

Code of Conduct workshop

Case study reference document



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Please note

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 as any case that is 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.

Case study – 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.

Reflective questions

- Which principle(s) of the Code provide guidance to a teacher about this type of conduct?
- To what extent do you think Teacher HN has breached these principle(s)?
- What advice could you provide to Teacher HN to prevent and / or address this situation?

Relevant principles (includes but is not limited to)

Principle 1.1 – Teachers provide opportunities for all learners to learn

Teachers demonstrate their commitment to their learners by

- approaching the teaching and understanding of each individual learner without judgment or prejudice
- engaging with parents / carers / families and colleagues to consult about their learner’s needs

Principle 1.2 – Teachers treat their learners with courtesy and dignity

Teachers

- work to create an environment that promotes respect for everyone
- model and engage in respectful and impartial language and behaviour
- protect learners from intimidation, embarrassment, humiliation and harm
- use behaviour management strategies and consequences appropriate for a learner’s individual context and actions, aimed at supporting positive change.

Principle 1.4 – Teachers maintain objectivity in their relationships with learners

Teachers interact with learners without displaying bias or preference.

Further information

Teachers may need to consider

- how their behaviour may impact learners and be perceived by others
- how a learner’s background / past experience can impact their perception of the teacher’s behaviour.

Case study – 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.

Reflective questions

- Which principle(s) of the Code provide guidance to a teacher about this type of conduct?
- To what extent do you think Teacher TB breached these principle(s)?
- What steps should you take to ensure that your relationships with learners do not step outside of appropriate professional boundaries?

Relevant principles (includes but is not limited to)

Principle 1.5 – Teachers are always in a professional relationship with their learners, whether at the education setting where they teach or not

Teachers should consider how their decisions and actions may be perceived by others.

A professional relationship will be violated if a teacher engages in communications with a learner beyond the boundaries of a professional relationship without a valid reason, including via written / electronic / online means (including social media).

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

Although there is no definitive boundary between the personal and professional conduct of a teacher, teachers reflect community expectations in their personal conduct by being positive role models in education settings, in the community and online.

Further information

This is an example of a case where a teacher has engaged in communications with a learner beyond the boundaries of a professional relationship without a valid reason on social media. With social media now so prevalent in modern society, it is important that teachers are aware that communicating with a learner beyond the boundaries of a professional relationship without a valid reason is a clear violation of their professional relationship. Teachers should only communicate with learners on those platforms approved by their workplace (e.g. workplace e-mail, Microsoft Teams, online learning management systems) about matters which have a direct connection with the teacher's professional practice.

Teachers should also be cognisant of how their behaviour (both in person and online) could be perceived by others. In this case, informal language with a learner on social media, where a teacher is commenting on a learner's appearance, may be perceived unfavourably by other people viewing this conduct.

Case study – 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."

Reflective questions

- Which principle(s) of the Code provide guidance to a teacher about this type of conduct?
- To what extent do you think Teacher JE has breached these principle(s)
- What impact do you think Teacher JE's behaviour could have had on learners if they saw this material?
- How do you think this behaviour would be perceived by the community and how does it reflect on the reputation of the profession?

Relevant principles (includes but is not limited to)

Principle 2.1 – The personal conduct of a teacher will have an impact on the professional standing of that teacher and on the profession as a whole

Teachers should consider how their decisions and actions may be perceived by others.

Although there is no definitive boundary between the personal and professional conduct of a teacher, teachers reflect community expectations in their personal conduct by

- being positive role models in education settings, in the community and online
- being aware of the potentially serious impact that any demonstration of intolerance or prejudice could have on the safety and wellbeing of children, their standing as a teacher or the profession as a whole.

Further information

In this case, the teacher's conduct did not occur in the classroom, however the crude, and sexualised nature of commentary could easily be interpreted as intolerance or prejudice to certain members of the community.

Teachers should be aware of the need to be positive role models both in their education settings and in the community (including in the online space). If learners or parents / carers viewed this material, it may have an impact on the way the teacher is perceived professionally. It may also have an impact on the safety and wellbeing of the learner if they view their teacher as being intolerant or prejudiced.

Case study – 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.

Reflective questions

- Which principle(s) of the Code provide guidance to a teacher about this type of conduct?
- To what extent do you think Teacher VF has breached these principle(s)?
- Considering the power imbalance in the teacher-learner relationship, is it problematic for a teacher to seek a relationship with a learner after they graduate Year 12?
- How might the relationship be perceived by the community?

