



## CLOSE PERSONAL RELATIONSHIPS GUIDELINES

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<b>Responsible Division &amp; Unit:</b>	Employment Relations		
<b>Supporting documents, procedures &amp; forms:</b>	<a href="#">Bullying Prevention Policy</a> <a href="#">Conflict of Interest Policy</a> Conflict of Interest Declaration Form <a href="#">Higher Degree Research (HDR) Supervision and Resources Policy</a> <a href="#">Sexual Harassment Prevention Policy</a> <a href="#">University Code of Conduct</a>		
<b>Relevant Legislation &amp; External Documents:</b>	<a href="#">Anti-Discrimination Act, 1977 (NSW)</a> <a href="#">Independent Commission Against Corruption Act, 1988(NSW)</a> <a href="#">Sex Discrimination Act, 1984 (Commonwealth)</a>		
<b>Audience:</b>	Public		

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## 1 Introduction/Background

1. The University is a collegiate environment where staff, affiliates and students are encouraged to interact with each other to further their professional and study objectives. In this environment, close personal relationships may develop or may be pre-existing.
2. The University accepts that, among a community of adults and subject to relevant law, close personal relationships may exist or develop. These guidelines are intended to help ensure that the University's expectations of staff and affiliates are clear and that, if a close personal relationship exists or develops, it is disclosed and managed in an appropriate manner.
3. The University Code of Conduct requires staff and affiliates to conduct themselves professionally and appropriately in their dealings with all members of the University community. In this context, close personal relationships may give rise to actual or perceived inequalities of power and/or a significant risk of conflicts of interest (see the University's Conflict of Interest Policy).

## 2 Scope/Purpose

1. This document provides guidance for University staff and affiliates on the disclosure and management of close personal relationships between staff and students as well as between staff members, staff members and affiliates and affiliates and students. This guideline is provided for the information of students, staff and affiliates and places responsibilities for the notification and management of close personal relationships on University staff and affiliates.

## 3 Definitions

Word/Term	Definition (with examples if required)
Affiliate	Includes people holding University of Wollongong Honorary Awards as conferred by the University Council, including the awards of Emeritus Professor, Honorary Doctor and University Fellow; people appointed in accordance with the University's Appointment of Visiting and Honorary Academics Policy; and people engaged by the University as agency staff, contractors, volunteers and work experience students
Close Personal Relationship	Refers to married/de facto partners, sexual partners, near relatives or close friendships between staff, staff and students, or staff and affiliates. It does not include normal acquaintances between staff, staff and students, or staff and affiliates. Close personal relationships can exist or develop in person or online.
Conflict of Interest	A conflict of interest exists where there is a divergence between the individual interests of a staff member and their professional obligation to the University such that an independent observer might reasonably question whether the professional actions or decisions of that person are influenced by their own interests or are for their own benefit. It should be noted that enmity as well as friendship can give rise to perceptions of a conflict of interest and similarly that detriment to a third party can give rise to a conflict of interest just as much as benefit to a third party. A conflict of interest includes an actual, perceived or potential conflict of interest (refer to the Conflict of Interest Policy for definitions and examples of the different categories).
Near Relatives	Includes biological, adoptive, fostering and step relationships including parent, grandparent, brother, sister, child, grandchild, partner (married, de-facto, same sex,



	opposite sex, current or former) and their parent, grandparent, brother, sister, child or grandchild.
Staff Member	All people employed by the University including conjoint appointments, whether on continuing, permanent, fixed term, casual or cadet or traineeship basis.
Student	a person registered for a course at the University of Wollongong

#### **4 Relationships between Staff and Students, and between Affiliates and Students**

1. The University regards the professional relationship between members of staff and students as central to the student's educational development and wellbeing. Professional relationships include any in which the staff member has any educational, administrative, pastoral or supervisory involvement with a student. Staff are required to maintain academic and professional integrity, respecting the trust inherent in them.
2. Staff and affiliates should be alert to the complications that may arise from entering into close personal relationships with students. Such relationships may involve inequalities of power and can disrupt the learning environment for other students and colleagues that might lead to accusations of bias and undermine trust in integrity of academic and professional processes.
3. Staff and affiliates are strongly advised not to enter into close personal relationships with students. However, where they exist or develop, staff are required to disclose the relationship in accordance with the University's Conflict of Interest Policy. Affiliates are strongly encouraged to disclose such relationships to their supervisor or appropriate senior officer. Staff and affiliates must also disclose any former relationship with a current student for whom they have oversight or responsibility.
4. Where a close personal relationship between a staff member and student or an affiliate and a student arises, suitable management strategies may be undertaken, depending on the specific circumstances. These may include:
  - a. further consulting with the staff member and student or affiliate and student to identify the impact of the relationship;
  - b. reorganisation of duties to minimise contact, for example, ensuring the staff member is not tutoring, supervising, assessing, providing pastoral care, employing, or professionally responsible for administering activities in which the student is involved; and/or
  - c. taking appropriate action to minimise the potential impact on other students and/or staff including, where appropriate, advising other staff of the arrangements
5. Under the Higher Degree Research Supervision and Resources Policy, supervisors must not supervise HDR candidates with whom they have a close personal relationship, as this could give rise to undue advantage or disadvantage. For further details regarding HDR supervision responsibilities, refer to the HDR Supervision and Resources Policy.
6. It may be difficult for a staff member or affiliate who is involved in a close personal relationship with a student to make an objective assessment of the situation. If in any doubt, the staff member or affiliate should seek advice from their supervisor or other appropriate senior officer to ensure that the relationship is disclosed and managed appropriately.



