

# The Code of Conduct Guidance pack



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# Introduction

The Victorian Institute of Teaching (VIT) must develop, maintain and promote a Code of Conduct for the teaching profession under s2.6.3 of the *Education and Training Reform Act (2006)* (the Act).

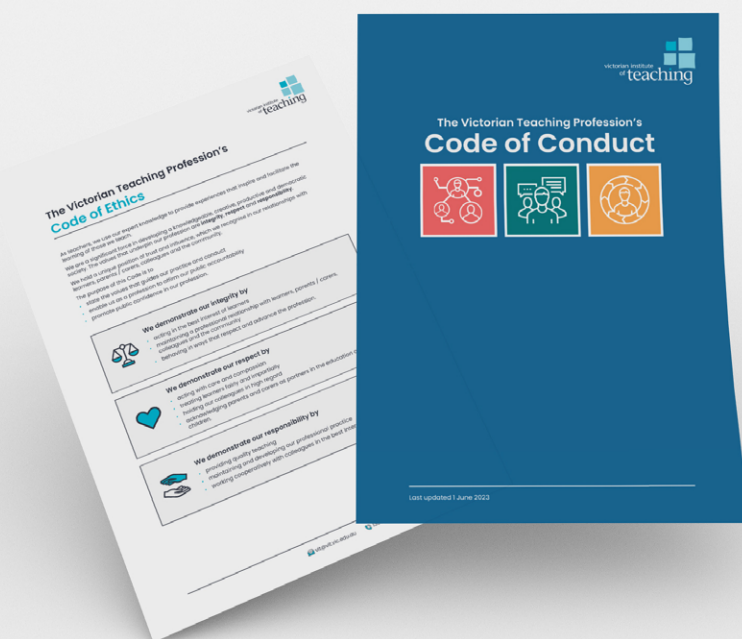
The VIT first published the Victorian Teaching Profession's Code of Conduct (the Code) in 2008. It was developed in consultation with the profession and key stakeholders for the purpose of providing guidance to the public and the profession on what is considered acceptable professional conduct by registered teachers.

The Code was revised in 2020 in response to the changing education landscape, including the welcome addition of early childhood teachers into the registered teaching profession as well as the growth of social media and online platforms as communication tools in both a professional and personal capacity. The Betrayal of Trust Inquiry and Royal Commission into Institutional Responses to Child Sexual Abuse has also changed public expectations of teacher's conduct and behaviour.

The Code of Conduct identifies a set of principles which describe the professional conduct, personal conduct and professional competence expected of a teacher by their colleagues and community. It is based on the values set out in the Code of Ethics – integrity, respect and responsibility.

The Code of Conduct and the Code of Ethics are public statements developed for and by the teaching profession to

- reflect shared principles about practice, conduct and ethics to be applied to promote the highest standards of professional practice
- enable registered teachers to reflect on their ethical decisions
- establish the quality of behaviour that reflects expectations of the profession and community
- provide a clear statement to the community about these expectations.



## How to use the guidance material

The Code and guidance material applies to everyone registered as a teacher and / or early childhood teacher with VIT. This includes teachers who hold provisional registration, full registration, dual registration, permission to teach and non-practising registration. The Code applies equally to all registered teachers and / or early childhood teachers regardless of their position in the workplace, including classroom teachers and those in leadership positions, such as Principals.

The Code applies to registered teachers / early childhood teachers even if they are not currently undertaking the duties of a teacher. For example, if a person is a registered teacher but is currently working at a university or a person who is a registered early childhood teacher but is currently working in a different industry.

The Code of Conduct is not designed to cover every situation; teachers must use their own professional judgment in applying the principles to their individual teaching contexts.

This guidance pack is designed to help teachers understand and reflect on what is appropriate professional and personal conduct within their specific teaching context.

The Code and guidance material can also assist pre-service teachers, the public, parents / carers, learners and non-teaching professionals in understanding the expectations of teachers in relation to their personal and professional conduct.

This guidance material is designed to be read in conjunction with the Victorian Teaching Profession's Code of Conduct and Code of Ethics and provides more detailed explorations of the expectations on teachers in their personal and professional conduct, and maintaining appropriate professional boundaries with learners.

The guidance material provides the following for each section and principle of the Code

- explanations of key terms / phrases
- case study provocations
- questions that teachers can use to reflect on their own conduct.

# Guidance material

## Background and purpose



The background and purpose statement frame the Code and outline the relationship between the Code of Conduct and the Code of Ethics. It provides the rationale for the development and implementation of a Code for the teaching profession, and clearly states the purpose of the Code.

The Code applies to all registered teachers / early childhood teachers, regardless of their employment status.

The Code is not designed to cover every situation; teachers must use their own professional judgment in applying the principles to their individual teaching contexts. The Code should be used by teachers to guide their professional and personal conduct and assist them to solve ethical dilemmas.

The important VIT may use the Code to assist in determining if a teacher has engaged in misconduct, serious misconduct or whether there is a question regarding a teacher's fitness to teach. The VIT may consider a departure from the Code of Conduct to be grounds for an allegation of misconduct or serious misconduct, or call into question a teacher's fitness to teach.

In these circumstances, VIT may take regulatory action. The VIT will always consider the individual circumstances and the context in which the conduct occurred. Any regulatory measures will always be viewed within the context of what is considered necessary to protect the safety and wellbeing of children and young people.

## Definitions

### Misconduct\*

Misconduct in relation to a teacher or an early childhood teacher includes

1. conduct of the teacher or early childhood teacher occurring in connection with the practice of teaching that is of a lesser standard than a member of the public or members of the teaching profession are entitled to expect from a reasonably proficient teacher; and
2. the contravention of, or failure to comply with a condition imposed on the registration of the teacher or early childhood teacher by or under this Part; and
3. the breach of an agreement made under this Act between the teacher or early childhood teacher and VIT.

### Serious misconduct

Serious misconduct generally involves a substantial departure from the accepted standards of the profession, including conduct that is found to be

- infamous
- disgraceful
- dishonourable
- shameful.

### Fitness to teach\*

Fitness to teach in relation to a person, means whether the character, reputation and conduct of a person are such that the person should be allowed to teach in a school or in an early childhood service.

### Suitability to teach\*

Suitability to teach in relation to a person means (a) whether the person is fit to teach; and (b) whether the person is physically or mentally able to teach.

### Impairment

Impairment is defined as a

- physical or mental impairment; and / or
- disability, condition or disorder (including substance abuse or dependence).

The VIT is able to investigate if a teacher's ability to practice as a teacher is seriously affected, detrimentally affected or likely to be affected, due to an impairment.

*\*Education and Training Reform Act 2006 (Vic) pt 2.6.1*

# Guidance material

## Section 1: Professional conduct



Teachers' professional conduct is characterised by the quality of the relationships they have with their learners, the parents / carers / families of their learners, their communities and their colleagues.



## Principle 1.1

### Teachers provide opportunities for all learners to learn

#### Definitions

##### **Communicating effectively and appropriately with their learners**

In communicating effectively and appropriately, teachers should always maintain appropriate professional boundaries and communicate in a professional manner.

The way teachers communicate with individuals will vary depending on the purpose of the communication as well as their relationship with the person and the audience.

Teachers should consider the following when ensuring they are communicating effectively and appropriately

- purpose of the communication
- intended audience (e.g. parents / carers / learners / colleagues)
- cultural background of the audience
- age of the learner
- specific vulnerabilities of the learner
- workplace policy and expectations
- most appropriate method of communication
- timeliness
- any privacy considerations.

##### **Individual differences**

Teachers must take all reasonable steps to be familiar with the specific needs of their learners. They should approach the teaching of their learners in a way that is responsive to their specific needs and capabilities.

##### **Quality teaching**

Teaching that meets the specific needs of their learners, taking into account the teaching context. Teachers must be able to reference their practice against the Australian Professional Standards for Teachers.

##### **Approaching the teaching and understanding of each individual learner without judgment or prejudice**

Teachers should ensure their personal beliefs and opinions do not detrimentally affect the way they work with learners.



## Case studies

These hypothetical case studies are designed to stimulate discussion and debate about what is considered appropriate professional and personal conduct for teachers as well as appropriate strategies to prevent inappropriate conduct.

