



Staff Students Relationships Policy

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| Contacts | policy@top.edu.au | | |
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| 2017.02 | Principal | 17 February 2017 | 17 February 2017 |

1. Purpose

The Institute encourages professional relationships between Staff Members and Students which facilitate learning and the exchange of ideas in an environment of respect and fairness. This Policy seeks to the confidence and integrity of its educational services by providing Staff Members with an understanding of the Institutes expectations for proper conduct and behaviour when interacting with Students.

2. Scope

The Staff and Student Relationship Policy and Declaration (“**Policy**”) constitutes a lawful direction by Top Education Institute (“**the Institute**”) to all staff members that are employed or engaged by the Institute on a full time, part time, casual, contract, consultancy, sessional and/or volunteer basis (“**Staff Members**”). This Policy is applicable to all Staff Members regardless of whether they are management, teaching staff or administrative staff.

3. Definitions

Appropriate Form means the form attached to this Policy entitles ‘Staff/Student Relationship’.

Close Personal Relationship means a relationship between a Staff Member and a Student or Prospective Student of the Institute, where an actual relationship exists or has previously existed that would reasonably be considered to be a close personal relationship. Such relationships may include, but are not limited to, a spouse, a de facto partner, a relative, a financially dependent person, a close friend, or any other person with whom there is currently or has previously been a close intimate relationship.

Conflict of Interest means a situation where a conflict could reasonably be perceived to arise for a Staff Member between their duties or obligations to the Institute and personal interests or relationships. A duty to avoid such conflicts will arise in circumstances where an actual conflict exists, where a potential conflict exists, or where a reasonably perceived conflict exists. For further information please refer to the Institute’s **Conflict of Interest Policy and Declaration**.

Family Relationship means a Close Personal Relationship between a Staff Member and Student or Prospective Student that is characterised by the Staff Member and Student being immediate family

members (either by birth or marriage) or close family relatives (either by birth or marriage).

Manager means the person responsible for managing or supervising an individual Staff Member or group of Staff Members in question. Such a management or supervisory role does not have to refer to the person who is directly responsible for overseeing the day to day work of the individual Staff Member and may simply refer to an individual who holds a superior position to the staff Member or Staff Members in question.

Principal means the Principal officer or Head of Staff at the Institute.

Prospective Student means a person who is seeking to apply for, or contemplating an application for, admission to the Institute.

Student means any full time or part time student undertaking study at the Institute currently or during the relevant period of time in question.

4. Principles

- a) As a tertiary education provider, the Institute encourages and facilitates an environment of education and learning amongst a community that is made up, predominantly, by adults. The Institute entrusts its Staff Member's to teach, guide, assist and supervise Students in their studies and proper engagement with their tertiary education.
- b) The nature of the Staff Member / Student relationship is one that is characterised by trust and influence, and, as such, imposes duties and responsibilities on Staff Members. Arising from the Staff Member / Student relationship is a duty of care which carries with it subsequent responsibilities to ensure that Students are treated fairly, respectfully and in a profession manner.
- c) Staff Members should be mindful that they are in a position of power relative to Students. The Institute expects that Staff Members will adhere to appropriate professional boundaries and their professional obligations in respect of Students and Prospective Students.
- d) The Institute seeks to ensure all of its Students are free from undue advantage or disadvantage as a result of any relationship with a Staff Member. Staff Members should, at all times, refrain from hindering or advancing the interests of a Student or Prospective Student.
- e) A Close Personal Relationship with a Student or Students to whom a Staff Member owes a duty of care is likely to raise a Conflict of Interest as well as serious ethical difficulties arising from the power disparity in the Staff Member / Student relationship. Close Personal Relationships between Staff Members and Students may disrupt the teaching and learning environment for other students and colleagues. It is the view of the Institute that such relationships should be avoided where possible.
- f) The Institute expects that Staff Members will adhere to self-disclosure obligations as set out in this Policy, including any and all actual, potential or perceived Conflicts of Interest.

