

Personal Relationships Policy

1. Introduction

This policy applies to all members of staff at the University, irrespective of their role or seniority. The purpose of the policy is to provide guidance on the identification, disclosure and subsequent management of personal relationships within the University, to avoid any actual or perceived conflicts of interest or misuse of authority and/or power.

The policy aims to:

- clarify the standards expected of University staff
- protect members of staff in personal relationships from allegations of bias, conflict of interest or impropriety
- protect staff and students from inappropriate behaviour, this may include violence, abuse of power and trust, controlling/coercive and predatory behaviour and sexual exploitation.

The University recognises that staff who work together may form personal friendships and, in some cases, intimate relationships. While it does not wish to interfere with these it is necessary for the University to ensure that all staff behave in an appropriate and professional manner at work.

Similarly, staff may be members of other organisations and so it is understood that they will form friendships and personal relationships which might on occasion bring about a potential conflict of interest in relation to their professional role.

The principles underpinning this policy have been devised to outline the University position on such relationships. These apply to all University staff, regardless of their job or level of seniority.

The University is keen to ensure that where a member of staff is directly or indirectly involved in the education of a student that there are no conflicts of interest arising, either due to an existing or new relationship between the parties. Therefore, staff and workers involved in the education of a student (including agency workers and consultants), are strongly discouraged from engaging in any new relationship with a student during their studies. Should an intimate relationship develop then the staff member is duty bound to declare this immediately. The University understands that, owing to the power differential between the parties, there exists the possibility for misuse of authority and all reasonable action should be taken to prevent such abuse of power.

Personal relationships between staff and students or among staff that pre-date OU staff status or OU student status should always be declared.

2. Definition of personal relationships and conflicts of interest

In the context of this policy, a close personal relationship or intimate relationship is defined as:

- a family or familial relationship (including relationships by marriage).
- a business/commercial/financial relationship (including where one party is financially dependent upon or indebted to another party).
- a romantic/sexual encounter or relationship (an encounter or relationship that involves a degree of intimacy beyond that normally present in a staff/staff or staff/student relationship).

This list is not exhaustive but includes examples of personal relationships which may pose a real or perceived conflict of interest. A conflict of interest is any situation in which a member of staff's personal interests, or interests that they owe to another body, may (or may be perceived to) influence or affect the member of staff's decision making, or improperly influences the performance of their duties and responsibilities.

The University understands that conflicts of interest will occur and so requires staff to declare any personal relationship, either existing or new, that they have with other members of staff, students, consultants, contractors, suppliers, visiting academics, or participants in the governance structure. The issue is not the integrity of the member of staff concerned, but the management of any potential that the staff member may be influenced by conflicting loyalties. Even the appearance of a conflict of interest can damage reputation and so potential conflicts need to be managed carefully.

Members of staff should not be in a position where their personal interests and their duty to the University conflict or appear to conflict. The conflict or potential conflict therefore needs to be managed and to be transparent. Transparency is achieved by requiring explicit acknowledgement/declaration, through officially designated channels, and by ensuring that any conflict of interest or potential conflict of interest is properly and openly managed.

3. Policy principles

The guiding principles of this policy apply to all University staff, regardless of their job or level of seniority:

- Members of staff should not be placed, nor place themselves, in a situation where others might reasonably believe that there has been or could be a conflict of interest or improper conduct.
- Members of staff should feel that they are treated fairly, equitably and without bias.
- That the University is not brought into disrepute and does not suffer reputational damage through the improper conduct of its employees.

The University does not usually take a position on personal relationships if they do not interfere with the running of the University, affect working relationships or produce conflicts of interest in a commercial, financial or other sense. However, staff should always behave professionally so that personal relationships do not interfere with the University's activities, working relationships and practices.

Staff should conduct themselves at all times in ways that are consistent with their role and duties and within University policies. The recruitment, selection, development and promotion of staff (and students) should be based solely on evidence and not in any way affected by personal relationships.

Whilst personal or intimate relationships are not a bar to employment at the University, members of staff have an obligation to declare formally any personal relationships with existing members of staff, new staff, students or individuals with links to the University,

such as suppliers. University policy requires that such relationships must be declared whether there is, or could be perceived to be, a conflict of interest or not.

All staff have a duty to be open and honest in matters where a personal or business relationship may, or may be perceived to, influence the operation of University business. Staff in positions of authority have a duty to be transparent in such matters as well as to ensure that material or perceived conflicts of interest involving others are properly managed.

The University is committed to ensuring that all declarations of a personal relationship are treated in confidence and with sensitivity/discretion. Whilst personal privacy will be protected as far as the University is able this may not always be possible, as transparency is essential. A full investigation of the circumstances will be undertaken, to identify an approach to either remove or manage the perceived or actual conflict of interest posed.