Outcomes are not provided; any case investigated by VIT is considered on its individual merits and context, therefore teachers should use these provocations to reflect on their own practice within their specific context.

Identify what issues are highlighted by each case study and use the reflective questions to guide further discussion.

### Teacher MV

Teacher MV is a teacher in a secondary college and has a teaching load of predominantly year 10 classes. Due to the coronavirus pandemic (COVID-19), they have been teaching all classes online for the past few months. Teacher MV has a good rapport with their learners, who have been quite responsive during online learning.

During a session, one of their learners, Learner J, misunderstands a question and provides an answer that is unrelated to the question. Teacher MV responds quickly with: "Oh J, you're a dodo. Where did that come from?". Learner J is embarrassed, as their classmates begin to comment in the chat function and refer to them as 'Dodo'.

The following session, Learner J's classmates continue with the commentary, and the name 'Dodo' seems to stick. Learner J is upset and angry and leaves the class. Teacher MV realises that Learner J has logged off and phones their parents after the lesson.

Learner J's parents are unaware of any issue but, after speaking with Learner J, it is apparent that Teacher MV's comment has created a situation where Learner J no longer feels comfortable being part of the class.

Learner J's parents complain to Teacher MV, who states that their comment was a good-natured jibe intended to make light of a situation.

### Teacher OZ

Teacher OZ is a grade 4 teacher in a small country town. Teacher OZ's partner works at the local business, which is managed by a well-to-do family whose child, Learner G, is in Teacher OZ's class. Teacher OZ's partner was recently made redundant by the company for cost-cutting purposes.

After Teacher OZ's partner lost their job, Teacher OZ was upset with the actions of Learner G's family and began to unconsciously show their feelings in the classroom. Without realising, Teacher OZ began to pick on Learner G in the classroom by ignoring their contributions to class discussions and always reprimanding them for talking, even if there were many learners talking.

Learner G and their friends noticed how Teacher OZ's behaviour appeared to be targeted and Learner G told their parents. Learner G's parents spoke to the principal, who sought out Teacher OZ for their side of the story and to discuss the situation.

Teacher OZ admitted to feeling angry towards the family and realised how their feelings were impacting on their teaching, in particular their interactions with Learner G.

### Teacher KA

Teacher KA is a year 9 science teacher who is tasked with teaching a sex education class. During the class, she begins to make personal comments that stray away from the curriculum, including

- “You girls need to learn to look after yourselves when it comes to these things and keep your legs crossed.”
- “Back in my day, we never had sex until we were married. I’m not sure why you Gen Zeders are so keen to explore your sexuality at such a young age. Just because celebrities do it, doesn’t mean you should too.”
- “Boys, it’s important you don’t ask for sex from girls. They need to look after their virginity because they can’t ever get it back.”

A number of girls from Teacher KA’s class became concerned about the nature of Teacher KA’s comments. They complained to the principal, noting Teacher KA made them feel uncomfortable and targeted. When the Principal speaks to Teacher KA, she admits to having made the comments, but says she only did so out of concern for learner safety.

### Learner T

Learner T is a Year 11 chemistry student who works hard at her studies and is looking to pursue a career in science. Her class is predominantly male, and she feels that her teacher, Teacher BN, excludes her from the active learning in the class.

Learner T speaks with her parents about it, and they ask for examples. Learner T says that Teacher BN never chooses her to answer questions and is very dismissive of her questions during practical sessions. Learner T also says Teacher BN often calls her ‘darling’ or ‘sweetie’, but only ever addresses the male learners by their last names. Learner T says Teacher BN has made a few ‘off hand’ comments, such as the time Learner T queried a method during a practical class and Teacher BN responded with: “Well, this isn’t home economics.”

A discussion with Teacher BN reveals that he does address Learner T differently, with the intent of being caring, and is unaware of the other behaviours she described. Teacher BN admits that he did not take Learner T’s interest in a science career seriously.

### Reflective questions

After reading Principle 1.1, the definitions and case study provocations, use the following questions (as relevant to your context) to reflect on how you can ensure you demonstrate the expectations in this principle.

- do I have any personal beliefs or opinions that may affect the way I interact with learners?
- what steps can I take to ensure my personal beliefs and opinions do not negatively impact the way I interact with learners?
- do my school’s values influence my actions in this area?
- what vulnerabilities or background of my learners do I need to consider?
- what form(s) of communication are most appropriate to use with my learners?
- am I considering the need for confidentiality in my communications?

### Principle 1.2

## Teachers treat their learners with courtesy and dignity, and promote participation and empowerment

### Definitions

#### Respectful and impartial language and behaviour

As teaching professionals, teachers should ensure they are using respectful and impartial language and behaviour with learners. This includes ensuring language and behaviour is sensitive to the learner's context, unbiased and inclusive.

#### Protect learners from intimidation, embarrassment, humiliation and harm

Teachers must take all reasonable steps to provide a safe learning environment for their learners, free from intimidation, embarrassment, humiliation or harm. For example, learners should be able to speak freely and share their views, however, where this negatively impacts another learner, a teacher should take steps to intervene.

#### A learner's individual context and specific vulnerabilities

Teachers must consider the specific vulnerabilities of learners in all of their interactions with them. Teachers should take reasonable steps to familiarise themselves with these vulnerabilities.

The specific vulnerabilities of learners are varied, but may include their

- age
- gender identity
- sexual orientation
- cultural or linguistic background
- socio-economic background
- family context / dynamic
- disability(ies) / additional needs.



## Case studies

These hypothetical case studies are designed to stimulate discussion and debate about what is considered appropriate professional and personal conduct for teachers as well as appropriate strategies to prevent inappropriate conduct.

Outcomes are not provided; any case investigated by VIT is considered on its individual merits and context, therefore teachers should use these provocations to reflect on their own practice within their specific context.

Identify what issues are highlighted by each case study and use the reflective questions to guide further discussion.

### Teacher JU

Teacher JU is a high school English teacher. Teacher JU took long service leave last year to travel and has now returned to the school. In the past year, a learner in their class has come out as transgender, and has asked the school to refer to her by a different name from her birth name. The school has been incredibly supportive of the change. However, as Teacher JU was absent during this process, they address the class as ‘boys and girls’ and continually refer to the learner by her former name.

This continues without much improvement from Teacher JU, despite the class constantly reminding them to call the learner by her new name. The longer this goes on, the more frustrated Teacher JU becomes, rolling their eyes and saying things such as ‘you know what I mean’ and ‘let’s just move on now’, trying to hide their own embarrassment and frustration.

The learner pretends not to care, to save Teacher JU from the embarrassment, however she confesses to friends at lunchtime that Teacher JU’s faux pas are making her feel incredibly uncomfortable and make her not want to go to the class at all.

The learner’s friends confide in the assistant principal, asking them to have a talk with Teacher JU, as it’s distracting from the learning and not making for a safe and inclusive learning environment.

### Teacher HN

Teacher HN is a primary school teacher. He repeatedly asks a specific learner, Learner S, to stop talking. Teacher HN also singles Learner S out in class for reprimand and makes belittling statements toward her, such as: “You have an extremely screechy voice”.

While Teacher HN’s behaviour is not intended to cause harm, he was unaware of the impact on Learner S. Learner S perceives Teacher HN’s behaviour to be both intentional and bullying, and subsequently suffers from stress and anxiety because of the comments.

Teacher HN’s behaviour occurs over many months. A friend of Learner S alerts Teacher HN to Learner S’ distress, and Teacher HN immediately takes steps to both address the problem and to change his behaviour. Teacher HN does not follow up with the parents, notify school leadership or seek advice about the issue. Learner S continues to feel anxious during classes for months afterwards.

### Teacher ZR

Family E is well-known at the local secondary school, with 4 children who have attended over the years – C, D, E and (more recently) Learner F.

Parent A from Family E is on a disability pension, and Parent B cares for Parent A and the children. The family are struggling financially and have required support from the school for their children to access uniforms and attend excursions. On occasion, the school is asked to provide lunch for the children. Despite efforts from the school to assist, there have been numerous attendance and behavioural issues with Learners C, D and E.

Learner F, the youngest, attends a year 7 orientation day and is assessed by their primary school as 'at level' in academic performance. There is no mention of behaviour or attendance issues on the transition information sent to the secondary school.

