

Dàimhean Luchd- obrach is Oileanaich

An t-Sultain 2020

Ri fhaighinn ann an cruth mòr (16pt)
agus gu didseatach.

Fios gu Rùnaire a' Phrionnsapail.

www.smo.uhi.ac.uk

Tha Sabhal Mòr Ostaig na charthannas clàraichte an Alba SC002578.

Eachdraidh nan Dreachdan

Àireamh Dreachd	Ceann-là atharrachaidh	Geàrr-iomradh air atharrachaidhean
1.	An t-Sultain 2020	A' chiad dreach (aonta aig BS agus CoCo)
2.	An Iuchair 2022	An dàrna dreach (aonta aig BS & CoCo Aug 22)

Dreach/Inbhe: 1.2 Deireannach
Aonta le/Ceann-là: 04/09/17
Fhoillseachadh: THA

Tìotal: Poileasaidh Dàimhean luchd-obrach & oileanaich

An urra ri: Buidheann Stiùiridh
Ùghdar: NNT
Ùrachadh/Ceann-là: 08/2022

Scope and Purpose of the Policy

1.1 The policy sets out the expectations and obligations of Sabhal Mòr Ostaig [SMO] employees and workers and honorary staff (together “staff”), with respect to personal relationships between students and staff and between colleagues, regardless of sexual orientation and identity.

1.2 SMO academic, research and professional services staff, postgraduate teaching assistants, and student mentors (including Caraidean Cànaïn) are in a position of trust. It is important that they demonstrate exemplary behaviour; even well-intentioned actions have the potential to cause harm. They should always give due consideration as to what is an appropriate environment and what is appropriate conduct in relation to the activities they are undertaking.

1.3 SMO recognises that socialising on a friendship basis between colleagues and staff and students is often a positive aspect of being an active member of the College community, however the nature of staff/student and staff/staff relationships imposes particular responsibilities and duties on staff. This policy is intended to ensure that appropriate safeguards and processes are in place to prevent abuses of power and sexual misconduct.

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 intimate relationships between a member of staff and a student who is under the age of 18 or who are classed as an ‘adult at risk’.

1.6 This policy prohibits close personal or intimate relationships between staff and students where there is direct supervision.

1.7 Where a close personal or intimate relationship exists between a staff member and student with no direct supervision, or between members of staff where the relationship may give rise to real or perceived conflict of interest, breach of trust or confidentiality, there must be a clear declaration of the relationship, see section 8.

1.8 This policy applies to close personal or intimate relationships which are formed after the implementation date of this policy. Any existing or previous relationships are referred to in Section 9.

2. Introduction

2.1 There is potential for abuse or the perception of abuse in any relationship but there is greater potential for abuse in any intimate relationships 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 (e.g. including honorary research staff). At SMO, such positions include, but are not limited to, a teacher or supervisor and their student, a manager and staff member they manage, mid-senior staff and junior staff (including senior academic and junior academic) in the same department, mentor and mentee, Caraid Cànaïn and student, Personal Academic Tutor and advisee, principal investigator and postdoctoral scholar or research

assistant in their research group, or student accommodation or support managers, wardens and students.

2.2 Due to the potential for conflict of interest, exploitation, favouritism or bias, such relationships may undermine the integrity of the supervision or evaluation provided, or may have adverse effects on the working and learning environment for those directly involved, as well as for the broader team and departmental and College culture.

2.3 Relationships in which one party is in a position to evaluate the work or influence the career 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.

3. Definitions

3.1 Abuse of power

Abuse of power is where someone uses their position of power, of respect or of authority in an unacceptable manner. Abuse of power can take various forms and may include, but is not limited to, grooming, manipulation, coercion, putting pressure on others to engage in conduct they do not feel comfortable with. Positions of power can be formed or perceived in various ways not simply hierarchical, for example, language ability, gender, understanding of culture amongst others.

