



# **New Members' Event**

**Tuesday, November 1, 2022**

## **Professional Boundaries: Maintaining Vigilance at All Times**

*Michael Thomas, First Vice President  
ETFO Thames Valley Teacher Local*



1. Ontario College of Teachers (Professional and Ethical Standards)
2. School Board: Safe Schools Policy, Harassment Policy
3. ETFO: Professional Service Relations Bulletins
4. Ontario Legislation: Acts and Regulations

# PROFESSIONAL ADVICE: “EYES ON, HANDS OFF”

a) A former student has sent you a ‘friend’ request on Facebook. You accept. Issues?

**Think Before You Click - Scenario 5**



# PROFESSIONAL BOUNDARIES

## Unacceptable behaviours

In general, activities which take a teacher beyond the expectations of the employer could easily qualify as boundary violations. These include:

- Becoming too personally involved with students – friend, confidant, surrogate parent.
- Seeing students in private or non-school settings.
- Writing or exchanging notes, letters or e-mails.
- Serving as a confidant with regard to a student's decision about his/her personal issues.
- Giving gifts or money to students.
- Inviting students to one's home or cottage.
- Having students stay overnight in one's home/cottage.
- Driving individual students to or from school.
- Giving one student undue attention.
- Being alone with a student with the exception of an emergency situation.
- Sharing your personal problems with students.
- Sharing personal information about a student with a third party.
- Initiating physical contact.

## Protective strategies

The best way for members to protect themselves is to follow that old adage "an ounce of prevention is worth a pound of cure." Teachers must be ever vigilant of situations that place them in vulnerable positions.

As a teacher, ask whether you protect yourself by:

- Learning about the law and your liability as a teacher?
- Teaching with your classroom door open?
- Having another adult present when attending to the personal needs of special needs students?
- Complimenting or commending students without "hugging or touching" them?
- Reporting any reasonable suspicion of child abuse to proper authorities?
- Clarifying procedures with your principal regarding potentially threatening situations such as disciplinary measures, handling of emergency situations, etc.
- Getting parents' and principals' approval regarding all activities off school property?
- Letting students know when they are overstepping your personal boundaries?
- Seeking input from colleagues or other professionals if unsure of the appropriateness of your actions or plans?

Remember ... a caring professional relationship always helps a student to learn. But this relationship has boundaries of time, place, purpose and activity.

If you have any questions or concerns about your Professional Boundaries, please contact Professional Relation Services at 1-888-838-3838 or 416-982-3838.

Elementary Teachers' Federation of Ontario

440 University Avenue, Suite 1025, Toronto, Ontario M5G 1K1  
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Accountability YES  
Recertification NO

b) Your Principal sent you a 'friend' request on Facebook. You accept.

You have the following posted:



## Think Before You Click - Scenario 7



# Social Media



## Electronic Communication and Social Media Advice to Members

You are a seasoned teacher. Your Grade 7 class is a handful. There are a couple of "bright lights" in your class who seem to reward all of your hard work. One in particular is a girl with so much potential you want to challenge her, help her and watch her achieve remarkable things. You know that her family circumstances are difficult, and are amazed that she succeeds despite considerable obstacles. She confides in you that she struggles to study but is determined to do so. She thanks you for your help. One day she emails (or texts) you her considerable distress about whether she will be able to continue with her dream of going to university. You sense she is losing hope and you write back: "Don't worry, I've got your back, I believe in you, you're the best". She emails back: "you have no idea what you mean to me, you are the key to my future, luv u." You email back "luv u too sweetie, can't wait to see you on Monday". She emails you a "heart" emotion in return.

**Questions:** Does this exchange concern you? Does it cause you to seek advice from ETFO? Does it cause you to report this email communication to your principal? Does it cause you to seek assistance from the guidance counselor or social worker? Does it cause you to speak to the student with a colleague present to discuss boundaries?

Does this interaction raise no cause for concern? Would you continue this type of communication with this student?