Learner F attends an English lesson on the first day at the secondary school. Learner F's English teacher, Teacher ZR, promptly identifies Learner F as "one of the Family A kids" and says they "will not be putting up with any rubbish". Learner F immediately feels uncomfortable.

During the year, Teacher ZR reports uncooperative behaviour by Learner F to the student manager and on the school's student file system. Learner F has an excellent record of behaviour in all other classes and maintains good grades.

Parent A contacts the school, concerned that Learner F's grades in English have slipped. Parent A also expresses frustration over Learner F's treatment by Teacher ZR, who has repeatedly referred to Learner F's lack of an electronic device – despite knowing the family cannot afford one. Parent A advises the school that Learner F admits they have been rude to Teacher ZR on occasion, because they feel that they are being victimised.

The student manager discusses the situation with Teacher ZR, who dismisses the concern as "more issues from a family of troublemakers", and that "Learner F is condemned to the same fate as their siblings and is therefore not worth my time."

### Teacher AP

Teacher AP is an early childhood teacher working in a long day care setting with 3 and 4-year-olds. One of the children in the group is misbehaving during outside play time. The child yells, throws sand at other learners and refuses to follow Teacher AP's directions to stop the behaviour.

Teacher AP tells the child they will need to stay outside until they have calmed down and moves the rest of the group inside to continue with the next activity. Teacher AP closes the door to the room, leaving the misbehaving child outside. The child was left unsupervised until Teacher AP let them back into the room 25 minutes later.

### Teacher YS

Teacher YS is a grade 6 teacher in a small country town. In Teacher YS's class, there are a number of learners they perceive to have challenging behaviour. These learners have identified disabilities and Teacher YS has not been implementing the strategies recommended in their Individual Learning Plans.

Another teacher walks past Teacher YS's class and notices that one of the learners throws a chair. The teacher observes Teacher YS responding by dragging the learner, who has non-verbal autism, across the room to stop the behaviour. The teacher who witnessed this scenario notifies the principal.

### Reflective questions

- does my language and behaviour reflect the professional expectations of my workplace?
- could my language or behaviour be perceived as disrespectful or biased?

#### Thinking about your learners

- what information do I have about their specific vulnerabilities? How can I find out more?
- what adjustments should I make to the way I interact with my learners given their specific vulnerabilities?
- what supports and policies are in place at my workplace to manage challenging behaviours?

### Principle 1.3

## Teachers work within the limits of their professional expertise

### Definitions

**Teachers are aware of the role of other professionals and agencies, and know when learners should be referred to them for assistance**

The responsibilities of teachers vary, and while they have an important role in supporting a learner's wellbeing, teachers should not act as a psychologist or other mental health practitioner. A teacher should be familiar with the relevant professionals / agencies to refer learners to when issues arise that are beyond the reasonable expectations of a teacher.

Other relevant professionals and agencies may include, but are not limited to

- psychologists / mental health professionals
- medical professionals
- Department of Health (DH)
- Department of Families, Fairness and Housing (DFFH)
- The Orange Door
- police.

### Physical, mental and emotional capacity

Under the *Education and Training Reform Act 2006*, teachers must have the physical and mental capacity to undertake the duties of a teacher. This is important to ensure the safety and wellbeing of children and young people. Teachers should familiarise themselves with available resources in the event the teacher recognises they need support.



## Case studies

These hypothetical case studies are designed to stimulate discussion and debate about what is considered appropriate professional and personal conduct for teachers as well as appropriate strategies to prevent inappropriate conduct.

Outcomes are not provided; any case investigated by VIT is considered on its individual merits and context, therefore teachers should use these provocations to reflect on their own practice within their specific context.

Identify what issues are highlighted by each case study and use the reflective questions to guide further discussion.

### Teacher QN

Teacher QN is an early childhood teacher in a relatively large setting. They work in the 4-year-old kinder room with another teacher and an educator. Teacher QN's colleague notices that they are late to work quite frequently in recent times, and sometimes appears 'glassy-eyed' and dishevelled.

On this particular morning, Teacher QN rushes into work and the same colleague notices a smell of alcohol that appears to be coming from Teacher QN. The colleague watches Teacher QN closely and observes that their balance seems to be off and they are having trouble finding appropriate words to interact with the children. One of the children asks Teacher QN why they are 'being funny'.

The colleague confronts Teacher QN who, after initially denying it, admits that they have been drinking and should probably not be at work.

The colleague asks if there is something wrong, as they sense that this is more than Teacher QN simply having a big night out. Teacher QN denies there is anything wrong and promises it will never happen again. The colleague decides not to report the issue. Over the next few weeks, the colleague notices that Teacher QN's behaviour seems to be repeating at regular intervals and decides to report the issue when Teacher QN trips over a child sitting on the floor, injuring the child.

In a conversation with their supervisor, Teacher QN denies ever having been drunk at work and accuses their colleague of fabricating allegations. Teacher QN's supervisor can clearly see that they are under the influence during the conversation, and feels there is no option but to suspend Teacher QN's employment until such time as they can be assessed as safe to be in charge of children. The supervisor then advises VIT.

### Teacher LC

Teacher LC is a geography and homegroup teacher at a secondary school. Teacher LC notices that one of their homegroup learners, Learner R, has recently come to school appearing withdrawn. Before school one day, Teacher LC motions Learner R aside to find out what is wrong. Learner R discloses that their parents have been fighting every night, and that they don't know what to do. Learner R goes on to say that their parents arguing has made them want to hurt themselves to take the pain away.

Rather than refer Learner R to the school counsellor, Teacher LC takes it upon themselves to invite Learner R to meet once a day 'for as long as it takes', so that Learner R can talk discuss their issues. Learner R takes Teacher LC up on the offer, and the two meet every day for 6 months. Through these meetings, Teacher LC builds a strong rapport with Learner R. Teacher LC believes that Learner R may be suffering from depression, however, does not report this as Learner R's mood appears to be improving due to their daily meetings.

One day, Teacher LC does not attend work due to being sick. Distressed due to Teacher LC's absence, Learner R attempts to self-harm at the school. Another teacher intercepts Learner R's attempt, and immediately makes a report and referral to both the school counsellor and principal.

When the counsellor speaks to Learner R to ask what happened, they say: "Teacher LC is the only one who has been there for me, and now they've left me too. There's nothing more for me here."

Learner R is later diagnosed with bi-polar disorder. Teacher LC is investigated by the school for failing to refer the situation to leadership and appropriate professional bodies.



### Teacher PV

Teacher PV is a prep teacher in a small country primary school. Teacher PV has been a member of the community for many years and is now teaching the children of some of their past learners.

At the beginning of term one, Teacher PV notices that one of the learners, Learner H, who is the son of one of their past learners, has trouble remembering things, more so than a lot of the other learners. Teacher PV also notices that Learner H is very small for their age and their language is broken like that of a 3 or 4-year-old. As an experienced teacher, Teacher PV identifies that some tests could be completed on this learner to determine if extra support or intervention is needed to support Learner H's needs.

Without knowing for sure, Teacher PV suspects that Learner H could be suffering from Fetal Alcohol Spectrum disorder, as it was well-known in some circles that Learner H's parents has suffered from substance abuse issues.

Believing they are acting in the best interests of the family, and as Teacher PV knows Learner H's parent, Teacher PV decides to set up a meeting to discuss Learner H's learning and development. Teacher PV does not inform any colleagues or leadership of this, or consult with them on the best approach.

At the meeting, Teacher PV suggests that Learner H has been affected by exposure to alcohol before birth, rather than outlining the learning and developmental data that they have gathered on Learner H. Learner H's parent is offended by these claims and outraged that Teacher PV, who is not a doctor or psychologist is suggesting this, stating that Learner H was a premature baby and that is why they are small, not because there have been any issues with alcohol dependency from parents.

Learner H's parent makes a complaint to the school and Teacher PV is called in to discuss the situation with the principal.

### Reflective questions

- do I have any personal beliefs or opinions that may affect the way I interact with learners?
- am I familiar with all the other professionals and agencies and when learners should be referred to them?
- am I familiar with my workplaces processes for referring learners to other professionals / agencies when needed?
- what are my professional obligations in relation to my physical, mental and emotional capacity?

