

## **VICTORIAN INSTITUTE OF TEACHING**

### **DECISION AND REASONS OF THE FORMAL HEARING**

**NUMBER:** 063

**REGISTERED TEACHER:** Carly Marie HOOK

**PANEL MEMBERS:** Susan Halliday, Chairperson  
Michael Lester, Registered Teacher  
Sophie Panagiotidis, Panel Member

**ATTENDANCE:** The teacher was represented by Mr John Ellingham  
Ms Melinda Richards, Counsel Assisting with  
Ms Clare Sherman instructing

**DATE OF HEARING:** 29, 30 April 2008 and 2 June 2008

#### **DETERMINATION UNDER SECTION 2.6.46(2) OF THE *EDUCATION TRAINING AND REFORM ACT 2006*:**

On 29 October 2008 the Panel determined that the teacher's registration would be suspended for a minimum of four months and that the following condition must be met before the suspension of her registration would be lifted.

The teacher is to attend at least six sessions with a registered psychologist where the following matters are addressed:

- an in-depth analysis of the Institute's Code of Ethics and Code of Conduct clearly identifying the points at which her behaviour deviated and the potential/real consequences, both direct and indirect
- analytically reflect on how and why the relationship progressed, concentrating on the role that she played personally, and noting the array of strategies that she could have put in train to prevent what both evolved and eventuated, when the student was still a student.

- identify the full range of real and potential victims with particular emphasis on the students in her VCE class and the individual student in question, appropriately distancing herself from the fact that she is currently engaged to him.
- draw upon her current knowledge as a teacher of Psychology and examine the impact that behaviour and mixed messages, such as that which she engaged in, can have, being sure to explore the issues associated with power, and the position of trust invested in teachers.
- reflect on the roles and responsibilities of teachers in relation to their students, their school communities, the profession as a whole and the community at large
- strategise a re-entry pathway, including how she might support other teachers given her experiences, as well as how she might develop an increased appreciation for the knowledge of those senior and more knowledgeable than herself, ensuring a willingness to access such expertise and advise when ever in doubt in the future.

Following six counselling sessions with the psychologist, the teacher is to provide a report to the Institute prepared by the psychologist that addresses the dot points set out above and explains how the teacher has satisfied each point.

The teacher is to provide a report written by her illustrating her insight into why her conduct the subject of this decision was inappropriate and setting out strategies she has developed to ensure her conduct is never repeated. The report must explicitly reflect her understanding of the broader impact for persons other than herself and the student.

The teacher is to be responsible for the cost of attending the psychologist and for the cost of the report to be provided to the Institute.

The suspension of the teacher's registration will not be lifted until the Panel receives both reports and is satisfied that the reports address all the relevant issues set out above.

# REASONS

## BACKGROUND

The teacher was provisionally registered with the Victorian Institute of Teaching ('the Institute') on 17 March 2004 and was granted full registration on 25 January 2006.

By letter dated 31 August 2006, the employer notified the Institute of action taken against registered teacher, the teacher, regarding her conduct and fitness to teach.

The matter was referred to the Disciplinary Proceedings Committee ('the Committee') on 14 February 2007 and the Committee decided that the matter should proceed to formal hearing.

The Institute arranged for an investigation of the allegations and on 14 November 2007, the Committee considered the investigation report and confirmed its decision to refer the matter to a formal hearing.

A Notice of Formal Hearing dated 18 March 2008 was served upon the teacher by registered post on 20 March 2008.

## DOCUMENTS CONSIDERED

The Panel was provided with the following documentary evidence:

1. Letter the employer to the Institute dated 31 August 2006 (2 pages) **001- 002**
2. The teacher - Registration Details (4 pages) **003- 006**
3. Document entitled 'Chronology' (2 pages) **007- 008**
4. Letter the Institute to the teacher dated 5 July 2007 (2 pages) **009- 010**
5. Document entitled 'Evidence of Allegations' (3 pages) **011- 013**
6. Witness statement of principal 1 dated 9 August 2007 (1 page) **014**
  - Attachment 1 – Investigator's Report dated 8 June 2006 (Attachments A12 and A15 removed – see pages 121 and 125 of the material)) and Investigator's Supplementary Report dated 3 July 2006 (93 pages) **015 - 107**
7. Witness statement of assistant principal 1 dated 11 September 2007 (2 pages) **108- 109**
  - Attachment 1 – Document (undated) entitled 'Timeline of Events' (9 pages) **110- 118**
8. Witness statement of teacher 1 dated 9 August 2007 (2 pages) **119- 120**

- Attachment 1 – Statement of teacher 1 dated 4 May 2006 (3 pages) **121-123**
- 9.** Witness statement of student 1 dated 8 August 2007 (1 page) **124**
- Attachment 1 – Statement of student 1 dated 2 May 2006 2005 (2 pages) **125- 126**
- 10.** Documents provided by the employer
- Letter the teacher to an officer of the employer dated 13 June 2006 (5 pages) **127- 131**
  - Letter the teacher to an officer of the employer dated 4 July 2006 (3 pages) **132- 134**
  - Notes of meeting between an officer of the employer and the teacher on 7 July 2006 (3 pages) **135- 137**
  - Letter an officer of the employer to the teacher dated 28 July 2006 , attaching an Act (attachment removed – see page 080 of the material) (12 pages) **138- 149**
  - Letter the teacher to an officer of the employer dated 1 August 2006 (1 page) **150**
  - Letter an officer of the employer to the teacher dated 11 August 2006 (3 pages) **151- 153**
  - Notes of meeting between an officer of the employer and the teacher on 11 August 2006 (2 pages) **154- 155**

The following exhibits were tendered at the formal hearing:

- A.** Hearing Book Tab E pages **127 – 131**
- B.** Hearing Book Tab E pages **132 – 134**
- C.** Hearing Book Tab E pages **135 – 137**
- D.** Hearing Book Tab E pages **138 – 149**
- E.** Hearing Book Tab E page **150**
- F.** Hearing Book Tab E pages **151 – 153**
- G.** Hearing Book Tab E pages **154 – 155**
- H.** Letter from Telstra dated 3 April 2008 enclosing Witness Summons for the Production of Documents dated 28 March 2008 and the teacher Phone Records
- I.** Summary of Telephone Contact
- J.** (Undated) Short statement from the teacher