4. Declaring personal relationships

Members of staff are responsible for informing their line manager, a more senior manager or the Senior People Adviser for their unit/faculty of any existing or new personal relationship that they have with other members of staff, students, consultants, contractors or suppliers.

This should be done by the individual completing the “Declaration of Personal Relationships Form” so that consideration can be made to avoid situations which may prejudice professionalism and integrity.

Staff should consider that any such relationship may give rise to an actual, potential or perceived conflict of interest, trust or breach of confidentiality. The University wishes to prevent any situation occurring where a personal relationship could result in an unfair advantage or disadvantage to either of the parties in the relationship, or to other members of staff/students in contact with those individuals.

This conflict of interest might be in relation to:

- employment (e.g. recruitment, managerial reporting relationships, disciplinary or grievance procedures, formal involvement in career advancement or remuneration).
- a staff/student relationship (e.g. selection/admission to the Unit/University or the teaching/assessment/supervision of student work, including project dissertations and research supervision).
- an intimate relationship between two members of staff that could impact upon the best interests of a student(s) (e.g. the joint supervision of research degree students where academic debate is fundamental, or where staff members are involved in exam panels as exam panel chair/examiner and where complete transparency must be maintained).
- a staff member who is involved in the supervision of a postgraduate student. The University expects that an intimate relationship should not occur between the parties until that person is no longer a registered student. The concern is that any such relationship could harm the parties involved, both professionally and personally.

However, personal relationships that may lead to a conflict of interest in the University are not restricted to these examples and so all relationships should be disclosed and recorded, regardless of whether those involved believe that a potential conflict of interest is present.

The same requirements apply in cases where the relationship involves one person being able to influence the placing of work, contracts or reimbursement of expenses to the potential benefit of another person working inside or outside the University.

Staff who are uncertain about whether there is likely to be any risk of a potential conflict of interest emerging from a personal relationship at work, should discuss the matter with their line manager (or a more senior manager) in the first instance, or the Senior People Adviser for their unit/faculty. Staff should always approach their line manager, a more senior manager or the Senior People Adviser in confidence and in good time, if any personal relationship develops which may potentially contravene the principles of this policy.

The line manager, senior manager or Senior People Adviser will consider the circumstances in confidence. They will, in consultation with the member(s) of staff, and where necessary People Services or the unit/department, consider all the circumstances involved, to make an informed decision about any action required.

The University wishes to ensure that any potential conflict of interest can be avoided or minimised and any potential risk to the University, staff members, students may be mitigated. The resultant decision, plus any action(s) taken, should be documented, to protect the immediate and ongoing interest(s) of all those concerned.

5. Retention of University records

The details included within the completed “Declaration of Personal Relationships Form”, any approach identified on the form for removing or managing a perceived or actual conflict of interest or any other documents in relation to a declaration will be retained in accordance with the Open University Retention Schedule: Human Resources Management (updated August 2020):

- Where circumstances change such that the relationship is deemed by the Group People Director/nominated delegate to no longer be relevant to the individual’s employment:

Retention period to be: Last action on the case plus six years

- Where circumstances continue such that the relationship is deemed by the Group People Director/nominated delegate to still be relevant to the individual’s employment.

Retention period to be: Closure of case plus six years

- On termination of contract all extant records to be retained until termination plus six years

6. Personal relationships between members of staff

Members of staff are required to formally disclose at the earliest opportunity any personal relationship (as defined in section 2 above) with another member of University staff which may give rise to a real or perceived conflict of interest, trust or breach of confidentiality, even if they do not judge that it presents a real or perceived conflict of interest, trust or breach of confidentiality.

Staff who are uncertain when, or if, to disclose a personal relationship may seek confidential guidance from the Senior People Adviser for their unit/faculty.

Where a manager has a sexual/intimate or familial relationship with a person who reports to them there will be a real or perceived conflict of interest. Therefore, where a personal, intimate, familial relationship arises between persons and there is a managerial reporting line, steps should be taken to ensure that the line manager is changed. The new line manager will be an equivalent grade (or higher) to the current line manager.

It would normally not be appropriate for members of staff in a direct or indirect management or supervisory role, who have disclosed a personal relationship, to be involved in management activities relating to the member of staff with whom they have a relationship, for example:

- Annual Performance Review
- Authorisation of budgets, appointments, financial payments or expenses
- Salary or pension payments
- Recruitment, selection or appointment including the provision of references – if this is not possible, the other panel members should be made aware
- Progression and promotion
- Probation

Guidance on the recruitment of close relatives, as outlined in the Recruitment, Selection and Employment Policy, is that recruitment panel members must not take part in any part of the recruitment process involving an immediate relative or partner or someone with whom they have (or have had) a personal or intimate relationship or where there might be a conflict of interest. This also applies to any appointing, regrading, promotion or salary reward committee or decision-making process. Panel members must make any such relationships and potential conflicts known.

