

# STAFF/STUDENT PERSONAL RELATIONSHIPS PROCEDURE

## SCOPE

This procedure applies to all Monash University staff and any other person appointed by Monash to have direct dealings with Monash students. For the purpose of this procedure only, the collective reference to staff ('you') includes:

- continuing, fixed term and casuals
- those with primary responsibility for pastoral care services for students
- adjuncts
- honorary/joint appointments
- visitors

In this procedure, the Enterprise Agreement means the [Monash University Enterprise Agreement \(Academic & Professional Staff\) 2019](#) or the [Trades and Services staff \(Building and Metal Trades staff\) 2009](#) or [Trades and Services staff \(Catering and Retail, Cleaning and Caretaking, and Miscellaneous services staff\) 2005](#) as applicable to you in accordance with your contract of employment. Links to relevant clauses are included in the definitions of this procedure.

## PROCEDURE STATEMENT

This procedure explains Monash's expectations and your obligations with respect to personal relationships with students (undergraduate or post-graduate including Higher Degree by Research).

Monash ('us', 'our' or 'we') recognises that your socialising on a friendship basis with students is part of being an active member of the University community, however the nature of the staff/student relationship imposes particular responsibilities and duties on you. Because of the inherent nature of staff/student roles, you are in a position of power relative to a student irrespective of the student's age and maturity. You must ensure that you recognise this power differential and always act in a respectful and fair manner, and that you do not engage in sexual harassment, bullying, favouritism and exploitation.

The principles in the Monash University Ethics Statement require you to conduct yourself professionally and appropriately in your dealings with students. It states that we will "treat each other with honesty, fairness, mutual respect and be responsible in the exercise of power". This procedure expands on this requirement.

### 1. Types of personal relationships

1.1 For the purpose of this procedure, we refer to two types of relationships. Collectively they are referred to as personal relationships but individually, they are defined as:

- **Intimate personal relationships** - an intimate personal relationship is a relationship which goes beyond the bounds of a platonic or working relationship, regardless of gender. For example, dating, romantic, sexual etc. which is consensual.
- **Close personal relationships** - a close personal relationship may involve a friendship, relative or cultural family relationship, or financial dependent.

### 2. Your obligations as staff of Monash

- 2.1 When dealing with students (in any capacity) you should recognise that you are in a position of trust, and that it is your professional and ethical responsibility to not misuse that trust.
- 2.2 You must not pursue an intimate personal relationship with a student whilst engaged in an academic manner with the student; we do not condone this behaviour.
- 2.3 You must ensure your interactions with students are always professional and appropriate. You must avoid conduct towards students that is unprofessional or inappropriate.

- 2.4 Academic staff are trusted to teach, guide and supervise students and therefore are in a position of trust and power relative to the student. We expect all academic staff to recognise and maintain professional boundaries, and the obligation to protect the interests of students, to avoid a power imbalance and to avoid perceived or actual conflicts of interest.
- 2.5 We will not tolerate coerced and exploitive relationships; these must not occur.
- 2.6 Where a staff/student intimate personal relationship exists or develops, it must be entered into fairly, mutually and not involve any misuse of power. Where such a relationship ends, all continuing contact as members of the University community must be respectful, appropriate and compliant with this procedure.
- 2.7 Although the University does not condone relationships between staff and students as detailed above, in the event that this does exist or occur, you must make a declaration of an intimate or close personal relationship which may give rise to any perceived, potential or actual conflict of interest. Once declared, a conflict of interest management plan is to be made, which must include no dealings between the participants on academic or other University matters. If you are unsure, please contact our Ethical Conduct Manager ([ethical.conduct.queries@monash.edu](mailto:ethical.conduct.queries@monash.edu)) for further information.
- 2.8 Staff/student intimate personal relationships must at all times comply with all our policies and procedures but more specifically the [Ethics Statement policy](#) and the [conflict of interest procedure](#).

