

- PROCEDURE -

# Close Relationships Procedure

## Procedure Statement

### Purpose

The employment of individuals in a close personal relationship may cause conflicts of interest or perceived conflicts of interest. The purpose of this policy is to maintain confidence in the integrity and professionalism of the staff and services of TAFE SA. This procedure clarifies appropriate disclosure and management of close relationships to avoid misunderstandings, complaints of favouritism or unfair treatment, claims of sexual harassment, or dissension that may result from the appearance of conflict of interest caused by close relationships amongst employees.

### Scope

All TAFE SA staff.

## Roles and Responsibilities

Position	Responsibility
TAFE SA Staff	<ul style="list-style-type: none"><li>• Self-disclosure. Staff will declare any Conflicts of Interest in accordance with the Conflicts of Interest Policy;</li><li>• All staff will behave in accordance with the SA Public Sector Code of Ethics and SA Public Sector Values and Behaviours Framework;</li><li>• Where close personal relationships exist, employees must act in a professional manner whilst conducting TAFE SA work;</li><li>• When dealing with students or other staff (in any capacity) it should be recognised that employees are in a position of trust, and that there is a professional and ethical responsibility not to misuse that trust.</li></ul>

## Procedure Detail

### Relationships

TAFE SA does not discriminate against or favour relatives of staff, or people in a close relationship with an employee. Nor is it the role of TAFE SA to police the healthy interactions that occur in the normal day to day activity of our business.

## Staff – Student Relationships

Where a staff member is currently or recently involved in a close personal relationship with a student with whom they have or are likely to have a teaching or other professional relationship within the course of their duties, that staff member must disclose the relationship to their Line Manager, Educational Manager or Director. Confidentiality is to be maintained and specific details will not be sought about the relationship. If the disclosure is not made and the student receives a benefit from the relationship (such as acceptance into a specialised program, student loan) the benefit may be rescinded, and the Lecturer may receive disciplinary action.

Where TAFE SA becomes aware of an undeclared close personal relationship, decisions relating to the assessment and training of the student and other affected students may be reviewed. Coercive and exploitive relationships are unprofessional, inappropriate and unethical, and are considered misconduct by the staff member. The Code of Ethics will apply in such situations.

The Line Manager, Educational Manager or Director together with the staff member will make necessary arrangements to ensure that assessment of the student's work is appropriately managed to avoid questions of bias.

The staff member can take part in any teaching or administrative decision-making processes in respect of that student, as long as:

- > They disclose the relationship to their Educational Manager; and
- > No other reasonable learning options would be available to the student; and
- > Assessment of the student's work is undertaken by another Lecturer or checked and authorised by another Lecturer (in line with the TAFE SA Assessment Policy); and
- > The Lecturer does not provide the student with a written reference.

Students who are, or have been, in a close personal relationship with a staff member with whom they have or are likely to have a teaching or other professional relationship within the course of their studies, may make known any possible conflict of interest in teaching and assessment to the Educational Manager or to Student Services.

If a student who has been or is currently in a close personal relationship with a staff member, later seeks employment in TAFE SA, the staff member must be excluded from participating in any part of the selection process.

If a staff member behaves inappropriately towards a student, with unwelcome advances and/or behaviour, the student is encouraged to contact Student Services for assistance. When this behaviour becomes known to another staff member it must be reported to their Line Manager, Educational Manager or Director. Non consensual behaviour is a serious breach of the Code of Ethics and will be managed accordingly.

## Staff – Staff Relationships

TAFE SA accepts that normal human interactions will occur, and as such a staff member may be in a close personal relationship with another staff member. As with all staff, adherence to SA Public Sector Code of Ethics and the Public Sector Values and Behaviours Frameworks is essential so that any interactions on site are conducted in a professional manner at all times.

Should close personal relationships have additional implications between the parties, especially where this may result in conflict, all parties need to understand how such conflict may impact on their relationships with other colleagues and their own work performance. In situations considered challenging, counsel should be sought with a supervisor/leader, to clarify strategies that ensure:

- > Work performance is not impacted
- > That interactions remain professional, and that inappropriate behaviour does not occur
- > That peers and colleagues refrain from gossip, bullying or other behaviours that can occur in relation to an 'at work' relationship
- > There is an understanding that should the relationship deteriorate, the parties work towards an appropriate resolution to ensure there is no impact on their own or others work or performance
- > That behaviours considered uncivil or inappropriate may result in disciplinary action, whether this is the protagonists or bystanders.

