

## **MANAGING PROFESSIONAL BOUNDARIES:**

### **GUIDELINES FOR TEACHERS**

#### **Introduction**

The incorporated association Australasian Teacher Regulatory Authorities (ATRA) consists of the authorities which maintain and enhance teaching standards and promote and regulate the teaching profession in Australian States and Territories and New Zealand. These Guidelines are intended to be considered within the Australian context. Teacher regulatory authorities have a duty to regulate teachers in the interests of the public and the profession, and in so doing, are accountable to the public and the profession for maintaining standards and ensuring that teachers are suitable (fit) to teach.

The protection of children and their educational wellbeing, along with the reputation of, and the public's trust in, the teaching profession lies at the heart of teacher regulation.

#### **The Guidelines – purpose, scope and status**

##### Purpose

Education in Australia is a State and Territory responsibility. Accordingly teacher regulatory authorities and employing authorities in Australia have various codes of conduct and ethics ('codes'). However, there are commonalities in these codes that support the need for national guidance to teachers on the standard of conduct expected of them in managing their professional relationships with students.

##### Scope

These Guidelines provide guidance to all registered teachers and those with authority/permission to teach children in early childhood, primary, secondary and special school settings in Australia. The Guidelines can also be used by the public, including parents, carers, students and other professionals to inform and guide them about managing professional boundaries in teacher-student relationships.

These Guidelines examine the nature of professional boundaries in teaching practice, outline some strategies to minimise the risk of a boundary violation occurring and raise awareness of situations where boundary violations may occur. However, the topics covered in these Guidelines are not exhaustive.

Teachers must use their own judgement and common sense in applying these Guidelines to the various situations in which they find themselves. Teachers must also be aware of the standards required of them to meet professional ethics and conduct responsibilities and to comply with legislative, administrative and organisational policies and processes as detailed in Standard 7, focus areas 7.1 and 7.2 of the *Australian Professional Standards for Teachers*.<sup>1</sup>

## Status

These Guidelines reflect the positions of teacher regulatory authorities on teachers maintaining professional boundaries with students and do not replace the relevant codes in each jurisdiction. The Guidelines must therefore be read and interpreted in conjunction with those codes.

These guidelines do not constitute or replace legal advice on obligations under the relevant legislation in each jurisdiction. Legal advice should be sought in relation to any concerns that a teacher has failed to properly manage professional boundaries in their teacher-student relationships.

Teachers who act inconsistently with these Guidelines may be subject to disciplinary action and an adverse finding in relation to their suitability/fitness to teach.

### **What is meant by the term 'professional boundaries'?**

Professional boundaries are parameters that describe the limits of a relationship, where one person entrusts their welfare and safety to a professional and often in circumstances where a power imbalance might exist.<sup>ii</sup>

The teacher-student relationship is not equal. Teachers are in a unique position of trust, care, authority and influence with their students, which means that there is always an inherent power imbalance between teachers and students.

There is no definitive source on where professional boundaries lie in regard to the teacher-student relationship. The professional boundary is breached when a teacher misuses the power imbalance in the teacher-student relationship such that the student's welfare is compromised.<sup>iii</sup>

While there may be some 'grey areas' around professional boundaries, teachers must take responsibility for establishing and maintaining appropriate professional boundaries with their students. When interacting with students, teachers must use good judgement and think very carefully of the implications and potential consequences of engaging in certain behaviours with students.

As is pointed out by the Pennsylvania Department of Education, "For example, the teacher-student relationship may initially be appropriate, but boundary violations may occur if the relationship shifts to serving the needs of the teacher and not the needs of the student."<sup>iv</sup>

When teachers become confidants, friends or counsellors of students (when counselling is not part of the teacher's legitimate role in the school), a dual relationship is created which may create an ambiguity or blurring of the student-teacher relationship where the role becomes less defined. These interactions help to foster inappropriate relationships with students.

For new teachers, this ambiguity or blurring can sometimes be difficult to recognise. In some cases, a new teacher may be just a few years older than their students and may mistakenly view them as peers. They may share common interests, the same musical tastes, and possibly even an overlapping circle of friends. Moreover, because of the

demanding nature of the first years of teaching, a new teacher may spend less time with his or her family and may begin to seek students as a support system.

