

## Professional Boundaries – An Advisory for Ontario Certified Teachers

### Introduction

Members of the profession spend a tremendous amount of time with their students. Proximity and time enable them to get to know students well and to assess and address their individual learning needs. Members require greater self-awareness and sensitivity to the conditions which give rise to the possibility for overstepping professional boundaries – in class, online or in any learning or supervisory situation.

Ontario Certified Teachers (OCTs) understand the imbalance of power they have with students and are careful to manage their responsibilities with respect and integrity. The overwhelming majority do. As professionals, OCTs are expected to demonstrate good judgment and common sense at all times. Their actions should be as transparent as possible and have the appropriate consent of supervisors and parents/guardians.

This advisory highlights the importance of maintaining professional boundaries and provides practical advice to OCTs at any point in their education careers. It identifies some of the professional, ethical and legal parameters that govern their practice. It also clarifies their professional responsibilities to conduct themselves in accordance with professional standards, legislation, and the law.

There are also multiple roles with colleagues, parents and others in the community that can lead to boundary questions. For the purposes of this document, the College's advice is restricted to professional boundaries between educators and students.

Issues of establishing professional boundaries are complex. Although some choices are clear in terms of what is wrong or right, some grey areas exist. The guidance and examples provided in this advisory are not an exhaustive list of unacceptable behaviours. OCTs should never assume that conduct that is not specifically prohibited is acceptable. They should consult their employer policies, protocols and Ministry of Education resources<sup>1</sup>.

### Boundaries define professionalism

Every day, professional educators promote positive relationships and interactions with everyone in the school community. It is critical to understand that their professional judgment can be affected when the line between their personal and professional relationships is blurred.

This is intended as practical advice. It appreciates that teaching is complex, occurs in full view and public scrutiny and that aspirational ethics are supported by the structure of legislative, legal and employer direction.

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<sup>1</sup> [Ontario's framework for continued learning: Learn at Home Portal; Bill 48, the Safe and Supportive Classrooms Act, 2019; A Safe and Welcoming School Environment](#)

This document should be read in conjunction with College advice on the [use of electronic communication and social media](#), the [duty to report](#) child neglect and abuse, and [professional misconduct of a sexual nature](#). It will be updated periodically to reflect changes in policy, legislation and case law.

OCTs are professionals who seek to embody the profession’s ethical standards of care, respect, trust and integrity. This advisory applies to all members of the profession, including teachers, consultants, vice-principals, principals, supervisory officers, directors of education, those working in non-school board positions, College members in private and independent schools, and those in positions requiring a certificate of qualification.

### Defining boundaries

The College subscribes to the National Association of State Directors of Teacher Education and Certification<sup>2</sup>, a respected clearing house for disciplinary decisions affecting educators. NASDTEC defines “boundaries” as “the verbal, physical, emotional and social distances that an educator must maintain in order to ensure structure, security, and predictability in an educational environment. Most often, the boundaries that are transgressed relate to role, time and place. By respecting contracted roles, appropriate working hours, and the location of the learning environment, secure boundaries are in place for all members of the schooling community.”

Boundaries	Examples of boundary violations including but not limited to
Communication	<ul style="list-style-type: none"> <li>• using an unprofessional tone; too casual; using language inappropriate to the age group</li> <li>• suggestive remarks; obscene language; inappropriate verbal compliments; comments that are racist, homophobic, sexist or related to ableism; using hurtful, humiliating words; berating students</li> <li>• sharing jokes of a sexual or racial/cultural nature</li> <li>• talking about sexually inappropriate matters</li> <li>• refusing to stop discussing intimate/sexual matters when a student asks</li> <li>• using social media to connect with students about intimate or sexual matters</li> <li>• withholding information about academic performance to manipulate time alone with the student</li> <li>• asking sexual or intimate questions of students</li> <li>• sending messages that are overly familiar, inappropriate, or invasive of the student's privacy</li> </ul>
Physical	<ul style="list-style-type: none"> <li>• inappropriate eye contact and interpersonal distance such as staring at a student’s body</li> </ul>

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2. National Association of State Directors of Teacher Education and Certification [NASDTEC] – “Model Code of Ethics for Educators” [2015]