- K.** Witness statement of teacher 1 dated 9 August 2007
- L.** Witness statement of principal 1 dated 9 August 2007
- M.** Letter an officer of the employer to principal 1 dated 22 June 2006
- N.** Witness statement of assistant principal 1 dated 11 September 2007
- O.** The school Personnel Records, the teacher
- P.** Letter the student to principal 1 dated 17 November 2005
- Q.** Witness statement of student 1 dated 8 August 2007
- R.** The student Submission to the Institute dated 19 April 2008
- S.** Hearing Book pages 62 – 63
- T.** Letter of Support for the teacher from principal 2 dated 20 March 2008
- U.** A section from the Schools Reference Guide
- V.** Statement in support of the student and the teacher from the student’s mother dated 17 March 2008
- W.** Statement in support of the student and the teacher from the student’s father and his partner dated 27 March 2008
- X.** Character reference for the teacher from the integration aide dated 17 March 2008
- Y.** Open statement in support of the teacher for the Institute from principal 3 dated 12 March 2008
- Z.** Letter from assistant principal 2 dated 18 March 2008.
- AA.** Statement in support of the teacher and the student, the teacher’s parents dated 17 March 2008
- AB.** Outline of Submission in relation to ‘Double Jeopardy’
- AC.** The teacher, Response to Allegations
- AD.** The teacher, Closing Statement
- AE.** Outline of Submission in relation to when a student ceases or can be considered to cease to be a student

**AF.** The teacher, Transcript of Results

**AG.** Draft Code of Conduct

The following documents were tendered subsequent to the formal hearing:

- i. Letter the Institute to the Panel dated 24 July 2008 (information about unit descriptions).
- li Letter the Institute from the employer dated 30 July 2008.
- lii Letter the Institute dated 6 August 2008, enclosing letter from the teacher's representative dated 6 August 2008.
- iv. Letter the Institute to the Panel dated 21 August 2008, enclosing 2005 diary extract and closing submissions on behalf of the Institute.
- v. Letter the teacher's representative to the Institute dated 2 October 2008 enclosing closing submissions on behalf of the teacher, a statement from the teacher and a letter from the teacher's current employer.
- vi. Closing Submissions in reply on behalf of the Institute dated 9 October 2008.

## **THE EVIDENCE**

The allegations of serious misconduct and/or lack of fitness to teach are:

Whilst employed as a registered teacher at the school, the teacher:

1. Maintained an inappropriate relationship with Year 12 student, the student, in 2005:
  - a. Commencing in or around September 2005, exchanged mobile telephone communications via SMS with the student, unrelated to his education or curriculum, including about:
    - i. weekend arrangements.
  - b. Commencing in or around September 2005, engaged in inappropriate conversations with the student including about:
    - i. their feelings for each other; and
    - ii. their relationship.
  - c. On or around 21 October 2005, spent three hours alone with the student in a bedroom of teacher 1's home (following the valedictory dinner on 20 October 2005).

- d. In or around November 2005, spent the early hours of the morning alone with the student in a bedroom at teacher 1's home (following a night out).
- e. On or prior to 16 December 2005, permitted the student to attend her home.
- f. On or around 16 December 2005, kissed the student at a bar.
- g. Between 16 and 21 December 2005, permitted the student to stay overnight at her home.
- h. Had sexual intercourse with the student, including but not limited to:
  - i. on one occasion in or around August or September 2005; and
  - ii in around December 2005

The Panel heard evidence under oath/affirmation from the following witnesses:

- Principal 1
- Assistant Principal 1
- Teacher 1
- The student's mother
- Principal 2
- Student 1
- The employer representative
- The student
- The teacher

On the first day of the Hearing the teacher did not attend with her representative. It was put to the teacher's representative on the first day of the Hearing, that the Panel considered it important and in the public interest that the teacher attend remaining Hearing day/s and take the opportunity to provide evidence before the Panel under oath/affirmation. To the teacher's credit, she did so, altering her original position of absenting herself.

In a related matter the Panel also reviewed the position put by the teacher's representative that it had erred in relation to procedural fairness as it had failed to comprehend that the representative was making comments on behalf of the teacher on day 1. The representative argued that the Panel treated him as a separate party making comments on his own behalf. The Panel refutes this and is clear that the representative was in fact representing the teacher at all times, including during her absence on day 1, during her presence post day 1, and in all written submissions.

The Panel acknowledged that it was bound by the principles of natural justice. The Panel was comfortable that the principles of natural justice had been applied throughout the preparation for the Hearing, and to the fullest extent possible during the progression of the Hearing.

The Panel noted that it was not bound by the rules of evidence and could inform itself as it saw fit. Further the Panel made every effort to inform itself about matters that were relevant to the specific allegations before it. While the Panel noted several times during the Hearing that it would be the decision maker about what was and was not relevant, the teacher's representative repeatedly progressed a number of matters that the Panel deemed to be lacking in relevance. While the teacher's representative was informed of the Panel's view, in good faith the Panel did provide extensive licence for the teacher's representative to elaborate on his positions. At the end of the Hearing the Panel confirmed that a number of issues progressed by the teacher's representative were indeed irrelevant.

The Panel did not agree with the positions put by the teacher's representative that the teacher's privacy had been breached, and that the principles of natural justice had been breached, in relation to the summoning of the teacher's home phone and mobile phone/SMS text message records. The Panel noted that

- the teacher's knowledge or permission was not necessary to issue the summons,
- the material was appropriately handled by the Institute
- the parties had access to all of the material relevant to the allegations prior to the Hearing
- the teacher's representative objected to the tabling of the phone records and the Panel having heard the arguments of the teacher's representative on the day, determined that the records should be tabled, and then viewed them
- the Panel showed no bias by invoking the powers of the Panel Chairperson, under Section 5.8.9 of the Act and Section 14 of *The Evidence Act 1958*. The mobile phone records were accessed via summons in a concerted effort to ensure the gathering of all of the available information relevant to the allegations, and the Panel endeavouring to ensure that it had informed itself to the fullest extent possible prior to making a determination.
- under oath/affirmation the teacher had the opportunity to discuss the mobile phone and SMS text message records that had been accessed via summons, and detail the circumstances under which she had contact with the Year 12 student she was teaching.

#### **ALLEGATION 1.a (i)**

The teacher stated that she started teaching at the school in 2004 and in 2005 was the student's VCE subject teacher. The teacher admitted to Allegation 1.a. She admitted that whilst employed as a registered teacher at the school she maintained an inappropriate relationship with Year 12 student, the student, in 2005, commencing in or around September, exchanging mobile telephone communications via SMS with the student, that were unrelated to his education and curriculum, and further that the communications at times related to weekend arrangements.

