UCU Bristol Motion on Staff-Student Relationships

This branch notes:

1. The proposals from the OfS on regulating harassment and sexual misconduct (England) include implementing either a register or a ban on staff-student sexual and romantic relationships.

2. Research shows most students – particularly women – are not comfortable with romantic and sexual staff-student relationships.

This branch believes:

1. UCU should support policy-making that will prevent abuses of power by higher education staff.

2. That an evidence-based approach to preventing sexual misconduct, emphasising intersectional power relations, could reasonably involve action on regulating staff-student sexual and romantic relationships, as well as establishing professional boundaries more widely.

This branch calls for:

1. Discussion and consultation across the university on developing professional boundaries between staff and students – particularly for students towards whom staff have current or potential teaching, learning or academic/pastoral support responsibilities – across the institution.

    a) This consultation should explore whether and how the current 'Sexual Misconduct and Relationships Policy' should be updated to prohibit (rather than discourage) staff-student romantic and sexual relationships for students towards whom staff have current or potential teaching, learning or academic/pastoral support responsibilities.

    b) This work should also include awareness-raising work on professional boundaries and preventing sexual harassment across academic hierarchies (including between staff).

  c) Training and protocols implemented for staff handling disclosures in this area, to enable them to recognise abuses occurring and take appropriate action to support those experiencing abuse.

2. UCU Bristol to hold discussions with the University of Bristol's Students' Union to devise a shared position on this issue.

3. Peer-reviewed research from [The 1752 Group](#) and others to be drawn on to support effective mechanisms to address abuses of power.

4. Revisions to the university's '[Sexual Misconduct and Relationships Policy](#)' to prohibit staff **from entering into intimate personal relationships with students** where the staff member has responsibility for, or involvement in student's study or pastoral support or is likely to in future (with further details to be added pending discussions with the University of Bristol's Student's Union).

5. A definition of intimate personal relationships as "all sexual or romantic contact, whether in person and/or online or via means of other electronic communication, one-off or longer-term."

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What do students themselves think about staff-student sexual and romantic relationships?

Students are of course a heterogenous group. However, we do have some data on students' attitudes in this area through two such surveys we at The 1752 Group have carried out in the UK:

1. A national survey including a large number of postgraduate respondents. It was first published in Power in the Academy in 2018 (National Union of Students, 2018), then further analysis carried out for an academic article published in the Journal of Further and Higher Education, available here (Bull et al., 2023).

2. A survey of 725 predominantly undergraduate students at an English university, carried out in 2020.

Both these studies clearly demonstrate that the vast majority of students – around 80 per cent – are uncomfortable with staff having sexual/romantic relationships with students.

You can read a short overview on Wonkhe of both studies here. Key points include:

- Women respondents were more uncomfortable than men with sexualised interactions with staff (such as romantic/sexual relationships)

- There were no significant differences between postgraduate and undergraduate students' attitudes

- Black and Asian students reported feeling more uncomfortable with 'personal interactions' (i.e. blurred boundaries such as being sent private messages on social media by lecturers, or getting drunk with lecturers) than white students

Given these findings, it is surprising to see university leaders persisting with a policy position that goes directly against what students themselves want. Indeed, student activists are also taking up this issue; Student activist group 'Time to Act at Cardiff Uni' noted on Instagram that 'We were shocked to find out that student and university staff relationships have not been banned within Cardiff University, and proposed a motion to Cardiff University Students' Union, in the wake of a lecturer leaving his post after claims he had boasted about having sex with students, a motion has been passed committing the Students' Union to lobby the university to 'ban student and university staff relationships to protect students against abuses of power within the institution as a whole eg. lecturer, postgraduate teachers, heads of services etc'.

However, we recognise that different institutions have different student bodies, and therefore we encourage institutions to consult with and gather data from their own student body (the survey instrument we used is available on this page, and we encourage you to add/remove questions to suit your own institution).

What is an example of good policy in this area within the UK?