7. Personal relationships between staff and students

The University is committed to an environment for staff, undergraduate and postgraduate students where decisions about assessment, selection and access to resources are based on merit. The University values the professional relationship of trust and confidence that exists between a member of staff and an undergraduate or postgraduate student.

A professional relationship is defined as one where there is an assessing, supervising, tutoring, teaching or pastoral role or a role providing administrative or technical support. Members of staff should recognise their 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.

It is commonly understood that because of the inherent imbalance of power between staff (particularly but not exclusively teaching staff) and students, any relationship could be harmful to the student and potentially both parties. Any such relationship may also be regarded as being against the ethical principles of the teacher/student relationship. In such cases, there is a danger that the conflict of interest may undermine the integrity of the University and seriously disrupt the learning environment for other students and colleagues.

The University expects staff to always act professionally. Therefore, staff members involved in the education of a student should not enter into intimate relationships and activities with any such student during their period of study at the University. If an intimate relationship develops between a member of staff and a student, this must be declared by the member of staff to their line manager, a more senior manager or the Senior People Adviser for their unit/faculty at the earliest opportunity. The manager/unit to whom the declaration is made will then decide upon any action that may be required, including making alternative arrangements for academic supervision/assessment etc.

Where there is a pre-existing relationship, between a staff member and a student, the member of staff should recognise their 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. The staff member cannot teach the student nor have any role in administration of their marks or student progression.

Where a member of staff enters into a business, commercial or financial relationship with a student e.g. a contractual relationship for renting of property, it could compromise or be perceived to compromise objectivity and professional standing. To avoid such perceptions members of staff who enter into a business, commercial or financial arrangement with a student should immediately declare the arrangement in accordance with this policy.

Staff are reminded that it is a criminal offence (under section 16 of the Sexual Offences Act 2003) for a person aged 18 or over to have any sexual activity with a person under the age of 18 if the older person holds a position of trust, as such sexual activity is an abuse of the position of trust (as defined in section 21). Such conduct will be treated by the University as gross misconduct that may result in dismissal.

8. Personal relationships between staff and suppliers

Where members of staff have personal relationships with consultants, contractors or suppliers which provide goods or services to the University or its students, and they are in a position to influence contracts or the tendering process, such personal relationships must be disclosed to the member of staff's line manager/a more senior manager or People Services in good time.

Where appropriate, the manager/senior manager/People Services may also consult Procurement in confidence, to ensure the relationship does not breach the University procurement policy.

9. Failure to make a declaration

Members of staff are responsible for informing their line manager, a more senior manager or the Senior People Adviser for the unit/faculty of any existing or new personal relationship that they have with other members of staff, students, consultants, contractors or suppliers.

Where relationships exist which might give rise to a conflict of interest or interfere with the work of the University and these have not been declared in good time by a member of staff, or there has been failure to comply with the principles of this policy, this will be considered a serious matter and may result in disciplinary action (up to and including dismissal) in accordance with the University disciplinary policy and the related procedures.

10. Raising a concern or complaint

The University has a number of policies aimed at the prompt investigation and resolution of complaints concerning unacceptable behaviour by staff and/or students. The appropriate policy for each individual circumstance will depend upon the particulars of whom is raising the complaint and whether the behaviour(s) involve a staff member, current student or former student.

All allegations will be treated seriously and thoroughly investigated. Disciplinary action may be taken in cases where the complaint is upheld. Action that will be taken is outlined in the Code of Practice for Student Discipline and the staff Bullying and Harassment Policy, plus the appropriate staff disciplinary policy and associated procedures.

Where a member of staff believes there has been favouritism, nepotism or unfair practice and wishes to make a complaint they should raise the matter with their line manager, a more senior manager or the Senior People Adviser for their unit/faculty in the first instance. If it is not possible to resolve the matter informally, they may raise a complaint under the Grievance procedure.

Where a member of staff wishes to raise allegations of bullying and harassment by another member of staff, including sexual harassment, they should follow the People Services Bullying and Harassment Policy and Code of Practice.