The Panel viewed the mobile phone/SMS text message records which showed that the teacher had made 1382 SMS text message contacts from her mobile phone to the student's mobile phone and 107 voice calls from her mobile phone to the student's mobile phone from 3 September 2005 to 31 December 2005. In addition there was evidence that the teacher had made 38 voice calls from her home landline to the student's mobile phone during the period from 4 October to 31 December 2005.

Further there was evidence that the teacher made 23 calls from her home landline phone to the student's home landline phone from 1 November to 31 December 2005.

The teacher and student, when individually questioned under oath/affirmation about the voice calls and the large number of SMS text messages (there being a total of 1550 made by the teacher housed in the Telstra records), both confirmed that the interaction was not about the student's education or specifically related to the VCE subject curriculum. There was evidence provided that the student did not do particularly well in the subject, however it was confirmed by both the teacher and the student that there was no specific interaction in relation to remedial work or increasing academic progress via the phone or SMS text messaging contact. An analysis of the records showed that contact was made throughout the day but often very late at night and the early hours of the morning.

The student stated that he would often initiate contact and further with reference to quantity that he would often send several texts for each individual text sent by the teacher. The student provided examples of the social content that he claimed appeared in the SMS text messages, noting that he did not believe that there was any sexual content, rather information provided about his life, music and weekend activities. The student indicated that he knew that the teacher was experiencing relationship difficulties and said that he wanted to be supportive. He indicated that he wanted to be there for her. The student informed the Panel that he was interested in the teacher before he sat his VCE exams, and that he pursued her, often initiating contact.

The teacher described the content of voice calls and SMS text messages as reflective of "getting to know you" conversation which extended to information about her childhood, interests, music and her weekend plans. The teacher also indicated that there was no sexual content in the messages. The teacher stated that she did recall the student sending a text message that declared he considered her pretty and that at the time she had felt uncomfortable about it and indicated to the Panel that she made it known to the student that such content should cease. The teacher admitted to Allegation 1.a (i) during the Hearing.

The mother of the student also gave evidence. Asked as a parent for her view about the particularly large volume of SMS text messages and phone contact between the teacher and student prior to VCE exams, the mother stated that she thought it was nice that they could be friends. When it was put to the mother that none of the contact, according to the teacher and student, related to the subject that the teacher was employed to teach the student, and further that the student was not doing that well in the subject, the mother indicated that she wasn't really concerned. She noted that her son was 18 at the time, and while she acknowledged that there were hundreds of phone and text interactions, she reiterated that she thought it was nice that they could be friends and was very happy that they were engaged.

With reference to this allegation it is also noted that principal 1 provided relevant documentation. In the form of a FILE NOTE dated 6 April 2006 it was recorded that the student stated that the first physical interaction between himself and the teacher was 16 December 2005, but there was an attraction between himself and the teacher prior to

that, but it was pretty clear nothing could happen. The student claimed that he had pursued the teacher and she had made it clear to him nothing physical could happen while he was a student. The student stated that he had initiated phone contact and had the teacher's number stored under the name "T" in his mobile phone. This witness also provided a copy of a letter he received from the teacher's solicitors where it states that with respect to the specific allegations that he put forward as the former principal, that *it is accepted by the teacher that there were during Terms 3 & 4 SMS communications from the student to her, which were not related to his studies....completely irrelevant to any charge relating to the teacher as it relates to the behaviour of the student ...and his actions can not be relied upon for a finding that the teacher has ... engaged in conduct which would justify a finding of misconduct .*

Further, assistant principal 1 provided evidence that when interviewing another Yr 12 student, student 1 told her that he had been playing with the student's mobile phone and spotted a lot of text messages under the name of "T". Student 1 told assistant principal 1 that the student had told him that the messages were from the teacher, and that he had read things in the messages about weekend arrangements or comments like thanks for a nice weekend and other non-sexual messages. He told assistant principal 1 that he believed that the teacher had a boyfriend who was out of town.

Student 1 gave evidence himself. A Year 11 student doing Year 12 subjects and hence in the same class as the student, student 1 said that he and the student weren't particularly close but would chat when they saw each other socially. He stated that he was playing around with the student's mobile phone in class and noticed about 10 messages sent from the same number. Under the name "T" the student told student 1 that the messages were from the teacher. Student 1 said that he asked why the student had the teacher's phone number stored in his phone and the student told him that he had seen the teacher out on a number of occasions and had asked for her number. Student 1 said that this was about a month before mid September (ie mid August). Student 1 stated that the student also told him that he and the teacher were "on together". Student 1 stated that he didn't believe the student, but that he was in the end convinced by the student. He added that the student said that they had been together for a few weeks and that at one stage the teacher had tried to end her relationship with the student because of her fiancé. Student 1 stated that the student also told him that he and the teacher had had sex on the bonnet of a car. Student 1 stated that on 10 December he told the school nurse what he knew and the school nurse stated that it couldn't be true as the teacher was engaged.

Teacher 1, a friend of the teacher employed at the same school gave evidence that the teacher said that she found the student attractive, and that as she was engaged and finding someone else attractive, it may mean that she possibly wasn't ready for marriage. This conversation took place in late September 2005 according to teacher 1. Over the next few weeks prior to 20 October 2005, the witness said that she and the teacher discussed the teacher's fiancé a lot. The witness said they also discussed the teacher's attraction to the student on a few occasions and that the teacher had told her that she and the student had talked on the phone and via SMS text messages.

The Panel is of the view that on the balance of probabilities and all of the available evidence that the allegation is substantiated.

**ALLEGATION 1.b (i) and (ii)**

It was alleged that the teacher maintained an inappropriate relationship with the Year 12 student in 2005 commencing in or around September 2005 and engaged in inappropriate conversations with the student including about their feelings for each other and their relationship.

This allegation was admitted by the teacher although she indicated that the commencement date of the conversations covered by the allegation was near the end of October 2005.