Boundaries	Examples of boundary violations including but not limited to
	<ul style="list-style-type: none"> <li>• physical contact such as touching, hugging, tickling, massaging</li> <li>• unwarranted, unwanted or inappropriate touching of a student with an object such as a pencil or ruler</li> <li>• pushing, shoving or hitting a student</li> <li>• unwarranted presence when a student is dressing or undressing</li> </ul>
Emotional	<ul style="list-style-type: none"> <li>• treating students preferentially</li> <li>• encouraging students to develop emotional dependencies that the educator can use to develop an inappropriate romantic or sexual relationship</li> <li>• promoting the idea of educator as friend or confidante</li> <li>• intentionally choosing not to intervene when a student is in imminent distress</li> </ul>
Relationship	<ul style="list-style-type: none"> <li>• flirting or expressing romantic feelings towards students in any form</li> <li>• engaging in a romantic and/or sexual relationship with a student</li> <li>• meeting a student or students alone, outside of school, without an educational context and/or the knowledge/approval of a supervisor and/or parents/guardians such as going for coffee to a social event or inviting them to a party</li> <li>• using technology to start or perpetuate a relationship outside of the appropriate role, time, and place governing educator-student interactions</li> </ul>
Technology	<ul style="list-style-type: none"> <li>• using social media to communicate inappropriately with students at any time</li> <li>• using personal email, websites or social media or technology not authorized by the employer to communicate inappropriately with students</li> </ul>
Financial	<ul style="list-style-type: none"> <li>• singling out students by giving them money or gifts in a preferential manner.</li> </ul>

Educators hold authority and students trust their safety and welfare to them. Boundary violations occur when the imbalance of power tips toward serving the educator's needs, not the student's, and the student's welfare is compromised.

Educators, too, can be vulnerable and susceptible to at-risk conduct. Difficulties in one's personal life, a need for recognition, attention or admiration may be cause for inappropriate behaviour. Awareness of one's motivation is key. OCTs should not seek emotional support or consolation from students, regardless of the difficulties they themselves may be facing professionally or personally. They need to be aware that their own well-being has an influence on that of their students.

## **The onus is on the educator**

The onus is always on the educator to set and maintain boundaries – those that clearly separate professional conduct necessary to meet student needs and personal opinions, feelings and relationships that are not germane to helping students. Boundary violations create a dual relationship or role that is incompatible with a professional educator-student relationship. For example, students may mistake an educator’s friendliness for friendship. Not only must educators not forget the distinction, but they have an ongoing duty to help students understand the difference.

Those who work with special needs students may require physical contact that would be inappropriate with other students. If possible, it is best to have another adult present.

Those working in smaller, religious, language or cultural communities may also need to consider alternative approaches to maintain proper professional boundaries.

It’s important to maintain respect for the worth of each student and empathy for what they experience.

## **Rural considerations**

Working in smaller communities can present additional challenges as educators are more likely to know or socialize with parents of their students, and as parents themselves, in clubs, associations or in sporting circles as leaders, participants, instructors or coaches. Consequently, they will have legitimate reasons to attend social events, visit each other in their homes and contribute to the well-being of the community.

In these circumstances, educators should continue to ensure that any social contact with students happens with the full knowledge and approval of their parents/guardians. In addition, in social settings, educators should avoid being alone with students and discussing their learning, progress or any workplace matters.

## **An ethical foundation**

The College’s [Ethical Standards for the Teaching Profession and the Standards of Practice for the Teaching Profession](#) provide the foundation for professional conduct.

The Ethical Standards of care, respect, trust and integrity inspire members to reflect and uphold the honour and dignity of the teaching profession, identify ethical responsibilities and commitment, guide decisions and actions, and promote inclusiveness, diversity, public trust and confidence in the profession.

Further, the ethics embody principles of trust and fair-mindedness. Ontario Certified Teachers honour and contribute to human dignity, emotional wellness and cognitive development and model respect for spiritual and cultural values, social justice, confidentiality, freedom, democracy and the environment.

Boundary violations that harm students are unethical because they exploit the educator-student relationship, undermine student and community trust in educators, and can irreparably damage students psychologically.<sup>3</sup>

OCTs' responsibility for student safety extends to the treatment of students at school or beyond during daily interactions and modelling behaviour and decency that aligns with the profession's standards.

### Professional responsibilities

Teaching professionals are expected to establish and maintain respectful relationships. They are expected to know the difference between "professional" and "personal" life and to know how their behaviours affect students<sup>4</sup>. For example, OCTs should not discuss intimate or private issues with students and instead help them to understand that having a friendly professional demeanor does not mean they are friends. Context matters and the principles of due care and sound judgment guide professional practice.