## Principle 1.4

### Teachers maintain objectivity in their relationships with learners

#### Definitions

##### Teachers interact with learners without displaying bias or preference

Developing a good rapport with learners is an important part of being an effective teacher. However, teachers must ensure they remain objective in their interactions with all learners and do not show bias or preference. A demonstration of bias or preference may impact the teacher's professional relationship with both that learner and other learners.

##### Personal agendas

A teacher should ensure their motivations to interact with learners aren't for personal gain or gratification.



## Case studies

These hypothetical case studies are designed to stimulate discussion and debate about what is considered appropriate professional and personal conduct for teachers as well as appropriate strategies to prevent inappropriate conduct.

Outcomes are not provided; any case investigated by VIT is considered on its individual merits and context, therefore teachers should use these provocations to reflect on their own practice within their specific context.

Identify what issues are highlighted by each case study and use the reflective questions to guide further discussion.

### Teacher GS

Teacher GS is a grade 6 primary school teacher who is young and new to the profession. Teacher GS believes that they are very firm but fair with learners. However, most learners believe Teacher GS to be overly strict, especially as a yard duty teacher. Teacher GS enjoys building relationships with learners and has developed a strong rapport with a few of the grade 6 students, whom Teacher GS loves to joke and tease, especially when talking about competitive sport.

Some learners feel Teacher GS shows favouritism to a particular group, as Teacher GS is perceived to be far less strict with them than everyone else. The other learners feel overlooked and start to withdraw, showing their discontent with the situation in the classroom. Parents of the excluded learners bring the issue to the attention of the school leadership team and a discussion is held with Teacher GS.

### Teacher DC

Teacher DC is a VCE English teacher who recently moved to the area and doesn't have a large social circle. He is popular among the learners and is well-known for being friendly and joking around with them. There is one group of year 12 boys Teacher DC is particularly close with, and plays basketball with them every day at lunch.

After a few months of participating in Teacher DC's English class, a number of learners ask the year level coordinator if they can join another teacher's English class. They advise the year level coordinator that they feel they are slipping behind as Teacher DC is always focused on supporting the male learners he plays basketball with.

## Reflective questions

- what steps have I taken in the past to ensure my interactions with learners are objective?
- do I have any personal needs that may affect the way I interact with learners?
- what steps can I take to ensure that my personal needs do not influence the way I interact with learners?

### Principle 1.5

## Teachers are always in a professional relationship with their learners, whether at their education setting or not

The power imbalance between a teacher and learner means there is potential for this to be exploited both during and after the professional relationship.

While there may be grey areas in relation to a teacher–learner relationship, there are some actions that clearly breach the appropriate boundary. Teachers must ensure they take responsibility for establishing and maintaining appropriate professional boundaries with their learners.

### Definitions

#### **....engages in communications with a learner beyond the boundaries of a professional relationship without a valid reason**

Although relationship building is an important part of teaching, all communications with learners should be purposeful, appropriate and necessary to support learning. Teachers should only use communication methods that are approved by the workplace. Social media is not considered an appropriate professional method of communication.

A valid reason may include, but is not limited to

- supporting their education
- discussing wellbeing issues (within workplace guidelines)
- building rapport to engage the learner.

An invalid reason may include, but is not limited to

- personal conversations outside the professional boundary or outside workplace guidelines
- socialising outside professional boundaries and workplace guidelines
- furthering a personal agenda.

#### **...has a sexualised relationship with a former learner within two years of the learner completing their senior secondary schooling or equivalent. In all circumstances, the former learner must be at least 18 before a relationship commences**

Teachers are in a unique position of trust and influence over a learner. This can extend beyond the end of the professional relationship.

The length of time between the conclusion of teacher–learner relationship and the beginning of a sexualised relationship is one factor that will be considered by VIT when determining the appropriateness of a teacher's conduct.

Other factors that VIT may take into account include, but are not limited to

- the emotional / social maturity of the former learner
- the vulnerability of the learner
- evidence of the nature of teacher–learner relationship, including the closeness, dependence, significance and length of the relationship while at the education setting
- any misconduct of the teacher during the professional relationship with the learner.

**...touches a learner without a valid reason**

Teachers must always act to maintain appropriate professional boundaries. Within appropriate professional boundaries there is consideration that touch is an important part of education, care and relationship building.

Teachers should always consider whether touching a learner is appropriate in their specific teaching context. For instance, an early childhood teacher or a teacher in a special needs school would have many occasions where touching a learner is necessary.

While not definitive, a valid reason would generally include, where the touch was consented to and was provided to

- ensure the learner's safety or the safety of others
- support the learner's education
- provide comfort within an appropriate professional relationship.

Teachers must also be aware that corporal punishment in schools is prohibited by law.

The *Child Wellbeing and Safety Act 2005 (Vic)* states that physical violence committed against, with, or in the presence of a child is a type of reportable conduct.

There are a number of situations where a worker or volunteer may make physical contact with a child for lawful reasons. This would mean the conduct or behaviour does not satisfy the definition of physical violence under the scheme. An example of lawful physical contact includes physically restraining a child to stop them from hurting another person or themselves, or from destroying property.

The use of force includes actions such as physical restraint of a child and the use of physical force to move a child (for example, removing a child from a classroom). Any force used by the worker or volunteer must be reasonable in all of the circumstances and no more force should be used than is absolutely necessary. If the force used is not reasonable, or is more than is needed, the act could be physical violence. For more information of the use of force / physical violence, please refer to the [Commission for Children and Young People](#).

**...socialises with learners (including online and via social media) outside of a professional context**

Building rapport with learners is an important part of a positive learner-teacher relationship, however, a teacher should not act as a friend. Some informal interaction in the education setting is perfectly appropriate, such as talking with learners at school events, formals, fundraising events or fairs.

Teachers generally should avoid socialising with learners outside of a professional context, as this goes beyond an appropriate professional relationship. This includes socialising in an online context (which may include via social media, on gaming websites or any other non-education related platform).

The context in which a teacher works and lives is of particular relevance to this principle of the Code. Teachers should consider what is appropriate in their current context, use the ethical decision-making model to help guide their behaviour, and speak with workplace leadership if they are unsure about how to best maintain appropriate professional boundaries.

**Unique position of influence and trust**

The teacher-learner relationship is not equal. Teachers are in a position of authority and have significant influence over their learners.

The high level of trust within a teacher-learner relationship means that teachers must always be aware of this power-imbalance and act in a way that is in the best interests of the learner and does not abuse this power imbalance.

## Case studies

These hypothetical case studies are designed to stimulate discussion and debate about what is considered appropriate professional and personal conduct for teachers as well as appropriate strategies to prevent inappropriate conduct.

Outcomes are not provided; any case investigated by VIT is considered on its individual merits and context, therefore teachers should use these provocations to reflect on their own practice within their specific context.

Identify what issues are highlighted by each case study and use the reflective questions to guide further discussion.

### Teacher NH

Teacher NH is a teacher in a regional town and is family friends with one of their learners. Teacher NH engages in private email conversations with the learner as well as after school activities, such as driving lessons and shopping.

The learner's parent, Parent G, is aware of Teacher NH's interactions with the learner and is initially supportive of their relationship, as the learner has been going through a tough time and Parent G perceives Teacher NH as a stable influence in their life.

As Teacher NH's interactions with the learner become more frequent, Parent G becomes uncomfortable. They ask Teacher NH to pull back and to ask permission before engaging in any more one-on-one activities with the learner. Teacher NH does not abide by Parent G's request and continues to see the learner without seeking permission.

Parent G reports Teacher NH to the school principal, and their employment is eventually terminated on the basis that Teacher NH has breached professional boundaries in their interactions with the learner and Parent G.

### Teacher EK

Teacher EK has always lived in suburban Melbourne, however after seeking out opportunities to live in rural and regional Victoria, she accepted a graduate job at the local high school in a rural town.

Initially, Teacher EK knows no one in the town but as a friendly and social person, she is delighted when invitations to join local community groups arrive. Teacher EK is invited to join a cultural dance group. Upon arriving at the venue, Teacher EK realised that many of the dancers were senior students at her high school or parents of the students she teaches.