In addition, teachers also bring their own unique vulnerabilities to work. Teachers who experience difficulties in their personal lives or are socially or emotionally immature may be particularly susceptible to engaging in 'at risk' conduct with students. The attention, admiration and sometimes adoration bestowed by students on a teacher can be overwhelming, particularly when a teacher is emotionally vulnerable. Typical vulnerabilities may include viewing students as peers, suffering from adult relationship issues, immaturity, need for attention, absence of a developed personal moral compass and lack of personal crisis management skills. Learning to recognise one's own vulnerabilities is the first step in avoiding breaching professional boundaries with students.

"Every decision made by a teacher with respect to his or her students should be prefaced with the question: *Whose needs are being met by my course of action?* There can only be one acceptable honest answer to this question: the needs of the student. Betraying the trust of students, parents, the profession and the community is never acceptable"<sup>v</sup> and may have serious disciplinary repercussions and other potential legal repercussions for the teacher.

### Boundary violations

Across the various teacher jurisdictions there have been many cases which provide examples of professional boundaries between teachers and students being transgressed such that findings of misconduct, serious misconduct and/or a lack of suitability/fitness to teach have been made against registered teachers. For the more serious violations, there are many instances where teachers' registration has been suspended and/or cancelled.

The table below illustrates behaviours which may be classed as boundary violations and may result in disciplinary action against a registered teacher.<sup>vi</sup>

Professional boundary	Example
<b>Emotional violations</b>	<ul style="list-style-type: none"> <li>• Showing preferential treatment to students</li> <li>• Using subtle forms of control to allow a student to develop an emotional dependency on the teacher in order to later foster an inappropriate/sexual relationship with a child</li> <li>• Failure to recognise the role of a teacher is not to be a 'friend', 'counsellor' or 'parent' of the student</li> </ul>
<b>Relationship violations</b>	<ul style="list-style-type: none"> <li>• Intimate relationships with students: engaging in a romantic and/or sexual relationship with a student (current or former)</li> <li>• Flirtatious behaviour/ intimate gestures directed towards a student</li> <li>• Expressing romantic feelings towards a student in written or other form</li> <li>• Meeting the student alone outside of school without a valid context</li> </ul>

	<ul style="list-style-type: none"> <li>• Taking the student for an unauthorised outing, e.g. coffee, the movies or other social events</li> </ul>
<b>Power violations</b>	<ul style="list-style-type: none"> <li>• Using teacher authority to harm the student</li> <li>• Rewarding/punishing a student based on a teacher-student relationship, student popularity, favours the student does for the teacher etc.</li> <li>• Using the student to gain a personal benefit – such as monetary gain, goods, services, useful information from a student with expertise/connections</li> </ul>
<b>Financial violations</b>	<ul style="list-style-type: none"> <li>• Privately giving a student money or a gift</li> <li>• Exploiting position for financial gain</li> </ul>
<b>Communication violations</b>	<ul style="list-style-type: none"> <li>• Talking with a student about highly personal and/or sexually inappropriate matters that do not benefit the student</li> <li>• Using social media to interact with student about personal /sexual matters without a valid context</li> <li>• Offering advice on personal matters to a student</li> <li>• Asking a student questions about personal/sexual matters</li> <li>• Refusing to stop discussions of personal/sexual nature when asked by the student</li> </ul>

There will be instances where some of the above behaviours or actions may be undertaken by teachers quite legitimately and for laudable reasons. For example, a teacher may provide breakfast for a student from a highly disadvantaged background or may assist a student who seeks their advice on a personal matter because the student has no other trusted adult to turn to. However, any such activity by the teacher should be undertaken as transparently as possible and with the knowledge and consent of the teacher's principal or supervisor.

### **Grooming behaviour**

Grooming is a criminal offence in various Australian States and Territories. Some behaviour which may not amount to criminal behaviour may however be relevant for disciplinary proceedings. Such behaviour may appear to be legitimate interactions with a student but may mask unacceptable behaviour.