### Further guidance

- 2.9 By way of guidance, you should:
- maintain an appropriate physical and emotional distance from students and perform your University duties in the best interests of the University without favour towards any individual student over another student;
  - only use your University email account, telephone and internet access for communications with students, avoiding unauthorised use of social media sites (such as Facebook or Twitter) and internet chat rooms;
  - you should not share your personal contact details such as home address, private telephone number and email address;
  - the same guidelines and rules should apply when you and the student are participating in fieldwork, conferences and other University activities away from your usual workplace.
- 2.10 Should you have a primary professional responsibility of the pastoral care of students, you should:
- where possible, ensure that meetings and discussions about University matters occur on campus or other University approved premises. Where not possible, ensure the meeting occurs in a public venue, such as a library or a café, where practicable;
  - refer students with support needs to a relevant University 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 after hours about University matters; and
  - not seek intimate personal information from a student except as relevant to a University process (e.g. medical information for special consideration, or personal circumstances information as part of an academic progress process).

## 3. Inappropriate staff/student relationships/conduct

- 3.1 These examples provide guidance on what is an inappropriate staff/student relationship/conduct.

#### Example

A supervisor touches/squeezes the leg and shoulder of a student or makes small talk of a sexual nature.

#### Example

A supervisor arranged to stay at a student's house overnight.

#### Example

A supervisor who supervises a student with whom they have or have had a close personal or sexual relationship.

#### Example

A staff member accepts a gift from a student, unless it is after all assessment is completed and not above a minor token of thanks in accordance with the [Gifts, Benefits and Hospitality Procedure](#).

#### Example

A supervisor borrows or accepts money from a student, or otherwise having a financial interest with a student.

### Example

A supervisor requests or accepts personal favours from a student, such as assistance moving house, shopping or babysitting the supervisor's child.

## Further guidance

3.2 By way of guidance, you should avoid the following:

- one-on-one meetings with a student about University matters at a private residence or secluded place;
- engaging in consensual conduct of a sexual nature with a student whom you are teaching, assessing or supervising;
- having a personal relationship with a student whom you are teaching, assessing or supervising;
- engaging in exploitative dealings with a student or using your position relative to a student for some personal advantage;
- discussing details of your own intimate and sensitive personal matters with a student, such as your sexual relationship, mental health or financial position;
- borrowing or accepting money or other gifts from a student or otherwise having a financial interest with a student, except for token gifts after all assessment is completed and in accordance with the [Gifts, Benefits and Hospitality procedure](#);
- behaviour of a threatening or criminal nature, or which reasonably makes the student feel unsafe, including stalking, repeated attempts to impose unwanted communication or contact that is not the appropriate performance of your University duties, harassment, assault, sexual assault or bullying;
- engaging in any other conduct towards a student which is unreasonable and unwelcome, and could reasonably be expected to make the student feel offended, humiliated or intimidated.

## 4. Coercive or exploitive relationships

4.1 Coerced personal relationships are not tolerated and must not occur.

4.2 A coercive personal relationship is one, which misuses staff power over a student, or uses force or improper threat to persuade a student to do something.

### Example

A professor arranged for private one-on-one sessions at their home with a student, indicating that if the student spent more time with the Professor, it would improve their grade.

4.3 Exploitive personal relationships are not tolerated and must not occur.

4.4 An exploitive personal relationship is one which makes use of a situation or academic relationship to gain a personal advantage or benefit.

### Example

A PhD supervisor asks their student to care for their child whilst they are editing their thesis draft. An academic staff member asks a student to house sit for them whilst they are on holidays. A student is asked to perform secretarial duties when not employed to do so.

### Example

A tutor makes repeated attempts to impose unwanted communication or contact, or touches a student with a learning disability inappropriately, or demands favours from a student of another cultural background as they expect the student will not report the incident.

4.5 Coercive and exploitive relationships are unprofessional, inappropriate and unethical, and are misconduct by the staff member. Disciplinary action will apply, up to and including termination of employment.