Evidence about the nature of the relationship was provided by the teacher during the employer's investigation. The teacher forwarded correspondence where she stated that the relationship between herself and the student was a friendship. She said that they had seen each other at social venues and discussed similar interests. The teacher wrote that, having seen the student when she was out with her own friends socially, that it did feel strange to see the student in a different context in class. She wrote that she was uncomfortable with the situation as she felt that the student was attracted to her. The teacher also wrote that she had had discussions with two teaching colleagues about what it was to be an attractive person. She stated that she told her two colleagues that she had a friendship with the student around late October 2005. She indicated that her colleagues asked if she could see it going any further in the future. She wrote informing the employer that *"I honestly told them that I was not sure but I would never do anything to jeopardise my teaching career. This led to a discussion about when it would be okay to consider a progression in the friendship, but it was purely of a rhetorical nature at this stage. I had also made it very clear to the student that nothing could or ever would happen between us while he was still a student."* The teacher also wrote *"at the end of November the student did go to schoolies.... by this stage of our friendship the student had made it clear to me that he had feelings for me and that he wanted the relationship to progress beyond being friends. I too had developed some feelings for him, but did not want anything to happen until later in the year when things had settled down in my own life."* The teacher indicated that her relationship with her fiancé had ended in September 2005. There were however a series of alternative timeframes presented by different parties throughout the Hearing.

Written material covering the meeting between the teacher and a Director of the employer also showed that the teacher indicated that the relationship between herself and the student changed in late November when the student actually declared his feelings for the teacher.

The Panel is of the view that on the balance of probabilities and all of the available evidence that the allegation that the teacher engaged in inappropriate conversations with the student including discussions about their feelings for each other is substantiated. However, the Panel believes that the inappropriate relationship commenced in October 2005, not September.

### **ALLEGATION 1.c**

It is alleged that the teacher maintained an inappropriate relationship with the Year 12 student in 2005 and on or around 21 October spent three hours alone with the student in a bedroom of teacher 1's home, following the valedictory dinner on 20 October 2005.

The evidence provided by the teacher's colleague, teacher 1, confirmed the allegation; however it was noted by the Panel that the room in question was also referred to as the 'spare room' and 'guest room' and 'study' throughout proceedings.

When giving evidence teacher 1 noted that she went to the valedictory dinner with the teacher and that the teacher was quite drunk when she arrived. She said that during the course of the night the teacher and the student danced in close proximity to each other on several occasions, and while they were not touching, their close proximity to each other was noticed by other people because the teacher was drunk. Teacher 1 stated that she had tried to break up the dancing on a couple of occasions *"I didn't want other people to speculate and leap to conclusions but the teacher would always end up back on the dance floor near the student"*.

Teacher 1 said that her husband picked her and the teacher up after the dinner. It had been previously arranged that the teacher would stay at their house that night. *"When I got to the car the teacher was already in there with the student"*. She stated that *"the student came back with us too. I was not present when this arrangement was discussed. When we arrived back at my house the four of us sat around the kitchen table talking. Shortly afterwards my husband and I went to bed"*. She added that the teacher and student remained in the house but she did not hear the conversation, and the student was not there in the morning when she and her husband got up.

On the day after the valedictory dinner, teacher 1 and two other colleagues confronted the teacher to ask what was going on in relation to her feelings for the student. Teacher 1 stated that the teacher said *"yes, I like him"*. Teacher 1 stated that they then talked about the teacher's relationship with her fiancé. She noted that later in the conversation the teacher asked how long a teacher had to wait before seeing a student.

The teacher admitted to the allegation during the employer investigation. The teacher stated that the student was offered a place to stay by teacher 1, as his friends had left the party. The teacher estimated that they arrived at teacher 1's house at 3am on 21 October. The teacher stated *"the student and I sat talking in teacher 1's spare room before he left to meet friends at 6am before attending a breakfast at school. Nothing of a sexual nature occurred between the student and myself"*.

The student stated that he had his last day of classes on 20 October and the valedictory dinner that night. After the dinner he detailed attending the *"after party where a number of staff and students continued to celebrate"*. The student stated that the original arrangement was that he was to be dropped off at a friend's place by teacher 1's husband, but then he was invited back for a drink by teacher 1's husband. He stated that teacher 1 and her husband went to bed after they had all talked for a while, but he stayed and continued to talk to the teacher. He said that he left at 6am to go to his

friend's house to get ready for the Year 12 farewell assembly. He noted that his VCE exams started at the end of October and went through until 7 November.

The Panel is of the view that on the balance of probabilities and all of the available evidence that the allegation is substantiated.

### **ALLEGATION 1.d**

It is alleged that the teacher maintained an inappropriate relationship with the Year 12 student in 2005 and that in or around November 2005, she spent the early hours of the morning alone with the student in a bedroom at teacher 1's home, following a night out.

### **22/23 October**

Teacher 1 stated that on 22 October two nights after the valedictory dinner, a group including the teacher, attended a community social event that went all night. She said that they had initially decided not to go as the teacher's fiancé was participating and the teacher and her fiancé had been experiencing difficulties, but in the end they went. Teacher 1 stated that they ran into the student at the event, and following the event she drove a number of other students home. She then returned to the event, picked up her husband, the teacher, the student and two others. It was early in the morning of 23 October and they all went to the home of teacher 1; however nobody went to bed. Teacher 1 stated that the teacher drove the student to his relative's home later that morning.

The teacher stated that on the night of 22 October, she was out with colleagues and received a call from the student's friend who was with the student and others. They requested a lift to a party. The teacher and her friends obliged and she said it took them two trips to deliver the student and his friends to the party. The teacher said she then continued her night elsewhere with her friends, later meeting up with the student and his friends at a nightclub. The night/morning concluded at the community social event and at 7am teacher 1 invited people, including the student, back to her home.

### **November**

Teacher 1 stated that a few weeks into November, she attended a farewell function for a colleague. The teacher was also there and became quite drunk early in the night. Teacher 1 and a few others went for pizza. She said that the teacher was not with them. The teacher and the student arrived not long after. The teacher was still drunk and vomited on the floor. Teacher 1 took the teacher to her home and told the student not to come back. They put the teacher to bed, turned off her mobile phone and dead-locked the doors. Teacher 1 stated that in the morning to her surprise, when she walked into her kitchen, the student was at the table. They went to check on the teacher, and the student sat on her bed. The teacher was in bed. It was about 10am. The teacher and the student left together shortly afterwards. Teacher 1 said that she was very upset and angry finding the student in her house in the morning and spoke to the teacher. She told her that she was not welcome and had made her cry. She also noted generally that she was worried at the time where the friendship between the teacher and the student was going, and stated that she recalls feeling that it was progressing too fast, and more than it should.