In an article by the British Columbia College of Teachers (at page 10) concerning identifying the warning signs of grooming: "Grooming is a very deliberate and calculated process, although it can sometimes begin innocently enough if a teacher is conflicted about his or her role. A teacher may develop a relationship with a student with the best of intentions, yet the teacher may become predatory and victimize the student to meet the teacher's own needs. Once this stage is reached, the goal of the groomer is always very specific: to create a strong emotional connection with a child as a way of gaining that child's trust prior to initiating a sexual relationship."<sup>vii</sup>

### Identifying the warning signs

In addition to the behaviours identified in the table above, often a number of different signals, patterns of behaviour and warning signs are present which may indicate that the teacher has crossed professional boundaries and is 'grooming' the student.

Such behaviours may include:

- making the student feel special – this can include spending extra time with the student, arranging to drive the student home, buying the student lunch or asking the student to be a special helper in the class
- targeting students who are emotionally vulnerable – such as students who are struggling academically or are having problems with their parents at home
- using gifts to bribe the student into silence about the teacher's inappropriate conduct
- gaining the trust of the student's family and friends as a way of further integrating themselves in the student's life, such as accepting an invitation to dinner with a student's family or inviting the student and their family to attend a teacher's holiday home<sup>viii</sup>
- using social media without valid educational context to foster an inappropriate relationship with a student

### **Boundary crossings**

Boundary crossings are departures from usual professional practice which may not be exploitative. Although certain behaviours, when first commenced, may not breach the boundary of a professional teacher-student relationship, these behaviours may progress incrementally to a point that could result in violation of professional boundaries. For example, a teacher may share their personal difficulties with a student who is known to be experiencing similar personal difficulties at home. Whilst the teacher may believe they are assisting the student in these circumstances, being 'over-familiar' with the student in this way may become part of the 'slippery slope' of moving outside usual practice to an inappropriate practice which is harmful to the student or where the relationship shifts to serving the needs of the teacher and not the needs of the student.<sup>ix</sup>

### **Maintaining appropriate conduct in "at risk" situations**

Teachers are always in a professional relationship with their students, whether in school or non-school settings. This can be a particular risk for teachers who:

- work in close-knit regional or rural communities who may for instance unavoidably interact with students within that community outside of school
- incorporate social media as part of their professional practice with students
- have a 'dual' personal/professional relationship with the student outside of school, including, for example, being the student's sports coach or instructor in other extra-curricular activities that the student may be involved in.

## What are your obligations as a professional?

Teachers owe a high duty of care to their students. Teachers must act to ensure that the physical and emotional wellbeing of students is safeguarded at all times, and that their own behaviour is guided by this duty of care.

There are also statutory requirements in each jurisdiction to report harm/abuse of children. There may be instances where the suspected conduct of a teacher may not trigger a mandated statutory report but may be concerning to other teachers.

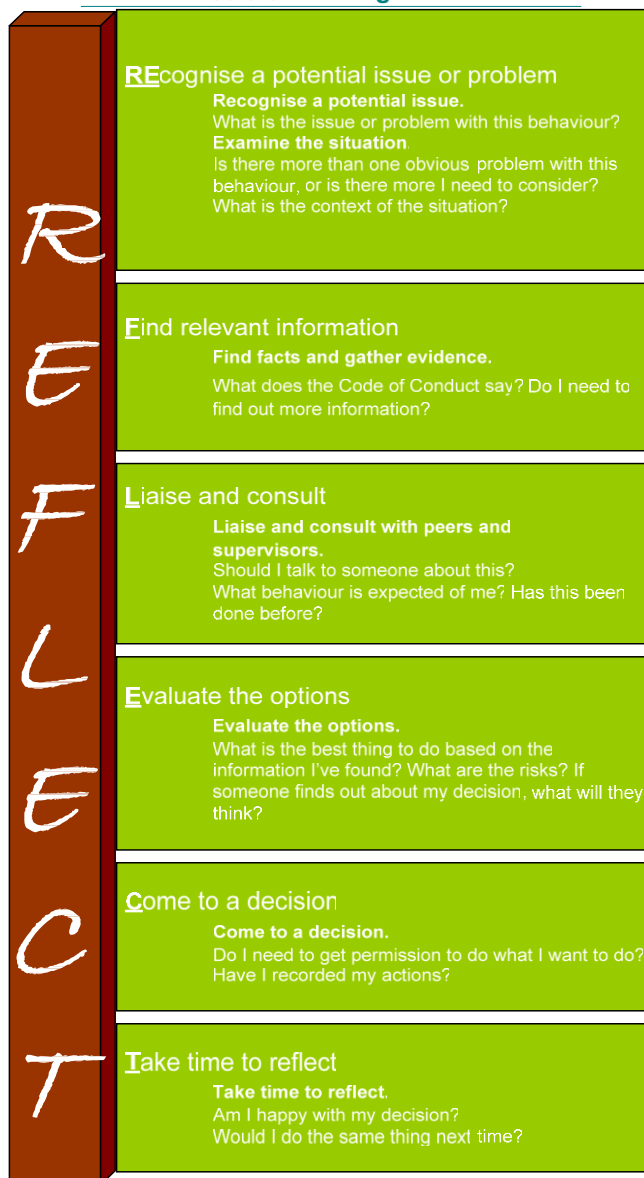
As professionals teachers must:

- understand that tolerance of the behaviour by others is not relevant
- be aware of the teacher who may be too close to one student
- be aware of the teacher who shows too much attention towards a student or who is too solicitous towards a student<sup>x</sup>
- be prepared to consult a trusted supervisor or colleague about concerning conduct /behaviour of colleagues
- maintain an up-to-date knowledge and understanding of, implement and comply with, student protection policies as they apply in their workplace
- be prepared to report any boundary violations of teachers to their Principal, the Police, their local human services department and/or their teacher regulatory authority, as the case may require.

## A Guide for Ethical Decision Making

The Australian Public Service Commission has developed a decision making model in the form of the easy-to-remember acronym *REFLECT*<sup>xi</sup>. Teachers and others may find this helpful in evaluating and dealing appropriately with any teacher conduct that is a concern to them.

## ETHICAL Decision-making model



Approved REFLECT Model - Australian Public Service Commission

The following questions may be of further assistance to teachers in recognising when professional and/or legal boundaries are at risk of being breached:<sup>xii</sup>

- Am I dealing in a different manner with a particular student than with other students under the same circumstances?
- Am I behaving in a way that puts my own emotional needs above the student's needs or welfare?
- Am I sharing information with a student because I think it will help the student or because I need to be liked?
- Am I interacting with the student in an 'online environment' consistently with how I would act with that student in class or at school?

- Am I engaging in behaviours and discussions either personally or 'online' that are beyond the realm of children or teenagers?
- Is my dress, availability, language or demeanour different from the normal with a particular student?
- Would I modify my behaviour with a student if a colleague were present?
- Would I judge my conduct negatively if I observed it in another teacher?
- Is it possible that the consequences of my actions will have negative outcomes for the student?
- Is it possible that the consequences of my actions will negatively affect people's confidence in my suitability/fitness to teach and work with children?
- How would I feel explaining my actions to my teacher regulatory authority?



## Q & A: Professional Boundaries

### ***Is it ok for a teacher to have a romantic/sexual relationship with a recent former student?***

Romantic/sexual relationships with recent former students may violate professional boundaries.

Where there is a reasonable belief that the emotional intimacy of the relationship developed while the teacher-student relationship existed, a judgement that the teacher abused their position is likely.

A significant factor in teacher-student relationships is the difference in power and authority between the two parties and the usually high level of trust the student places in the teacher. These differences do not suddenly disappear at a specific point in time. They linger as an imbalance between the two individuals and as a potential impediment to their capacity to make decisions in their own and others' best interests.

Consequently, teachers should not assume that they will be protected from disciplinary action by claiming a relationship began only after the school term concluded or after exams finished.

The length of time between the conclusion of the teacher-student relationship and the beginning of an intimate relationship is only one of a number of critical factors that regulatory authorities may take into consideration when judging the appropriateness of a teacher's conduct in these circumstances. Other factors that teacher regulatory authorities may take into account include:

- the age difference between the student and the teacher
- the emotional/social maturity of the student
- the vulnerability of the student
- evidence of the nature of the teacher-student relationship, including the closeness, dependence, significance and length of the relationship at school
- any misconduct of the teacher during the professional relationship with the student<sup>xiii</sup>

### ***Is it OK for a teacher to have students as friends on Facebook and/or engage with students using other forms of social media?<sup>xiv</sup>***

For some teachers, Facebook and social media, are essential tools that enable them to provide their students with links to education resources, post homework assignments, monitor a discussion forum on topics related to the curriculum or answer specific questions.