Aspects of the dancing required Teacher EK to be semi-clothed. Even though she felt uncomfortable about at the time, she didn't want to draw too much attention to herself by not conforming. The next day at school, some of her students asked her about the class as they'd heard about her attendance from people in the class. Unsure of how to proceed due to potential professional conflicts, Teacher EK consults with school leadership and then removes herself from the dance class.

### Teacher CT

Teacher CT has lived in a rural Victorian town his entire life. Teacher CT's family are active community members, with his parents coaching the senior local sports team and his brother active in the local events.

Teacher CT left home to live in Melbourne to complete his teacher training. After 4 years away, Teacher CT has come back home as he was successful in getting a job at the local high school as a PE teacher. Teacher CT is teaching a mixture of secondary year levels, including VCE.

Teacher CT decided to re-join his old sports club and finds himself playing on the same team as some of his VCE learners.

After the first training session, as Teacher CT is heading toward the clubroom, he remembers that often team members shower in the communal facilities in the clubroom.

### Teacher TB

Teacher TB is a secondary school teacher and while scrolling through their Instagram account, comes across a 'suggested post' from a learner. The learner, Learner M, is a year 10 student in Teacher TB's class, who is also an aspiring actor and model. Learner M has a public profile on Instagram where they post modelling photos.

Teacher TB clicks on the suggested post and writes several comments including: "What a beauty! You're definitely going to be famous one day. You've got all the right features to be on the big screen! Plus brains...what a catch."

Learner M responds to the comments: "Aww, that's so nice! Love ya, see you next week – already looking forward to class". Teacher TB responds by saying: "My pleasure always. Luv ya too xx."

One of Learner M's friends sees the exchange on Instagram, takes a screenshot, and brings it to the principal's attention the next day. Teacher TB is immediately brought into the principal's office and asked for an explanation.

Teacher TB admits to writing the comments but says they only did so to encourage Learner M's acting and modelling pursuits. Teacher TB denies any sexual connotation in their comments.

### Teacher VF

Teacher VF is a secondary school teacher and has the personal mobile number of one of their year 12 learners as part of normal school-related activities. Teacher VF begins to communicate with the learner via text message and phone calls; these communications increase over time and take place at all hours of the day and night.

Teacher VF and the learner speak about their own romantic relationships, their hobbies and interests, friendship issues and what their plans are for the day. The conversations are not of a sexual nature.

The learner's parents become aware of the communication and request that Teacher VF reduce their communications with the learner, but not completely cease them to avoid disrupting their child's learning and emotional state. Teacher VF continues to have a high volume of communications with the learner, including discussing non-teaching related matters, such as romantic relationships.

When asked about the nature of their relationship with the learner by other staff members, Teacher VF says it will not be an issue once the learner finishes year 12. In the following year, when the learner has graduated from the school, Teacher VF expresses a desire to commence a romantic relationship with the learner.

### Teacher WG

Teacher WG is a teacher in a primary school. While walking between classes, they notice a lot of noise in the hall and a crowd appears to be forming.

Teacher WG rushes to the scene and finds two students engaged in a physical fight. Teacher WG immediately pushes between them and breaks them apart. One of the learners, Learner L, refuses to stand down and Teacher WG holds their hands while calmly speaking to them in an effort to stop them from continuing to hit the other student. Learner L is angry and screams at Teacher WG to let them go, saying that Teacher WG has no right to touch them.

Once the altercation has been dealt with, Teacher WG discusses their actions with the principal, as Teacher WG is concerned that Learner L may make a complaint against them.



### Teacher UD

Teacher UD is an early childhood teacher in an outer suburban early childhood centre. Teacher UD loves the challenge of working with learners but, occasionally, they present some behaviours that can be difficult to navigate.

Teacher UD is extremely professional and understands their duty of care. Teacher UD has also undertaken professional learning around the Victorian teaching profession's Code of Conduct and has a good understanding of other professional obligations.

Learner B is a happy 3-year-old in Teacher UD's class. Learner B is a lively child and has a loving family. One afternoon, the children are outside playing in their sensory garden when Learner B notices their older sibling, Learner K, walking back from a school outing with their class. Learner K is on the other side of the road when Learner B spots them. Learner K runs to the centre's gate, which had been left open, and out towards the road. Teacher UD runs after Learner B and grabs their arm just as they are about to cross the road and into the path of an oncoming car.

Learner B is upset by the incident and complains that their arm, which is showing red marks, is sore. Teacher UD reports the incident to their manager and explains the situation to the parents, who were grateful for the intervention.

### Teacher FM

Teacher FM works at the local primary school close to their home and is very involved in all aspects of the local community.

Teacher FM coaches a local sports team which is made up predominantly of learners they teach. Teacher FM is excited when the team progresses to a state final in Melbourne, whereby Teacher FM must travel with the team to a large competition. This will mean driving the team bus as well as staying overnight with the players and parent volunteers.

### Teacher SJ

Teacher SJ is a secondary school teacher who has a 'mentor' relationship with a learner and describes the learner as their 'best friend'. Teacher SJ meets with the learner out of school hours for tutoring and shares personal information about themselves, including that they have previously been sexually assaulted.

Teacher SJ is friends with the learner on Facebook and sends the learner more than 2,500 messages over a 24-month period. The messages are personalised and sometimes sexual in nature.

Teacher SJ also gives a number of gifts to the learner and takes them on a road trip to regional Victoria.



### Teacher XE

Teacher XE is a teacher in an early childhood service. The children enjoy their outside time and usually play well together.

Learner E is the youngest of 3 siblings and is used to engaging in rigorous physical play at home. Learner E often needs to be reminded of the rules of safe play at Kinder.

While playing in the sandpit, Learner E begins to wrestle with another child. Teacher XE hears yells of protest from the other child, who is becoming distressed.

Learner E ignores Teacher XE's instructions to stop, and Teacher XE sees that the rough play is escalating with both children now appearing angry. Teacher XE is also concerned that Learner E will injure the other child. Teacher XE physically separates the children, however Learner E is unable to calm down. Teacher XE holds Learner E's hands and speaks calmly to them in order to prevent them from injuring the other child.

Learner E turns his anger towards Teacher XE and tells them to stop holding their hands, and that they are "going to tell mummy".

Once the incident has been dealt with, Teacher XE discusses the situation with their manager.

### Reflective questions

- am I acting in the best interests of the learner in this interaction?
- are my actions reflective of appropriate professional boundaries?
- is there a possibility my actions could be misconstrued?
- is physical touch reasonable, necessary or appropriate in the circumstances?
- would my workplace leadership support my actions?
- would these actions make the learner uncomfortable?
- how would my actions be perceived by the learner / other learners / the workplace / parents?
- would concerns be raised if someone saw me do this?
- am I using an appropriate / workplace approved method of communication?

### Principle 1.6

## Teachers maintain a professional relationship with parents / carers

### Definitions

**Teachers understand that in some circumstances a relationship with parents / carers outside of the education setting may compromise, or be perceived to compromise, the professional relationship**

While teachers are encouraged to develop positive working relationships with parents / carers, they must maintain appropriate professional boundaries.

In some circumstances, teachers may already have a personal relationship with parents / carers outside the education setting. This can be particularly common in smaller communities. Personal relationships outside the education setting must be managed so as not to influence the way the teacher interacts with the learner.

Teachers should consider informing their workplace of any personal relationships with parents / carers to minimise any perceptions of bias.



## Case studies

These hypothetical case studies are designed to stimulate discussion and debate about what is considered appropriate professional and personal conduct for teachers as well as appropriate strategies to prevent inappropriate conduct.

Outcomes are not provided; any case investigated by VIT is considered on its individual merits and context, therefore teachers should use these provocations to reflect on their own practice within their specific context.

Identify what issues are highlighted by each case study and use the reflective questions to guide further discussion.

### Teacher BE

Teacher BE is a teacher in a secondary school. Teacher BE meets a single parent of a learner (Learner Y) during a parent-teacher interview. Interested in getting to know the parent more, they access Learner Y's records and obtain the parent's email address.

That night, they send Learner Y's parent the following email.