The student recalled the November evening stating that he no longer considered himself a student as his exams had finished. He stated that he and his friends met up with the teacher who was with her friends including teacher 1. He stated that the teacher was intoxicated and ill, so teacher 1 decided to take her to her home and told the student that he was not welcome. He stated that he tried to contact the teacher to see how she was feeling but her phone was off. He stated that he did not know why she'd turn her phone off and was worried and decided to walk to teacher 1's house. On the way he received a call from the teacher saying that she was still sick and that she didn't need him to come and see her. He said he decided to go anyway and when he arrived he called the teacher to let him in. He said that she was ill, that he got her a glass of water, that they sat in the lounge room and talked for a while, and then the teacher "retired to her bedroom" and he "fell asleep on the couch". He added "after I awoke I had to explain my presence to teacher 1 who was not very impressed. We checked on the teacher" and "later that morning the teacher gave me a ride to my relative's house".

The teacher said the night began at teacher 1's house where they were joined by several people including the student for an hour; the student and his friends then left. The teacher and her friends left teacher 1's house some time later and headed to the local nightclubs. Later in the night she said that she again met the student and his friends, and went for pizza. The teacher stated that she was ill and went home with teacher 1. The teacher said that the student turned up at teacher 1's house at 5am and that "he had not been invited by me or anyone else to my knowledge. I was very ill. The student sat up with me. Nothing of a sexual nature occurred".

The Panel is of the view that on the balance of probabilities and all of the available evidence that the allegation is proven, however the Panel is of the view that the behaviour in question largely took place in the lounge room.

#### **ALLEGATION 1.e**

It is alleged that the teacher maintained an inappropriate relationship with the Year 12 student in 2005 and that on or prior to 16 December 2005, the teacher permitted the student to attend her home.

The teacher admits that the student attended her home on or about 16 December to help move furniture prior to the carpets being cleaned and her moving the next day. She stipulated that she did not believe him to be a student at the time, and that he had offered help as a friend.

The student stated that on 16 December he went to the teacher's home and helped her move furniture as she was moving the next day. He stated that later that night while he was out, that he met the teacher and they kissed for the first time. He then said that "over the coming days I attended her new home and did stay the night."

The Panel is of the view that on the balance of probabilities and all of the available evidence that the allegation is proven.

### **ALLEGATION 1.f**

It is alleged that the teacher maintained an inappropriate relationship with the Year 12 student in 2005 and that on or around 16 December 2005, kissed the student at a bar.

The student stated that on 16 December he went to the teacher's home and helped her move furniture and then later that night while he was out socially, he met the teacher. The student said that he and the teacher kissed for the first time, that night. He added in his written statement that *"over the coming days I attended her new home and did stay the night"*.

The teacher admitted to kissing the student on 16 December, the night of the staff Christmas Party, having met him at another venue with friends. She told the Panel and stated in a letter she had written to principal 1 that she believed the student was no longer a student because *"he had completed his Year 12 exams"* and she understood that he had *"been offered employment as a trainee at the college in 2006"*. The teacher also wrote that *"since the staff Christmas Party the student and I have formed a relationship and are now a couple."*

Teacher 1 gave evidence that she witnessed the teacher and the student kissing on 16 December, the night of the staff Christmas Party. She stated that they were kissing each other like partners would kiss, in the downstairs foyer of the venue. She said that the teacher had told her that it was okay to be seeing the student because the student had had a conversation with principal 1 and the student had the understanding that he could see the teacher legally as he had been employed by the school.

The student told the Panel that he turned 18 in May 2005, concluded his Year 12 classes on 20 October 2005, finished his VCE exams on 7 November and received his VCE results on 12 December. He indicated that he could contact staff or seek assistance until the end of Term 4 if he wished, but didn't. The student attended the Year 12 lunch and the Year 12 Presentation Night on 14 December. The Panel heard evidence about the student's 2006 employment with the school that he had attended to do VCE in 2005. The student went to an interview for a Traineeship position at the school early in December 2005. The student was contacted and informed that he had been successful soon after. The paid employment and Traineeship was to commence in late January/early February 2006. The student stated that he participated in some induction activities at the school, at the request of the school from the 14<sup>th</sup> to 16<sup>th</sup> December 2005. The student indicated that he hadn't planned to go to the Year 12 luncheon on 14 December, but given that he was at the school he *"was directed to go as part of his induction and as a new staff member"* by principal 1. The Panel formed the view that the student was not an employee of the school until 2006.

The student stated that he was called to principal 1's office on 15 December and questioned about rumours circulating about himself and the teacher being in a romantic relationship. The student indicated that he told principal 1 that he believed that the rumours had evolved because he had made up a story about himself and the teacher having sex, and told another Year 12 student to try and impress him.

The Panel heard evidence from principal 1 who stated that he had heard about a sexual relationship between the teacher and the student on 12 December 2005 via the school nurse. On 15 December assistant principal 1 discussed the matter with the teacher while principal 1 discussed the matter with the student. Principal 1 stated that at the conclusion of the discussions he had believed that there was no substance to the report. Principal 1 indicated that information received in February 2006 led him to investigate further.

The Panel reviewed principal 1's evidence and his supplementary report in full. The Panel considered carefully principal 1's position on when the 2005 Year 12 year concluded. The Panel also sought details from the employer which showed that *enrolled* Year 12 students were considered students until the end of Term 4, even if they were not *attending* the school. The employer's correspondence indicated that a Year 12 student remains a student of the school if the school makes available its services and/or provides events, activities and opportunities for Year 12 students up until the last day of Term 4, provided that the student remains *enrolled* until that date. Whether or not the student actually accesses the services is irrelevant.

Principal 2, the principal at the school where the teacher was teaching at the time of the Hearing, indicated that he had over ten years experience as a Principal in two secondary schools, and was soon to take up a Director position. As a witness for the teacher he claimed that his experience gave him a comprehensive knowledge of the employment expectations of a teacher and what makes a person suited to be a teacher. He stated that he considered the teacher to be a quality teacher, and noted that he had employed her knowing about the circumstances and her previous employment situation. He added that the teacher's standard of teaching had been exceptional, that she worked well in teams and showed leadership in the area of program development. Further he noted that at his school there was an emphasis on staff developing good working relationships with students and that since her arrival the teacher had shown a high level of dedication to her students, developing excellent professional relationships with them. The witness gave evidence that in the schools where he was Principal, Year 12 students cease being students either on the last day of classes or, at the latest, when they conclude their last exam. He noted that the Principal could require a student to attend until the last day of Term 4 but this would be pointless because after a student had finished exams the requirement could not be enforced. He said it was a matter for the Principal at each school.

