly expressed and ongoing agreement to an intimate relationship

**Exploited consent:** consent which appears to have been freely given but would not have been given if one party did not hold a particular position of trust, power or authority

**Conflict of interest:** a situation in which an individual has a private or personal interest which is likely to appear to influence the objective exercise of an aspect(s) of their University duties. It includes perceived and potential as well as actual conflicts of interest. A *perceived* conflict of interest is one which a reasonable person would consider likely to compromise objectivity. A *potential* conflict of interest is a situation which could develop into an actual or perceived conflict of interest.

**Disclosure Manager:** the person to whom the staff: student relationship must be disclosed, i.e the Head of the School or Professional Service Department in which the staff member is based. If the staff member making the disclosure is a Head of School or Professional Services Department, they must make their disclosure to their Head of College or Professional Service Group.

**Inappropriate behaviour:** Please refer to Section 2 of Appendix I.

### 3. Policy Summary

The University:

- strongly discourages relationships of an intimate nature between staff and students
- requires staff to disclose an intimate relationship with:
  - o a University of Edinburgh student, or
  - o a member of staff with whom they have a line management/supervisory connection
- requires student staff members to disclose an intimate relationship with:
  - o a University of Edinburgh student with whom they have a professional connection

- requires those to whom a disclosure is made to take appropriate action to protect the integrity and welfare of both parties and the interests of other students and staff
- requires staff members and students to comply with these arrangements
- will treat a failure to disclose by a staff member as a disciplinary matter, up to and including dismissal.

#### **4. Scope and Purpose**

This policy applies to all those engaged by the University of Edinburgh and its subsidiary companies, and all students of the University, as defined in Section 2 above. It aims to:

- protect students and staff from real or perceived conflicts of interest
- protect students and staff from a misuse of power and exploited consent
- protect staff from allegations of:
  - having exploited their position of power, trust and authority
  - improper conduct towards those to whom they owe a duty of care and trust (see Note)
  - bias, favouritism, harassment, victimisation
- safeguard the reputation of the University as a safe place to study and work.

Its focus is on the disclosure of personal relationships of an intimate nature, as described in Section 2 above. For all other types of relationships, e.g. familial, business/commercial/financial, staff should refer and adhere to the University's [Conflict of Interest policy](#)

**Note:** Under the Sexual Offences (Scotland) Act 2009, it is a criminal offence for someone in a position of trust to engage in any sexual activity with a person under 18 years of age to whom that trust is extended.

#### **5. Principles**

This policy is underpinned by and emphasises the following:

- staff are expected to act professionally and with integrity
- staff are expected to identify and avoid actual or perceived conflict of interest situations
- a staff member in an intimate relationship with a student must not be involved in any aspect of the assessment, examination, supervision or pastoral care of the student

- a staff member in an intimate relationship with another member of staff must not be involved in any aspect of the direct or indirect recruitment, selection, review, recognition, promotion or other management activity or process involving the other member of staff
- disclosures will be handled sensitively and with respect for the privacy of both parties
- disclosures will be shared on a confidential, strictly need to know basis
- staff who fail to disclose will be treated fairly
- students are expected to act with integrity.

It is also underpinned by the University's [Dignity and Respect policy](#) and its zero tolerance of any form of harassment.

## 6. Staff:Student Relationships

### 6.1 Requirement to disclose

The University does not seek to prohibit intimate, consensual relationships between staff and students, but recognises that:

- there is an inherent imbalance of power between staff and student
- in some circumstances, this power dynamic will compromise a student's ability to freely consent to or refuse interaction of a personal, intimate nature

and that

- such exploited consent is an abuse of power and trust.

Therefore to protect both staff and student, staff:

- are ***strongly discouraged*** from intimate contact with a current student
- ***must disclose, in writing***, if they are in, or have been in an intimate relationship with an incoming/current student

**Note:** where the staff member is also a student, the staff member ***must disclose, in writing***, if they are in, or have been in, an intimate relationship with an incoming/current student with whom they will have or do have a professional connection.

Staff must disclose their relationship to the relevant Disclosure Manager. They must also make the student aware of their need to disclose the relationship and when and to whom this disclosure will be made.

The staff member must disclose their relationship in good time, i.e. prior to the incoming student starting their course of study or soon after intimate contact with a current student occurs.