- UCL Personal relationships policy (see section on staff-student personal relationships)

    o This states that 'UCL 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. PhD students who are employed temporarily or permanently as staff (including as demonstrators) are included as staffing.'

    o Where there is no direct responsibility, the policy states that relationships must be declared to HR.

    o The policy includes a discussion of the use of social media.

    o It also includes the following definitions:

        ▪ 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.

        ▪ 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.

- Nottingham's policy states that 'staff are prohibited from entering into an intimate or sexual relationship with a student for whom they have a direct or indirect professional or pastoral responsibility, or interact with as part of their role within the University.'

    o Its text on exemptions states that 'The University appreciates that in exceptional circumstances, a student may opt to take a module, attend a class, or engage in another activity organised by or delivered at the University

that is offered by a member of staff who they have a personal or family relationship. Whilst this is not encouraged, arrangements can be made to accommodate the request if there is a case for the student to engage in that activity or the interaction is limited and providing that, where appropriate, alternative arrangements may be made for the student's work to be marked and feedback on their performance provided.'

- Oxford's policy recognises that even if relationships are prohibited between staff and students where staff are in a position of responsibility, they may still arise. As such, it puts in place provisions for this eventuality:
    - o With effect from the policy commencement date members of staff:
        - ▪ a) Are prohibited from having an intimate relationship with any student for whom they have any responsibility; and
        - ▪ b) Must declare to their Head of Department or Chair of the Faculty Board as soon as possible if a close personal relationship has developed, is developing or appears likely to develop between them and any student for whom they have any responsibility.

But shouldn't *all* staff-student intimate relationships be prohibited, not just where the staff member has teaching, learning or academic/pastoral support responsibilities towards the student?

Yes, there is a good case to be made for this position and we urge branches to consider taking this stance. In particular, small and specialist institutions may wish to adopt this position. Reasons for taking this position include:

- Even if staff are not in a position of responsibility towards a student, if they are in the same institution they may informally hold a position of power over a student. For example, postgraduate researchers may be informally mentored by someone.

- Staff may use dating/hook-up apps on campus; prohibiting all sexual relationships would clarify the boundaries in this area for everyone involved.

- Power in the Academy (National Union of Students, 2018, p.30) gives a breakdown of staff from whom sexual misconduct was experienced by respondents. Security staff, sports staff, and technical support staff are responsible for a significant proportion of the misconduct, and nearly a quarter of respondents named 'other

academic staff who have not taught me' as responsible. As such, a partial ban will not fully address this issue.

However, given the resistance that this position has received in some institutions, we think a motion or policy in this area is more likely to gain widespread support if it focuses on students towards whom staff have teaching, learning or academic/pastoral support responsibilities or are likely to do in future (i.e. if they are in the same department). While a drawback of this position is that it will leave students who have been targeted by other staff to feel let down, we think a partial ban has more chance of being supported.

What's the problem with allowing such relationships and having a register?

Our research suggests that higher education institutions do not have the expertise or systems to be able to safely assess risk in order to manage a register of staff-student relationships. As noted in our response to the Office for Students' consultation:

> **implementing a register without a ban will be insufficient to tackle the potential for abusive relationships that is heightened where there is a power imbalance.** As Donovan & Hester (2015) outline, the more axes of inequality there are within a relationship (age, professional status, class, gender, etc.) the higher the risk of abuse. **Our research suggests that HEIs are not ready to implement responsibilities laid out in E6.8(c)): 'in respect of such a personal relationship, manage and address any actual or potential conflict of interest and/or abuse of power'.** Bull and Shannon (2023) found that while some HR staff have training to recognise and respond to disclosures of gender-based violence and harassment (GBVH), staff working in roles relating to tackling GBVH outside HR had concerns about the skills and willingness of HR staff to address this issue. These findings suggest that staff who receive disclosures of personal relationships between staff and students – likely to be HR staff – do not currently have the skills or expertise to 'manage and address any actual or potential conflict of interest and/or abuse of power' as required by E6.8(c). Prohibiting such relationships means that untrained HR staff are not put in a position where they are required to recognise, manage and address abuses of power.

Should there be an institutional register for relationships that don't fall under the remit of the motion proposed below, i.e. relationships where there isn't any current or potential teaching or support responsibility?

