



# MaristCollege Canberra

## Staff and Student Professional Boundaries

This policy applies to all Staff, including the Headmaster and the College Executive, teaching and non-teaching Staff, Volunteers, Contractors, and External Education Providers **(together, known as "Staff" for the purposes of this policy only)**.

Marist College Canberra Staff hold a unique position of influence, authority, trust and power in relation to students at the College. As such, it is their duty, at all times, to maintain professional boundaries with students.

The Crimes Act 1900 (ACT) includes certain offences for persons, including teachers, whose position places them in a position of 'special care' for a child or young person.

The following policy and guidelines are designed to raise awareness of situations where professional boundary violations may occur and some strategies to minimise the risk of boundary violations.

The practice of protective behaviours at all times will also reduce the possibility of vexatious claims being brought against Staff.

### Marist College Canberra's Policy

Marist College Canberra is committed to providing a safe physical and emotional environment where all of our students are respected and treated with dignity in an appropriate professional and caring manner where the risk of child abuse, neglect or other harm is minimised, and a safe and supportive child safe environment is maintained.

It is our policy that:

- Staff exercise their responsibilities in a way that recognises professional boundaries with regard to their relationships with students at all times
- Staff identify, discourage, reject and report to a Child Safeguarding Officer any advances of a sexual nature initiated by a student
- Staff interaction with students is professional at all times, including inside and outside of school hours
- conflict of interest issues must be reported to the Headmaster as soon as practicable
- equal learning opportunities are given to each student without discrimination
- appropriate consequences will be applied to staff who breach professional boundaries.

## What are Professional Boundaries?

Professional boundaries are parameters that describe the limits of a relationship in circumstances where one person (a student) entrusts their welfare and safety to another person (a staff member), in circumstances where a power imbalance exists.

The fact that College Staff are in a unique position of trust, care, authority and influence with students means that there is always an inherent power imbalance that exists between them. It also means that professional boundaries must be established, maintained and respected at all times.

In most cases this power imbalance is clear, however, sometimes it may be more difficult to recognise, especially for younger staff members who may only be a few years older than their students. Another example includes staff members supporting students through pastoral type care, which involves tending to both academic and non-academic needs of students.

The following guidelines are not exhaustive, and, given that sometimes 'grey areas' may occur, it is expected that all Staff (no matter their age or experience) use their own good judgment, think very carefully about the implications and potential consequences of engaging in certain behaviours with students, and always err on the side of caution, and seek advice as necessary.

When unsure about whether professional boundaries are being, or have been, breached, ask yourself:

- Would I modify my behaviour if a colleague was present?
- How would I feel about explaining my actions at a staff meeting?
- Am I sharing information for the student's benefit, or for my benefit?
- Am I dealing with this student differently from others in similar circumstances?
- Is my language or demeanour different from normal when dealing with this particular student?

## Staff and Student Relationships

Staff must not initiate or develop a relationship with any student that is or can be misinterpreted as having a romantic or sexual, rather than professional, basis. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents/carers.

Such relationships can be illegal, have a negative impact on the wellbeing, safety, teaching and learning of students and colleagues and may carry a serious risk for the staff member and, in turn, the College.

The professional relationship of Staff and students may be breached by:

- sexual relations
- flirtatious behaviour or dating
- development of an intimate personal relationship
- the use of sexual innuendo, inappropriate language and/or material with students
- unwarranted and inappropriate touching
- unwarranted and inappropriate filming or photography
- deliberate exposure to sexual behaviour of others (for example pornography)
- having personal or intimate contact without a valid context via written or electronic means (for example email, letters, telephone, text messages, social media sites or chatrooms)
- going out, whether alone or in company, to social events such as the movies or dinner
- meeting with, attending parties or socialising with students outside of school hours or outside of College events without permission from the College and/or parents/carers
- exchanging gifts of a personal nature that encourages the formation of a personal or intimate relationship
- sharing personal details about private lives with students.

If a staff member becomes aware of a student having an unusual attachment or 'crush' on them, the staff member must notify one of the College's Child Safeguarding Officers immediately to ensure that the situation is managed effectively, sensitively and within professional boundaries.

It is the student's **perception** of staff behaviour and not the **intention** of the staff member that is important. Staff must recognise at all times that their role is not to be a 'friend' or 'parent' to a student.

Staff should also be aware that developing or encouraging romantic or sexual relationships with recent former students (over 18 years of age) may also violate professional boundaries and are strongly discouraged from doing so.

The imbalance of power and authority that exists in the staff/student relationship does not suddenly disappear after the student finishes their schooling. Staff should not assume that they will be protected from disciplinary action by claiming that a relationship began only after the student left the College as there may be a reasonable belief that the emotional intimacy of the relationship developed while the staff/student relationship existed.

## **Fair Learning Opportunities**

The main focus of teaching is effective student learning and as such, teachers are expected to support their students with their professional expertise so as to offer them the best education in their individual circumstances. The quality of teaching and learning between teachers and students characterises their relationship.

Teachers should demonstrate their commitment to student learning by:

- maintaining a safe and challenging learning environment that promotes mutual respect
- recognising and developing each student's abilities, skills and talents by catering to their individual abilities and respecting their individual differences
- encouraging students to develop and reflect on their own values
- interacting with students without bias
- not engaging in preferential treatment
- not discriminating against any student on the basis of race, sex, sexuality, disability or religious or political conviction
- always making decisions in students' best interests.