If a member of staff is in any doubt about the need to disclose a relationship with a student, they should err on the side of caution and disclose it.

Staff must ensure they tell the Disclosure Manager if their relationship with a current student comes to an end. It may still be appropriate for a member of staff to have no involvement in the assessment, examination, supervision or pastoral care of the student even after the relationship has come to an end.

## **6.2 University Halls of Residence Life team**

It is recognised that the University's Residence Life team play a unique role in supporting students who live in University accommodation and that they are specifically trained to ensure they understand the boundaries of their role. Wardens and Resident Assistants must disclose any intimate relationship with a student, in writing, to the Assistant Director, Residence Life.

## **6.3 Action to be taken on disclosure**

In summary, the Disclosure Manager is required to:

- assess any conflict of interest, real or perceived
- consider the welfare/concerns of any other individuals or groups
- consider who needs to know about the disclosure
- put in place measures to address/prevent the actual and/or perceived conflict(s) of interest
- put in place measures to protect the integrity and welfare of both parties
- keep these measures under regular review
- maintain a record of the disclosure and provide a copy to the relevant Head of HR.

Further guidance can be found in Appendix II.

If a staff member advises that a relationship has come to an end, the Disclosure Manager will need to consider whether any new arrangements need to be put in place to continue to protect both parties. They will also need to keep these new arrangements under regular review.

#### **6.4 Failure to disclose**

Failure by a University employee to disclose an intimate relationship with a student will be treated as a disciplinary matter, up to and including dismissal.

Failure by any other party (as listed in Section 2 above) will be investigated and may bring the University's connection with that party to an end.

#### **6.5 Failure to comply with risk protection measures**

Staff are expected to adhere to any measures put in place by the Disclosure Manager.

Failure to do so by a University employee will be treated as a disciplinary matter, up to and including dismissal.

Failure by any other party (as listed in Section 2 above) will be investigated and may bring the University's connection with that party to an end.

#### **6.6 Student disclosure**

A student who is/has been in an intimate relationship with a staff member is encouraged, but not required to disclose the relationship to their Student Support Officer or equivalent.

If a student is unsure who to talk to or whether their relationship with a staff member is consensual, they should seek advice from the [Advice Place](#). They can also confide in and seek advice from a trusted member of staff.

### **7. Staff: Staff Relationships**

#### **7.1 Requirement to disclose**

The University does not seek to intrude in intimate relationships between members of staff. However, such relationships may give rise to a real and/or perceived conflict of interest, to breach of trust and/or confidentiality, to unfair advantage and/or perceptions of bias on the part of other staff. This is particularly the case where one member of staff has influence or control over the other member of staff's working environment.

Staff ***must disclose, in writing***, to their immediate line manager if they are in, or have been in, an intimate relationship with an incoming/current member of staff with whom they will have a line management, or supervisory connection.

Disclosure is required by both staff members and must be done in good time, for example at job application stage or soon after the relationship starts.

Staff must not be involved in any decisions relating to a member of staff with whom they are intimately connected. The staff member involved in the decision-making process must declare their conflict of interest in good time to the process owner.

## **7.2 Action to be taken on disclosure**

The manager is required to:

- assess any conflict of interest, real or perceived
- put in place measures to prevent actual or perceived conflicts of interest
- put in place measures to protect the integrity and welfare of both parties
- keep these measures under regular review
- maintain a record of the disclosure and provide a copy to their HR Advisor.

Further guidance can be found in Appendix II.

If a staff member advises that a relationship has come to an end, the line manager, will need to consider whether any new arrangements need to be put in place to continue to protect both parties. They will also need to keep these new arrangements under regular review.

## **7.3 Failure to disclose**

Failure by a University employee to disclose an intimate relationship with another member of staff as described in 7.1 above will be treated as a disciplinary matter, up to and including dismissal.

Failure by any other party (as listed in Section 2 above) will be investigated and may bring the University's connection with that party to an end.

## **8. Reporting relationship concerns**

If a student has concerns about their relationship with a staff member, they should seek advice from the Advice Place. They can also confide in and seek advice from a trusted member of staff.

If a student has concerns about a relationship between a fellow student and a member of staff they should seek advice from the Advice Place. The Advice Place will advise the concerned student about how they might approach and offer support to the fellow student.

If a member of staff has concerns about a staff: student or staff: staff relationship, they should report their concerns to their HR Advisor, or seek advice from a trusted member of staff.