3.2 Adult at risk

An adult at risk is someone over the age of 18 who receives or may need community care services by reason of disability or illness and as a result of those needs is unable to protect himself or herself against significant harm or exploitation. This can relate to physical, mental or psychological wellbeing or the potential to be drawn into sexual or criminal exploitation and activity.

3.3 Close personal relationships

A close personal relationship is a relative or close family friend, or a relationship where there is financial dependence.

3.4 Consent to an intimate relationship

Consent is agreeing by choice and having the capacity to make that choice, freely. Everyone involved needs to seek consent and that consent should be informed, made freely and be recognised that it can be withdrawn at any time.

3.5 **Freedom to consent:** a person is free to make a choice if nothing negative would happen to them if they said no. For example, a person is not free to choose if:

- they are being threatened with violence (by the perpetrator and/or by someone else);
- they are being threatened with humiliation
- they believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk, if they refused;
- they are being blackmailed;
- there is a significant power imbalance and the party without power feels pressured to continue in the relationship against their will.

3.6 Capacity to consent: Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have the capacity to give consent if they are asleep or unconscious. A person's capacity to consent may be inhibited by the influence of drugs or alcohol or the presence of a cognitive or learning difficulty, or mental health condition.

3.7 Grooming: Grooming can be defined as a gradual process that someone in a position of power uses to manipulate someone to do things they may not be comfortable with and to make them less likely to reject or report abusive behaviour. Grooming will initially start as befriending someone and making them feel special and may result in sexual abuse and/or exploitation.

3.8 Intimate relationships: An intimate relationship is a consensual romantic or sexual relationship which goes beyond the bounds of a platonic or working relationship. An intimate relationship could be brief, and includes a one-off occurrence.

3.9 Position of Trust: Any staff member working closely with children, young people or adults at risk, is in a position of trust. Staff with direct responsibility for students are also in positions of trust (see 5.2 for further definitions).

4. Relationships with Students or Staff under the age of 18 or who are an "adult at risk"

4.1 Members of staff must not be in, or enter into, a close personal or intimate relationship with a student or staff member under the age of 18, or an adult known or suspected to be at risk, for whom they have any responsibility for, or involvement in, that person's academic studies and/or personal welfare.

4.2 Staff must not engage in sexual behaviour with someone with whom they are in a position of trust. Whilst a young person can consent to sexual activity once they reach the age of 16, the Sexual Offences Act (2003) makes it a criminal offence for a person to engage in sexual activity of any kind with a person under the age of 18, where the adult is in a position of trust.

4.3 Anyone suspecting a member of staff of acting inappropriately towards a student or staff member under the age of 18 or an adult at risk should refer to the Safeguarding of Children and Adults at Risk Policy and contact the Designated Safeguarding Officer, who may contact the local authority designated officer and/or the police.

5. Relationships between Staff and Students

5.1 SMO prohibits close personal and intimate relationships between staff and students where the staff member has a direct responsibility for, or involvement in that student's academic studies and/or personal welfare. Postgraduate students who are employed temporarily or permanently as staff are included as staffing.

5.2 Direct responsibility includes direct management, direct supervision, assessing students' work, and welfare or pastoral roles, including campus wardens.

5.3 Staff have an obligation to declare an intimate or close personal relationship with any other student, for whom they do not have direct supervision, (whether new or existing), to enable SMO to assess whether any potential or actual conflict of interest exists. Please refer to section 8.

