

UNIVERSITY OF THE
WITWATERSRAND,
JOHANNESBURG



**Policy on Sexual and Romantic
Relationships between
Staff and Undergraduate Students**

WITS POLICY

Version No. 1

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Policy Title	
Policy Officer	
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1. CONTEXT / BACKGROUND

- 1.1 It is the University's duty to protect the integrity of the academic project and to provide an environment in which all students may reach their full academic potential.
- 1.2 This duty requires the University to actively guard against potentially harmful situations, including the abuse of unequal institutional power and the exploitation of vulnerable students for sexual purposes. This policy is formulated with this overall goal in mind.
- 1.3 Since 2013, the University has renewed its efforts to create an environment that is free from sexual harassment, sexual violence, and sexual exploitation. New policy instruments have been introduced as part of this ongoing effort. The most notable of these are the Sexual Harassment, Sexual Assault and Rape Policy and Procedures (HRG/10) and the Policy on Declaration of Interests (C2014/294).
- 1.4 While workplace freedom and individual sexual and romantic choices are valued, this policy constitutes a legitimate curtailment to guard against abuses of power by staff members in a manner that damages the personal and educational potential of undergraduate students.
- 1.5 The University is aware of cases in which staff members, sometimes regularly and serially, become involved with young students in a pattern that distorts the pedagogical paradigm and undermines the wellbeing of students.
- 1.6 The University is especially concerned that some staff members exploit young students in so-called 'sugar daddy' relationships. In such relationships the issue of consent frequently becomes questionable given the extreme power differentials usually at work.
- 1.7 The University will not tolerate such abuses of power and will act against offenders in terms of this policy.

2. DEFINITIONS

- 2.1 For the purposes of this policy, staff members include tutors, Research and Teaching Assistants (RTAs), postdoctoral fellows, sessional lecturers, as well as all non-academic staff members.
- 2.2 For the purposes of this policy, and recalling that non-consensual relationships are covered by the Sexual Assault and Rape Policy and Procedures (HRG/10), sexual or romantic relationships are defined to include:

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- 2.2.1 non-verbal conduct with sexual overtones including sexting and any electronic/ social media exchanges of a sexual or romantic nature;
- 2.2.2 verbal conduct including sexually or romantically explicit overtures; and
- 2.2.3 sexual acts including sexual touching and sexual intercourse in all forms.

3. PURPOSE

- 3.1 This new policy on Sexual and Romantic Relationships between Staff and Undergraduate Students, which prohibits staff members from having abusive romantic or sexual relationships with undergraduate students, is designed to close a loophole within existing policies that was identified by the Report of the Independent Inquiry into Allegations of Sexual Harassment at the University of the Witwatersrand, Johannesburg (20 August 2013). This is the abuse of institutional power by established academics and/or professional/administrative staff members in order to initiate sexual relationships with undergraduate students.
- 3.2 While not all sexual/romantic relationships between staff members and undergraduate students are inherently problematic (which is why the policy contains important exemptions), there is nonetheless sufficient potential for the abuse of power in such relationships that the University is obliged to introduce new measures to prevent abuses.

4. SCOPE

- 4.1 This policy on Sexual and Romantic Relationships between Staff and Undergraduate Students is located within a matrix of policies seeking to guard against gender-based or sexual harassment, violence and exploitation at the University. Each policy focuses on a specific area of harm.
- 4.2 The Sexual Harassment, Sexual Assault and Rape Policy and Procedures (HRG/10) (Sexual Harassment Policy) prohibits *non-consensual* sexual conduct and clarifies that forcing or pressurising someone into sexual relations constitutes misconduct. This policy consolidates the University's policies and procedures around preventing and reporting sexual harassment and assault.
- 4.3 The Policy on Declaration of Interests (C2014/294) (Declaration Policy) extends existing policies to *consensual but conflicted* relationships between staff members and students or subordinates. It recognises the high potential for a conflict of interest in instances where staff members are romantically or sexually involved with people whom they are supervising, teaching or managing.
- 4.4 Paragraph 5.2 of the Declaration Policy therefore makes it mandatory for staff members who are supervising or teaching students (graduate or undergraduate), or managing other staff members, to declare any sexual or romantic relationship with such persons. The policy requires that these relationships must be disclosed on an official declaration form, and that staff members must formally recuse themselves from any further position of institutional power over a student (or another staff member) with whom they are romantically or sexually involved. It is University policy that staff members cannot supervise, mark, discipline, or endorse any student (or another staff member) with whom they are having a romantic or sexual relationship.