Ontario Certified Teachers must not use their professional position to coerce, improperly influence, harass, threaten, abuse or exploit a student. Familiarity with students should be a strength that guides their learning and educators should continue to intervene professionally as needed. "Teachers who are socially and emotionally competent develop supportive and encouraging relationships with their students."<sup>5</sup>

Professional boundaries extend beyond the classroom and the school. The Ontario English Catholic Teachers Association says that "What may be acceptable for non-teachers may not be acceptable for teachers. This is true 12 months of the year, seven days of the week. A teacher is always a teacher. A teacher's after-school behaviour can also be scrutinized."<sup>6</sup>

The Elementary Teachers' Federation of Ontario advises that "Administrators and colleagues need to recognize danger signals in others' interactions and intervene."<sup>7</sup>

### Legal and disciplinary considerations

The Ontario College of Teachers has zero tolerance for student sexual abuse as reflected in its Professional Misconduct of a Sexual Nature professional advisory. Under the *Ontario College of Teachers Act*, members found guilty of professional misconduct of sexual abuse will automatically lose their licence to teach. All other forms of student abuse are also cause for member discipline. Additionally, if the conduct constitutes criminal behaviour and is considered a *Criminal Code* offence, the member can face possible incarceration.

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<sup>3</sup> *R. v. Friesen*, 2020 SCC 9 (CanLII) <http://canlii.ca/t/j64rn>

<sup>4</sup> *Ross v. New Brunswick School District No. 15*, 1996 CanLII 237 (SCC)

*R. v. Audet*, 1996 CanLII 198 (SCC)

*Toronto Board of Education v. OSSTF, District 15*, 1997 CanLII 378 (SCC)

<sup>5</sup> "Contemporary professional boundaries and their relationship with teacher and student wellbeing" Z.A. Morris, Monash University, Clayton Victoria

<sup>6</sup> "On Thin Ice: Maintaining Professional Boundaries – a Resource for Teachers", OECTA, 2017

<sup>7</sup> "Professional Boundaries – An Important Issue for You..." ETFO, 2018

In December 1991, Canada ratified the [United Nations Convention on the Rights of the Child](#), including the right to be protected from “all forms of physical or mental violence, injury, or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.” This includes Ontario Certified Teachers.

All professionals have a legal duty to report suspected abuse or child abuse and an ethical and moral duty to take responsibility for carrying out the duties of their profession. You cannot be held liable for reporting if the grounds for your suspicion are reasonable and you are not acting maliciously.<sup>8</sup>

Educators should not assume that conduct that is not specifically prohibited in this document is acceptable. Inappropriate use of electronic communication and social media, including taking pictures or videos of a student of a sexual nature, can result in criminal charges, conviction and/or civil action and have professional disciplinary consequences. For example, “It is inherent in this relationship that students can reasonably expect teachers not to abuse their position of authority over them, and the access they have to them, by making recordings of them for personal, unauthorized purposes.”<sup>9</sup>

Making sexual remarks to a student via social media or sharing sexual content with students online would give rise to the mandatory revocation of an OCT’s certificate of qualification and registration

### **Using professional judgment**

The *Ethical Standards for the Teaching Profession* and *The Standards of Practice for the Teaching Profession* exist to guide professional practice and inform professional judgment.

Professional knowledge and experience shapes decisions, and reflects one’s education, pre-certification and in-career learning, and personal interactions with students, colleagues, and community members. There may be times or circumstances that require additional expertise, research or resources to develop and support your professional judgment.

Good judgment entails continual reflection. Thinking critically about daily practice and the impact of decisions on students helps to further one’s understanding and improve practice. Planning, evaluating situations, assessing risks and making informed decisions are the hallmarks of sound professional judgment.

Good judgment means being accountable for one’s actions and doing the best you can for the students in your care.

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<sup>8</sup> *Child, Youth and Family Services Act*, 2017, S.O. 2017, c. 14, s. 125(10);

<https://www.ontario.ca/laws/statute/17c14#BK168>

<sup>9</sup> *R. v Jarvis*, 2019 SCC 10; <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/17515/index.do>

## **Blurred boundaries or breaches**

When educators become friends and confidants with students outside of an official educational role, boundaries blur. For example, new teachers, closer in age, may mistakenly see students as peers with common interests and musical tastes. That proximity can lead to risky conduct such as providing extra or added individual attention.

