



**POLICY TITLE: STAFF PROFESSIONAL BOUNDARIES POLICY**

**DEVELOPED / REVIEWED BY**

Siena College Policy Committee  
Deputy Principal Wellbeing and Strategy  
Director of Business Services  
Head of Human Resources  
Risk and Compliance Manager

**REVIEW SUMMARY**

The purpose of this Policy is to demonstrate the strong commitment of Siena College to the care, safety, and wellbeing of all students, children, young people and young adults attending/visiting our College.

It provides an outline of the expected behaviour of Siena College Staff to ensure that a child safe culture is championed and modelled at all levels of the College, to keep students safe from harm, including all forms of abuse in our College environment, on campus, online and in other locations provided by the College.

This Policy considers relevant legislative requirements within the state of Victoria, including the specific requirements of the Child Safe Standards as set out in Ministerial Order No. 1359. This Policy applies to College staff, including College employees, volunteers, contractors, and clergy. It should be read in conjunction with the following related school policies and procedures:

1. Child Safety and Wellbeing Policy
2. PROTECT: Identifying and Responding to Abuse – Reporting obligations
3. Child Safety Code of Conduct
4. Reportable Conduct Policy

**DOCUMENT DEVELOPMENT PROCESS**

This document, previously known as the Staff and Student Professional Boundaries was developed as mandatory guidelines applicable to teaching staff, non teaching staff, the Board of Directors, volunteers, third party contractors and external education providers.

It has now been renamed the Staff Professional Boundaries Policy.

**RATIONALE**

At Siena College, we hold the care, safety and wellbeing of children and young people as a central and fundamental responsibility of our College. Our commitment is drawn from and inherent to the teaching and

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mission of Jesus Christ, with love, justice, and the sanctity of each human person at the heart of the gospel (CECV Commitment Statement to Child Safety).

The person of each individual human being, in his or her material and spiritual needs, is at the heart of Christ's teaching: this is why the promotion of the human person is the goal of the Catholic school ([The Catholic School on the Threshold of the Third Millennium, n. 9](#)).

*The Dominican Ideals are a commitment to truth explored in dialogue, a vibrant preaching of the Gospel, a critical appreciation of culture and cultures, and a love of the beautiful. Our goal in each of our Educational Ministries is to foster these values, together with a spirit of prayer and contemplation, respect for the dignity and uniqueness of each individual, and the pursuit of excellence. (Dominican Education Australia)*

## DEFINITIONS

<b>Professional boundaries</b>	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.
<b>Staff</b>	<p>For the purposes of this policy only, the term "Staff" has been expanded to include:</p> <ul style="list-style-type: none"> <li>• Siena College Employees (including casual staff),</li> <li>• the Board of Directors,</li> <li>• volunteers,</li> <li>• third party contractors and</li> <li>• external education providers.</li> </ul> <p>All adults associated with the College have a responsibility to care for children and young people, to proactively promote their wellbeing, to identify and mitigate risks related to child safety and wellbeing in the College environment and to protect them from any kind of harm or abuse.</p> <p>Where the College engages contractors or external education providers, there is an expectation that they will always act in professional manner and abide with the College's Child Safety and Wellbeing Policy.</p>
<b>Siena College Employees</b>	A person who performs work under the direction and control of Siena College under the terms of an employment agreement
<b>Student</b>	A child or young person enrolled at Siena College

## GUIDING PRINCIPLES

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Siena College 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 1958 (Vic) includes certain offences for persons, including teachers, whose position places them in a position of care, supervision or authority, with a student.

This Policy aims to raise awareness of situations where professional boundary violations may occur and outlines 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.

The fact that 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. Staff should prioritise caution and where there is any uncertainty, Staff are encouraged to immediately seek the counsel of a member of the College Leadership Team.