5.4 Once declared, a conflict of interest management plan will be made. This is detailed in section 8.

5.5 In order to maintain appropriate relationships with students, and to help reduce the risk of sexual misconduct, abuse of power or conflict of interest, ALL staff should:

- maintain an appropriate physical and emotional distance from students and perform their College duties in the best interests of the College without favour towards any individual student over another student;
- avoid creating special friendships with students as this may be seen as grooming.
- use a College email account, College telephone, College software and applications and internet access for communications with students where possible, avoiding personal messaging (such as through Messenger or Twitter);
- set an example by writing and communicating 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 give careful consideration before giving their personal mobile phone number to a student. Sometimes it may be unavoidable, for example when they are arranging and taking part in conferences or organising field trips. SMO communication channels such as SMO email or Microsoft Teams could be used as an alternative, but may not always be practicable. Staff are encouraged to use their work telephone numbers, which may be diverted to the staff member's personal mobile;
- adhere to the same guidelines, where logistically possible, when participating in fieldwork with a student, attending conferences and any other College activities whilst away from the usual workplace.

5.6 Where staff have a primary role of providing supervision, teaching, or pastoral care to students (including personal tutors), staff should:

- where possible, ensure that meetings and discussions occur on campus or other College-approved premises. 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 College support service and limit your role in providing personal support to a student where this is not part of your employment duties;
- refrain from contacting students outside of reasonable working hours;
- not seek personal information from a student except as relevant to a College process (e.g. medical information for special consideration, or personal circumstances information as part of an academic progress process).

5.7 Guidance on unacceptable behaviour towards students:

Please note that the below 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 may be seen as grooming;
- Accepting gifts from a student, unless it is following final assessment completion and deemed to be a minor token of thanks
- Inviting an individual student to your private home or room or visiting their home or room, including while at conferences, overseas trips, or on placement, where a relationship has not been disclosed or where a friendship does not exist prior to enrolment at the College.

There will be circumstances in which a friendship (as opposed to an intimate relationship) will exist between staff and students prior to enrolment. If the member of staff is in a position of trust, the College strongly advises informing the Director of Education know so that (a) changes can be made such as ensuring there is no direct supervision role here and (b) to allow for social interaction outwith the College, as would be acceptable in any friendship

There are other activities which could be categorised as boundary-blurring activities and could include, for example, students being asked to house-sit or to help with childcare, outwith official college activities. These sorts of requests should be taken seriously and should only be agreed where there is enthusiastic consent from students. The burden of responsibility to ensure students feel comfortable lies with the member of staff.

6. Relationships between members of staff

6.1 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 work in different departments who now work in the same department. (Please refer to section 8 for the disclosure process).

6.2 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.

6.3 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.

6.4 Staff are reminded of possible power imbalances within intimate and close personal relationships. Relationships between employees in which one has direct or indirect authority over another are strongly discouraged.

6.5 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 while working;
- perform your College duties in the best interests of the College without favour towards any individual staff member over another;
- avoid paying undue special attention to a particular member of staff which may be seen as grooming;
- where possible staff should use their College email account, telephone (including Microsoft Teams) and internet access for work-related communications with staff and maintain professional communications;
- be aware that any email sent to a staff member about a colleague may be disclosed to them or their advocate under the General Data Protection Regulations. 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, where logistically possible, when you and the staff member are participating in fieldwork, conferences and other College activities away from your usual workplace;
- where possible, ensure that meetings and discussions about College matters occur on campus or other appropriate premises;
- refer colleagues with support needs to a relevant College support service, such as HR or Counselling, and be mindful to limit your role in providing personal support to a staff member where this is not part of your employment duties.

6.6 Where an intimate relationship ends it is expected that all parties will continue to conduct themselves in a professional manner in the College 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 College during the relationship, to continue for a period of time following the end of the relationship. The staff members involved will be consulted and required to comply with reasonable actions.

7. Inappropriate conduct by students and staff members

7.1 Unprofessional or inappropriate conduct towards a student or staff member is not acceptable. This may breach the Bullying & Harassment Policy, the Staff Disciplinary Policy, the Safeguarding Policy and Procedure and other College policies and procedures.

7.2 A student or staff member should seek advice immediately if they feel they have been subject to unprofessional or inappropriate conduct from a student or colleague, by speaking to their Personal Academic Tutor or line manager, the Head of Department, Student Support or HR, to ensure appropriate support is provided.