The HR Advisor will investigate whether the staff member should have, and has disclosed the relationship.

If the staff member has not disclosed the relationship as required, the HR Advisor will bring the matter to the attention of the manager to whom the relationship should have been disclosed.

The manager will investigate the matter further and decide whether to initiate the staff disciplinary procedure/bring the University's connection with a non-employee to an end.

If the staff member has disclosed the relationship, the HR Advisor will discuss the reporting staff member's concerns with the manager who will decide what action, if any, is required to protect both parties.

## **9. Reporting sexual harassment**

The University will not tolerate any form of sexual harassment. Detailed information on reporting the inappropriate and unacceptable behaviour described in Appendix I can be found in the University's [Dignity and Respect policy](#)

Whilst the University will take seriously and investigate issues raised by students or staff who do not disclose their name, the anonymous nature of the report may limit the extent to which the University will be able to respond and take action.



**10. Related policies and procedures**

[Children and Protected Adults policy](#)

[Conflict of Interest policy](#)

[Dignity and Respect policy;](#)

[Disciplinary procedure](#)

[Student complaints procedure](#)

[Taught Assessment Regulations](#)

[Research Assessment Regulations](#)

**11. Policy Owner: Director of Human Resources**

**12. Policy History and Review**

Approval Date: 21 November 2018

Approved By: CJCNC

Year of Next Review: 2024

**This guidance is intended to help staff to maintain professional boundaries and so keep themselves safe from any accusation of improper behaviour.** The same guidelines apply when staff and students are off campus, for example on fieldwork, attending conferences etc.

### **1. Maintaining Professional Boundaries between Staff and Students**

The University recognises that personal interaction between students and staff, particularly academic staff, is key to a student's educational development, and is intellectually stimulating and rewarding for both staff and students. Whilst this rapport and connection is important, and staff do need to show an interest in and care towards their students, it has to be recognised that such close interaction can blur the lines between the professional and personal and lead to misunderstanding.

Staff should be aware that the following situations can be misconstrued, and so are not without risk. Therefore to protect both parties, staff are strongly advised to maintain clear professional boundaries and to "think twice" before, for example:

- meeting a student one-to-one outside of office hours and off campus, particularly if such meetings will include the consumption of alcohol
- corresponding with a student one-to-one on anything unrelated to the student's course of study or their University residence
- befriending and communicating with a student on a personal basis via Facebook or other social media channels
- sharing their personal information or problems with a student
- physically comforting/embracing a student and/or using terms of endearment
- giving a student a gift or lending or borrowing items/money to or from a student.

Staff must also:

- acknowledge and respect that it is perfectly acceptable for a student to deem the above interactions as out of the ordinary and/or inappropriate and so fully within their right to decline
- respect and take into account cultural and language differences which could lead to miscommunication and misunderstanding of, for example gestures, words, jokes, 'banter' etc

- be mindful that it is a criminal offence <sup>1</sup> for someone in a position of trust to engage in any sexual activity with a person under 18 years of age to whom that trust is extended

## **2. Inappropriate and unacceptable behaviour**

The University will not tolerate any form of sexual harassment, i.e. any unwanted conduct related to the protected characteristic of gender which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

It therefore considers the following to be examples of behaviour which are inappropriate and unacceptable and which could lead to disciplinary action:

- any form of unwanted physical contact
- unwelcome attention or advances of a romantic or sexual nature, in person or in writing (including electronic communication e.g. via text, email or social media)
- use of sexually suggestive images and/or language
- coercion, i.e. attempts to persuade someone to do something – e.g. engage in intimacy - by use of force or threat, including the threat of something not being granted or being withdrawn
- suggestion of reward/privilege for sexual favours
- grooming or predatory behaviour

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<sup>1</sup> Sexual Offences (Scotland) Act 2009

## APPENDIX II - GUIDANCE FOR STAFF ON HANDLING A DISCLOSURE OF AN INTIMATE RELATIONSHIP

### 1. Staff: Student Relationship

The Head of School or Professional Service Department to whom a disclosure is made (hereafter referred to as 'the Disclosure Manager') must assess the extent and nature of the staff member's professional interaction with the student, for example:

- Is/will the staff member be directly involved in any aspect of the student's learning, academic assessment or their pastoral care?
- Are/will they be in a position to influence the student's academic progress?
- Are they involved in selecting the student for a course of study/research programme and/or allocating scholarships, research grants and/or facilities?
- Are they involved in any aspect of the student's non-academic life on campus, e.g. their accommodation?