Relevant principles (includes but is not limited to)

Principle 1.5 – Teachers are always in a professional relationship with their learners, whether at the education setting where they teach or not

A professional relationship will be violated if a teacher

- has a sexual relationship with a learner
- engages in sexual misconduct which includes behaviour, physical contact, speech or other communication of a sexual nature; inappropriate touching; grooming type behaviour; and voyeurism
- engages in communications with a learner beyond the boundaries of a professional relationship without a valid reason, including via written / electronic / online means (including social media).

A professional relationship may be compromised if a teacher 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.

Further information

Sexual relationships between former learners and teachers is an area of concern, and several matters of this nature have been referred to VIT. The Betrayal of Trust Inquiry and the Royal Commission into Institutional Responses to Child Sexual Abuse both noted the dangers of grooming in a teacher-learner relationship. The power imbalance between a teacher and learner means there is potential for this to be exploited beyond the end of the professional relationship.

In the case of a former teacher who was convicted of indecent acts with a child in 2020, Judge Michael Tinney noted "this was not an equal relationship; you were not equals."

Other regulated professions where a power imbalance exists also have similar guidance around relationships, such as The Australian Psychological Society's Code of Ethics, which restricts sexual relationships between psychologists and patients for two years after the conclusion of the professional relationship.

Case study – 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.

Reflective questions

- Which principle(s) of the Code provide guidance to a teacher about this type of conduct?
- To what extent do you think Teacher SJ has breached these principle(s)?
- If Teacher SJ was your colleague, what actions could you take to address this conduct?

Relevant principles (includes but is not limited to)

Principle 1.5 – Teachers are always in a professional relationship with their learners, whether at the education setting where they teach or not

A professional relationship will be violated if a teacher

- has a sexual relationship with a learner
- engages in sexual misconduct which includes behaviour, physical contact, speech or other communication of a sexual nature; inappropriate touching; grooming type behaviour; and voyeurism
- touches a learner without a valid reason
- engages in communications with a learner beyond the boundaries of a professional relationship without a valid reason, including via written / electronic / online means (including social media)
- gives gifts to learners or their parents / carers / families that could be reasonably perceived as showing bias or favouritism.

Case study – 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.

Reflective questions

- Which principle(s) of the Code provide guidance to a teacher about this type of conduct?
- To what extent do you think Teacher NH breached these principle(s)?
- What impact could the pre-existing relationship with the family have had on Teacher NH's ability to maintain professional boundaries?
- In this case, the workplace relied not only on the Victorian Teaching Profession's Code of Conduct, but also on their sector's code of conduct. Are there any codes / policies in your workplace that you would need to be aware of?
- What additional considerations would need to be considered for teachers in regional / rural settings in relation to professional boundaries?

Relevant principles (includes but is not limited to)

Principle 1.5 – Teachers are always in a professional relationship with their learners, whether at the education setting where they teach or not

A professional relationship will be violated if a teacher

- has a sexual relationship with a learner
- engages in sexual misconduct which includes behaviour, physical contact, speech or other communication of a sexual nature; inappropriate touching; grooming type behaviour; and voyeurism
- touches a learner without a valid reason
- engages in communications with a learner beyond the boundaries of a professional relationship without a valid reason, including via written / electronic / online means (including social media)
- gives gifts to learners or their parents / carers / families that could be reasonably perceived as showing bias or favouritism.

Principle 1.6 – Teachers maintain a professional relationship with parents / carers

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.

Further information

This is an example where, amongst other things, a personal relationship with a learner's family compromised a teacher's professional relationship with the learner and the learner's parent.

The teacher was a friend to the family and was initially perceived as a positive and stabilising influence in the learner's life. However, the teacher took advantage of this pre-existing relationship of trust to engage in activities with the learner that breached professional boundaries. The teacher also failed to respect the learner's parent and take their perspective into account.

This is also an example of how teachers are subject to a number of codes of conduct / ethics of which they need to be aware.

Case study – 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".

Reflective questions

- Which principle(s) of the Code provide guidance to a teacher about this type of conduct?
- To what extent do you think Teacher MP breached these principle(s)?
- How would Teacher MP's conduct be perceived by the community, education setting and children / parents / carers / families?

Relevant principles (includes but is not limited to)

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

Although there is no definitive boundary between the personal and professional conduct of a teacher, teachers reflect community expectations in their personal conduct by

- being positive role models in education settings, in the community and online.

Further information

While the conduct occurred in a private context, outside of any connection to children or an education setting, VIT is empowered to examine the teacher's conduct with a view to evaluate their character and fitness to teach as defined by the Education and Training Reform Act (2006).