The Dignity and Respect Policy for staff and students deals with any form of bullying and harassment at the Open University i.e. occurring on approved premises and locations, in designated on-line spaces and during research supervision sessions or telephone conversations, between:

- Students experiencing bullying and harassment, both current and former students
- Staff who experience bullying and harassment by a current or former student

Where a member of staff becomes aware of an intimate relationship between a member of staff and a student, they should advise either their Head of Unit, a senior manager or the Senior People Adviser for their unit/faculty. Where they have concerns that this relationship might involve coercion, predatory behaviour or constitute an abuse of power, they should communicate these concerns at the time.

In any cases of inappropriate, coercive or predatory behaviour of a sexual nature by a member of staff towards a student, including promising or alluding to rewards in return for sexual favours or suggesting or threatening withdrawal of teaching or other forms of service or academic support if sexual access is not granted: students are encouraged to report any such behaviour that they either witness or experience.

The complaint should be submitted and dealt with under the Bullying and Harassment Policy for staff. All such reports will be treated in confidence and dealt with quickly and effectively. Requests for anonymity cannot be accommodated (anonymous reporting is an option available by using the Whistleblowing Policy). Complaints will be investigated and may lead to action being taken against the member of staff in accordance with the University's staff disciplinary policy and associated procedures.

Where staff feel that they are experiencing bullying or harassment by a student, and informal procedures do not stop the behaviour, they may raise a complaint under the University Dignity and Respect Policy. The matter may be pursued following the Code of Practice for Student Discipline.

Where an allegation is upheld, including where a student has exerted sexual pressure over a member of staff, or has behaved in a coercive or predatory manner towards a member of staff, sanctions will be imposed under the University's Code of Practice for Student Discipline. In the most serious of cases, the consequences may include exclusion from study with the Open University.

Staff who witness or experience any such behaviour should report concerns about inappropriate behaviour of a sexual nature by students to either, a senior manager or their Head of Unit. Students who witness any such behaviour should report the matter under the Code of Practice for Student Discipline.

In cases where a member of staff alleges that they are being subjected to bullying and harassment by a former student(s), the University will consider how best to support the individual. Individuals affected may also choose to seek support from their trade union representative.

11. Alleged criminal offences

In cases of alleged criminal offence, such as harassment, stalking, physical and sexual assault, staff and students are advised to contact the police.

If a member of staff is being subjected to threatening and/or violent behaviour outside of the work environment by a student (e.g. at home or whilst going about their personal life) then they should report the matter to the police directly and advise their line manager of the action taken.

The University will fully support the police investigation in whatever way is appropriate and will take whatever steps are necessary to protect the individual in the work environment. Any resulting investigation, under University procedures, will be conducted under the guidance of the police.

12. Support for staff

Staff have several options for accessing support, including:

- Line manager – who can provide advice on the process and/or deal with allegations on an informal basis (or where applicable on a formal basis). Staff should contact their line manager in the first instance to discuss the matter of bullying/harassment from a student or, when at a Residential School, they should contact the School Director.
- Trade Union representative – who can advise and accompany their members to meetings which may result from an allegation under this procedure.
- Work colleague or friend employed by the University - who can accompany the member of staff to meetings which may result from an allegation under this procedure.
- Student Support Team.
- The Senior People Adviser for their unit/faculty Student Support – who can provide advice and support.
- The People Hub – who will provide advice on sources of help, as appropriate.
- The Employee Assistance Programme (EAP) provides support and counselling on behalf of the University: Tel 0800 030 5182 Username: Open Password: Uni

This policy summarises information for employees on their employment rights and the responsibilities of the line manager in bullying and harassment situations.

Detailed information on rights and responsibilities for employees and line managers are available in the Bullying and Harassment Policy and the Bullying and Harassment Code, which are available on the People Services intranet.

13. Equality, diversity and inclusion

Policies are inclusive of all Open University staff, regardless of age, care experience, caring status or dependency, civil status, disability, family status, gender, gender expression, gender identity, gender reassignment, marital status, marriage and civil partnership, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, sex, sexual orientation, socio-economic background or trades union membership status.

14. Useful references

In relation to staff:

Declaration of Personal Relationships Form
Behaviours and Standards at Work Policy
Bullying and Harassment Policy
Bullying and Harassment Policy Part 2: Code of Practice on behaviour at work for staff
Grievance Policy
Disciplinary Policy
Recruitment, Selection and Employment Policy
Safeguarding Policy
Antifraud, Bribery and Corruption Policy
Conflict of Interest Policy
OU Council Members Register of Interests
Open University Retention Schedule: Human Resources Management (August 2020)
Procurement Policy

In relation to students:

Code of Practice for Student Discipline
Complaints and Appeals Procedure

In relation to staff and students:

Dignity and Respect Policy: Bullying and harassment between students or students and staff