They must also act in line with the University's [Conflict of Interest policy](#).

A template checklist for use by disclosure managers in assessing the above can be found in Appendix III.

**If none of the above apply,** the Disclosure Manager must:

- make and keep a written note of the disclosure and their decision(s) and provide a copy to the staff member and student and appropriate Head of HR
- If the staff member and student are in different Schools/Departments, make the Head of School/Department in which the student is based aware of the disclosure.

**Note:** in line with the Conflict of Interest policy, if the Disclosure Manager is any doubt about there being a conflict of interest and/or need to consult with other staff, the member of staff must be asked to take no part in any activity related to the student's course of study etc until a firm decision is reached.

**If any of the above apply,** the Disclosure Manager must

1. meet, separately, with the staff member and student to:
  - assess the extent of their professional contact

- ensure the staff member understands they must not take part in any activity related to the student's course of study etc
  - ensure the student is aware of the disclosure and understands and is comfortable with the arrangements to be put in place to protect both parties, and that both parties are expected to comply with these arrangements
2. re-organise the staff member's duties to ensure they do not, for example:
    - take part in the admissions/selection process
    - tutor, act as research supervisor or provide technical support
    - mark/assess/provide feedback on the student's work, including anonymised marking
    - provide pastoral care
    - administer any activities in which the student is involved
    - provide references or recommendations for the student
    - decide on resources available to the student e.g. grant funding
  3. ensure that, in re-organising such duties:
    - the privacy of both parties is respected
    - only those involved in facilitating the re-organisation are privy to the disclosure
    - the student is neither advantaged nor disadvantaged (See Note)
    - the impact on other students is taken into account and action taken to minimise any disruption to their learning/research environment
    - the impact on other staff is taken into account and action taken to minimise any disruption to their role
  4. make and keep a written note of the disclosure and all actions and decisions taken and provide a copy to the staff member and student, and the relevant Head of HR for filing
  5. put in place a system to ensure these decisions are regularly reviewed (e.g. prior to each academic year) and put in place revised arrangements.

**Note:** If the student is involved in a highly specialised course of study/area of research and it is not possible to assign them to a different tutor or supervisor, the manager should put in place arrangements to ensure the member of staff does not have sole responsibility for making decisions relating to the student and their work.

This will involve obtaining the consent of the student to, for example: the appointment of a co-supervisor; arrangements for moderation etc

If the staff member advises that a relationship with a current student has ended, the Disclosure Manager should again meet, separately, with the staff member and student to confirm matters and to assess what if anything needs to be put in place to continue to protect the interests of both parties.

Again, the Disclosure Manager should put in place a system to ensure any new arrangements are regularly reviewed.

## **2. Staff: Staff Relationship**

The manager to whom the disclosure is made must assess the supervisory/line management connection and any other professional relationship between the parties and put in place alternative arrangements for:

- work allocation and supervision
- performance management and annual reviews
- participation in selection and recognition processes including promotion, contribution awards
- the general management of the staff member's contract of employment or other contractual relationship with the University.

This may require the manager to discuss and disclose the relationship with a senior manager, and potentially other colleagues. The manager must make both parties aware of the need to involve others in resolving the conflict of interest situation and to disclose the nature of the relationship between the two staff members.

If the professional relationship is very close, i.e. one party directly line manages the other, the manager will need to re-arrange reporting lines and must seek advice from their HR Advisor to ensure this is managed fairly and without bias.

If reporting lines are to be re-arranged, it may be necessary to inform other staff members of the relationship. The manager will discuss and agree with the two parties how the arrangements are to be explained to other staff.

Managers must also act in line with the University's [Conflict of Interest policy](#). In line with this policy, if the manager is any doubt about there being a conflict of interest and/or need to consult with other staff, the member of staff must be asked to take no part in any activity related to the other member of staff's employment until a firm decision is reached.

If a staff member advises that the relationship has ended, the manager should meet, separately, with each staff member and to confirm matters and to assess what if anything needs to be put in place to continue to protect the interests of both parties.

Managers must make and keep a written note of any disclosures and all actions and decisions taken and provide copies to the staff members and their HR Advisor for appropriate filing.