7. Failure to disclose a close personal relationship with a student may result in disciplinary action against the staff member.
8. If a student is in a close personal relationship with a staff member and is not sure whether that staff member has disclosed the relationship, they are strongly encouraged to disclose the relationship independently to their Head of School or other appropriate senior officer.

## **5 Relationships between Staff, and between Staff and Affiliates**

1. The existence of close personal relationships between staff, and between staff and affiliates in the workplace may give rise to conflicts of interest or other consequences such as actual or perceived corrupt or fraudulent conduct.
2. In accordance with the Conflict of Interest Policy, the University requires that, where such relationships exist or develop, they are disclosed to ensure appropriate management strategies are put in place to mitigate risk to the University and the parties involved.
3. Staff members or affiliates who have a close personal relationship with a staff member or another affiliate should not participate in the appointment, hiring, promotion, supervision or performance evaluation of a staff member or affiliate or in any process affording other benefits such as development opportunities and allocation of awards.
4. An existing close personal relationship with another staff member or affiliate does not of itself present grounds for refusing employment, promotion, transfer or access to other benefits.
5. Breaches of the Conflict of Interest Policy may result in disciplinary action being taken against the staff member or affiliate up to and including termination.

## **6 Close Personal Relationships and Conflicts of Interest**

1. If a close personal relationship exists, that relationship is likely to also be related to a conflict of interest. This may not always be the case, but when a close personal relationship is disclosed, consideration must also be given to the requirements of the Conflict of Interest Policy.
2. Examples of situations in which close personal relationships and conflicts of interest may be closely interlinked could include:
  - 2.1. HR-related activities – where a staff member working within HR has involvement with recruiting, promoting or providing advice to the manager of or someone with whom they have a close personal relationship with, whether a student, staff member or affiliate.
  - 2.2. Finance and procurement – where a staff member holds a role with this type of duties but also has a close personal relationship with a potential tenderer or with a supplier for whom they are responsible for approving or making payments.
  - 2.3. Research activities – where a staff member is involved in making decisions regarding the allocation or usage of grants or funds, the granting of ethics approval, or research misconduct processes, but also has a close personal relationship with someone who could be affected by the outcome of the particular decision made (whether beneficially or detrimentally).
3. Any relationship which falls into the categories above must be disclosed by the member of staff concerned, as with any close personal relationship or conflict of interest which falls within the Conflict of Interest Policy and/or this Guideline.



## 7 Disclosure and Management

### Guidance for Staff

1. Staff are required to disclose close personal relationships as early as possible using the Conflict of Interest Declaration form and to seek approval by the appropriate delegate. The form is available at: <https://intranet.uow.edu.au/personnel/staffservices/conflictinterest/>

### Guidance for Managers, Supervisors and Heads

2. Arrangements for managing the impact of a close personal relationship should be approved by the relevant Executive Dean or Director.
3. The Head of Unit or Head of School will assess the disclosure, with assistance from Human Resources or other appropriate area as needed, and determine:
  - a. whether a conflict of interest (either actual or perceived) exists; and
  - b. whether the conflict is remote, requiring no further action other than to be recorded; or
  - c. whether the conflict requires a specific strategy to manage the conflict (the Head of Unit or School should then recommend strategies to manage the conflict).
4. The Executive Dean or Director will review the declaration, confirming the suitability of the recommended strategies and may recommend additional or alternative strategies if necessary.
5. The Head of School/Unit is responsible for ensuring that all such arrangements are appropriately documented by completing the Conflict of Interest Declaration form and sending this to HR. This will protect the interests of the University and the individuals concerned, and ensure guidance can be given to any subsequent managers and supervisors of the parties involved.

## 8 Unwelcome Behaviour

1. Members of staff, students or affiliates who find themselves experiencing unwanted or inappropriate behaviour or who are involved in a close personal relationship with a staff member or affiliate that they do not consider to be truly consensual should report the matter under the University's Sexual Harassment Prevention Policy or Bullying Prevention Policy as appropriate.

## 9 Roles & Responsibilities

1. Staff are responsible for declaring actual, potential or perceived conflicts of interests regarding close personal relationships by completing the Conflict of Interest Declaration Form
2. Heads of Unit/Managers are responsible for reviewing, assessing and recommending appropriate management strategies to mitigate disclosed conflicts of interest regarding close personal relationships from staff and affiliates under their responsibility.
3. Executive Deans/Directors are responsible for making final decisions in relation to disclosed conflicts of interest and endorsing and/or directing appropriate management strategies regarding close personal relationships.



## 10 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	4 April 1995	University Council	First Version
2	6 May 2009	Vice Principal (Administration)	Migrated to UOW Procedure Template as per Policy Refresh
3	9 March 2010	Director, Human Resources	Future review date identified in accordance with Standard on UOW Policy.
4	26 August 2010	Vice-Principal (Administration)	Updated to reflect divisional name change from Personnel Services to Human Resources Division
5	12 October 2010	Director, Human Resources	Review by Director, Human Resources. No changes required and new review date set.
6	2013 October	Manager Staff Services	Reviewed by Manager of Staff Services, no changes required and new review date set.
7	21 July 2017	Vice-Chancellor	Reviewed and expanded to provide more detailed guidance about the disclosure and management of close personal relationships.
8	31 July 2019	Chief Administrative Officer	Insertion of a new section 6 ('Close Personal Relationships and Conflicts of Interest') to better emphasise the strong link between close personal relationships and conflicts of interest, with examples.