## 5. Inappropriate conduct by staff

5.1 Unprofessional or inappropriate conduct towards a student that is initiated by staff is not acceptable.

5.2 A student who seeks guidance about whether certain conduct is professional and appropriate or who needs assistance in responding to unprofessional or inappropriate conduct should speak to the [Safer Community Unit, Health and Wellbeing Counselling](#) or the [student union/association](#), or Monash HR (by contacting [ethical.conduct.queries@monash.edu](mailto:ethical.conduct.queries@monash.edu)).

## 6. Inappropriate conduct by students

- 6.1 Unprofessional or inappropriate conduct towards a staff member that is initiated by a student is not acceptable. This is likely to breach the [Student Discipline Guidelines, Monash University \(Council\) Regulations – Part 7](#) and other University policies and procedures.
- 6.2 A staff member who needs assistance in responding to unprofessional or inappropriate conduct initiated by a student should speak to their performance supervisor, the Head of Unit, the Dean or Executive Director, or the [Safer Community Unit](#) or Monash HR ([ethical.conduct.queries@monash.edu](mailto:ethical.conduct.queries@monash.edu)).

## 7. Declaring staff/student relationships

- 7.1 Staff must declare an actual or anticipated personal relationship with a student as soon as reasonably possible.
- 7.2 Students are expected to also declare an actual or anticipated personal relationship with a staff member as soon as reasonably possible.
- 7.3 If you are unsure whether you have a personal relationship with a student or staff member, you should seek advice from your supervisor, Head of Unit or the Manager, Ethical Conduct ([ethical.conduct.queries@monash.edu](mailto:ethical.conduct.queries@monash.edu)) Students should seek advice from the Safer Community Unit. ([safercommunity@monash.edu](mailto:safercommunity@monash.edu))

### How to make a declaration

- 7.4 Complete the [Conflict of Interest Disclosure & Management form](#) in accordance with the [Conflict of Interest procedure](#):
- Step 1 – Complete the [form](#)
  - Step 2 – The Head of Unit reviews the form
  - Step 3 – The Dean/Executive Director reviews the form and then sends the form to their HR Business Partner
  - Step 4 – The HR Business Partner sends the form to the Ethical Conduct Manager
  - Step 5 – The Ethical Conduct Manager reviews the form, formulates a recommendation and sends the form to the Chief Human Resources Officer for final approval
- 7.5 The conflict of interest declaration allows us to review the nature of the relationship and where necessary, put measures in place to manage any conflict of interest. In doing so, we will consider:
- the age and social maturity of the student;
  - any potential vulnerability of the student;
  - the student'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 was pre-existing 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; and
  - the extent of the power imbalance between the two individuals.
- 7.6 The required staff member and student, where applicable, will usually be notified of the conflict of interest management measures put in place.

### Change in relationship status

- 7.7 We expect you to notify us of any change of relationship status in a declared personal relationship. This allows us to make adjustments to the conflict of interest management plan, where appropriate.

## 8. Failure to declare a staff/student relationship

- 8.1 Non-disclosure of a personal relationship with a student may amount to misconduct or a serious breach by the staff member involved in the personal relationship. Disciplinary action will apply, up to and including termination of employment.

## 9. Reporting inappropriate and unacceptable behaviour

### Reporting anonymously

- 9.1 You can choose to report anonymously, however if you do report anonymously we won't be able to provide you with any updates on our response to your report. By their nature, it's difficult to verify or investigate anonymous reports as it's usually impossible to get all the information that may be required.

## Submit a report online

- 9.2 You may submit a confidential report online: [Report an incident or concern](#)
- 9.3 You may also seek support, advice, referrals or report unacceptable behaviour affecting you or another person at the University.