## DISCLOSURE OF INTIMATE RELATIONSHIP BETWEEN A STAFF MEMBER AND A STUDENT- RISK ASSESSMENT

### Guidance

This form should be used to assess and record any real or perceived conflict of interest when a staff member discloses that they are, or have been, intimately involved with a current or incoming student. Once completed, the record should be forwarded by email to the relevant Head of HR and a copy should be given to the staff member.

If you require this document in an alternative format please contact HR via [HR.Helpline@ed.ac.uk](mailto:HR.Helpline@ed.ac.uk).

### Section 1: Staff Details

Staff Name:		Staff Number:	
College/Professional Services Group:		School/Centre/Service Department/Research Group:	
Employed as:		Date of disclosure (dd/mm/yyyy):	

### Section 2: Student's Details

Student Name:		Matriculation Number:	
Student status:	Undergraduate <input type="checkbox"/> Postgraduate <input type="checkbox"/> Other (please provide details in section 4 below) <input type="checkbox"/>		



Assessment undertaken by:		Assessment Date (yy/mm/yyyy):	
<b>Section 3: Assessment</b>			
<b>Conflict of Interest Assessment</b> <b>Is/will the staff member be directly involved in:</b>	<b>Yes</b>	<b>No</b>	<b>If 'Yes' , detail the measures which will be put in place to remove the conflict &amp; protect both parties; by whom and when</b>
• any aspect of the student's learning?	<input type="checkbox"/>	<input type="checkbox"/>	
• marking or any assessment of the student's work?	<input type="checkbox"/>	<input type="checkbox"/>	
• any aspect of the student's pastoral care?	<input type="checkbox"/>	<input type="checkbox"/>	
• any decision-making process regarding the student's academic progress?	<input type="checkbox"/>	<input type="checkbox"/>	
• selecting the student for a course of study?	<input type="checkbox"/>	<input type="checkbox"/>	
• any aspect of the student's research ?	<input type="checkbox"/>	<input type="checkbox"/>	
• any aspect of their non-academic life on campus?	<input type="checkbox"/>	<input type="checkbox"/>	
• any other aspect of the student's learning experience?	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Section 4: Any other relevant information:</b>			



## DISCLOSURE OF INTIMATE RELATIONSHIP BETWEEN STAFF - RISK ASSESSMENT

### Guidance

This form should be used to assess and record any real or perceived conflict of interest when a staff member discloses that they are, or have been, intimately involved with a current or incoming member of staff. Once completed the form should be emailed to your local HR Advisor and a copy should be sent to each member of staff.

If you require this document in an alternative format please contact HR via [HR.Helpline@ed.ac.uk](mailto:HR.Helpline@ed.ac.uk)

### Section 1: Staff Details

Staff Name:		Staff Number:	
College/Professional Services Group:		School/Centre/Service Department/Research Group:	
Job Title:		Date of disclosure (dd/mm/yyyy):	

### Section 2: Relationship details

In a relationship with (Insert Staff Name):		Staff Number:	
College/Professional Services Group:		School/Centre/Service Department/Research Group:	

Job Title:		Line management / Supervisory connection:	
Other members of Department / Research Group (if applicable):			
Assessment undertaken by:		Date of assessment (dd/mm/yyyy):	
<b>Section 3: Assessment</b>			
<b>Conflict of Interest Assessment</b> <b>Is/will the staff member be directly involved in:</b>	<b>Yes</b>	<b>No</b>	<b>If 'Yes' , detail the measures which will be put in place to remove the conflict &amp; protect both parties; by whom and when</b>
• Recruitment / selection of staff member?	<input type="checkbox"/>	<input type="checkbox"/>	
• Promotion / Reward / other recognition recommendations?	<input type="checkbox"/>	<input type="checkbox"/>	
• Annual Review?	<input type="checkbox"/>	<input type="checkbox"/>	
• Delegation / allocation of work?	<input type="checkbox"/>	<input type="checkbox"/>	
• Approval of travel / attendance at conferences /expenses etc?	<input type="checkbox"/>	<input type="checkbox"/>	
• Performance management?	<input type="checkbox"/>	<input type="checkbox"/>	
• Accompaniment at formal meetings? (e.g. grievance, flexible working)	<input type="checkbox"/>	<input type="checkbox"/>	
• Any other management / supervisory activity?	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Section 4: Any other relevant information:</b>			