5. Obligations of Staff Members

- a) Staff Members have an obligation to uphold their professional and ethical duties and responsibilities as described by law and/or as set out in the terms and conditions of their employment or engagement with the Institute.

- b) Staff Members have a duty to avoid actual, potential or perceived Conflicts of Interest involving Students or Prospective Students of the Institute.
- c) Staff Members are required to conduct themselves in an appropriate and professional manner at all times while interacting with Students or Prospective Students.
- d) Staff Members are obligated to disclose any actual, potential or perceived Conflicts of Interest to the Institute immediately upon becoming aware that such a conflict exists.
- e) Staff Members are obligated to disclose any current, potential or previous Close Personal Relationships with Students and/or Prospective Students to the Institute immediately upon becoming aware that the individual in question is a Student or a Prospective Student.

6. Friendships and Relationships

- a) Staff Members are encouraged to develop positive, professional and constructive working relationships with Students for the purpose of supporting their academic performance at the Institute.
- b) The Institute recognises that friendships may develop between Staff Members and Students during the course of a Student's learning and the various academic interactions involved in an educational environment.
- c) The Institute adopts the position that friendships and socialising between Staff Members and Students are only acceptable on the condition that the Staff Member maintains an appropriate and professional manner towards the Student or Students at all times. Staff Members must at all times be mindful of the power disparity that exists between Staff Members and Students.
- d) In circumstances where a friendship exists between a Staff Member and a Student or Prospective Student, it is the responsibility of the Staff Member to ensure that they adhere to the principles and procedures of this Policy and ensure that a Conflict of Interest or a Close Personal Relationship does not subsequently arise.
- e) Where a Conflict of Interest or Close Personal Relationship does arise between a Staff Member and a Student or Prospective Student, it is the responsibility of the Staff Member to disclose the conflict and/or the relationship to the Institute as soon as reasonably possible.
- f) All friendships arising between Staff Members and Students must conform to the standards of appropriate behaviour envisioned by this Policy.

7. Conflicts of Interest

- a) Staff Members must at all times comply with the Institute's Conflict of Interest Policy.
- b) Conflicts of Interests, whether actual, potential or perceived, must be disclosed to the Institute using the Appropriate Form. All conflicts must be assessed by the Principal or other relevant person, such as the Compliance Manager or the Dean of the Law or Business Schools (whichever is relevant).
- c) In exercising duties and responsibilities associated with their employment, Staff Members should actively avoid any actual or potential Conflicts of Interest that would in any way, actual or perceived, conflict with their professional responsibilities and duty of care to Students.

- d) In circumstances where a staff Member is involved in the academic or administrative decision-making process of a Student with whom they have a Close Personal Relationship, a Conflict of Interest will be deemed to have arisen.
- e) Relevant academic or administrative decision-making processes may include, but are not limited to:
 - i) selection for entry to the Institute;
 - ii) selection for any undergraduate or postgraduate program offered by the Institute;
 - iii) assessment or examination procedures or evaluation of a Student's work;
 - iv) classification for honours;
 - v) selection for any scholarship or prize;
 - vi) honours or postgraduate supervision;
 - vii) preclusion or disciplinary matters; and/or
 - viii) determining access to resources.
- f) Where a Staff Member's participation in any of these processes cannot be avoided, the Conflict of Interest must be disclosed and assessed by the Principal, Compliance Manager or the Dean of the Law or Business Schools (whichever is relevant) and alternative arrangements to safeguard the interests of all parties involved must be made.
- g) Depending on the circumstances, details relating to the nature of the Conflict of Interest may not be required and may be treated as confidential at the request of the Staff Member.
- h) In exceptional circumstances, or where the Principal, in their sole discretion, deems appropriate, any of the procedures set out in this Policy may be varied in any way. This in no way negates a Staff Member's responsibility of disclosure to the Institute.