## **Electronic Communications between Staff and Students**

It is expected that all Staff at the College will adhere to the following guidelines:

- all use of technology should be for educational purposes or for the organisation of co-curricular activities
- all email communication between staff and students should be via the College email system and reflect a professional staff/student relationship
- Staff should not communicate with students via text message unless in exceptional circumstances
- Staff should not give out their personal telephone numbers or social media contact details
- Staff are not to accept or request students as 'friends' on social media or otherwise use social media to communicate in any way that is not condoned or approved by the College
- Staff should not exchange personal pictures with a student
- teachers are not expected or encouraged to respond to concerns of parents/carers or students on holidays, weekends or in the evening
- any student personal contact numbers or other personal contact details made available to the College should only be used for College communications.

## **Physical Contact with Students**

All Staff should be aware that situations may arise that can be perceived in a manner that was not intended. For this reason, all Staff at the College should adhere to the following guidelines for contact with students both in and outside of College grounds:

- Staff should avoid unnecessary physical contact with students
- minimal, non-lingering, non-gratuitous physical contact in the context of the situation is acceptable (for example congratulatory pat on the back or handshake)
- contact for sport, drama and dance instruction is acceptable in a class situation but not in a 1:1 situation. If physical contact is required for specific technical instructions, it must be brief and only with the consent of the student. Note that a student may withdraw consent for this contact either verbally or gesturally and Staff must remain vigilant while engaging in necessary contact situations. Once consent has been withdrawn no further contact can be or should be made.

## **Off-Campus Excursions and Camps**

During off-campus excursions or camps, the same physical contact guidelines apply as well as the following:

- checking of sleeping arrangements, or supervising of students changing should be done, where possible, with another staff member present and always in a manner that respects students' privacy and personal space
- always knock and advise of presence prior to entering a bedroom or dormitory
- ensure that while in a bedroom or dormitory a strict staff/student relationship is upheld and that inappropriate behaviour, such as sitting on a student's bed, is not undertaken.

## **Managing Conflicts of Interest**

Where personal relationships with students such as family relationships and close friendship networks exist, questions of conflicts of interest may arise.

Where a staff member feels that a conflict of interest may exist, they should notify the Deputy Headmaster, Headmaster, or the College's MSA Regional Director if the conflict involves the Deputy Headmaster or Headmaster, and arrangements should be implemented to avoid the conflict situation if possible. For example, the teaching of students by a staff member with a conflict should be avoided.

Any significant decisions relating to these students in the College (such as the appointment of classes or selection in sports teams) should be referred to another staff member and endorsed by a supervisor.

## **Disclosure of Staff/Student Interactions**

It is Marist College Canberra's policy that all Staff are encouraged to declare any interactions with students outside school hours. These interactions may include instances where the staff member is:

- related to the student
- friends with the student's parents or family
- given parental consent to interact with the student for academic purposes outside of school hours and has notified the College.

Staff must not facilitate employment, work experience, or volunteering opportunities for students via their own personal businesses or with external third parties without following the College's processes, nor without declaration to, and approval from, the College.

Declarations by Staff about a relationship with students and their families outside of the College context or about interactions that occur with the consent of the parent/carer must be verified by the parent/carer of the student.

Marist College Canberra maintains records of all declarations made by staff members related to their interactions with students, or relationships with students, that exist outside of school hours or College premises. These records are made available to the parents/carers of a student on request.

These records are kept in accordance with our Child Safeguarding Record Keeping and Human Resources Management policies.

## **Staff Responsibilities**

All Staff must:

- follow the guidelines as set out in this policy
- immediately report any conflicts of interest
- remove themselves from decision making where a conflict has been identified.

## **Consequences for Breaching the Staff and Student Professional Boundaries Policy**

Where a staff member breaches this policy Marist College Canberra may take disciplinary action that may include (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension or
- in the case of serious breaches, termination of employment, contract or engagement.

## **Implementation**

These guidelines are implemented through a combination of:

- staff training and development in relation to professional conduct
- student and parent/carer education and information
- effective management of teachers engaging in inappropriate relationships with students
- effective management of conflicts of interest
- effective communication and incident notification procedures
- effective record keeping procedures
- initiation of corrective actions where necessary.

## **Report Any Concerns**

It is the College's policy that any breach of the Staff and Student Professional Boundaries policy is a child safety incident. Therefore, all Staff, Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors who witness, or suspect, any breach of professional boundaries must report their concern internally and, if required, also externally.

Our Child Safeguarding Program includes information for Staff, Volunteers and Contractors as to how to identify key indicators of child abuse, neglect or other harm and how to report child safety

concerns internally. It also contains detailed procedures with respect to the reporting of child safety incidents or concerns to relevant authorities.

Students are provided with information about, and encouraged, to use multiple pathways to raise child safety concerns about or at the College, including breaches of the Staff and Student Professional Boundaries policy. These include informal and formal ways and external child advocacy or child safety organisations.

Parents/carers, family members or other community members who witness or suspect that there has been a breach of this Code of Conduct, or have concerns that a child or young person associated with the College may be subject to abuse or harm from a member of Staff, a Volunteer or a Contractor, should contact:

- the College's Senior Child Safeguarding Officer the **Deputy Headmaster**, by phoning **02 6298 7200** or emailing [ryangreer@mcc.act.edu.au](mailto:ryangreer@mcc.act.edu.au), or
- the **Headmaster** or, if the concern relates to the Headmaster, the **MSA Regional Director**.

You can also raise a concern through the College's **Complaints Handling Policy**.

Communications will be treated confidentially on a 'need to know basis'.

**Whenever there are concerns that a child or young person is in immediate danger, the Police should be contacted on 000.**