



NEW Code of Conduct 21st October 2005

Professional Boundaries and Sexual Conduct:

Kinesiologist/Client relationship

- The success of the kinesiologist/client relationship depends upon the ability of the client and their family to have confidence and trust in the kinesiologist, and on the expectation that the Kinesiologist will at all times do their work well, in an ethical manner, and will exercise a duty of care for their clients.
- This means the kinesiologist will focus on delivering the best outcome or service for their client at each consultation. See Code of Ethics and Code of Professional Conduct
- Clients may feel vulnerable in a consultation, especially when their kinesiology care makes it necessary for them to give details about, or comment on their personal, family and health experiences, and to emotionally reveal themselves to their kinesiologist.
- The kinesiologist/client relationship may lead some clients to depend emotionally on their kinesiologist. See Code of Ethics.

Sexual / Improper Emotional Relationship

A kinesiologist has a professional responsibility not to enter into a sexual or improper emotional relationship with his or her client.

If a client seeks such a relationship with his or her kinesiologist, the kinesiologist must tell the client this cannot happen and advise or refer the client to see another kinesiologist.

The kinesiologist must maintain a strict boundary between actions taken for the good of the client and actions intended to gratify their own sexual desire.

A sexual or improper emotional relationship with a client, even if the client is a consenting adult, may cloud the kinesiologist's judgment and make him or her less objective in their kinesiology practice.

If a kinesiologist abuses a client's trust by crossing this boundary, he or she is acting unprofessionally and is liable to investigation, and disciplinary action by the Australian Kinesiology Association Inc. Sexual assault can be reported to the police.

Relationships with former clients

A kinesiologist has a professional responsibility not to enter into a sexual or improper emotional relationship with a former client, within a minimum period of 2 years since the last professional consultation took place. This is especially so if such a relationship would breach the trust which the client placed in the kinesiologist.

The nature and duration of the previous professional relationship will determine whether a subsequent personal relationship is ethical.



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Signs of good kinesiology practice

Clients may expect professional behaviour from their kinesiologist in line with the Code of Ethics and Code of Professional Conduct, as well as the following behaviours :

- the kinesiologist will explain to the client what will happen during the kinesiology consultation, and will explain procedures and treatment used during the course of the consultation, and ensure the client knows about, understands and agrees to the procedures.
- the kinesiologist will ask the client's permission if anyone else, including kinesiology students, are to be present during a consultation,
- the kinesiologist will treat clients equally regardless of their sexual orientation.

A kinesiologist will not :

- discuss his or her own sexual problems or desires with the client.
- make unnecessary comments about a client's body or clothing or make other sexually suggestive comments
- ask unnecessary questions about sexual performance or sexual history unless this is relevant to the client's problem and the kinesiologist has explained why it is necessary to discuss the matter, or touch or make sexual advances to a client or attempt to enter into a sexual relationship with the client.

What are signs of crossing the professional boundary?

Professional boundaries are crossed when any interaction of a sexual nature occurs between a kinesiologist and a client. Some danger signs include the following actions by either **a kinesiologist or a client**:

- Requesting, making a booking(s) or receiving non-urgent professional consultations at unusual hours, or outside usual business hours, especially when other staff members or practitioners are not present in the clinic.
- Requesting or continuing to request intimate/ sexual details of the client's or kinesiologist's life and relationships, during or outside of the consultation.
- Revealing and continuing to reveal intimate/sexual details of their own life and relationships during or outside the context of the consultation.
- Requesting that the consultation be focussed on sexual problems of the client or client's partner(s), friends and/or family, especially when neither the kinesiologist or client has agreed to so do.
- Suggesting the kinesiologist and client meet each other socially or professionally outside of a consultation, and/or away from the clinic.
- Using inappropriate language, tone, gesture or touch to describe sexual behaviour or actions.
- Using inappropriate touching during the consultation including the touching of breast tissue or genital region of either the client or the kinesiologist, especially when either has indicated they do not want to be so touched.
- Making sexual advances to either client or kinesiologist during or outside of the consultation.



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Complaints about Kinesiologists

Complaints may be made about kinesiologists who are registered members of the Australian Kinesiology Association Inc.

A Complaints Procedure outlines a series of steps to be taken when making a complaint.

Complaints are investigated at the state level by Complaints Officers and Hearing Committees.

Complaints are treated seriously and are fully investigated in a sensitive and confidential way. Cases may lead an informal hearing, which are closed to media and the public. More serious cases may lead to a formal hearing and the formal hearing panel has the power to exclude the media and the public from the hearing if evidence of an intimate, personal or financial nature is involved.

Complaints Officers and Hearing Committees are empowered by the Australian Kinesiology Association and its Ethics Board. The primary role of the Ethics Board is to protect the public.

In serious cases of misconduct which involve a breach of professional boundary, the Ethics Board has the power to cancel or suspend a kinesiologist's registration as a member of the Australian Kinesiology Association Inc.

In less serious cases, the Board may impose conditions, limitations or restrictions on the kinesiologist's registration; may impose a fine; may require the kinesiologist to undergo counseling or undertake further education; may caution the kinesiologist or issue a reprimand.

What Clients may do if uncertain whether professional boundaries are crossed

If a client feels uneasy about the conduct of their kinesiologist they may ask the kinesiologist to stop the procedure. They can ask for explanation of what is happening. Raising the issue at the time may clarify the situation or prevent a problem progressing.

Clients are encouraged to trust their own judgment, and respect their own feelings. If they feel very uneasy, uncomfortable with or distressed about the behaviour of a kinesiologist, they should talk with someone such as a friend, family member or other health care professional, about their doubts, concerns and views about the kinesiologist's behaviour.

Bringing the matter to the Ethics Board attention

Clients and their family or friends are able to contact a Complaints Officer to ask for help if there is a belief that sexual professional boundaries have been crossed.

Complaints Officers can be contacted via the Australian Kinesiology Association's head office on 1300 780 381.

Information about the complaints procedure and the complaints form itself can be downloaded from the website www.akakinesiology.org.au tab 'downloads'.