8. Disclosure of Close Personal Relationships

- a) Where a Close Personal Relationship arises, exists or previously existed between a Staff Member and a Student or Prospective Student, the Staff Member involved must formally disclose the Close Personal Relationship to the Principal of the Institute using the Appropriate Form.
- b) A Close Personal Relationship that is formally disclosed to the Institute will be assessed by the Principal or any other person the Principal considers appropriate, which may include consultation with the Staff Member's Manager. Once the relationship is assessed, a determination will be made about what, if any, management steps are appropriate or necessary having regard to all of the relevant circumstances.
- c) Of utmost importance in assessing any Close Personal Relationship will be a consideration of whether the Staff Member in question is in a position to potentially jeopardise the academic integrity or effective functioning of the Institute by the appearance of either favouritism or unfairness in the exercise of professional judgment.
- d) In circumstances where a Family Relationship exists, the Staff Member must still formally disclose the relationship to the Institute. The extent of managing a Family Relationship will generally result in the Staff Member being prohibited from taking part in academic or administrative decision-making processes in respect of that Student. In circumstances where there may be other relevant circumstances to consider, the Principal may make any additional or alternative determinations as the Principal deems appropriate in light of all the relevant circumstances.
- e) The Principal will be solely responsible for making a final determination of the necessary or

appropriate management steps required to be taken where a Close Personal Relationship is found to exist.

9. Appropriate and Inappropriate Conduct by Staff Members

- a) Staff Members must ensure that all interactions with Students are professional and appropriate in nature at all times.
- b) Whether conduct and/or behaviour is professional and appropriate is a question of objective judgment taking into account all the relevant circumstances.
- c) In the pursuit of appropriate conduct, the Institute considers that Staff Members should at all times:
 - i) Maintain appropriate physical and emotional boundaries with Students;
 - ii) Use assigned Staff Member email accounts, telephone and internet access only for professional communication with Students;
 - iii) Avoid using social media sites for unauthorised or inappropriate communications with Students;
 - iv) Refrain from exchanging personal contact details with Students;
 - v) Refrain from divulging personal or intimate information to Students;
 - vi) Conduct any required one-on-one meeting between a Staff Member and a Student at an appropriate venue, such as on campus during normal business hours;
 - vii) Be mindful that appropriate and professional conduct is required of Staff Members when interacting with Students while at the premises of the Institute as well as outside of the Institutes premises.
- d) Situations that will be considered inappropriate by the Institute will be determined objectively on a case by case basis having regard to all the relevant circumstances at the time.
- e) Staff Members should actively avoid engaging in situations that may be considered inappropriate or unprofessional with Students. This will often be a question of judgment on the part of the Staff Member.
- f) In circumstances where a Staff Member reasonably considers that a Student is behaving in a way that is inappropriate, Staff Members should refer to the Student Code of Conduct to appropriately address the issue. Under no circumstances will Student instigation be considered justification for a Staff Member engaging in unprofessional or inappropriate conduct or behaviour.
- g) By way of example, inappropriate or unprofessional conduct may include, but is not limited to:
 - i) One-on-one meetings with Students after hours in the private residence of either the Student or the Staff Member;
 - ii) Engaging in conduct of a sexual nature with a Student;
 - iii) Having a Close Personal Relationship with a Student whom the Staff Member is teaching, assessing or supervising;
 - iv) Engaging in exploitative dealings with a Student;
 - v) Discussing details of intimate and/or sensitive personal matters with Students, such as sexual relationships, mental health issues, or financial position;
 - vi) Borrowing or accepting money or other gifts from a Student, other than any token gifts at the completion of a Student's study or assessment period;
 - vii) Behaviour of a criminal or threatening nature, any behaviour that makes a Student feel unsafe