7.3 Both staff and students are encouraged to seek advice even in situations where it is unclear if rules have been broken or where there has been an example of boundary blurring behaviour and it will be up to the College to take action as appropriate. All concerns will be taken seriously. This will

give the College the best possible chance to pick up on recurring incidents or warning signs and to deal with them as early as possible.

8. Declaration of intimate or close personal relationships

8.1 All declarations are to be made as soon as reasonably practicable and always within one month.

8.2 As the declaration contains sensitive personal data it will be stored securely 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.

8.3 Staff who are unsure whether they have a close personal or intimate relationship with a student or staff member, should seek advice from their line manager, Head of Department or HR. Staff are particularly encouraged to seek advice if the other party expressly does not wish the relationship to be reported.

8.4 Students who are unsure whether they have a close personal or intimate relationship with a staff member should seek advice from their personal academic tutor, Director of Education, or Student Support.

8.5 Staff and students must complete the Personal Relationship Declaration Form at Appendix 1. This form should be completed even if the relationship was previously declared on a job or course application form.

- Step 1 – Staff should submit the form to the Head of HR; who may need to discuss the details with the staff member or with the Line Manager or Head of Department. Students should submit the form to the Director of Education who may need to discuss the details with the students or with the staff member's Line Manager, Head of HR
- Step 2 – Head of HR/Director of Education will review the form and where appropriate and necessary, will consult the parties and the Line Manager/ Head of Department on what actions, if any, are required to remove any potential conflict. The actions will be documented on the form and copies provided to the relevant parties. HR will store the form securely on the member(s) of staff's central HR file;
- Step 3 – Any unresolved matter may be referred to the relevant Senior Manager (or more senior depending on the circumstances).

8.6 In placing measures to manage any conflict of interest, the Senior Manager may consider the following:

- any known vulnerability of the student or staff member;
- the student's or colleague's personal circumstances at the time;
- whether there is a supervision or teaching arrangement in place at the time;
- the circumstances of the student when the close personal relationship commenced or was initiated (for example, if the personal relationship existed prior to the staff/student relationship);
- any special family, kinship and elder relationships;

- the nature of the two individuals' contact in study, research or employment;
- the potential for the staff member to influence the academic progress and outcomes or career progression of the student or colleague; and
- the extent of the power imbalance between the two individuals.

8.7 Both the staff member and student or colleague will be notified of the conflict of interest management measures put in place.

9. Existing or previous relationships

9.1 This section applies to relationships which are in existence at the time this policy is published and to relationships which have occurred within the past two years of the policy being published.

9.2 Members of staff must, within 2 months of this policy being published, declare any existing and/or previous (within the past two years) close personal or intimate relationships with students (even if they have since left the College), in confidence to HR.

9.3 Members of staff must, within 2 months of this policy being published, declare any existing and/or previous (within the past two years) close personal or intimate relationships with colleagues (even if they have since left the College), to HR, where there has been line management responsibility, or where there could be a potential conflict of interest.

10. Breach of Policy

10.1 An intimate relationship between a staff member and student with direct supervision is a breach of this policy and will be investigated under the disciplinary procedure.

10.2 Failure to disclose a close personal or intimate relationship with a student, or with a colleague where there is a real or perceived conflict of interest, breach of trust or confidentiality, may be investigated under the disciplinary procedure.

11. Review of Policy

11.1 This policy is not contractual and may be varied from time to time following consultation with SMO's consultative committee and processes.

11.2 This policy will be reviewed in 2022.

12. Related Procedures

Staff Disciplinary Policy

Bullying & Harassment Policy

Safeguarding Policy

Social Media Policy

Dreach/Inbhe:1.2 Deireannach
Aonta le/Ceann-là: 04/09/17
Fhoillseachadh: THA

Tìotal: Poileasaidh Dàimhean luchd-obrach & oileanaich

An urra ri: Buidheann Stiùiridh
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Ùrachadh/Ceann-là: 08/2022