The Panel considered this position in light of the correspondence submitted by the employer and the evidence of principal 1 who investigated the matter. The Panel felt that the position was simplistic and lacked a comprehensive understanding of the employer's policy, given that the policy differentiated between attendance and enrolment. Further the Panel noted having considered the evidence, that technically while a student over 16 who fails to attend school for a period of three weeks or more without reasonable excuse may be considered to have withdrawn from school, that this scenario has no direct application to the case in question. The Panel noted that while a student may be excused from attending school by the Principal after the last VCE exam, that the student is not actually initiating the absence or not attending without reasonable excuse. In addition while the Principal may have excused the student from

attending the school, the Principal did not view the student as having withdrawn from the school.

The Panel considered the evidence that the 2005 Year 12 year officially ended on 21 December as irrefutable. The Panel did not accept the position put by the teacher's representative that *"the information provided by the employer cannot be relied upon, as a matter of law, by the Panel in determining a matter of fact as to whether the student was a student or not. To do so would be a complete denial of the teacher's rights to natural justice and fly in the face of common practice"*.

The Panel noted that the published school dates for Term 4 in 2005 were from Monday 3 October through to Wednesday 21 December. The dates appeared in standard diaries and on the internet.

The Panel is of the view that based on the balance of probabilities and all of the available evidence that the allegation is proved.

#### **ALLEGATION 1.g**

It is alleged that the teacher maintained an inappropriate relationship with the Year 12 student in 2005 and that between 16 and 21 December she permitted the student to stay overnight at her home. The teacher admitted this allegation saying the student stayed over between 18 and 21 December and noted that she did not believe the student to be a student at the time. In the teacher's correspondence that responded to the Principal's allegations, the teacher indicated that she accepted that on one occasion over the relevant period, the student had stayed with her overnight.

The student stated that he had stayed over at the teacher's new home but was uncertain about the exact date, but stated that he had stayed overnight *"over the coming days"* after he had helped the teacher move furniture on 16 December.

The Panel having concluded that the student was a student up until the 21 December, has found this allegation to be proven on the balance of probabilities and all of the available evidence.

#### **ALLEGATION 1.h (i)**

It is alleged that the teacher maintained an inappropriate relationship with the Year 12 student in 2005 and that she had sexual intercourse with the student, including but not limited to on one occasion in or around August or September 2005.

The Panel heard evidence from student 1 in relation to this allegation. He stated that the student had informed him that he and the teacher had had sex on the bonnet of a car. He also stated that the student told him that he was 'on with' the teacher. The student admitted to telling student 1 that he had sex with the teacher on the bonnet of the car. He informed the Panel that he had made this up and regretted having lied about it.

The Panel determined that the allegation was not proven.

### **ALLEGATION 1.h (ii)**

It is alleged that the teacher maintained an inappropriate relationship with the Year 12 student in 2005 and that she had sexual intercourse with the student, including but not limited to on one occasion in or around December 2005.

The teacher admitted to starting a sexual relationship with the student “*in late December 2005*” and identified the 20<sup>th</sup> or 21<sup>st</sup> of December as the date of commencement. The teacher did however state that the person with whom she was involved was no longer a student.

The student gave evidence that he began a sexual relationship with the teacher between 16 December and Christmas.

The Panel concluded that the allegation was proven on the balance of probabilities and all of the available evidence. The panel confirmed that the student was a student until 21 December 2005.

### **DISCUSSION OF THE EVIDENCE**

Formal Hearings are progressed to protect the public interest and the integrity of the teaching profession, given the power invested in teachers, and the trusted and privileged positions they hold. In addition Formal Hearings are the legislated means by which to maintain proper standards of conduct for the teaching profession, irrespective of the age, gender or other personal characteristics of the teacher in question. Formal Hearings are not a means of administering punishment, rather a means by which to determine how to move forward given what has taken place. Formal Hearings also provide a means by which to assess if there is a need for remedial action and personal development, given the specific circumstances of the matter being examined by the Panel.

It was put to the Panel that what had transpired had much to do with the teacher being young and inexperienced. The Panel considered this position. The Panel then noted that young teachers and inexperienced teachers readily differentiate between right and wrong, whilst ensuring that their behaviour is ethical and in the best interests of their students at all times. The teacher did not do this. Serious misconduct has no direct link to age, gender or for that matter the status of being an inexperienced teacher. The Panel wishes to point out that to suggest it does is a stereotypical slight on the wealth of young and inexperienced teachers who are a credit to their profession from commencement. The age, gender or status of a teacher simply provides a context in which the conduct occurred.

Further the Panel considered it unreasonable and somewhat feeble to suggest that the teacher was unable to access the necessary information in relation to what was right and wrong with respect to teacher student relationships in 2005. The Panel believes that if the teacher had truly wished to clarify the position with respect to the evolving nature of the relationship from any point in September 2005 onwards, that she could have done so. Indeed it was her professional responsibility to do so, and she reneged.

There is no evidence to show that any concerted effort was made to discuss the matter with senior staff, or to seek information from the employer, the Institute, or via other avenues. Casual conversations and looking at the internet fall well short of what would be expected in the Panel's view given the serious nature of what the teacher was contemplating as a possible relationship well before December 2005; and the evidence clearly shows that the teacher was contemplating a relationship that exceeded a friendship well before December 2005. The Panel viewed the excuses presented in this regard as piteous. The evidence shows that the teacher's interest and energy was focused on enjoying and fostering the relationship, as well as being comforted by it, rather than recognising it for what it was and dealing with it appropriately, calling it to an absolute halt, in September/October 2005.

The Panel concluded that the teacher had engaged in serious misconduct well prior to her involvement in a sexual relationship with the 18 year old student. The responsibility for the close friendship that crossed the line, as evidenced via the phone and SMS text messaging, rests entirely with the teacher, quite simply because she is the teacher. Further the Panel noted that while Allegation 1.a(i) was admitted by the teacher, the admissions were made after her telephone records were provided in response to the summons. There is documentation to show that prior to the production of the telephone records, the teacher's admissions to this allegation were limited.

