

# Professional Boundaries: The Line That Can't Be Crossed



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# 16 KAR 1:020.

## Code Of Ethics

School Personnel in the Commonwealth:

- 3) Shall strive to uphold the responsibilities of the education profession, including the following obligations to students . . .
  1. Shall provide students with professional education services in a nondiscriminatory manner and in consonance with accepted best practice known to the educator.
  2. Shall respect the constitutional rights of all students.
  3. Shall take reasonable measures to protect the health, safety, and emotional well-being of students.
  4. Shall not use professional relationships or authority with students for personal advantage.

# Code of Ethics cont'd...

5. Shall keep in confidence information about students which has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
6. Shall not knowingly make false or malicious statements about students or colleagues.
7. Shall refrain from subjecting students to embarrassment or disparagement.
8. Shall not engage in any sexually related behavior with a student with or without consent, but shall maintain a professional approach with students. Sexually related behavior shall include such behaviors as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape; threats of physical harm; and sexual assault.

# HB 211

- The bill makes virtually all types of sexual offenses against minors felonies, which means they carry tougher penalties and can be legally prosecuted whenever the victim comes forward, *even decades after the fact*.
- Makes it a felony for anyone of the age 21 to subject a minor under 16 to sexual contact or engaging in masturbation in the minor's presence.
- Makes it a felony for a person in "a position of authority of special trust" to engage in such acts with anyone under 18. Such persons could include teachers, bus drivers, clergy, coaches, adult relatives, and other such categories.
- Establishes progressively steeper penalties for any citizen who fails to report the abuse or neglect of a minor. The first offense could bring a sentence of up to 89 days of incarceration, the second offense up to 12 months and any subsequent offenses up to five years.



*A teacher's duty to the education profession is to exemplify behaviors which maintain the dignity and integrity of the profession.*

# Importance of Risk Management

- Concern – more and more parents express concerns about inappropriate relationships between their children and school staff
- Frequency – the numbers of reports and prosecutions have increased
- Severity – settlements and legal fees are very costly to an individual and a school district
- Ugly – these types of incidences are embarrassing to the school district, family/student, and community

# Percentage of Offenders:

<i>Job Title of Offender</i>	<i>%</i>
Teacher	18
Coach	15
Substitute Teachers	13
Bus Driver	12
Teacher's Aide	11
Other School Employee	10
Security Guard	10
Principal	6
Counselor	5
TOTAL	100

# Where Do You Draw the Line?

- Physical Contact
- Verbal and Electronic Communications
- Attire
- Off-site School Activities
- Loans and Gifts
- Giving Praise
- Application of School Rules
- Social, Political, and Religious Activities
- Staff/Pupil Hierarchy “Mr. “ vs. “Joe “ or nickname

# Appropriate Communications With Students

*Only say or write things to a child that you would be comfortable sharing with the child's parents or your principal!*

Do Not:

- Make sexist comments
- Make sexual comments or innuendos
- Make jokes that belittle or diminish
- Share inappropriate material or use inappropriate language
- Give compliments that focus on physical attributes
- Initiate conversations or correspondence of a personal nature

# Appropriate Cyber Communications with Students

Cyber communications include the use of e-mailing, instant messaging, text messaging, and communicating on social network sites to communicate with others.

School staff must avoid communicating with students on a personal level using these forms of communication. More specifically, school staff must not –

- 1) Give students their personal cell phone numbers or e-mail addresses.
- 2) Send/accept personal e-mail, instant messages, or text messages to/from students.
- 3) Call students on the student's cell or home phone for personal reasons.
- 4) Accept a student as a friend or communicate with a student through social networks such as MySpace, Facebook, Twitter, Instagram, local blogs, etc.
- 5) Post pictures /videos of school events or students or discuss a student or student situation on a social network. These are direct violations of a student's right to confidentiality and privacy.

# Some “Rules of Thumb” for Cyber Communication

- Always follow the district’s Acceptable Use Policy -

*- Staff shall not reveal a student’s personal identity or post a picture of the student or the student’s work on the Internet with personally identifiable information unless the parent has given written consent.*

Communication sites/pages with students should be set up through the district or school technology department

- Advise parents of the purpose of the site and get permission slips for students to become “friends.”
- Make sure district administrators have access to all sites.
- Remember – Managing a site is just like managing behavior in the classroom!