Boundary violations occur when that power imbalance is misused and the student's welfare is compromised. In the extreme – grooming – the person in authority intentionally creates a strong emotional connection to gain the student's trust leading to a sexual relationship.

The student's perception matters. OCTs must operate with the full awareness that cultural diversity, differing faith or sexual orientation, disabilities and socioeconomic factors can affect perceptions. What an educator considers well-intentioned may not be perceived the same way by a student.

Alternatively, teens coming to terms with sexuality may flirt with OCTs or invite a closer relationship. The correct educator response is to guide the student to more appropriate conduct. The fact that a student doesn't object to inappropriate behaviour doesn't make it right. The educator is the responsible adult. Keeping a written record of any such events and reporting them to the school administrator are practices that OCTs are encouraged to follow.

Boundary violations deviate from the professional role and harm students. Boundary crossings are departures from commonly accepted practices. They blur the lines.

Avoid unnecessary touching such as hugging, uninvited touching, or touching that may be interpreted as sexual in nature. Do not tell sexually suggestive jokes or make comments about a student's body, appearance or clothing. Don't ask about intimate aspects of students' lives or disclose intimate aspects of yours. If a student discloses personal information, it is not an opportunity to share your personal history.

### **Do:**

- Make notes in your daybook whenever you meet with students outside of regular classroom time such as at lunch, recess or after class.
- Use an approved employer (work) account, not a personal account, when communicating electronically with students and parents/guardians. As an additional caution, consider including a supervisor, colleague or a parent/guardian on the conversation.
- Speak with your principal or immediate supervisor if you are unsure what to do.
- Follow your employer's policies and protocols with respect to distance learning
- Treat students fairly. Act professionally. Ensure your actions can withstand scrutiny.

### **When working with students individually, ask yourself:**

- Am I doing the right thing?
- How would colleagues/others judge my actions?
- Is it essential to meet one-on-one?

- Can we work together where others can see us, preferably in a public place?
- Can I provide this help during normal school hours?
- Am I using the school's authorized technology to communicate and not a personal email or social media account or platform?
- Are my actions known and sanctioned by the principal/supervisor and/or the student's parents/guardians?
- If a colleague, family member or friend was watching, could they misinterpret my behaviour?

## Grooming

Grooming has been defined as a conscious, deliberate and carefully orchestrated approach by the offender. It entails gaining access to a victim, initiating and maintaining abuse, and concealing the abuse. According to the Canadian Centre for Child Protection (CCCP), it involves "manipulating the perceptions of children and adults around children to gain their trust and cooperation. It is also used to normalize inappropriate behavior through desensitization, to reduce the likelihood that a child will disclose, and to reduce the likelihood that a child will be believed if they do tell."<sup>10</sup>

Some educators, acting out of care for their students, intervene personally yet inappropriately. Others – rare though they may be – don't care about student well-being and are, in fact, "grooming" them for a future sexual relationship. The difference is intent, which is often determined by police, employers, the College and the victims themselves in hindsight.

In its study *Child Sexual Abuse by K–12 School Personnel in Canada*, CCCP reports that, between 1997 and 2017:

- 750 cases involved a minimum of 1,272 students and 714 offenders;
- 87 per cent of the offenders were male;
- 86 per cent of all offenders were certified teachers; and
- grooming behaviour was identified in 70 per cent of the cases (excluding cases involving child pornography)
- victims were 75 per cent female (69 per cent high school, 17 per cent middle school, and 14 per cent elementary school), and 25 per cent male (69 per cent high school, 20 per cent middle school, and 11 per cent elementary school).

One aspect of grooming may be to identify and target children and students who are needy, have low self-confidence or are isolated and/or living independently. Technology and social media may make grooming harder to detect.

"Grooming" isn't a term used in Ontario legislation and it is difficult to define because it can include many different behaviours. However, it does appear in professional discipline matters, and elements of grooming behaviour are recognized in the Criminal Code. Offenders prepare students for sexual abuse later by gaining their trust, and sometimes the trust of the adults around them. It often begins with friendship, moves to touching (such as

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<sup>10</sup> <https://www.tandfonline.com/doi/full/10.1080/10538712.2018.1477218?scroll=top&needAccess=true&>

back rubs), escalates to sexual touching and creates emotional dependency leading to abuse.