**Answer:** In the example above, the first time you emailed or texted this student you may have officially started down the "slippery slope" leading to boundary violations according to the Ontario College of Teachers and its recent **PROFESSIONAL ADVISORY ON THE USE OF ELECTRONIC COMMUNICATIONS AND SOCIAL MEDIA**. Every member of the College received a copy of the advisory in the June 2011 edition of *Professionally Speaking*. It is also available on the College website.

ETFO continues to support the responsible use of social media as an excellent teaching tool, provided it adheres to professional standards. ETFO warns its members that anything they post can be: forwarded, taken out of context, copied, manipulated and impossible to remove from cyberspace. In the example above, this overly casual communication may be misconstrued as inappropriate, and as a boundary violation.

"Friending" students; posting pictures of partying, or sending overly casual messages or texts to students, parents or others may lead to professional difficulties that you may not anticipate. While the use of technology has changed dramatically over time, the standards of professionalism have not changed. Interactions must be respectful, courteous, professional and boundaries must be maintained. Members are expected to be friendly, but not "friends" with their students.

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ETFO has seen an increase in cyberbullying by electronic media in the education community. Members of ETFO can be the target of this. Sometimes members initiate careless electronic communication which may have unintended, but grave professional consequences.

### Some tips:

1. communication with parents, students and other members of the education community is best done verbally or face to face in a professional and structured manner;
2. casual, off hand, joking remarks or expressions of support via electronic media are easily misconstrued;
3. pictures of you, chat discussions you initiate or participate in, and email or text messages between you and others create a permanent record. Reflect on your electronic postings.
4. advise friends and family not to post pictures of you on social media sites without first asking for your consent.
5. slow down. Don't press "send" until you evaluate whether or not your postings, texts, emails will be considered professional and appropriate in the education community.
6. you are not your students' "friend". You are their teacher and must maintain a professionally appropriate relationship. If in doubt, call to find out.

ETFO has previously distributed a variety of publications on the topic of the appropriate professional use of electronic communication – see PRS Matters Volumes 48, 49 and 25 and *VOICE* articles from December 2008 – Cyberbullying and October 2007 – Think Before You Click. These are available on the ETFO website.

Staff in Professional Relations (PRS) can be reached at  
416-962-3836  
or 1-888-638-3836  
See also ETFO's website – Advice for Members

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# SOCIAL MEDIA

## Professional Advisory

**Maintaining Professionalism –  
Use of Electronic Communication and  
Social Media**  
**UPDATED**

The Council of the Ontario College of Teachers  
approved this professional advisory on  
September 27, 2017.

This advice applies to all members of the College  
including, but not limited to, teachers, consultants,  
vice-principals, principals, supervisory officers,  
directors of education and those working in non-  
school board positions.

Ontario  
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# PROTECTING AGAINST ALLEGATIONS

**It can happen to you: Intro**



# PROTECTING AGAINST ALLEGATIONS

**It can happen to you: Case 1**



# PROTECTING AGAINST ALLEGATIONS



## ALLEGATIONS INVOLVING CAS AND/OR POLICE What to do if it happens to you ...

Allegations and related investigations can be extremely stressful and isolating. As your union, we are here to support and assist you through the process. Counselling and additional support are also available through your Employee Assistance Plan (EAP) if an EAP is available in your board.

### Has someone made an allegation against you?

- Even allegations that appear to you to be frivolous or entirely false can result in CAS and/or criminal investigations. Many can also result in discipline by your school board and complaints to the Ontario College of Teachers or College of Early Childhood Educators.
- At the first hint of any allegation against you that could potentially lead to a criminal charge or investigation by CAS, you should refrain from responding to the allegation or making any statements about it and should instead immediately contact the provincial office of ETFO for advice and support.
- If you are still at the school, find a place in the school where you can make a private call to ETFO. Ask your administrator to allow you to use the office phone to make the call, if necessary.