To ensure transparency in any formal employment process or decision, a staff member must make a disclosure to their Manager, Educational Manager or Director as soon as that staff member becomes aware of the existence of a close personal relationship. Examples of inappropriate activities, processes and decisions for staff in close personal relationships include but are not restricted to:

- > Recruitment and Selection
- > Continuing appointment/transfer
- > Promotion
- > Referees
- > Classification Assessment
- > Lecturer Progression
- > Salary Determination
- > Performance Coaching
- > Disciplinary processes
- > Termination
- > Staff Development Opportunities
- > Conditions of Service
- > Direct Supervision

## **Inappropriate behaviour by students**

Inappropriate behaviour by a student towards a staff member, such as unwelcomed advances and/or behaviour is not acceptable. Such conduct by a student is a breach of TAFE SA's Sexual Assault and Sexual Harassment Policy and/or the Student Conduct and Disciplinary Policy and specific information on how these should be managed can be found in these policies. A staff member who needs assistance in responding to inappropriate behaviour that is initiated by a student, should speak to their Line Manager, Educational Manager or Director in the first instance.

## **Employee Assistance Program (EAP)**

TAFE SA is committed to supporting the health and wellbeing of all employees. An Employee Assistance Program (EAP) is offered to all TAFE SA employees, including their immediate families or dependents and provides a 24-hour, seven-day service. EAP offers a confidential, short-term preventive and proactive service for the early detection and/or resolution of work-related or personal challenges faced by employees. TAFE SA has engaged Benestar as our EAP service provider.

## **How to make a declaration**

Any declaration should be formalised by completing a Declaration of a Conflict of Interest form (HRB15) which will need to be approved by the Manager and a copy of the form retained on the student's file (where a student relationship is involved), on the employee's workgroup file and Workforce Development will place a copy in the Conflict of Interest folder on Content Manager (TAFE/19/033/1945).

Completion of the Declaration of a Conflict of Interest form in line with the Conflict of Interest Policy involves:

- > Step 1 Employee completes the form (HRB15)
- > Step 2 Line Manager or Director reviews and completes the form
- > Step 3 If required, the Business Unit Director reviews and finalises the form. The HR Business Partner may be involved for further advice should it be required.
- > Step 4 The finalised form is sent to Workforce Development ([workforce.development@tafesa.edu.au](mailto:workforce.development@tafesa.edu.au)) form who will upload into Content Manager folder (TAFE/19/033/1945).

## Definitions

Term	Definition
Adult Student	<i>Anyone over the age of 18 who is currently enrolled to study at TAFE SA.</i>
WWCC	<i>Working with Children Check</i>
Close Personal Relationships	<p><i>A relationship that goes beyond the bounds of a platonic/personal friendship or a working relationship, and includes being a relative or personally involved, i.e. sexual, intimate, dating, romantic or similar close relationships that may be consensually undertaken by both individuals; or</i></p> <ul style="list-style-type: none"> <li><i>- a relationship which gives rise to a real or potential or perceived conflict of interest and includes relatives and financial relationships; or</i></li> <li><i>- a relationship where one person is financially dependent on another; or</i></li> <li><i>- relationships where there have been previous instances of serious conflict between the parties.</i></li> </ul> <p><i>Usual and customary socialising at TAFE SA, not involving the conduct defined above, for example:</i></p> <ul style="list-style-type: none"> <li><i>- mentor-mentee; supervisor-employee; co-workers; and supervisor-student,</i></li> <li><i>- working relationships which exist due to ordinary collegiate academic collaboration,</i></li> <li><i>- professional collegiality where colleagues are not relatives, financially dependent, or intimate partners,</i></li> </ul> <p><i>are not considered close personal relationships for the purpose of this policy.</i></p>
EM	<i>Educational Manager</i>
Family Member/Relative	<i>Parent, spouse (including de-facto spouse or common law spouse), son, daughter or their issue, brother or sister or their issue of the staff member.</i>

Conflict of Interest	<i>A situation whereby a conflict arises for an employee between their TAFE SA duties and their own personal interest/s. Conflicts of interest may be 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 who is in, (or has had) a close personal relationship with the staff member.</i>
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## Associated Documents and References

Reference Number	Document/Reference Title
PPMF   TAFESA   136	<a href="#">Student Conduct and Disciplinary Policy</a>
PPMF   TAFESA   1008	<a href="#">Working with Children Check Policy</a>
PPMF   TAFESA   147	<a href="#">Guidelines for Managing Allegations of Sexual Misconduct</a>
TBA (in draft)	Conflicts of Interest Policy
PPMF   TAFESA   1078	<a href="#">Sexual Assault and Sexual Harassment Policy</a>
PPMF   TAFESA   1010	<a href="#">Respectful Behaviours</a>
PPMF   TAFESA   1098	<a href="#">TAFE SA Assessment Policy</a>
OCPSE Website	<a href="#">Ethical Codes including Public Sector Values and Code of Ethics for South Australian Public Sector</a>
Employee Assistance Program – Intranet	<a href="#">Employee Assistance Program – TAFE SA</a>
HRB15	<a href="#">Conflict of Interest Form</a>

## Document Control

Approved by			
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