“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>11</sup>

Inappropriate behaviour may progress incrementally. In students, telltale signs may include regular absence from school, lying about whom they're spending time with and where, and being secretive about phone texts, calls or videos. Students who are emotionally vulnerable, struggling academically or having problems with parents at home may be targeted.

Grooming behaviours may include fixating on one student, providing special privileges and gifts or attempting to become close to their family and friends, and telling sexually explicit jokes or discussing sexually explicit information while pretending to teach. The frequency and intensity of these actions are also warning signs.

One of the defining aspects of grooming is keeping secrets that separate a student from their peers. This may result in a student losing connection to peers and their family. The student may be blamed or told they are in trouble for what is occurring.

It's up to OCTs to heighten their awareness to protect students and prevent professional assistance from becoming too personal. Behaviour that might not be considered criminal may become grounds for disciplinary action.

### **Social media and electronic communication**

Used thoughtfully and appropriately, new technologies enable OCTs to model digital citizenship for students and deliver curriculum in innovative and engaging ways. Digital communication can be used to extend and enhance education, but care must be taken not to cross professional boundaries. For example, the immediacy and simplicity of a text message may lead to longer, informal conversations that become personal and then intimate. Accordingly, OCTs are urged to keep their online interactions as professional as they would in a classroom.

“The relationship between secondary teachers and their students is particularly vulnerable in this age where social media is generally embraced, where the casual and the cool reign, where sex sells, and the social cohesion of communities is fractured.”<sup>12</sup>

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<sup>11</sup> BC College of Teachers magazine 2009

<sup>12</sup> Boundaries Blurred: The Modern Classroom”, A Zenisek, Canadian School Counsellor, 8 March 2019

Boundaries like technology are not static or neatly defined. OCTs require supportive, and clear professional behavioural guidelines and explicit training in ethical decision making and other relevant skills such as mindfulness.

Ontario Certified Teachers are advised to:

- operate in all circumstances online as they would in a classroom and follow employer protocols and approved practices for the use of distance learning
- maintain a formal, courteous and professional tone in all communications with students
- decline student-initiated “friend” requests and refrain from sending “friend” requests to students or browsing their social media accounts
- avoid exchanging private texts, phone numbers, personal e-mail addresses or photos of an intimate nature with students
- only use employer-authorized technology to communicate with students
- only communicate with students at appropriate times of the day and through established education platforms.

## **A FRAMEWORK FOR ACTION AND SELF-REFLECTION**

### **RECOGNIZE**

- Recognize a potential problem or issue.
- Gather facts and evidence

### **REVIEW**

- Assess what you know about the situation and its context.
- Ask whether there’s more you need to know.
- Know what’s expected of you by reviewing the duty to report and employer policies and protocols.

### **REPORT**

- Consult with a supervisor or other educational professionals as appropriate.
- Know the number of your local child protection agency. In some communities, you can dial 411 and ask for a children’s aid society or family and children’s services.
- Remember that abuse and neglect shared in confidence is always subject to your duty to report.

### **REFLECT**

- Are you aware of the different types of boundaries?
- Have you established clear and appropriate boundaries with students?
- What do professional boundaries mean for marginalized groups?
- How do lenses of anti-oppression and equity apply when we talk about professional boundaries?
- Have you fulfilled your professional obligations and done everything expected of you?
- Are you satisfied with your actions and what you would do next time?
- Do you require additional training, resources or support?

- Do you understand the difference between a boundary crossing and a violation?
- Can you identify behaviour that is considered legitimate or, depending on circumstances, might be perceived as a boundary violation?
- Are you aware of possible legal repercussions for actions that would be considered professional misconduct?
- How do you demonstrate appropriate concern for students?
- Do you keep good records about your interactions with students?
- Do you recognize and avoid potentially problematic situations such as closed-door conversations/meetings or private encounters with students off school property?
- Are you using school-approved technology when you communicate with students electronically?
- Would you be uncomfortable or concerned if your digital communications with students were read by family members, friends or colleagues?
- Do you know what to do if you witness conduct you consider unprofessional?
- Have you stopped to consider the effect of your actions on the student (potential harm), your career or public perception?
- When would boundary violations amount to grooming?

## **Conclusion**

Setting and maintaining professional boundaries is an ongoing professional obligation. Develop a deep understanding of the ethics that govern your practice and professional behaviours, and the policies and practices in the workplace to protect and enhance the well-being of students. Be aware of your own and colleagues' actions. Learn to govern your private and professional relationships appropriately.