The Office for Students have suggested that HEIs should require students and staff who enter into a sexual/romantic/personal relationship to declare this to the institution (for example, via a confidential declaration to their HoD or to HR).

One way forward could be to prohibit relationships where there is current/potential teaching or support responsibility, and require a register for all other relationships.

However, the motion proposed below doesn't include any register of relationships outside of the prohibition of relationships where there is a current or potential teaching or support relationship. This is for similar reasons to the answer in the previous question; we don't think HR are equipped to do this in any meaningful way and so it risks being a bureaucratic exercise that gives the institution the semblance of acting on this but is not effective. The only way in which a register would be helpful, we suggest, is in the instance where a staff member failed to declare a relationship, as the failure to register it would then provide grounds for disciplinary action. This could be helpful if a student was trying to report misconduct and there were evidentiary or other barriers to demonstrating it, as there would be a separate mechanism by which the institution could take disciplinary action. However, on balance, this does not seem a strong enough reason to implement this policy; we would rather see institutional time and resource going towards supporting survivors and upskilling staff to handle issues when they arise.

Wouldn't this policy just mean that such relationships are driven underground and carried out in secret?

This is definitely a risk. But we would argue that the advantages of a clear policy outweigh the risks:

- It sends a clear message that sexualised behaviour between staff and students is not acceptable. This can be helpful for those targeted for such behaviour so that they can recognise it as clearly unacceptable. As such, prohibiting sexual and romantic relationships between staff and students sends a clear message so that boundary-blurring and 'grooming' behaviours between staff and students can be easily identified and acted on if reported (Bull and Page, 2021).

- It avoids any workload issues in re-allocating the staff member's work where a relationship is declared. This is a significant consideration where the staff member is in a role such as Chair of the Board of Examiners or Head of Teaching.

Furthermore, other professions where there exists a position of trust between a professional and adult client/patient (such as doctors, social workers, psychologists, or priests) have also

deemed that such relationships constitute a conflict of interest and should be prohibited. Nevertheless, it's for UCU branches to decide what their position is on this issue.

What about pre-existing relationships? Does this mean my partner can't enrol on a degree in my department or university?

No, this doesn't prohibit people within existing relationships from studying at the same institution. The model motion below states that staff are prohibited from **entering into** relationships with students over whom they have current or potential pastoral or teaching responsibilities. To underline this point, UCU branches may wish to suggest that a policy in this area has a clause exempting pre-existing relationships, where they are declared at the point of enrolment.

However, as a separate issue, UCU branches may wish to consider the difficulties if the relationship is taking place within the same department, as there are significant workload implications for such a position, for example the staff member in the relationship would have to be exempted from roles such as Chair of the Board of Examiners, other leadership roles or moderating, marking, or teaching relevant modules. UCU branches may wish to discuss whether they want to make recommendations in this area, taking into account these workload issues.

Prohibiting such relationships is fine for undergraduate students, but for postgraduate students and postgraduate researchers (PGRs) shouldn't there be more leeway?

Our national survey of students' attitudes towards professional boundaries (Bull et al., 2023) shows that PGRs similar levels of comfort around staff having sexual or romantic relationships with students as undergraduate students. In addition, postgraduate students are much more likely than undergraduates to be subjected to sexual harassment from staff (Australian Human Rights Commission, 2017; Cantor et al., 2015; National Union of Students & The 1752 Group, 2018).

This data shows that in fact such a policy is *more* important for postgraduate students/PGRs than undergraduates as they are more at risk.

UCU views PGRs as staff; does this motion propose to regulate all personal relationships between PGRs and other students?

This motion is about amending the University's policy on personal relationships; therefore it needs to use the definition of 'staff' that the University uses, rather than the UCU one. As such, it would only apply to PGRs where they are involved in teaching within the university, i.e. they are prohibited from engaging in personal relationships with students they are teaching, or likely to teach in future (eg current undergraduate students in their department, if they are a PGR in a GTA position).

However, if the branch does not support this interpretation, please propose amendments to it.

How can prohibiting relationships between two adults be legally defensible or enforceable? Doesn't this motion violate staff's human rights in the form of the right to a private life?