### DURING OFFICE HOURS

If you are contacted by the police or the Children's Aid Society (CAS) regarding an allegation made against you:

- DO NOT participate in or consent to an interview.
- Make no statement to anyone regarding the allegation or charges.
- Say, "I am willing to co-operate but I am unable to comment until I contact my Federation and legal counsel."
- Get the name, title and contact information for the police officer or CAS worker who has contacted you.
- Call Professional Relations Services (PRS) at 1-888-838-3836 or 416-962-3836 and state that your call is urgent.

You will be put in touch with the Professional Relations Services (PRS) counsellor on call who will provide you with the necessary assistance, including legal counsel, if deemed appropriate, and contact information for you to access additional support through your EAP if it is available in your board.

### "AFTER HOURS" EMERGENCY LEGAL ASSISTANCE

#### What is an emergency?

- Police are on the scene or on the way.
- You are facing criminal charges for an alleged criminal offense directly related to the performance of your professional duties.
- You are at risk of being arrested and/or incarcerated.

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#### What to do?

##### Call:

1-888-838-3836 or 416-962-3836

##### After Hours

- A voice message will provide the necessary instructions to put your call through to an operator. You will be asked a few important questions.
- Where appropriate, a lawyer will be contacted and you will be connected immediately.

##### Working with School Staff

- When a member is accused of abuse or assault and is either reassigned or placed on leave by the school board, the school steward may be called upon to reassure staff colleagues that due process is being served and that the Federation is assisting the member.
- It is the responsibility of the principal, on behalf of the school board, to provide staff with specific advice for responding to student, parent and media enquiries relating to the colleague who is being investigated or accused of a criminal offense.
- You should refrain from providing any comments on the situation and should instead direct any such enquiries to the school principal.
- If you are contacted by anyone as a potential witness to the alleged conduct, you should contact PRS for advice.

##### Supporting Your Colleague

- The stress factors on a member facing allegations are enormous and should not be underestimated.
- If possible, staff should attempt to maintain regular communications with the member; this will help reduce the acute sense of isolation and despair, especially if the colleague has been suspended.
- Your colleague will have been advised not to make any statements about the allegations or the circumstances surrounding their case and you should be careful not to ask him or her any questions about the case or otherwise encourage a discussion about it. Making such statements, even in confidence, could be detrimental to your colleague's case.
- If your colleague has not yet contacted PRS for assistance, you should urge them to do so immediately and remind them not to make any statements about the allegations until they have obtained advice from PRS.
- You should also remind your colleague that additional counselling and support are available through your EAP if it is available.

For further information contact your local ETFO president or Professional Relations staff  
in PRS at  
416-962-3836 or 1-888-838-3836

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# DUTY TO REPORT



## A Member's Duty to Report under the Child and Family Services Act

All members should be familiar with their duty to report suspicion of child abuse or neglect to the Children's Aid Society (CAS). Members who fail to meet this duty can face charges under the *Child and Family Services Act* (CFSA) and a finding of professional misconduct by their professional College.

### What is the Duty to Report?

The duty to report is a legal duty that arises under section 72 of the *Child and Family Services Act* (CFSA). Under the CFSA, everyone has a duty to report "reasonable grounds to suspect" that a child may be in need of protection as set out in section 72(1) of the CFSA. This duty applies regardless of whether or not one is a professional named in the Act or is acting in their professional capacity.

### What triggers the Duty to Report?

It is generally triggered by suspicion that a child has suffered neglect, physical, emotional or sexual harm, or is at risk thereof. Section 72(1) of the CFSA sets out the list of grounds that would trigger the duty to report:

- The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's,
  - failure to adequately care for, provide for, supervise or protect the child, or
  - pattern of neglect in caring for, providing for, supervising or protecting the child.
- There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,
  - failure to adequately care for, provide for, supervise or protect the child, or
  - pattern of neglect in caring for, providing for, supervising or protecting the child.
- The child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.
- There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3.
- The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment.
- The child has suffered emotional harm, demonstrated by serious,
  - anxiety,
  - depression,
  - withdrawal,
  - self-destructive or aggressive behaviour, or
  - delayed development,
 and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
- The child has suffered emotional harm of the kind described in subparagraph 1, ii, iii, iv or v of paragraph 6 and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.
- There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 1, ii, iii, iv or v of paragraph 6 resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
- There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 1, ii, iii, iv or v of paragraph 6 and that the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm.
- The child suffers from a mental, emotional or developmental condition that, if not remedied, could

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seriously impair the child's development and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.