*Hi, Teacher BE here – Learner Y's teacher. Just wanted to say I've watched everything on Netflix and haven't had a chance to 'chill' with anyone in a while. Would you be interested in meeting up with me after school some time to help me 'chill' a bit?*

The parent responds to Teacher BE's email

*Hi Teacher BE, thanks for the invite, but I am seeing someone. Also, I feel like this email is inappropriate, as you're Learner Y's teacher. Happy to let it go, but please keep all future emails on a professional level.*

The next day, Teacher BE writes another email to the parent

*Sometimes three people is better than two. If you and your partner are down for a threesome, I'll be down too. There's nothing I find more sexy than a single parent – the idea of chilling with your partner too is the cherry on top. Let me know.*

The parent does not respond, but instead prints the emails and brings them to the principal's attention. Teacher BE is investigated for inappropriately accessing confidential learner records and communicating inappropriately with a parent of a learner.

### Teacher IX

Teacher IX is a prep teacher in a large urban centre. Teacher IX is a friendly and likeable member of the school community and takes pleasure in getting to know the parents just as much as the learners.

After school one day, Teacher IX was approached by a parent of one of their learners, who asked for a quick meeting. In the meeting, the parent disclosed that they had just split up with their partner and was wondering if Teacher IX had noticed any differences in their child's behaviour. The parent continued to explain that their ex-partner was quite aggressive and suggested that this had resulted in violence towards both them and their child. The parent became quite upset during the meeting and Teacher IX tried their best to provide comfort.

It became apparent during the meeting that the parent and child might have to resort to sleeping rough to escape the ex-partner. Teacher IX offered to house the two until they could find their own accommodation. For about a week, Teacher IX assisted the two, providing them with food and accommodation, and bringing the learner to school with them in the morning.

One morning, as Teacher IX was arriving with the learner, one of the other teachers saw them getting out of the car and asked the principal if they knew what was happening. Teacher IX was asked to explain the situation to leadership, who advised there were proper channels to go through, and this arrangement was not acceptable.

### Teacher VM

Teacher VM is an early childhood teacher at a local kindergarten. Teacher VM has grown up in the area and knows many of the learners' families. Teacher VM is happy to have parent help during learning time, but there is set training for the helpers as well as particular protocols that need to be followed.

Teacher VM has known Parent Q for a long time and finds themselves teaching Parent Q's child. Parent Q starts a pattern of staying for a long time after drop-off time and often wanders into the classroom during the day.

Teacher VM doesn't want to offend their friend and suggests that Parent Q signs up as a school helper. Parent Q responds that they have known each other a long time and therefore they don't need the training.

Teacher VM decides not to push the issue at that moment as they don't want to create any tension. However, soon enough other parents, after noticing Parent Q's presence, begin to just drop by rather than adhere to the protocols. Teacher VM decides to have a discussion with Parent Q about professional boundaries and sends a reminder out to the other parents about the training and protocols for volunteering.

### Teacher CH

Teacher CH is an early childhood teacher in a relatively small centre in regional Victoria. Teacher CH has lived and worked in the community all their life and knows most of the families who have children attending the centre.

One afternoon, a young parent, Parent F, comes to pick up her child who has been upset all day. Once Parent F leaves, Teacher CH makes a comment to their colleague in the reception area that the child is upset because Parent F has left her partner for someone else. Teacher CH adds: "She was always like that at school...one bloke after another".

Teacher CH does not realise that another parent is in the room and hears the exchange. The parent reports this to Parent F.

### Reflective questions

- am I maintaining the privacy of all of my learners? (e.g. if you were talking about workplace issues with a friend who is a parent / carer at the education setting)
- is my personal relationship with the learner's parent / carer influencing the way I interact with them at the education setting?
- do I have any personal beliefs or opinions that may affect the way I interact with learners?
- would concerns be raised if someone saw me do this?
- are my actions reflective of appropriate professional boundaries?

## Principle 1.7

### Teachers work in collaborative relationships with learners' families and communities

#### Case studies

These hypothetical case studies are designed to stimulate discussion and debate about what is considered appropriate professional and personal conduct for teachers as well as appropriate strategies to prevent inappropriate conduct.

Outcomes are not provided; any case investigated by VIT is considered on its individual merits and context, therefore teachers should use these provocations to reflect on their own practice within their specific context.

Identify what issues are highlighted by each case study and use the reflective questions to guide further discussion.

#### Teacher LA

Teacher LA is organising a pizza party to celebrate the end of the year with their grade 6 class. Teacher LA chooses a range of pizzas but does not consult with the learners or their parents about any specific needs.

There are a number of learners in the class who follow a halal or kosher diet. The pizzas that Teacher LA orders do not meet halal or kosher requirements and the learners go without lunch for the day. The learners were upset because they felt excluded from the group and did not get to enjoy the party.

#### Teacher GZ

Teacher GZ is an early childhood teacher at the local kindergarten in a small town. Each year at Easter, Teacher GZ enjoys encouraging the learners to make Easter egg baskets, and on the last day of term before Easter, hides eggs around for the learners to collect. This year, three new families have joined the community from overseas. All three families follow the same faith.

Towards the end of term, Teacher GZ embarks on the usual Easter basket creating session, however, one of the new learners asks 'what it's for and what does Easter mean?'. Teacher GZ is taken aback by this question, as they didn't even think about the religious element of Easter and is embarrassed by the oversight. At the end of the day, Teacher GZ approaches the learner's parent and explains the situation and states that they would love their involvement with any traditions and celebrations that the family celebrate as well.

When their cultural celebrations begin, the parents of the new learners are welcomed to the kinder to share their knowledge and understanding of the important event on their calendars.

#### Reflective questions

- what steps can I take to ensure I work collaboratively with my learner's family / community?
- what are the benefits of working with my learner's families and communities to understand their background, beliefs, context and culture?
- are my actions reflective of appropriate professional boundaries?

**Principle 1.8**  
**Collegiality is an integral part of the work of teachers**

Strong working relationships between teachers are essential to support effectiveness and learning. Teachers should support one another in their practice, particularly those new to the profession.

Teachers should work in a collegial manner that is respectful and focused on the best interests of the learners.





## Case studies

These hypothetical case studies are designed to stimulate discussion and debate about what is considered appropriate professional and personal conduct for teachers as well as appropriate strategies to prevent inappropriate conduct.

Outcomes are not provided; any case investigated by VIT is considered on its individual merits and context, therefore teachers should use these provocations to reflect on their own practice within their specific context.

Identify what issues are highlighted by each case study and use the reflective questions to guide further discussion.

### Teacher WF

Teacher WF is a drama teacher in a secondary school. Teacher WF believes one of their learners may have a learning disability and approaches the year level coordinator to discuss their concerns.

Teacher WF discovers there is a group email in which most of the learner's other teachers have been discussing strategies to support the learner, including information from medical professionals about the learner's needs. It is only Teacher WF and another colleague (the physical education teacher) who were excluded from the emails. When asked, the year level coordinator says that due to the subjects they taught, the group didn't feel it was necessary for Teacher WF and their colleague to be included.

### Teacher SQ

Teacher SQ is a grade one teacher at a local regional primary school. Teacher PY is a grade two teacher at the same primary school. Both share mutual friends and are grade-level coordinators this year and were excited about future collaborations as young professionals in the school.

At the beginning of the year, Teacher SQ and their long-term partner broke up, a few months on, a rumour began to circulate that Teacher PY is dating the ex-partner of Teacher SQ. Teacher SQ confronts Teacher PY in the staffroom, and Teacher PY admits they are dating. Teacher PY apologises and shares that they haven't been honest. Teacher SQ is not impressed and calls Teacher PY derogatory names. Another teacher steps in and tells Teacher SQ to cool it and to walk it off.

Over the coming weeks, Teacher SQ continues to target Teacher PY, telling other colleagues that Teacher PY is never organised, the learners don't like them and they're too strict on them. Teacher SQ also continually tries to cut off Teacher PY in staff meetings and has begun to exclude them from information about the upcoming athletics day sports carnival which they are helping to organise.

One of the other grade two teachers complains to the principal that the tension between the two is making it uncomfortable for them to work.

## Reflective questions

- do I share relevant data / information about learners with my colleagues to support learning?
- do I interact with my colleagues in a way that respects their individual differences?
- am I mindful of my actions / language when interacting with my colleagues?

