

RELATIONSHIPS WITH STUDENTS PROCEDURE

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1. OVERVIEW

This procedure sets out expectations for staff members and titleholders regarding personal relationships with students. It is intended to ensure that the University fulfils its obligations to the educational development and wellbeing of students through positive, professional, and collegial relationships.

This procedure aims to ensure that staff and titleholders are aware of their responsibilities and that if a personal relationship exists or develops between a staff member or titleholder and student, that the relationship is disclosed and managed in an appropriate manner.

2. SCOPE AND APPLICATION

This procedure applies to all staff members and titleholders at the University of Adelaide. Staff members include Higher Degree Research Students in their capacity as teaching staff and staff of the University of Adelaide who are also students.

In this procedure a close personal relationship includes a relationship between a staff member or titleholder and a family relative, a financially dependent person, a close friend, a de facto partner, or any person with whom there is currently or has recently been an intimate, sexual, or romantic relationship whether conducted in person, by correspondence, or by electronic means.

This procedure does not apply to intimate relations with students under the age of 18 years, vulnerable adults, or interactions with students that involve [sexual harassment](#) or [sexual assault](#). These are unlawful acts and may lead to disciplinary action and/or criminal charges.

The [Sexual Misconduct Policy](#) and [Sexual Misconduct Response Procedures](#) detail the University process for the disclosure, reporting, and responding to allegations of sexual assault and sexual harassment. The [Child Safe Environment Policy](#) sets out expectations for reporting and responding to allegations of child abuse, neglect, and exploitation.

3. PRINCIPLES

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Staff members and titleholders are required to act professionally, collegially, and respectfully in their interactions with students, and will avoid close personal relationships with students for whom they have professional responsibility.

Staff members and titleholders are required to disclose personal relationships that may amount to a conflict of interest.

Staff members and titleholders may be subject to disciplinary action for failing to comply with this procedure in accordance with the [University of Adelaide Enterprise Agreement](#) or [Titleholder - Conferral of Honorary Roles Procedure](#).

4. PROCEDURES

4.1 Disclosing a personal relationship

A staff member or titleholder must disclose to the Head of School/Branch or Area Manager (if the disclosure is made by a Head of School/Branch) any recent or current personal relationship with a student that they teach, tutor, mentor, or supervise, or with any student who they may participate in the selection of, or whose work they may assess.

The Head of School/Branch (or Area Manager) must consider any disclosure of a personal relationship by referring to the [Conflict of Interest Procedure](#) and identifying, managing, and mitigating the conflict of interest in compliance with the procedure.

4.2 Failing to disclose a personal relationship with a student

A staff member or titleholder who fails to disclose a personal relationship with a student under clause 4.1 may be subject to disciplinary action in accordance with the University of Adelaide Enterprise Agreement or [Titleholder- Conferral of Honorary Roles Procedure](#).

4.3 Responding to an allegation of inappropriate behaviour

If a staff member or titleholder is advised by a student that they have been subjected to unwanted attention or inappropriate behaviour by a staff member or titleholder, they should:

- Provide support to the student to enable them to access information, advisory, and assistance services including referring them to the [Integrity Unit](#) or [Workplace Relations](#)
- Refer to the [University's Safer Campus Community website](#) for details of the internal and external services available
- Report the matter to their Head of School/Branch as soon as practicable.

A Head of School/Branch who receives an allegation of unwanted or inappropriate behaviour by a staff member or titleholder toward a student must report it to their [Human Resources Advisor](#) (HRA) and notify the [University Early Intervention Group](#) (EIG).

5. CONFIDENTIALITY

Information provided by students or staff under this procedure will be dealt with confidentially and only disclosed as necessary for the administration of University processes or as required by law.

This procedure does not interfere with legal responsibilities to report suspected abuse of children which includes [sexual assault](#) under child protection laws. Further information about these obligations can be found in the University's [Child Safe Environment Policy](#).

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6. DEFINITIONS

Area Manager means Deputy Vice-Chancellors, Vice Presidents, Pro Vice-Chancellors, Executive Deans, Director Human Resources, Chief Executive of External Relations (and a person acting in these positions) and Institute Directors.

A Conflict of Interest arises when an individual's personal, external, or financial interests, or those of a person with whom they have a close personal relationship, come into conflict with the performance of their duties to the University. A conflict of interest may be actual, perceived, or potential.

An **actual conflict of interest** arises when there is a real conflict between an individual's duties to the University and their existing personal, external, or financial interests.

A **potential conflict of interest** arises where an individual has personal, external, or financial interests that could come into conflict with the performance of their duties to the University in the future.

A **perceived conflict of interest** can exist where a third party could form the view that an individual's personal, external, or financial interests could improperly influence the performance of their duties to the University now or in the future.

A **conflict of commitment** arises where the personal, external, or financial interests of an individual are so significant, demanding, or organised in such a way that they adversely interfere with the performance of their duties to the University.

Inappropriate behaviour means unprofessional, inappropriate and/or unwanted conduct which may amount to misconduct or serious misconduct by the staff member and may involve:

- A breach of a University policy or procedure
- A breach of the University Code of Conduct
- Conduct inappropriate to the student/teacher and/or student/supervisor relationship
- Conduct inconsistent with the duty of care required of staff towards students
- Bullying
- An offence, including but not limited to sexual assault or sexual harassment under the *Summary Offences Act, 1953 (SA)* or *Criminal Law Consolidation Act, 1935 (SA)*.

