



# CLEVELAND COLLEGE OF ART & DESIGN

Title:	<b>Procedure on close personal or sexual relationships between staff and students, and between staff and staff</b>		
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The policy or procedure will be reviewed by the date shown on the front cover sheet, or sooner if a change in legislation, best practice, or other circumstances indicate that this is necessary. If, for whatever reason, the policy or procedure is not reviewed by the date shown, the policy or procedure shall stay in force until formally reviewed.

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## INTRODUCTION

- 1) This procedure aims to outline what is acceptable behaviour in relation to the development of close personal relationships at work. It covers relationships with students under age 18, relationships with students over age 18 and relationships between members of staff.
- 2) Underpinning these guidelines are issues of legality, common sense, student welfare, staff welfare and college reputation. Such considerations will always be taken into account in dealing with relationships that may become the subject of comment or complaint.
- 3) The College believes that the professional relationship between a student and a member of staff is an essential part of the student's educational development. It is vital that trust and confidence exist between staff and students to ensure that all students maximise their learning experience.
- 4) Staff have a professional duty to develop their students' abilities and a responsibility to safeguard students' welfare. Given the natural imbalance of power between staff and students any abuse by staff of this relationship will be viewed with concern by college management.
- 5) Staff are very strongly advised not to enter into a relationship with any student. Such relationships could compromise and damage the professional relationship between staff and student and also damage the teaching and learning environment of other students and staff. **The impact of a relationship on other colleagues and on other students should neither be discounted nor minimised.**

## SCOPE

- 6) The procedure covers all members of staff employed at the college, regardless of the position held or the nature of the employment contract e.g. full time / part time / casual / permanent / temporary.

## DEFINITIONS

- 7) Sexual relationship – For the purposes of this procedure a relationship is defined as one that involves physical, sexual or emotional intimacy beyond that normally required by a professional at work.<sup>1</sup>
- 8) Close personal relationship – this may include sexual relationships as defined above, but may also include family relationships or business / financial / commercial relationships.

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<sup>1</sup> Previously the guidance just talked about sexual or romantic relationships.

## PROCEDURE

### Sexual relationships with students who are under age 18

- 9) Entering into or attempting to enter into a sexual relationship with a student who is under the age of 18 is strictly forbidden and would be considered potentially gross misconduct. Colleges act in loco parentis for students under age 18. **No member of staff should enter into a sexual relationship with any student who is under the age of 18.**
- 10) Staff should be aware that having a sexual relationship with a student who is under age 18 could be treated as a criminal offence that may result in imprisonment. The Sexual Offences Act 2003 specifically prohibits such relationships where the member of staff is in a position of trust.<sup>2</sup>
- 11) Any member of staff who attempts to enter or enters into a sexual relationship with a student who is under age 18 will be subject to disciplinary procedures. The actions may constitute gross misconduct, which could lead to summary dismissal.<sup>3</sup> The matter would also be referred to the Independent Safeguarding Authority for their consideration for the Vetting and Barring Scheme, and where appropriate, other agencies such as the Police and Social Services would also be informed.

### Sexual relationships with students aged 18 or over

- 12) Sexual relationships with students who are age 18 or over are discouraged. The normal professional relationship between staff and students is not equal. All students are entitled to equality of treatment and it is important that this is maintained and is seen to be maintained.
- 13) Although the College discourages such sexual relationships in general and regards it as unprofessional for a member of staff actively to seek to initiate or to pursue such a relationship, it also recognises that such relationships may from innocence develop with sincerity and genuineness on both parts. They will always be difficult to manage, however.
- 14) The College requires that if such sexual relationships arise they be conducted with the utmost discretion and entirely off-site and outside of the professional environment. This is to avoid negative perceptions from other members of staff and students.

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<sup>2</sup> Previously the guidance only said relationships need to be within the legal framework and age of consent. This now makes it clear what the implications are.

<sup>3</sup> Previously we didn't make it clear that it is potentially gross misconduct, just that it would be dealt with under the disciplinary procedure if someone didn't declare a relationship.

15) Furthermore in the event of such a sexual relationship occurring, and as a protection both to the member of staff and student, the College requires that the existence of a relationship is brought, with the knowledge of the student, to the attention of the employee's line manager who will then discuss the matter with the Principal. If the Principal is the line manager they should discuss this with the Chair of Governors. This requirement applies equally to relationships that existed prior to employment or enrolment and to relationships that develop once at the College.

16) Consideration will be given to a range of suitable options which will include:

- The transfer of the student to another group;
- The re-timetabling of the member of staff;
- Alterations to assessment or examination arrangements to ensure they are bias free;
- The need to consider the extent to which these arrangements are or are not widely known, and therefore the need to determine how to manage the situation;
- While the matter will be dealt with as confidentially as possible, it is likely that other staff may need to be informed, e.g. if they will be assessing the students work. This may include external verifiers or moderators to maintain the integrity of the assessment process;
- Reference to the College Counsellor, or other counselling function.

17) Whilst the College will retain absolutely the right to make arrangements that it considers appropriate, such arrangements will always be a response to consultation with the member of staff concerned, and where appropriate, the student.