Contact	Need/Purpose
Emergency Services (Dial 000 for emergencies)	In emergency situations
Campus Security (+61 3 9905 3333 or ext 333 from a Monash phone)	Where swift attendance is required on campus
Safer Community Unit (+61 3 990 51599 or <a href="mailto:safercommunity@monash.edu">safercommunity@monash.edu</a> )	For advice regarding unacceptable behaviours and for reporting and investigating of concerning and threatening behaviour, and referrals to services within and outside the University
Manager, Ethical Conduct ( <a href="mailto:ethical.conduct.queries@monash.edu">ethical.conduct.queries@monash.edu</a> or 03 9902 4945)	For advice regarding unacceptable behaviours, and referrals to approved University services
<a href="#">SARAH</a> (safety and risk hub for incident reporting)	Online system for reporting unacceptable behaviours and hazards for escalation to the Manager, Ethical Conduct for resolution (including investigation)
<a href="#">Respect Now Always</a>	For reporting incidents of sexual assault and harassment

- 9.4 If your report is about a serious incident, or a possible criminal offence, we may be obligated to notify Victoria Police or Monash Security to ensure people are safe.

## 10. Protection from reprisals, retaliation or threats

### Victimisation

- 10.1 It is against the law to victimise someone (i.e. subjecting them to some detriment or threatening to do so) because they have made a complaint, have indicated an intention to make a complaint or helped someone else to make a complaint.
- 10.2 Anyone engaged in such conduct may be subject to discipline in accordance with the requirements of the law, University regulations, policies and procedures and relevant enterprise agreement.

### Example

A colleague reported a relationship between a student and staff member. After making the report, the staff member stopped including them in the usual workplace activities e.g. stopped inviting them to work lunches or drinks.

### False, malicious and vexatious claims

- 10.3 Reports of unacceptable behaviour must be genuine and honest. If you are found to have made a false or vexatious complaint against another person this may lead to disciplinary action.

## 11. Support Services

- 11.1 A student who seeks guidance about whether certain conduct is professional and appropriate or who needs assistance in responding to unprofessional or inappropriate conduct should speak to the [Safer Community Unit](#), Health and Wellbeing Counselling or the student union/association, or Monash HR (by contacting [ethical.conduct.queries@monash.edu](mailto:ethical.conduct.queries@monash.edu)).
- 11.2 A staff member who seeks guidance about whether certain conduct is professional and appropriate can contact their performance supervisor, the Head of Unit, the Dean or Monash HR (by contacting [ethical.conduct.queries@monash.edu](mailto:ethical.conduct.queries@monash.edu)).

## Safer Community Unit (SCU)

11.3 Both a student or staff member can seek support from SCU, who can:

- help connect you with support services
- explore appropriate safety measures
- provide information on your formal reporting options
- and assist you with formal reporting processes.

11.4 If your report is about:

- something that could be a criminal offence, SCU can explain the process for formally reporting to the police, and assist you with that process
- a Monash staff member, SCU can explain the processes for making a formal report for Monash Workplace Relations
- a Monash student's behaviour, you can make a formal report of [general misconduct](#). General misconduct is any form of unacceptable behaviour that breaches Monash rules and regulations. SCU will refer all formal reports of general misconduct to the Office of Student Conduct.

## 12. Breach of procedure

12.1 We treat any breach of our policies or procedures seriously. We encourage reporting of concerns about non-compliance and manage compliance in accordance with the applicable Enterprise Agreement or contract terms.