## POLICY / PROCEDURES

Siena College is committed to providing a safe physical, virtual 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 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 maintains professional boundaries with regard to their relationships with students at all times
- Staff identify, discourage and reject any advances of a sexual nature initiated by a student
- Staff interaction with students will remain professional at all times, both during and outside of school hours
- Any conflict of interest must be reported to the Principal as soon as possible
- Equal learning opportunities are given to each student without discrimination
- Appropriate consequences will be applied to Staff who breach professional boundaries

### 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 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. This underscores the need for professional boundaries to be established, maintained and respected at all times.

In most cases this power imbalance is clear, however it sometimes may be more challenging to recognise, especially for younger Staff who may only be a few years older than their students.

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The following list is not exhaustive. Given that sometimes 'grey areas' can arise, Staff are expected to use their professional judgment as well as this policy framework in order to consider very carefully the implications and potential consequences of engaging in certain interactions with students. Staff should always err on the side of caution. Where there is any doubt at all, Staff are encouraged to immediately seek the counsel of a member of the Leadership Team.

When uncertain 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?
- Could this be perceived as breaching professional boundaries?

### **Intimate relationships**

Staff relationship with students must always be professional. Staff must not initiate or develop a relationship with any student that is or could be misinterpreted as romantic or sexual. This is regardless of whether the relationship is consensual, non consensual or condoned by parents or carers.

Such relationships do not honour the young people in our care and can have a negative impact on the learning environment and culture of our community and its members. Further, such relationships may pose serious reputational risks for the Staff member and, in turn, the College.

The professional relationship of Staff and students will be breached by a wide range of actions including:

- Flirtatious behaviour or dating
- Development of an intimate personal relationship
- Sexual relations
- The use of sexual innuendo, inappropriate language and/or material with students
- Unwarranted or inappropriate touching
- Unwarranted or inappropriate filming or photography
- Exposing students to the sexual behaviour of others (e.g. pornography)
- Engaging in intimate contact via written or electronic communication without a valid context (e.g. email, letters, telephone, text messages, MS Teams chat, social media sites or chat rooms)
- Going out, whether alone or in company, to social events such as the movies or dinner
- Exchanging gifts of a personal nature that encourages the formation of an intimate relationship

### **Personal Relationships**

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

It is the student's **perception** of Staff behaviour and not the intention of the Staff member that is important.

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An established and expected professional relationship between Staff and students may be compromised by actions such as:

- Attending parties or events with students outside of College endorsed events (without parental/ carer permission)
- Inappropriate sharing of information about their personal lives with students
- Meeting with students outside school hours without permission from the College
- Expressing negative comments about a student's parent or family to the student, or affirming negative comments from a student about their parent or family. Staff should speak about parents respectfully.

Staff must recognise at all times that their role is not to be a 'friend' or 'parent' to a student.

### **Relationships with Former Students**

Staff should be aware that developing or encouraging romantic or sexual relationships with recent former students (over eighteen years of age) may 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 immediately disappear once the student finishes their schooling. Employees 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 was still in place.

For registered teachers, it is a breach of the VIT Code of Conduct for a teacher to have a sexualised relationship with a former student:

- within two years of the learner completing their senior secondary schooling or equivalent; and
- in all circumstances, the former student must be at least 18 years old before a relationship commences.

In addition, if any Staff engages in a romantic or sexual relationship with a person who was previously a student at the College, concerns may arise that the Staff member crossed professional boundaries whilst the former student was under their care. In particular, concerns that the Staff member engaged in grooming behaviour while the person was still a student.

The College will investigate any complaint that a Staff has abused their position and acted unprofessionally by engaging in a relationship with a former student. In considering whether there has been a breach of professional boundaries, the College may take the following factors into account:

- the nature of the relationship, including its closeness, dependence and significance
- the length of the relationship while the former student was attending the College
- any actions by the staff member which gives cause for concern
- the length of time that has passed between when the person was a student at the College and the commencement of the relationship.

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A Staff Member who subsequently forms a relationship with a former student will be less likely to be considered to have breached professional boundaries in relation to that former student, provided that the former student is at least 18 years old and at least two years has passed between the time when the former student concluded their senior secondary schooling and the commencement of the relationship.