The right to a private life has to be balanced with other rights; it is not absolute. There are other relevant rights at play here, including health and safety law; the Equality Act; and the rights relating to their contract with the HEI to provide them with an education (see further details in Eversheds Sutherland's briefing on staff-student sexual misconduct here). Several universities in the UK already do prohibit staff-student personal relationships in certain circumstances (see above) and other professions such as medicine, psychology, social work and religious organisations also prohibit intimate or personal relationships between adults. Therefore there is no barrier in the law to implementing such a policy.

Doesn't this position just give institutions more power over staff, which they will misuse to target minoritized staff for disciplinary action?

This is definitely a concern that should be factored into discussions. This could be an issue that UCU branches raise with management and HR in discussions around this policy: what assurances can be given to mitigate these concerns?

This risk can be partly addressed by institutions publishing annual data on numbers of complaints/grievances and disciplinary processes. While numbers are likely to be too small to break down sexual misconduct complaints and disciplinary processes in relation to protected characteristics while maintaining anonymity, it may be possible to publish data on proportion of disciplinary processes carried out towards different demographic groups compared with the proportions in the university staff/student population, to find out whether this issue is indeed a concern at your institutions.

How does this position fit into a decolonial approach to tackling gender-based violence?

A decolonial approach to tackling gender-based violence needs to centre awareness of how the institutionalisation of higher education is shaped by the legacies of colonialism. The patriarchal, racist histories of UK higher education are precisely what has allowed a situation where senior men are able to have sexual access to those with less power than them, with those who are more marginalised – such as international students of colour – being especially at risk.

One strand of a decolonial approach is therefore to recognise that the current situation – where staff are able to make sexualised approaches to their students with impunity – is a legacy of this history, when the harms of misogyny, racism and ableism were not even visible to the institution, let alone actionable.

In addition, in our research Black and Asian British students wanted clearer professional boundaries with staff in relation to 'personalised interactions' such as staff getting drunk with students, or befriending them on social media, or having meetings off campus/outside normal working hours (Bull et al., 2023). In the focus groups we ran with Black and other minoritised students for Power in the Academy (National Union of Students, 2018), we heard a clear steer for more professionalised relationships between students and staff; one participant in the Black students' focus group commented that "a lecturer is not my friend and should not be telling me their personal information." These findings suggest that an anti-racist approach to professional boundaries would in fact need to include clearer professional boundaries on a wider range of types of interaction, not just sexual and romantic relationships. We therefore support this position.

There is also some evidence that working-class students are more at risk of being sexually exploited by staff, as they may not have family members or friends who have attended HE and therefore may not be familiar with normal staff-student interactions. As such, they may be more vulnerable to boundary-blurring behaviours from staff (Bull & Page, 2021) or abuses of power by academic and non-academic members of staff.

The policy framework we propose here is therefore not only something that Black and Asian students in our research support but also one that can be seen as part of the wider work of undoing colonial legacies. As Sara Ahmed notes, in conversation with 1752 Group co-director Adrija Dey:

> We need formal mechanisms because of how hierarchies enable harassment. You have a policy and a mechanism because otherwise many who work [or study] in

> organisations would not be able to challenge harassment from those who are higher up (Dey, 2022, p. 25; our insertion)

For more on this position, we would encourage people to read the full interview between Sara and Adrija, which reflects The 1752 Group's wider position – Sara supported some of the 1752 Group founders after they made complaints at Goldsmiths, and was a keynote speaker at our first conference in December 2015.

Adrija, The 1752 Group's Director of International Knowledge Exchange, is currently running a project called FemIdeas: Decolonising Sexual and Gender Based Violence in Higher Education: Innovations in Theory, Policy and Practice, and has also run two events in conjunction with The 1752 Group called 'North-South Feminist Dialogues' to set up a discussions between feminists from the Global North and Global South to facilitate knowledge exchange.

Isn't this position heteronormative? Are there risks for LGBTQ+ staff around disclosing their sexual identity to their employer?