# Guidance material

## Section 2: Personal conduct

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The personal conduct of a teacher will have an impact on the professional standing of that teacher and the profession as a whole.

### Principle 2.1

## The personal conduct of a teacher has an impact on the professional standing of that teacher and on the profession as a whole

### Definitions

#### Positive role model

The teaching profession and the community have high expectations in relation to a teacher's personal conduct, which includes that they act as a positive role model both within and outside the education setting (including online / via social media). The type of behaviour that constitutes a positive role model may vary depending on each individual's context. It should include behaving (in both their personal and professional life) in a way that

- demonstrates a commitment to community values such as respect, civility, integrity, equity, justice and responsibility
- promotes respect for the law with learners
- reflects positively on the teaching profession
- does not cause harm to others.

#### ...respecting and complying with the law

Respecting and complying with the law means teachers have an understanding of the importance of the law, take positive steps to be aware of the law, consider their actions in light of the law and take active steps to ensure they comply with it.

#### Inappropriate personal or financial benefit

Teachers must ensure they do not use their position as a teacher for their own personal gain or benefit. For example, teachers should not use the resources available to them as a teacher to support an independent business or use their position as a teacher to employ their friends / family members where a merit-based process has not been followed.

#### Demonstration of intolerance or prejudice

Teachers should be aware that as role models, any demonstration or acceptance of intolerance or prejudice (both within and outside the education setting) can have an impact on their standing as a professional and may have an impact on the safety and wellbeing of children.

Teachers should also consider what they post, share or like on social media to ensure they are not demonstrating or accepting intolerance or prejudice.

If a learner observes a teacher demonstrating or accepting intolerance or prejudice against a particular group of people, the learner may interpret this behaviour as the teacher condoning the action. This could then have an impact on the learner's feelings of safety and wellbeing as they may no longer feel the learning space with that teacher is safe and supportive.

It could also be seen as condoning the action, leading a learner to also enact the prejudice, which has implications not only for the safety of that particular learner but other learners / groups they may enact the prejudice against.

While not an exhaustive list, teachers should ensure their actions do not demonstrate intolerance or prejudice of a particular groups based on

- age
- gender identity
- sexual orientation
- racial or cultural background
- socio-economic background.

## Case studies

These hypothetical case studies are designed to stimulate discussion and debate about what is considered appropriate professional and personal conduct for teachers as well as appropriate strategies to prevent inappropriate conduct.

Outcomes are not provided; any case investigated by VIT is considered on its individual merits and context, therefore teachers should use these provocations to reflect on their own practice within their specific context.

Identify what issues are highlighted by each case study and use the reflective questions to guide further discussion.

### Teacher ND

Teacher ND is a primary school grade 1 teacher. Whilst holidaying at the beach, Teacher ND is approached to appear on a reality TV show. Flattered, Teacher ND decides to apply and see how it goes, asking their school for some leave.

While on the show, it becomes apparent that, due to editing, Teacher ND is presented as the antagonist of the show and is constantly presented as stirring up arguments with contestants. At one point, however, Teacher ND was caught telling a fellow contestant that another contestant was a sociopath, like a creepy kid they teach, and Teacher ND muses that they wonder if the contestant was taken away from their parents too.

After the show, Teacher ND wishes to return to teaching. However, upon hearing of their return, some parents complained that they were not a suitable role model for their children and called for their resignation. However, Teacher ND claimed that everything was taken out of context, and they're not like that in real-life.

### Teacher MP

Teacher MP is an early childhood teacher who throws a taxi driver's phone to the ground during an argument and smashes it. Teacher MP also pushes the taxi driver, spits on the driver and steals the keys to the driver's car. During the dispute, Teacher MP's partner physically assaults and shouts racist remarks at the taxi driver.

The next day, a media headline appears reading: "Kindergarten teacher – racist, drunk and violent".

### Teacher KN

Teacher KN is currently the subject of a police investigation regarding engaging in sexual activity with a minor.

One night, she matched with someone on a dating app. On the app, the minor stated they were 18 years old but appeared to look much younger than this. The minor met with Teacher KN for a date, where they drank beer in a park. Teacher KN had sexual intercourse with the minor but she did not ask how old the minor was. The next week, Teacher KN saw the minor at the bus stop in a school uniform. Teacher KN spoke to the minor who confirmed that he was 15 years of age.

Teacher KN stated that she thought the minor was 18 years old, despite looking 15 years old, as he had brought alcohol to their date in the park.

### Teacher TG

Teacher TG, after changing career paths later in life, is now a pre-service teacher currently applying for provisional registration. As part of the process to gain provisional registration with VIT, Teacher TG is required to complete a Nationally Coordinated Criminal History Check.

During this process, VIT is notified that Teacher TG has been acquitted for a historical charge of assault as a result of an instigated brawl. Although Teacher TG was acquitted of this charge, VIT still investigated the case and the charge to investigate their suitability to teach. Although the findings did not preclude Teacher TG from provisional registration, the stress of the investigation added an extra element to the application compared to their other pre-service teaching peers.

**Teacher DS and Teacher AI**

A local charity organisation decides to put on a ‘Singles Ball’ with a fancy dress theme.

Teacher DS and Teacher AI are teachers at the local primary school who decide to attend. They look forward to the event and embrace the opportunity to dress up. Both are scantily clad, although they reason ‘You see more on a beach’.

They enjoy the evening and think no more of it until a community Facebook page posts photos of the event.

One photo is not particularly flattering and looks as though Teacher AI is quite intoxicated and on close inspection sees evidence of a ‘wardrobe malfunction’. Teacher DS doesn’t fare much better with a photo where it looks as though they are simulating smoking a bong.

**Teacher UG**

Teacher UG is a teacher at a local high school and has a mixed teaching load. Teacher UG is also a form room teacher and has the pastoral care role for the group. They have been working with a family and some outside agencies to support a learner in the form group who has been demonstrating self-harm behaviours.

One afternoon, Teacher UG is presenting a PowerPoint to the form group and has their laptop plugged into the screen. During the presentation, Teacher UG receives an email from one of the agencies that they have been engaged with for the learner. The email has the learner’s full name as the subject line and is clearly marked from ‘J&S Psychological Services’. Everyone in the class notices and the learner runs from the room.

**Teacher JE**

A number of years ago, early in Teacher JE’s career, he made comments and liked a number of social media posts with jokes referring to race and religion.

These include sharing posts such as: “The protestors are starting to realise why their grandparents were smart and covered up.” and “I hate it how girls always claim they were forced when they were just drunk and regretted it – at least some know how to cover it up.”

**Teacher FH**

Teacher FH lives and works in a small rural town. Teacher FH has lived in the town for many years and has strong connections and friendships with the families of the school.

Teacher FH is an active part of the community – volunteering with local groups and playing on a local sports team. Teacher FH is family friends with a number of their learners’ parents and is also friends with these parents on social media. When Teacher FH began teaching at the local school, they were already friends on social media with some of the learners.

To ensure they maintain appropriate professional boundaries, Teacher FH discusses with their learners that they will not connect with them on social media while they are their teacher. Teacher FH maintains the connection on social media with parents but takes steps to ensure their accounts are private; that they share some content only with specific people; and that what they post, share and like on social media is aligned with the community’s expectations of them as a teacher.

**Teacher PJ**

Teacher PJ is a teacher at the local childcare centre. They are the only teacher with one trained educator.

Teacher PJ is also a key member of a local sports club and is now on the committee. It comes to the committee’s attention that one of their members has been accused of domestic violence and is the subject of an Intervention Order. The committee discusses the situation and decides that they should not take any action as this is a family matter.

Unfortunately, this situation becomes widely known around the area and Teacher PJ finds themselves the target of many questions from parents at the childcare centre. Teacher PJ is uncomfortable with the message that they believe the club is sending and becomes concerned about their own membership role on the committee.

## Reflective questions

- would my actions reflect negatively on me personally or on the teaching profession?
- would there be any issues if my employer / parents / learners were made aware of my behaviour?
- are my actions reflective of the expectations I would have of my colleagues?
- would there be any issues if my employer / parents / learners saw my online / social media presence?
- am I aware of my own biases, intolerance or prejudices?
- what steps can I take to ensure they are not impacting my interactions with learners / parents / colleagues?
- do I have the same expectations of myself online and on social media?