The extent and level of social interaction with the student was most unprofessional. A student should not be supporting a teacher through a relationship breakdown nor at any stage be given licence to think that such a thing is reasonable or viable. A student should not be caring for and checking up on a teacher who is unwell due to excessive drinking she has done with the student the night before. A student and a teacher should not be having regular social phone and SMS contact, let alone exploring each other's likes, dislikes, interests and backgrounds for many hours, including many early hours in the morning. The teacher allowed and aided these things, and the evidence shows that she did so with an increasing level of familiarity and personal comfort. The Panel is of the firm view that the teacher encouraged and fostered the relationship from September 2005 onwards. There would not have been an on-going sexual relationship in December in the view of the Panel, if it had not been for what had taken place during the months prior. While the Panel heard repeatedly that the student was persistent in his pursuit of the teacher, the Panel notes that it views the teacher as an active participant when it came to establishing and cementing the foundations of the relationship from September 2005 onwards.

The Panel concluded that the teacher was responsible for the evolution of the relationship. The teacher had the power, and the responsibility, to prevent and in turn stop the relationship, but failed to do so, despite many opportunities from September 2005 onwards.

The Panel considered the evidence of the mother of the student and her views on what was, and was not appropriate behaviour for a teacher to be unrealistic and lacking in credibility.

The Panel viewed the evidence of the student, and his consistent presentation that much of the blame for what had transpired should rest with himself, was an honest picture of how he felt, yet naïve and limited in reality. The Panel also noted his concern for the teacher, and the support he offered the teacher through her break up with her fiancé, while still at school.

The Panel appreciated the information provided by principal 2. Clearly the teacher has demonstrated some signs of having matured professionally, and is a high calibre practitioner in the classroom, as well as a solid team member and a collegiate peer. The Panel noted that the teacher had much to offer her profession in the future. That aside the Panel was particularly mindful of the specific allegations before it, and noted again that they were concerned with serious misconduct involving poor judgement, and limited personal and professional insight which placed many, potentially including all of the students in her VCE class, at a disadvantage. In addition the reputation of her school community and her profession were brought into question and disadvantaged by the teacher's behaviour from September 2005 onwards.

Principal 2 did raise his genuine concern for the academic welfare of students if the teacher was not able to teach in the future. The Panel understood his concern, but noted that while it was potentially an unfortunate circumstance it should not and would not in any way alter or impact the decisions of the Panel, given the allegations and the evidence before it. If the teacher is unable to teach for a period of time due to the determinations of the Panel, the Panel felt it essential to point out two rudimentary facts. Firstly, there is only one person who should shoulder the blame, and that would be the teacher herself. Secondly, the existence of such a concern about student academic welfare does not in any way lessen or diminish the steps considered necessary to protect the public interest in the first instance. Given that the evidence of the current Principal appeared to tender as a legitimate consideration, that his concern for students, could and should impact the decisions made by the Panel, the Panel somewhat perplexed felt it important that principal 2 reflect more thoroughly on the purpose and nature of the regulatory authority's disciplinary proceedings, and how and why they differed from the frameworks that existed in relation to employment.

The Panel did believe that the student did not view himself as a student after his traineeship had been confirmed in December, but notes that what the student thought or believed is totally irrelevant. The Panel considered it highly inappropriate and obtuse, as well as professionally lazy and irresponsible of the teacher to use second-hand information from a student, to satisfy herself that she was safely positioned to engage in a sexual relationship in December 2005, with the student.

The Panel was also concerned that the evidence of principal 2 appeared to portray a simplistic and limited view when it came to the application of his employer's policy in regard to the actual end of Term 4, and in turn the ramifications and implications for VCE students and their teachers, irrespective of their age.

In addition the Panel was troubled by the fact that similar to other witnesses for the teacher, the current Principal presented opinions that suggested he felt that because the teacher was planning to marry the student and because they were in his view "in love",

the circumstances seemed somewhat less problematic. The Panel considered it important to state that they found this approach disconcerting coming from a Principal. That said, the teacher's engagement to the student was repeatedly held up as relevant and significant. It was often raised by the teacher's representative and the teacher's witnesses that the Panel should take into account the engagement and the couple's love for each when considering all that had been put before it and making its determination.

The Panel considered it imperative to note in the determination, having done so several times during the Hearing, that the status of the current relationship between the teacher and the student was irrelevant. The Panel also views it as key to point out the distinct level of irony associated with such requests given that the teacher's excessive inappropriate contact with the student actually started when she was engaged to someone else. It is essential that the teacher herself, as an individual, understands that determinations are made about her personal behaviour and judgement, her personal decisions and actions, her personal and professional insights, the depth of her generic understanding as to why and how such teacher behaviour could negatively impact a range of students academically and emotionally, the depth of her understanding in relation to the reputation of the school community and the teaching profession at large, the level of reflective remedial work that she had undertaken since 2005, and her level of remorse. Her current fiancé is irrelevant, as is his behaviour when he was a student and his eagerness to personally absorb much of the blame for what happened. Further, it must be noted that Panel determinations have nothing to do with potential 'happy endings' particularly given that in the Panel's view what transpired could have also ended up as a particularly "unhappy ending" with a student making claims about a teacher/student relationship that soured, and the inappropriate behaviour of his VCE teacher having done poorly in the subject.

The Panel was of the view that the teacher had a reasonable understanding of the implications of her behaviour, for herself. The Panel was far from convinced however that the teacher had reflected on, and digested the implications of her behaviour, for the profession as a whole, and in particular the way in which her behaviour generally disadvantaged and tarnished the standing of younger members of the profession. Further, given that the teacher was a psychology teacher the Panel was of the view that she more than most should have a solid understanding of the emotional and psychological impacts on a student when an adult in a trusted position crosses the line and builds a relationship that is contrary in its characteristics to the one that should be shared by a teacher and student. In addition sound understanding and reflection on the likely impact on the other students in the VCE class seems to have escaped the teacher. The teacher did indicate that it was strange to have the student in her class having engaged with him socially and on a personal level, she also apologised for allowing the friendship to evolve. The Panel considers her contributions as genuine, but generally related to how she felt and the emotional and financial difficulties she had had to endure. The Panel was not convinced that the teacher had moved sufficiently beyond how she felt and how her current fiancé and their families felt, and how they had suffered. Given what had transpired the Panel was of the view that the teacher had some significant remedial reflection to undertake, and in turn had some distance to travel in order to gain the level of understanding that the Panel deemed she should now

have, given the circumstances for which she was responsible and her choice to remain a teacher. The teacher's representative stated on behalf of the teacher that "*The Panel should take into account the committed relationship between the student and the teacher. They are to be married .... a demonstration of the commitment that they have for each other and a demonstration of the genuine love that has developed between them since the end of the school year 2005. There is no victim.*" To the contrary the Panel is of the firm view that there are many victims – both potential and real, and until the teacher can actively recognise that to be the case, and evidence why, she has gleaned insufficient from what has transpired.