- The child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody.
- The child is less than 12 years old and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment.
- The child is less than 12 years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately. 1999, c. 2, s. 22(1).

### How is the Duty to Report fulfilled?

The duty to report is direct. Members must report their suspicions of abuse or neglect directly to their local Children's Aid Society and cannot rely on anyone else, including an administrator, to make that call for them. The duty to report is immediate. The CFSA requires that the report be made "forthwith". Members cannot, for example, wait for the following day to report. The CAS has after-hours intake workers, so calls can and should be made at any time of the day that a member becomes aware of the issue giving rise to the duty to report. The duty to report is ongoing. Subsequent grounds to suspect abuse or neglect should also be reported to the CAS, even if the member has previously reported concerns about the same student or family.

### What if the suspicion turns out to be wrong?

You do not need proof that the protection need exists in order to report it to the CAS. It is **not** your role to investigate the situation to determine whether or not the protection need does in fact exist and any attempts by you to do so could interfere with the CAS's investigation, not to mention breach your obligation to report to the CAS **immediately**. The duty to report overrides confidentiality and your decision to report is protected under the CFSA provided that you did not act without reasonable grounds or maliciously (CFSA, s. 72(7)). This means that your duty to report applies even in situations where a student makes a disclosure to you in confidence or asks you not to tell anyone what they have told you. If you are in doubt about whether your duty to report has been triggered, you can call the CAS for advice. You should document and keep a record of any such call you make.

### Failure to report is an offence under the CFSA

For individuals who perform professional or official duties with respect to children, including all members of ETFO, it is an offence under the Act if the duty to report is breached and the information that triggered the suspicion was obtained in the course of a member's professional or official duties (CFSA, s. 72(4)). Members charged with a breach of the duty to report under the CFSA, if convicted, can face a fine of up to \$1000.

### Failure to report is Professional Misconduct

Breaching one's duty to report under the CFSA is also considered to be professional misconduct by the Ontario College of Teachers (OCT) and the College of Early Childhood Educators (CECE). Members who breach their duty to report could face a complaint at their College and discipline for professional misconduct.

### Professional Advisories from the OCT and CECE

Both the Colleges have recently issued Professional Advisories on the duty to report child abuse or neglect. The advisories are intended to provide further guidance to members in exercising their professional judgment to recognize situations that give rise to their duty to report. Members are expected to review and comply with the applicable advisories. They are online at:

CECE, Professional Advisory – Duty to Report [https://www.cece-ccc.ca/en/pdf/Document/Professional\\_Advisory\\_June\\_2015\\_EN\\_Final\\_web.pdf](https://www.cece-ccc.ca/en/pdf/Document/Professional_Advisory_June_2015_EN_Final_web.pdf)

OCT, Professional Advisory – Duty to Report <http://www.oct.ca/resources/advisories/advisory-to-report>

Please note, however, that your legal duty to report is defined by the CFSA and not by the advisories. Other resources regarding the duty to report are available at the Ontario Association of Children's Aid Society (OACAS) website ([www.oacas.org](http://www.oacas.org)).

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president or Professional  
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# HOW TO STAY SAFE AND EMPLOYED:

- 1. Communicate with parents over the phone. Emails can be misconstrued or misinterpreted.**
- 2. Do not give out your personal cell number to parents.**
- 3. Do not follow parents or students on Social Media.**
- 4. Be visible at all times and do not speak with students alone. Ask your administration to sit in with you.**
- 5. Keep your hands off students at all times, especially for discipline or correction.**
- 6. Avoid discussions of personal nature. Any disclosure should be reported to the Principal, CAS, Police, and/or parents.**
- 7. Maintain Professional Boundaries at all times.**
- 8. You are responsible for Student Safety at all times.**