# Guidance material

## Section 3: Professional competence



Teachers are cognisant of their legal and professional requirements and value their professionalism. They set and maintain high standards of professional competence.



**Principle 3.1**  
**Teachers value their professionalism, and set and maintain high standards of competence**

Teachers must ensure they set and maintain high standards of competence, including being able to undertake reflective practice to identify their professional learning needs. They should take steps to identify when to seek support or further learning and ensure their practice reflects the Australian Professional Standards for Teachers.

**Reflective questions**

- do I understand the requirements of my role?
- how do I identify my professional learning needs?
- what resources can I utilise to support my learning?
- am I engaging in ongoing reflective practice?

**Principle 3.2**  
**Teachers are aware of, and comply with, the legal requirements that pertain to their profession**

There are specific laws that pertain to certain professions (including teachers), such as mandatory reporting, failure to disclose and failure to protect. Teachers must ensure they are familiar with all of these requirements and that they comply with them.

There are also a number of other laws, policies and regulations that relate to the teaching profession, which teachers should seek to ensure they are familiar with, such as the Child Safe Standards and the Reportable Conduct Scheme.



## Case studies

These hypothetical case studies are designed to stimulate discussion and debate about what is considered appropriate professional and personal conduct for teachers as well as appropriate strategies to prevent inappropriate conduct.

Outcomes are not provided; any case investigated by VIT is considered on its individual merits and context, therefore teachers should use these provocations to reflect on their own practice within their specific context.

Identify what issues are highlighted by each case study and use the reflective questions to guide further discussion.

### Teacher FG

Teacher FG is a high school science teacher in a small country town where they grew up. Teacher FG is a member of the local sports club and is heavily involved in several community projects. Some of Teacher FG's learners are the children of friends or close acquaintances.

During one of their regular year 8 science lessons, Teacher FG notices that one of the learners, Learner A, is particularly jumpy. Learner A's stepparent is in Teacher FG's sports team.

Teacher FG asks Learner A if they're ok and Learner A says they are just tired and haven't been sleeping properly. Teacher FG decides to leave it and continues with the lesson. Over the following weeks Teacher FG notices that Learner A has become more and more withdrawn, then one day Teacher FG asks Learner A to stay back after class, hoping they will be able to understand what's going on.

Learner A was very reluctant to say anything, telling Teacher FG that it's nothing, and that they don't want to cause any trouble. Finally, after some prodding, Learner A explains that their stepparent has been coming into their room at night to share their bed, claiming that they've had a fight with Learner A's parent and they need to sleep in Learner A's bed. The bell goes and Teacher FG thanks Learner A for being so honest and sharing. Teacher FG tells Learner A they will follow it up.

As the stepparent is a member of Teacher FG's sports team and they've known each other for a while, Teacher FG decides to clarify the situation with the stepparent and check. Teacher FG doesn't tell leadership or the wellbeing team about what Learner A has disclosed. Teacher FG texted the stepparent to clarify and they denied that they had been sharing a bed, saying that they will go and check on Learner A after a fight, but they do not share Learner A's bed.

The next day, Learner A is not at school and isn't at school for the rest of the week. Teacher FG becomes concerned for Learner A's wellbeing. When a discussion is sparked in the staffroom as to Learner A's absence, Teacher FG said they had been worried about Learner A and had had a discussion with them, but it seemed like a misunderstanding on the student's behalf.

The assistant principal overheard the conversation in the staffroom and asked Teacher FG to come into their office to clarify the situation. Teacher FG explained what had happened. The assistant principal explained to Teacher FG that they are legally responsible to report such conduct, and now the situation seems to have escalated.

### Teacher MC

Teacher MC is a teacher in a special education school. There are a number of difficult issues with one of the learners, Learner P, and so Teacher MC liaises with a number of family members and outside agencies. Learner P's file shows there is a court order against one of their parents, Parent V.

Teacher MC receives a call from Parent V looking for information regarding Learner P. Teacher MC explains that they are unable to speak as they are not listed on the file as a contact and there is a court order. Parent V explains that they and Learner P's other parent are working together to try to help Learner P, so Teacher MC can disregard the court order. Teacher MC gives Parent V the information requested.

Teacher MC is later asked to see the principal, who is upset. Learner P's other parent has complained that Teacher MC gave information to an unauthorised person. This has triggered Parent V's violent behaviour and has included threats to the other parent to 'sort them out'.

### Teacher NC

Teacher NC is working at an early childhood centre. One of the children in Teacher NC's care is a 3-year-old, who is also the child of one of Teacher NC's colleagues. One day, the child arrives to the centre with a bruised lip. Teacher NC questions the child about their injury and they respond their parent "was angry with me and hit me".

Teacher NC does not make a mandatory report, as they do not believe their colleague is capable of injuring their child. Teacher NC later discusses it with the colleague who confirms that they did lose their temper but indicates it won't happen again.

### Teacher LB

Teacher LB works at a large local secondary school. During induction they are told that the school process for mandatory reporting is to inform the Wellbeing Team if there are matters requiring a report.

Teacher LB formed a reasonable belief that a mandatory report should be made regarding a student in their class.

Teacher LB calls the Wellbeing office, no one answers. As class is about to resume, they send an email to the team and asks them to follow up.

The Wellbeing Team was handling a critical incident that afternoon and does not get back to the office until after school had finished and the students had gone home.

### Reflective questions

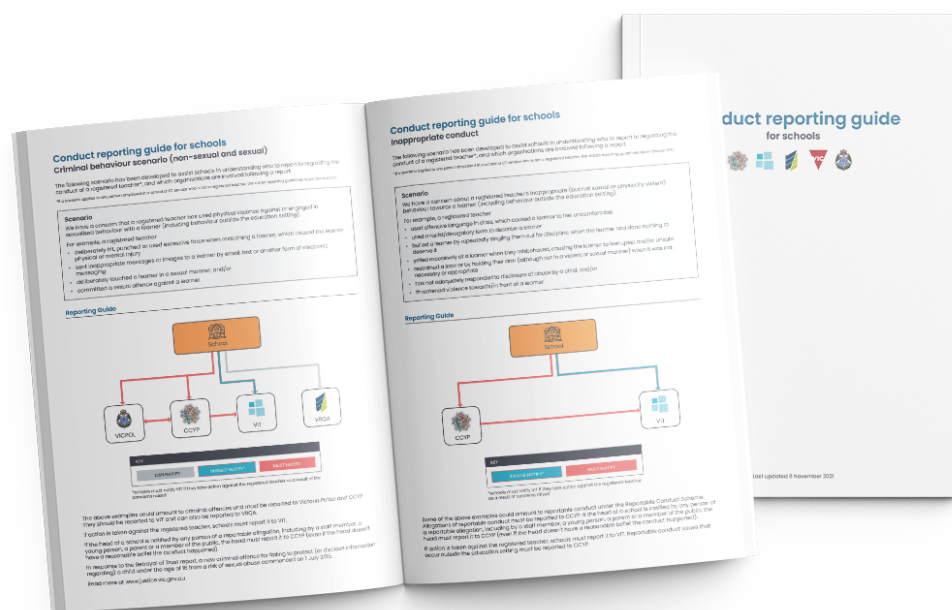
- what are my legal obligations as a teacher? How can I find out more?
- how do I ensure (in my day-to-day practice) that I am fulfilling these legal obligations?
- do I understand the requirements of my role?

# Additional resources

View the revised Code of Conduct and further guidance material including case studies, videos, podcasts and professional learning opportunities at [www.vit.vic.edu.au/codes](http://www.vit.vic.edu.au/codes).

## Conduct reporting guide

The Victorian Institute of Teaching, the Commission for Children and Young People, the Victorian Registration and Qualifications Authority and the Quality Assessment and Regulation Division of the Victorian Department of Education and Training work with each other as co-regulators who are committed to child safety.



These organisations regularly receive reports regarding the conduct of a registered teacher, school or early childhood service and have developed a conduct reporting guide to assist in understanding who to report to regarding the conduct of a registered teacher, school or early childhood service, and which organisations are involved following a report.

View the conduct reporting guide at [www.vit.vic.edu.au/conduct-reporting-guide](http://www.vit.vic.edu.au/conduct-reporting-guide).

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