### **FINDINGS UNDER SECTION 2.6.46(1) OF THE ACT**

In line with the High Court decision in *Ziems v The Prothonotary of the Supreme Court of NSW* (1957) 97 CLR 279 this finding of serious misconduct has been made in the public interest. Additionally it seeks to ensure the maintenance of proper standards of conduct for the profession, and is a determination that acts to protect the reputation of the teaching profession as a whole.

The Act does not define 'serious misconduct' or 'not fit to teach.' The Panel, as an appointed expert Panel, is entrusted under the legislation to make a determination in relation to teaching standards, practice and professional behaviour in light of the unique and specific set of circumstances before it. Well aware that the public is to be protected from wrong doers and professional people who are ignorant of the basic rules and professional requirements, the Panel drew on past cases that had progressed outcomes that removed practitioners from the register, at least until they could demonstrate that their disqualifying imperfections had been dealt with.

The Panel noted "*The gravity of professional misconduct is not to be measured by reference to the worst cases, but by the extent to which it departs from proper standards. If this is not done there is a risk that the conduct of the delinquents in a profession will indirectly establish the standards applied by the Tribunal.*" Per Gleeson CJ, Meagher JA, Handley JA, *Health Care Complaints Commission v Litchfield* 1997 41 NSWLR 630.

Further the Panel considered *Guss v Law Institute of Victoria Ltd* [2006] VSCA 88 [1] citing *Allison v General Council of Medical Education and Registration* [1994] and noted that misconduct in a professional sense is conduct which would reasonably be regarded as disgraceful and dishonourable by fellow professionals of good repute.

When deciding that the conduct in question was 'serious misconduct' the Panel also called upon *Parr v Nurses Board of Victoria* VCAT (2 December 1998) cited with approval in *Domburg v Nurses Board of Victoria* [2000] VSC 369, per Ashley J. This was of particular interest when considering the teacher's pattern of behaviour over a period of time and the significant on-going consequences. The Panel noted that "... *whether a nurse has engaged in unprofessional conduct of a serious nature must depend on the facts of each case. Clearly such conduct would not be serious if it was trivial, or of momentary effect only at the time of the commission or omission by which the conduct was so defined. It must be a departure in a substantial manner, from the standards which might be*

*reasonably expected of a registered nurse. The departure from such standards must be blameworthy and deserving of more than passing censure.”*

Considering the relevance of *Christine Trigger & the Australian Telecommunications Commission* (1984) 4 FCR 242 the Panel noted that the acts that constitute the misconduct were within the will, power and control of the teacher, and hence more likely to fall within the realms of ‘serious misconduct.’ Further it is the view of the Panel that the acts which progressed the status and depth of the relationship were done wilfully and recklessly without regard for the consequences or the range of individuals, both students and teachers, who became caught up along the way. The Panel considers that the teacher is currently not fit to teach.

### **DETERMINATION UNDER SECTION 2.6.46(2) OF THE ACT**

Having found the teacher unfit to teach, the Panel decided to place conditions on the teacher’s registration, suspending it until she can evidence increased levels of personal and professional insight, via a psychologist report. For the conditions to be lifted the Panel needs to be satisfied that the teacher has fully come to grips with the extended and complex set of issues at hand, as well as absorbing that her engagement to the student and their envisaged happy ending is irrelevant.

In making a determination about fitness to teach the Panel reviewed the duration of the teacher’s misconduct, and her candour, as well as the breadth and depth of remorse exemplified. The negative impact on the profession and the image of new entrants and the level of accountability the teacher proactively and willingly accepted for these things was also considered. The teacher’s success as a classroom teacher and sound team member since 2006 was recognised and applauded. In the end the Panel was of the view however, that the teacher given what had transpired, still had some significant remedial reflection to undertake, and in turn had some distance to travel in order to gain the level of understanding that the Panel deemed she should now have, given the circumstances for which she was responsible. This saga resulted in a range of victims. The teacher’s position in 2008 maintaining that there weren’t any victims, confirmed for the Panel much of what had concerned them throughout the Hearing, with regard to the teacher’s superficial and limited understanding of the bigger picture, and the role of the regulatory authority given the nature of her behaviour and her evolving series of unethical self indulgent indiscretions.

The registration of the teacher has been suspended for a minimum of four months. The Panel having placed a condition on the teacher’s return to the profession requires that the teacher attend at least six sessions with a registered psychologist to unpack and evaluate the range of issues raised in the determination. In particular the teacher is to

- progress with her psychologist an in-depth analysis of the Institute’s Code of Ethics and Code of Conduct clearly identifying the points at which her behaviour deviated and the potential/real consequences, both direct and indirect
- analytically reflect on how and why the relationship progressed, concentrating on the role that she played personally, and noting the array of strategies that she could have put in train to prevent what both evolved and eventuated, when the student was still a student.

- address the full range of real and potential victims with particular emphasis on the students in her VCE class and the individual student in question, appropriately distancing herself from the fact that she is currently engaged to him.
- draw upon her current knowledge as a teacher of Psychology and examine the impact that behaviour and mixed messages, such as that which she engaged in, can have, being sure to explore the issues associated with power, and the position of trust invested in teachers.
- reflect on the roles and responsibilities of teachers in relation to their students, their school communities, the profession as a whole and the community at large
- strategise a re-entry pathway, including how she might support other teachers given her experiences, as well as how she might develop an increased appreciation for the knowledge of those senior and more knowledgeable than herself, ensuring a willingness to access such expertise and advise when ever in doubt in the future.

Following six counselling sessions with the psychologist, the teacher is to provide a report to the Institute prepared by the psychologist that addresses the dot points set out above and explains how the teacher has satisfied each point.

The teacher is to provide a report written by her illustrating her insight into why her conduct the subject of this decision was inappropriate and setting out strategies she has developed to ensure her conduct is never repeated. The report must explicitly reflect her understanding of the broader impact for persons other than herself and the student.

The teacher is to be responsible for the cost of attending the psychologist and for the cost of the report to be provided to the Institute.

The suspension of the teacher's registration will not be lifted until the Panel receives both reports and is satisfied that the reports address all the relevant issues set out above.



**SUSAN HALLIDAY, CHAIRPERSON**



**per:**  
**MICHAEL LESTER, REGISTERED TEACHER**

*Susan Halliday*

**per:  
SOPHIE PANAGIOTIDIS, PANEL MEMBER**