Intimate relationship means having or being likely to create a very close friendship or personal or sexual relationship.

Personal relationship means a relationship between a staff member/ titleholder and a member of their family, relative, a financially dependent person, a close friend, a de facto partner, or with whom there is currently or has been, an intimate, sexual or romantic relationship whether conducted in person, by correspondence or by electronic means.

Professional responsibility occurs when the staff member is deemed to have professional responsibility for any student they have contact with in the work that they perform. This may include teaching, tutoring, mentoring, supervising, assessing the work of, and in the provision of services to and/or for the student.

Romantic relationship means a relationship that is conducive to or characterised by the expression of love.

Sexual harassment means an unwelcome sexual advance, an unwelcome request for sexual behaviours, or other unwelcome conduct of a sexual nature, in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Sexual Harassment is unlawful under State and Commonwealth anti-discrimination legislation. A single incident can constitute Sexual Harassment, and the capacity for the conduct to offend, humiliate or intimidate is assessed on an objective basis. The intention of the perpetrator is not relevant to this assessment.

Sexual Harassment can be verbal, non-verbal, written, graphic or physical. Sexual harassment includes but is not limited to:

- i. making unwelcome remarks about a person's appearance or attractiveness
- ii. asking a person intrusive questions about their relationship or Sexual Activity

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- iii. repeated or inappropriate invitations to go out
- iv. sending emails with sexual content
- v. showing a person pornographic pictures e.g. on a phone or computer
- vi. unwelcome touching, hugging or kissing
- vii. inappropriate staring or leering
- viii. sexual gestures; and
- ix. sexually suggestive comments or jokes

Sexual misconduct as per the Sexual Misconduct Policy means any act of a sexual nature that a person does not consent to, including:

- i. Sexual harassment (see above)
- ii. sexual assault (also called rape): the forced penetration of a person's vulva or anus by any part of the body of another person, or by any object
- iii. unwanted oral sex: unwanted insertion of the penis into the mouth of another person, or the use of the tongue or lips on the vulva, penis, scrotum or anus of another person
- iv. unwanted sexual touching: unwanted kissing or touching a person's body in a sexual manner, including unwanted touching of a person's breast or chest, bottom or genitals
- v. unwanted sexual acts: doing, or making another person do, an unwanted act of a sexual nature, including flashing (showing another person one's breasts, bottom or genitals), masturbating, pretending to masturbate, or sending an unwanted still or moving image of a person's genitals
- vi. voyeurism: observing a person who is undressed, using the toilet, showering, bathing or engaged in a sexual act, without their consent
- vii. stalking: conduct connected to or arising from a current, past or desired sexual relationship that could reasonably be expected to make a person feel frightened or apprehensive, including following another person, loitering outside their home or workplace, interfering with their property, sending them offensive material and communicating with them, or communicating to others about them; and
- viii. recording or distributing an intimate image of another person without their consent, including images of a person who is undressed, using the toilet, showering, bathing or engaged in a sexual act. Images may be still or moving, real or fabricated (such as photo-shopped or 'deep fake' images), and may be distributed in person, or by electronic, digital, or other means.

Threatening to engage in any of the above conduct may also constitute Sexual Misconduct.

Sexual Misconduct does not include consensual sexual activity between adults. Any person engaging in sexual activity must ensure that the other person agrees to engage in the sexual activity. For the purposes of this policy, a person will be considered to have engaged in Sexual Misconduct towards another person in relation to an incident involving sexual activity where:

- i. the other person did not consent to the Sexual Activity and the first person knew that the other person did not consent or had withdrawn their consent; or
- ii. they were recklessly indifferent to the fact that the other person did not consent or had withdrawn their consent.

7. USEFUL INFORMATION AND RESOURCES

7.1 University related documents and policies

[Behaviour and Conduct Policy](#)

[Behaviour and Conduct FAQs](#)

[Code of Conduct](#)

[Conflict of Interest Procedure](#)

[Conflict of Interest Information Sheet](#)

[Disclosure of a Conflict of Interest Form](#)

[Fair Treatment Procedure](#)

[Fair Treatment Procedure Information Sheet: Sexual Harassment and Assault](#)

[Fraud and Corruption Control Policy](#)

[Privacy Policy](#)

[Staff Complaint Resolution Procedure](#)

[Child Safe Environment Policy](#)

[Sexual Misconduct Policy](#)

[Sexual Misconduct Response Procedures](#)

[Titleholder – Conferral of Honorary Roles](#)

7.2 Related legislation

[Criminal Law Consolidation Act 1935](#) (SA)

[Equal Opportunity Act 1984](#) (SA)

[Fair Work Act 2009](#) (Cth)

[The Children and Young People \(Safety\) Act 2017](#) (SA)

[Child Safety \(Prohibited Persons\) Act 2016](#)

[Children and Young People \(Oversight and Advocacy Bodies\) Act 2016](#)

[Children and Young People \(Safety\) Act 2017](#)

[Sex Discrimination Act 1984](#) (Cth)

7.3 Useful web-links

[Safer Campus Community](#)

[Sexual Respect Training](#)

[Early Intervention Group \(EIG\)](#)

[Principles for Respectful Supervisory Relationships \(Universities Australia\)](#)

[Guidelines for University Responses to Sexual Assault and Sexual Harassment \(Universities Australia\)](#)

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