- or any behaviour that could be considered bullying or assault;
 - viii) Any behaviour that may reasonably be considered sexual harassment or discrimination under relevant legislation; or
 - ix) Engaging in any conduct or behaviour towards a student which is unreasonable, unwelcome and could reasonably be expected to make the student feel offended, humiliated or intimidated.
- h) Situations arising out of intimate and/or sexual relationships between Staff Members and Students may also constitute sexual misconduct or sexual harassment and may be subject to the complaints and investigations processes under the Institute's Anti-Discrimination and Anti-Harassment Policy.
- i) Conduct by a Staff Member that constitutes an assault, harassment or discrimination will not be tolerated by the Institute under any circumstances. In circumstances where the Institute believes that any unlawful conduct has occurred, the Institute, in its sole discretion, may contact the police or relevant enforcement authorities in circumstances where such action is deemed appropriate. This is in addition to any disciplinary action that the Institute determines is appropriate in the circumstances.
- j) Staff Members may seek assistance or guidance about whether certain conduct or behaviour is considered unprofessional or inappropriate by contacting their Manager, or alternatively by contacting Legal Counsel.

10. Failure to Comply with Policy

A breach of this Policy by a Staff Member may result in disciplinary action being taken against the Staff Member by the Institute. Such disciplinary action may include termination of the Staff Member's employment or engagement. The disciplinary action that the Institute determines to impose will be in the discretion of the Institute.

11. Reporting

- a) If a Student or Staff Member observes or experiences a Staff Member behaving in an unprofessional or inappropriate manner towards a Student, they should report their concerns to the Compliance Manager or their direct Manager.
- b) A report may be made orally or in writing and may be made anonymously.
- c) Reports of unprofessional or inappropriate conduct may be investigated on a preliminary basis before deciding whether consultation with the individuals involved should be contemplated. The Principal, in their sole discretion, may decide whether such a report should form the basis of an investigation or disclosure to the individuals in question.
- d) The Institute may take whatever steps it considers appropriate in response to a report of unprofessional or inappropriate conduct, which may include formal or informal action.
- e) Depending on the nature of the conduct reported, processes relating to the Institute's sexual harassment or discrimination policies may need to be considered.
- f) The Institute will endeavour to adhere to the principles of procedural fairness and natural justice. The Institute will also treat very seriously any reports that include knowingly false allegations or claims. Knowingly false allegations made against a Staff Member may have disciplinary consequences.

for the reporting individual.

- g) Any reports made that allege conduct of a potentially criminal nature may result in the Institute reporting the matter to police or recommending that a report to police be made.
- h) The Principal will have the final determination on how any reports are dealt with by the Institute.

12. Responsibility

- a) All Staff Members must have read this Policy and must understand their duties and obligations that arise under this Policy. It is the responsibility of individual Staff Members to read and understand their duties and obligations under this Policy.
- b) Staff Members at management level should seek to make other Staff Members aware this Policy and should promote adherence to the duties and obligations under this Policy.

13. Related Documents

This Policy should be read in conjunction with the Institute's Code of Conduct for Staff and the Conflict of Interest Policy and Declaration.

Other related Policies include:

- Conflict of Interest Procedure
- Staff Code of Conduct
- Employee Handbook
- Bullying Harassment and Discrimination Prevention Policy

14. Version Control.

| Historical Version | Approved by | Approval Date |
|--------------------|-------------|------------------|
| 2017.02 | Principal | 17 February 2017 |
| 2013.12 | Principal | 20 December 2013 |

Staff Member Declaration

I, _____ (print name)

declare that I have read the contents of the *Staff and Student Relationships Policy* (“**the Policy**”) and that I understand and acknowledge my duties and obligations as an employee of the Institute under the Policy. I understand that I am solely responsible for any breaches by me under the Policy and that any such breaches may result in disciplinary action by the Institute or an external body, and such disciplinary action may include termination of my employment.

(Signature)

Date:

I have read the above report and I agree with the details contained therein.

Staff Member: _____ / ____ / ____
Signature Name Date

Student: _____ / ____ / ____
Signature Name Date

Dean/Principal: _____ / ____ / ____
Signature Name Date