18) Failure to bring any relationship to the attention of the employee's line manager could result in college procedures being followed, e.g. Disciplinary. Failure for a line manager to bring this to the Principal's attention could also result in college procedures being followed, e.g. Disciplinary.

19) For the avoidance of doubt, it would be completely unacceptable for a member of staff to form a relationship with a student based on preferential treatment in return for sexual favours. Any such behaviour would lead to disciplinary procedures and may constitute gross misconduct.

20) Where a relationship is entered into by the Principal, all references should read 'Chair of Governors'.

### Close personal relationships with students of any age

21) Where there is a close personal relationship with a student, regardless of the student's age this should be brought to the attention of the employee's line manager as in paragraph 15 above. Paragraphs 16, 17, 18, 19 and 20 would apply.

### Relationships with students who are vulnerable adults

22) Where the student may be deemed to be a vulnerable adult, the guidance for relationships with students who are under age 18 would apply.

### Dealing with unwanted sexual attention from a student

23) Inappropriate approaches, through messages, telephone calls or in person, from a student to a member of staff should be treated with discretion and sensitivity, but effectively terminated or brought into a proper working relationship.

24) Any member of staff who receives unwanted attention from a student that could be deemed of a sexual nature, or is likely to develop as such, should inform their line manager immediately that this is the case. The line manager should be provided with full details of the events, which should be fully documented. Under no circumstances should the member of staff then allow themselves to be left alone with the student concerned, at least until the matter is resolved. The line manager will discuss the best way to proceed in conjunction with the member of staff and with student services staff where appropriate, according to the specific facts of the case and the student concerned. **The member of staff should not attempt to resolve the issue on a one to one basis with the student.**

### Relationships between members of staff

25) It is recognised that it is not uncommon for people who work for the same College may have or develop a close personal relationship on either a permanent or short term basis. Where this develops **between an employee and someone with line management responsibility for them (either directly or indirectly)** this should be declared to the employee's line manager as in paragraph 15 above. Paragraphs 17, 18 and 20 would apply. The information will be dealt with as confidentially as possible, unless both members of staff are happy for the relationship to be widely known about.

26) The College aims to provide an open and equitable workplace free from bias, and where employees can perform their roles without unnecessary distraction from colleagues. Where a close personal relationship is declared

the Principal and the employee's line manager will undertake a short risk assessment to assess the potential impact of the relationship on this ethos, and any appropriate action to mitigate the risk. For example one may be the line manager of the other and this could affect the perception of bias amongst other team members, or the team dynamics.

27) All personal relationships should be conducted entirely off campus and not through college official communication channels such as email.

28) Where an employee is involved in decisions such as recruitment and they have a close personal relationship with an applicant they should declare this to the HR representative involved in the process so appropriate amendments can be made.

29) Different risks arise in circumstances of relationship breakdown. Again this should be declared to the employee's line manager who will discuss the risks and any appropriate mitigating action with the Principal.

30) Failure to bring any relationship to the attention of the employee's line manager could result in college procedures being followed, e.g. Disciplinary. Failure for a line manager to bring this to the Principals attention could also result in college procedures being followed, e.g. Disciplinary.

31) Where a relationship is entered into by the Principal, all references should read 'Chair of Governors'

## **ROLES AND RESPONSIBILITIES**

32) The College Principal/Chief Executive and management are responsible for ensuring that:

- a) They are familiar with the Guidance on close personal or sexual relationships between staff and students, and between staff and staff Procedure, and that it is followed correctly;
- b) They are aware of the College's legal responsibilities as an employer in relation to the Guidance on close personal or sexual relationships between staff and students, and between staff and staff Procedure.

33) The HR Manager and Student Services Manager is responsible for ensuring that:

- a) Monitoring of the procedure is carried out and the procedure is reviewed accordingly; and
- b) Appropriate training and development is provided to support managers' and employees' understanding of the Guidance on close personal or sexual relationships between staff and students, and between staff and staff Procedure.

34) Employees are responsible for ensuring that:

- a) They familiarise themselves with the access to the Guidance on close personal or sexual relationships between staff and students, and between staff and staff Procedure.

### **STANDARDS/KEY PERFORMANCE INDICATORS**

35) Responsibility for monitoring and reviewing this procedure lies with the HR Manager. The procedure will be reviewed as part of an annual employment policies and procedures review. The review will include consultation with recognised trade union representatives specifically on this procedure at least every three years.

### **EQUALITY STATEMENT**

36) This procedure will be implemented in line with the principles of the College's commitment to equality and diversity which is: Cleveland College of Art and Design is committed to the principles of equality and diversity and aims to ensure that all employees and College users are treated fairly and equally regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

### **DOCUMENT CONTROL INCLUDING ARCHIVING ARRANGEMENTS**

#### **Register/Library of Procedural Documents**

37) The Academic Registrar is responsible for maintaining an index of policies and procedures in use and will act as archivist. A single library of College policies and procedures will be maintained. Any policies or procedures that are replaced or are no longer active will be archived.

38) All 'live' policies and procedures will be accessible to staff in hard copy via policy or procedure files, and will be published on the intranet site. Policies and Procedures will also be published on Cleveland College of Art and Design's external website.

### **RELATED DOCUMENTATION**

39) Code of Conduct Policy