# Appropriate Physical Contact

The intent of a “no touch” policy is to prevent inappropriate physical contact between school staff and students. The following considerations can help establish proper touching policies:

- Touching should be in response to the need of the child and not the need of the adult.
- Touching should be with the child’s permission – resistance from the child should be respected.
- Touching should avoid breasts, buttocks, and groin.
- Touching should be open and not secretive
- Touching or other physical contact should be governed by the age and developmental stage of the child. As an example, sitting in an adults’ lap may be appropriate for a preschoolers but less so for older students.
- Normal, caring gestures when offering praise, encouragement, guidance or comfort are circumstances when it is appropriate for employees to touch students.



# Touching “DOs”

- Do*** think before you act. Consider how your actions might look to someone who has only superficial knowledge of education and of the children involved. Always ask yourself how your conduct would look to someone who wants to question your behavior.
- Do*** keep contemporaneous notes of any situation that you believe might become of concern in the future. Be specific about who, what, where, and when regarding the situation. If needed, carry a dedicated notebook for this purpose.
- Do*** make sure the door to your room is open when you are meeting with students, that windows are not papered over, and that all student interactions are in plain view of others to the extent possible.

# Touching “DON'Ts”

***Don't*** touch a student unless you are confident the touch will be well received (the exception, of course, is when a student is disruptive).

***Don't*** make sexual advances either verbally or physically whether or not the student appears to be instigating the interaction or comfortable with the interaction.

***Don't*** put yourself in any situation that creates even the impression of impropriety. In particular, never give a student a ride home or invite a student to your home without the express permission of the student's parents and the presence of another student or adult.

***Don't*** become a student's counselor unless that is your job.

***Don't*** become a student's friend. You are a student's *Adult Teacher, Coach, Bus Driver, Aide, etc.*

***Don't*** single out one student for unusual rewards or punishments without consultation with the student's parents or your supervisor.

# Transporting Students

- Always get administrator approval
- NEVER transport a child alone
- Always follow the district's requirements for transporting children – including field trip permission/guidelines, licensing and vehicle requirements, etc.

# WARNING SIGNS:

## *Big Red Flags*

- Overly affectionate behavior and touching
- Spending time with a child during off hours
- Over-socializing with students, engaging in activities that parents would not allow
- Always wanting to be alone with a child
- Paying particular attention to a child (gifts)
- Student skipping classes to spend time with a teacher
- Student sitting in the lap of a teacher
- Possible grooming – prolonged hugging, telling sexual jokes, sexual teasing.

# Duty to Report

*Teacher's have a duty to protect the health, safety, and emotional well-being of students.*

If you witness inappropriate interaction between a student and staff member, you must

- Report the misconduct to your principal/supervisor
- Report even questionable behavior
- Never investigate, just report
- Never second guess yourself; if you err, err on the side of reporting
- Let the principal and proper authorities handle the situation
- Respect confidentiality

# Never Forget . . . .

**Professional behavior is a priority:** Your professional values, rights, and responsibilities are more important than any sense of needing to be liked by others, needing to please others, or needing to make a “good Impression.”

**Use caution with self-disclosure:** As school staff, discretion is required regarding what, where, and to whom you disclose personal information. Consider your role as staff member and the setting.

**Beware of boundary violations and take time to respond:** When other people illustrate inappropriate boundaries by asking questions or making remarks about which you feel uncomfortable, look to your own boundaries, values, and responsibilities for support and guidance. Remember that it is okay to be silent and to take time to evaluate the situation. “Let me think about it,” or “Let me see if I am understanding you correctly” are good responses.

**Be observant:** Observe the effect boundary violations have on others and on yourself. This will help you recognize, establish, and maintain comfortable and healthy boundaries.

**Don't be afraid to correct inappropriate behavior:** As a professional, you are responsible to model and teach appropriate boundaries.

**Use extreme caution with physical contact or touching:** The teaching environment will dictate whether or not touching is appropriate.

**Be prepared:** Becoming a professional is an ongoing process. Allow time each day for self-examination and reflection. Continually assess your personal behavior, learn from your experiences, and realize that you will always be faced with unpredictable challenges. If faced with a difficult situation, develop a peer support system that allows for collaboration, suggestions, and additional monitoring.