This issue is in fact more urgent for LGBTQ+ communities than for heterosexual people; research shows that LGBTQ+ students are more at risk of sexual harassment from staff than heterosexual students (National Union of Students, 2018). This harassment can overlap with homophobia. LGBTQ people are also equally at risk of abuses of power within relationships as heterosexual people (Donovan and Hester, 2015). This policy position is therefore far from being heteronormative; to the contrary, as LGBTQ people are more likely to be targeted for harassment, it will protect them the most.

In fact, a register of staff-student relationships would require LGBTQ+ to disclose information about their sexuality to the institution, while a policy that prohibits such relationships would not require the institution to hold such information.

This policy doesn't tackle the entrenched misogyny and sexism in higher education; it's not going to deal with the underlying issues.

It's true that a policy prohibiting staff-student sexual relationships is only one tiny piece in the broader work that is required to tackle sexism, gender inequality and sexual and gender-based violence and harassment in higher education.

Such a policy would, however, go some way towards making it easier to tackle sexual harassment when it occurs, for example, it wouldn't be necessary to prove that behaviour

was sexual harassment (which disciplinary panels tend to find difficult to uphold (Bull & Shannon, 2023)) as there would be a clear position that any sexualised behaviour is inappropriate in the teaching and learning or student support relationship.

As Sara Ahmed notes, reflecting on her activism on sexual harassment that led to her resigning from Goldsmiths, University of London: 'We needed a new policy to state that such conduct [staff-student relationships] was not institutionally permitted even if a new policy would be insufficient to change the culture. Simply put, it is hard to complain about conduct if institutions state they endorse that conduct' (2021, p.58).

In addition, it would help those targeted for sexual harassment by enabling them to recognise and label sexualised behaviour as contravening institutional policy. Instead of having to do emotional labour around asking 'did I do something to invite this behaviour? Did I send out the wrong signals?' there would be clearer boundaries that would help reduce self-blame in those targeted.

Who funds The 1752 Group and what's their agenda on this issue?

The 1752 Group were set up in 2016 by a group of recently-graduated PhD students/early career researchers at Goldsmiths, University of London, several of whom had been involved in attempting to report staff sexual misconduct to their institution. As such we see ourselves as amplifying the voices of survivors of staff sexual misconduct. We do this through carrying out academic research – much of it published in peer-reviewed journals – to make sure our campaigning work is evidence-based.

We don't receive any funding. We generate a small amount of income through consultancy and training for the higher education sector, and our formal status is as a not-for-profit Community Interest Company. However, we do all of our work in this space on top of our day jobs as academics (and yes, that's exhausting).

What about the other issues with tackling sexual misconduct experienced and/or perpetrated by UCU members? Shouldn't we be focusing on those (such as non-representation of reporting parties by UCU in complaints processes)

There is definitely further work to be done on ensuring that UCU ensures representation for both reporting and responding parties where both are members; ensuring UCU representatives don't use victim-blaming tactics in supporting responding staff members in staff-student sexual misconduct cases (Bull & Shannon, 2023, p. 36); and in improving its own internal handling of sexual misconduct reports.

As noted above, this issue is only one small part of the puzzle in addressing gender-based violence and harassment in higher education. It should not be seen as a comprehensive solution and ongoing campaigning and awareness-raising is needed.

What about students who target staff for sexual harassment or sexual approaches?

Clearer professional boundaries between staff and students would also provide a lever for staff to raise concerns where students target them for harassment, violence or other inappropriate behaviours.

Nevertheless, this policy position is designed to address sexual misconduct perpetrated by staff/faculty. Work to address harassment perpetrated by students towards staff needs to occur alongside this.

How can this policy be enforced?

This policy will be at its most effective in signalling clear standards of behaviour to staff and students, so that students who feel uncomfortable with staff behaviour are clear about when they're able to raise concerns. It will be challenging to enforce, and we suggest that preventative approaches will be the most helpful. For example, the 1752 Group run workshops for postgraduate researchers as well as PhD supervisors on professional boundaries and awareness of sexual harassment, which use a case study approach to learn how to recognise sexual harassment, as well as encouraging reflection on professional boundaries and developing a shared sense of appropriate boundaries across a department.