### **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:

- All use of technology should be for educational purposes or for the organisation of cocurricular activities
- All electronic communication between Staff and students should be via the College network / system only (for example College Outlook / MS Teams) and, must at all times, reflect a professional Staff/student relationship
- Staff should not communicate with students via text message, MS Teams, email or other electronic platforms including social media, where it is not in a professional context
- 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 share personal pictures, photos or other images with a student
- Any student personal contact numbers or other personal contact details made available to the College should only be used for College communications

Out of hours contact is discouraged except for at-risk students for their safety.

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Any communication between students and Members of the Board of Directors, volunteers, third party contractors and external education providers are to be facilitated by a teaching or non-teaching staff member.

### **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 requirements 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 (e.g. congratulatory pat on the back or handshake)
- Contact for sport, drama, music lessons and dance instruction is acceptable in a class situation but not in a 1:1 situation (unless in a music tutorial where there is a need to demonstrate how to play the instrument). 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 whilst 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 requirements 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 an Employee knows or suspects that they may have an actual, potential or perceived conflict of interest, they should notify the Principal, or the Chair of the Board if the conflict involves the Principal. Arrangements should be implemented to avoid the conflict situation if possible. For example, the teaching of students by an Employee with a conflict should be avoided.

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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.

Employees also have ongoing obligations as set out in their employment contract in relation to disclosing a relationship with a student which is outside the context of the student/staff relationship, managing conflicts of interest and engaging in other paid activity. This includes gaining a financial benefit from engaging with current or immediate past students.

### **Disclosure of Staff/student interactions**

It is Siena College's policy that all Employees are encouraged to declare any interactions with students outside school hours. These interactions may include instances where the Employee 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

Where Employees feel that an interaction with a student may be considered questionable, they should declare the interaction in the student's Pastoral Notes section of Siena Central and share this information with a Deputy Principal/ Principal.

Siena College maintains records of all declarations made by Employees related to their interactions with students, or relationships with students, that exist outside of school hours or College premises. These records are kept for a period of seven years.

### **Implementation**

This policy is implemented through a combination of:

- staff training and development in professional conduct
- student and parent/guardian 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

## **RESPONSIBILITY**

All Staff must:

- Follow the requirements as set out in this policy
- Immediately report any conflicts of interest
- Remove themselves from decision making where a conflict has been identified

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Where a Staff member breaches this policy, the College may take disciplinary action including, in the case of serious breaches, summary dismissal or termination of any contractual relationships with third party contractors and external education providers.

## RELATED LEGISLATION

- Children, Youth and Families Act 2005 (Vic.)
- Child Wellbeing and Safety Act 2005 (Vic.)
- Crimes Act 1958 (Vic.)

## RELATED SIENA COLLEGE POLICIES

- Child Safety and Wellbeing Policy
- PROTECT: Identifying and Responding to Abuse - Reporting obligations
- Safeguarding Children and Young People Code of Conduct
- Reportable Conduct Policy

## RISK

In the Committee's deliberations it is important to consider the College's main strategic processes and the identification of associated risks. Some sample questions are included for referral.

Answers are to be documented as part of the policy.

1. **Faith and Catholic Identity.** Identify any risks to Catholic Identity or Dominican charism of the school. How will this policy harm or enhance either?
2. **Reputation.** Identify if there are any reputational risks to the College. How will this policy impact Siena and wider communities?
3. **Financial.** Identify any financial risks to the College. How will this policy impact the financial stability of the College?
4. **Contemporary Learning and Teaching.** Identify any risks to learning and teaching. How will this policy impact the academic performance of the College?
5. **Wellbeing.** Identify any risks to safety and wellbeing. How will this policy impact the mental and physical wellbeing of the College community?
6. **Community Engagement.** Identify any risks to building community engagement. How will this policy impact community relationships?
7. **Governance and Leadership.** Identify any risks to governance and leadership in the College. How will this policy affect the strategic direction of the College?

Do any risks identified above warrant changes to the proposed policy? If so the policy should be referred back to the developer/s.

NEXT REVIEW

February 2028

POLICY LOCATION

<https://sienacentral.siena.vic.edu.au/homepage/3452>