## DEFINITIONS

Adverse	Something that is harmful or negative.
Anticipated personal relationship	A staff/student relationship, which is expected or likely to develop into a personal relationship.
Close personal relationship	A close personal relationship may involve a friendship, relative or cultural family relationship, or financial dependent.
Coercive	Using force or improper threats or intimidation to persuade someone to do something they are unwilling to do.
Conflict of interest	A situation where a conflict arises for an individual between their University duties and their own personal interest/s. Conflicts of interest may be reasonably perceived, potential or actual. Conflicts of interest can involve financial or non-financial interests of the staff member, or such interests of a business partner or associate, family member, friend or person in, (or has had) a close personal relationship with the staff member. For further information, refer to the Conflict of Interest (including Conflict of Interest in Research) procedure and <a href="#">Examples of Conflicts of Interest and Guidelines for Action</a> .
Dean or Executive Director	The Head of a Portfolio, Dean of the faculty or Executive Director of a division, or nominee in any case where the Head of a Portfolio, Dean or Executive Director has nominated a person to act as their nominee for the purpose.
Enterprise Agreement	The Enterprise Agreement means the <a href="#">Monash University Enterprise Agreement (Academic &amp; Professional Staff) 2019</a> or the <a href="#">Trades and Services staff (Building and Metal Trades staff) 2009</a> or <a href="#">Trades and Services staff (Catering and Retail, Cleaning and Caretaking, and Miscellaneous services staff) 2005</a> as applicable to the staff member in accordance with their contract of employment.
Exploitive	Making use of a situation or treating others unfairly in order to gain a personal advantage or benefit.
Financial interest	Any employment, business activity or other right, claim, title or legal share in something that has a monetary or equivalent value including intellectual property. Examples of financial interest include, but are not limited to, shares, share options, dividends, and the right to receive remuneration or other benefits such as salaries, director's fees, consulting fees, allowances and discounts.
Head of Unit	Head of an academic or organisational work unit, for example Head of School, Head of Department or where applicable, a person acting as their nominee.

Inappropriate close personal relationship	An inappropriate close personal relationship between a staff member and a student involves: <ul style="list-style-type: none"> <li>• a breach of any University policy or procedure;</li> <li>• a breach of the University Ethics Statement;</li> <li>• conduct inappropriate to the student/teacher or student/supervisor relationship;</li> <li>• conduct inconsistent with the position of trust of academic staff over students;</li> <li>• sexual harassment;</li> <li>• bullying; and/or</li> <li>• coercive exploitation.</li> </ul>
Intimate personal relationship	An intimate personal relationship is a relationship which goes beyond the bounds of a platonic or working relationship, regardless of gender. For example, dating, romantic, sexual etc. which is consensual between individuals.
Personal relationship	A relationship between a staff member and a prospective or current student of Monash University, which can be either close or personal (as defined in this procedure). This relationship may give rise to an actual or potential conflict of interest.
Professional and appropriate	Conduct consistent with the Monash University Ethics Statement, the Behaviours in the Workplace procedure, all policies and procedures and University Statutes; is of a professional nature; is appropriate to the student/teacher and student/supervisor relationship; is consistent with the position of trust of staff over students; and demonstrates care, diligence, integrity and respect for students.
Staff	All University staff including adjunct and conjoint appointments.
Student	All undergraduate and post-graduate students whether full time or part time students studying on or off campus or online, whether they are currently enrolled in subjects or deferred from their studies. It does not include graduates of Monash University who are not current students or persons who are not currently admitted as students.

## GOVERNANCE

Parent policy	<a href="#">Integrity and respect</a>
Supporting schedules	
Associated procedures	<ul style="list-style-type: none"> <li>• <a href="#">Equal opportunity policy</a></li> <li>• <a href="#">Ethics statement policy</a></li> <li>• <a href="#">Behaviours in the workplace</a></li> <li>• <a href="#">Disciplinary action and dismissal</a></li> <li>• <a href="#">Dispute settlement and employment related grievances resolution</a></li> <li>• <a href="#">Mandatory compliance training</a></li> <li>• <a href="#">Privacy</a></li> <li>• <a href="#">Resolution of unacceptable behaviour and discrimination</a></li> </ul> <p><b><u>Associated documents</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Disclosure of Conflict of Interest form</a></li> <li>• <a href="#">Examples of Conflicts of Interests</a></li> <li>• <a href="#">Monash University (Council) Regulations – Part 7</a></li> <li>• <a href="#">Student Discipline Guidelines</a></li> </ul>
Legislation mandating compliance	
Category	Human Resources
Approval	Chief Human Resources Officer as delegate of the Chief Operating Officer – 12 February 2020
Endorsement	Director, Workplace Relations - 12 February 2020
Procedure owner	Director, Workplace Relations



Date effective	12 February 2020
Review date	3 years from effective date
Version	6
Content enquiries	<a href="#">ask.monash</a> or phone Monash HR on (03) 990 20400