When undertaking any of its regulatory functions, VIT must consider the public interest and the safety and wellbeing of children, including by taking into account community expectations and examining criminal conduct. This reflects the community expectations in relation to a teachers' personal conduct and how it might impact on the standing of the individual and the profession as a whole.

Case study – 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.

Reflective questions

- Which principle(s) of the Code provide guidance to a teacher about this type of conduct?
- To what extent do you think Teacher KN breached these principle(s)?
- How would Teacher KN's conduct be perceived by the community, education setting and children / parents / carers / families?
- What positive actions could Teacher KN have taken to avoid this situation and ensure their conduct was in line with the Code?

Relevant principles (includes but is not limited to)

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

Although there is no definitive boundary between the personal and professional conduct of a teacher, teachers reflect community expectations in their personal conduct by

- being positive role models in education settings, in the community and online
- respecting and complying with the law
- being aware of the potentially serious impact that any demonstration of intolerance or prejudice could have on the safety and wellbeing of children, their standing as a teacher or the profession as a whole.

Further information

This case study is particularly relevant to Principle 2.1 – “respecting and complying with the law”. While the teacher’s criminal conduct occurred in their private life, their personal conduct may impact on their standing as a teacher. This is because the criminal conduct involved a child and it appears as though the teacher did not take positive steps to ensure that they were complying with the law.

Case study – Teacher JP

Teacher JP was a primary school teacher who attended a sports match. After consuming a significant amount of alcohol, Teacher JP returned home intoxicated and was upset because their team lost the game.

Teacher JP got into a quickly escalating argument with their partner and accused their partner of cheating. Teacher JP then grabbed their partner's phone and started to look through their messages. Upon seeing a message they didn't like, Teacher JP yelled abuse and threatened several times, to kill their partner. Teacher JP pushed their partner, who fell down and hurt their head. After hearing all the noise, their children, aged 11 and 14 ran into the living room and called the police.

Teacher JP was found guilty of making a threat to kill, and recklessly causing injury.

Teacher JP's partner moved out of the home with their children, and instigated divorce proceedings while attempting to obtain full custody of the children.

Over the following months, Teacher JP sent their ex-partner over 900 abusive text messages which included death threats. Teacher JP also threatened to burn down their family home on multiple occasions.

Teacher JP was then charged with stalking and making a threat to kill. Teacher JP stated that they do not remember sending the text messages, stating they have developed a dependency on alcohol and were intoxicated at the time.

Reflective questions

- Which principle(s) of the Code provide guidance to a teacher about this type of conduct?
- To what extent do you think Teacher JP breached these principle(s)?
- How would Teacher JP's conduct be perceived by the community, education setting and children / parents / carers / families?

Relevant principles (includes but is not limited to)

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

Although there is no definitive boundary between the personal and professional conduct of a teacher, teachers reflect community expectations in their personal conduct by

- being positive role models in education settings, in the community and online
- being aware of the potentially serious impact that any demonstration of intolerance or prejudice could have on the safety and wellbeing of children, their standing as a teacher or the profession as a whole.

Further information

While the teacher's criminal conduct occurred in their private life, their personal conduct may impact on their standing as a teacher. This is because the criminal conduct was indicative of an escalating pattern of violent behaviour, which suggests the teacher is not fit to teach. The dependency on alcohol and the fact that the teacher was intoxicated at the time of engaging in some of the criminal conduct is also troubling, and gives rise to serious concerns about the teacher's current suitability to teach children.

Case study – 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, Teacher NC arrives to the centre with a bruised, fat 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.

Reflective questions

- Which principle(s) of the Code provide guidance to a teacher about this type of conduct?
- To what extent do you think Teacher NC breached these principle(s) and the law?
- How might a personal relationship with a child's parents / carers / families impact a teacher's ability to comply with their legal expectations?

Relevant principles (includes but is not limited to)

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

Teachers must comply with the requirements of

- mandatory reporting and other reporting obligations
- the principle of negligence, which includes duty of care.

Principle 1.6 – Teachers maintain a professional relationship with parents / carers

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.

Further information

This case study is an example where, amongst other things, a teacher did not comply with the requirements of their mandatory reporting and their duty of care, despite being aware of them.

The revision of Principle 3.2 ensures that there is no grey area, and that teachers must comply with their requirements, not simply be cognisant of their legal responsibilities.

Victorian Institute of Teaching

717 Bourke Street, Docklands VIC 3008
PO Box 531, Collins Street West VIC 8007

t. 1300 888 067

e. vit@vit.vic.edu.au

w. vit.vic.edu.au