However, there needs to be a clear distinction between the professional and the private when using Facebook and/or other social media, as this "exposes both teachers and students to fairly significant risk when it comes to respecting the boundaries between teacher and student.

The blurring of lines between one's public and private lives has always been a key concern for professionals who are entrusted by the public to provide a service. A teacher's responsibilities as a professional extend beyond the end of the day when his or her duties as an employee are over. Teachers have always keenly understood that their responsibilities to ensure the wellbeing of children reach far beyond the classroom."

"Breaking down the walls between a teacher's personal and professional lives can undermine a teacher's authority and create a significant danger zone for both teacher and student. A teacher's ability to maintain boundaries within the professional relationship ensures safe communications based on the student's needs. A safe relationship is threatened when the boundaries become blurred or ambiguous, particularly when dual relationships are created. In these cases, the teacher moves the professional relationship into the personal realm."

Facebook and/or other social media "makes it much easier for dual relationships to thrive. Teachers who would never engage in potential boundary violations like taking a child to lunch or offering to drive a student home may not even hesitate to add a student as a 'friend' on Facebook and/or engage with a child on other forms of social media, exposing the student to personal information that the teacher would never consider sharing in a classroom setting."

Teachers should avoid making their students 'friends' online. Teachers would not normally consider students to be their friends in the real world and should not do it in the virtual world either. Teachers should not engage in online discussions with their students that are beyond the realm of children.

If a teacher's employer allows them to communicate with students via Facebook/ other social media, teachers may wish to set up a separate professional account and keep their communications with students focused solely on educational issues, so that there is no perceived or actual ambiguity between a teacher's work as a professional and their personal life.

Social media related boundary violation cases that come before teacher regulatory authorities are those where teachers are unable to maintain an appropriate professional relationship, either by inadvertently allowing students to access personal information or photos or by communicating with students in a way that does not maintain the professional nature of the teacher-student relationship and is often without a valid educational context.

If teachers wish to use Facebook or other social media as part of their professional practice teachers should ask themselves:

- How can I use these social media tools appropriately?
- What are the risks?
- What are the benefits?
- What protocols/permissions need to be considered?

***What if a teacher lives in a small community? Is it ever ok for them to socialise with students?<sup>xv</sup>***

Teachers working in small communities face additional challenges in managing professional boundaries. They are more likely to have social relationships with the parents of the children and young people with whom they work through shared interests in social and sporting events or memberships at various communities, clubs or associations.

This means they will have legitimate reasons, on occasions, to attend social events with the children that they teach, to visit their homes or to be visited by them in the company of their parents/carers. These social engagements are an important part of community life and a positive contribution to the wellbeing of teachers working in small communities. The recommendations below may assist teachers to enjoy these social engagements without compromising their professional responsibilities:

- Social contact should be generated via the relationship the teacher has with the parents/carers of students or via the event organisers
- Teachers should avoid being alone with their students in these situations
- Teachers should conduct themselves in a way that will not give others reason to question their fitness/suitability to teach and that will not create discomfort for children in their learning relationships with them
- Consuming alcohol in these situations may lessen a teacher's capacity to judge when a professional boundary is at risk
- Teachers should politely avoid discussing matters relating to the workplace and should not discuss students' learning or social progress other than at times specifically set aside for that purpose
- Any concern a teacher has about whether or not a situation may be compromising or breaching a professional relationship should be discussed with a senior/supervising colleague or their principal and an approved plan of action followed.

***What are some acceptable professional boundaries for teachers who work with students on an individual basis?<sup>xvi</sup>***

The following suggestions may be of assistance to teachers in maintaining professional boundaries with students when providing one-to-one learning assistance/feedback, assessment or pastoral care:

Make it public	<ul style="list-style-type: none"> <li>• Where possible the more visible, public and busy the location the better</li> <li>• Use the school's authorised IT systems. Do not use personal email or websites to communicate with students</li> </ul>
Make it authorised	<ul style="list-style-type: none"> <li>• Parents/carers should be informed about and give consent for such individual assistance</li> <li>• Have the activity authorised by the school principal or a supervising colleague</li> </ul>
Make it timely	<ul style="list-style-type: none"> <li>• As far as possible, provide support during normal work hours and do not conduct excessively long sessions</li> </ul>

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