- 4.5 Neither the Declaration Policy nor the Sexual Harassment Policy guards against the harm arising from *abuses of power* where staff members can exploit the structural power differential between staff members and students to become romantically or sexually involved with students whom they are not directly teaching or supervising.
- 4.6 The inherently unequal power relationship between staff members and students is particularly stark in respect of undergraduate students, who are least able to navigate University systems and most susceptible to being abused by staff members, who enjoy significant powers and autonomy within the University systems.
- 4.7 These overall asymmetries between powerful staff members and vulnerable undergraduates make it necessary to have a new policy on Sexual and Romantic Relationships between Staff and Undergraduate Students.
- 4.8 This policy replaces the previous Guidelines on Relationships between Staff and Students (HRG/21), which will no longer be operative.
- 4.9 This policy must be read in conjunction with the Sexual Harassment Policy and the Declaration of Interests Policy.

5 PRINCIPLES

- 5.1 Staff members may not have sexual or romantic relationships with UNDERGRADUATE STUDENTS, regardless of whether the staff member is directly supervising or teaching the student.
- 5.2 The harm being guarded against in this policy relates to abuses of institutional power. Therefore, staff members already married to, or involved in committed romantic or sexual relationships of more than twelve months with, undergraduate students at the time of this policy coming into effect are exempted from this restriction. This exemption stems from an assessment there is less likely to be an abuse of power in such contexts. Anyone engaged in such a relationship should declare this immediately to the Gender Equity Office (GEO). If there is any doubt as to whether a relationship complies with this policy, the staff member must contact the GEO for advice. Failure to disclose such relationships could result in disciplinary action being taken against the staff member.
- 5.3 Any staff member who is involved in an egalitarian sexual or romantic relationship with an undergraduate student that does not meet the exemption criteria set out in paragraph 5.2 of this policy, but who wants his/her relationship/s to fall outside this policy for the purposes of excluding disciplinary action, should immediately contact the GEO to disclose such relationship/s and to discuss an exemption. The exemption process will involve the staff member and student being interviewed by GEO personnel, as well as counselling as appropriate. Failure to disclose a romantic/sexual relationship with an undergraduate student in this way will be regarded as non-compliance with this policy, exposing the staff member to disciplinary action.
- 5.4 More generally, staff members or students with questions about this policy are advised to consult the GEO.
- 5.5 Aside from the exemptions set out in paragraphs 5.2 and 5.3, any staff member who knowingly (knowing that the person is an undergraduate student at the University)

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has a sexual or romantic relationship with an undergraduate is in violation of this policy. Violation of this policy by a staff member constitutes misconduct that will result in disciplinary action taken in terms of the Disciplinary Procedure for Gender Related Misconduct, Staff and Students (C2015/35) and/or applicable Human Resources-related disciplinary procedures, specifically the Disciplinary Procedure (HRG/08).

5.6 Normal rules of evidence will apply regarding any allegations brought against a staff member, and any claim of misconduct will have to be proven according to the usual standards used as part of disciplinary inquiries run by the GEO or applicable University office.

6 ROLES AND RESPONSIBILITIES

This policy forms part of the Human Resources framework of the University and is overseen by the GEO.

7 PROCESS

Any staff member seeking an exemption in terms of paragraphs 5.2 or 5.3 of this policy should immediately contact the GEO. Any queries about the policy should be addressed to the GEO.

VERSION HISTORY

Version	Date	Summary	Changed by
	dd/mm/yyyy		