



# The Code of Conduct Guidance pack

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# Introduction

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

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

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

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

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

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



# How to use the guidance material

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

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

The Code of Conduct is not designed to cover every situation; teachers must use their own professional judgment in applying the principles to their individual teaching contexts. This guidance pack is designed to help teachers to understand and reflect on what is appropriate professional and personal conduct within their specific teaching context.

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

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

The Code and guidance material are not designed to address all possible situations that teachers may find themselves in, and therefore do not provide an exhaustive list of what is considered acceptable or unacceptable behaviour. Teachers must use their own professional judgment in applying the principles of the Code to their individual teaching contexts. The Code should be used by teachers to guide their professional and personal conduct and assist them to solve ethical dilemmas.

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

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



# Guidance material

## Background and purpose

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

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

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

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

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



## DEFINITIONS

Key term / phrase	Explanation
Misconduct*	<p>Misconduct in relation to a teacher or an early childhood teacher, includes</p> <ol style="list-style-type: none"> <li>conduct of the teacher or early childhood teacher occurring in connection with the practice of teaching that is of a lesser standard than a member of the public or members of the teaching profession are entitled to expect from a reasonably proficient teacher; and</li> <li>the contravention of, or failure to comply with a condition imposed on the registration of the teacher or early childhood teacher by or under this Part; and</li> <li>the breach of an agreement made under this Act between the teacher or early childhood teacher and the Institute.</li> </ol>
Serious misconduct	<p>Serious misconduct generally involves a substantial departure from the accepted standards of the profession, including conduct that is found to be</p> <ul style="list-style-type: none"> <li>infamous</li> <li>disgraceful</li> <li>dishonourable</li> <li>shameful.</li> </ul>
Fitness to teach*	<p>Fitness to teach in relation to a person, means whether the character, reputation and conduct of a person are such that the person should be allowed to teach in a school or in an early childhood service.</p>
Suitability to teach*	<p>Suitability to teach in relation to a person means (a) whether the person is fit to teach; and (b) whether the person is physically or mentally able to teach.</p>
Impairment	<p>Impairment is defined as a</p> <ul style="list-style-type: none"> <li>physical or mental impairment; and / or</li> <li>disability, condition or disorder (including substance abuse or dependence).</li> </ul> <p>The VIT is able to investigate if a teacher's ability to practice as a teacher is seriously affected, detrimentally affected or likely to be affected, due to an impairment.</p>

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

# Guidance material

## Section 1: Professional conduct



Section 1 of the Code outlines the expectations of a teachers' professional conduct which is characterised by the quality of the relationships they have with their learners, the parents / carers / families of their learners, their communities and their colleagues.

### PRINCIPLE 1.1 – TEACHERS PROVIDE OPPORTUNITIES FOR ALL LEARNERS TO LEARN

#### DEFINITIONS

Key term / phrase	Explanation
Individual differences	Teachers must take all reasonable steps to be familiar with the specific needs of their learners. They should approach the teaching of their learners in a way that is responsive to their specific needs and capabilities.
Quality teaching	Teaching that meets the specific needs of their learners, taking into account the teaching context. Teachers must be able to reference their practice against the Australian Professional Standards for Teachers.
Approaching the teaching and understanding of each individual learner without judgment or prejudice	Teachers should ensure their personal beliefs and opinions do not detrimentally affect the way they work with learners.
Communicating effectively and appropriately with their learners	<p>In communicating effectively and appropriately, teachers should always maintain appropriate professional boundaries and communicate in a professional manner. The way teachers communicate with individuals will vary depending on the purpose of the communication as well as their relationship with the person and the audience.</p> <p>Teachers should consider the following when ensuring they are communicating effectively and appropriately</p> <ul style="list-style-type: none"> <li>• purpose of the communication</li> <li>• intended audience (e.g. parents / carers / learners / colleagues)</li> <li>• cultural background of the audience</li> <li>• age of the learner</li> <li>• specific vulnerabilities of the learner</li> <li>• workplace policy and expectations</li> <li>• most appropriate method by which to communicate</li> <li>• timeliness</li> <li>• any privacy considerations.</li> </ul>

## CASE STUDIES

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

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

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

### Josie

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

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

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

### Tanya

Tanya is a year 11 chemistry student who works hard at her studies and is looking to pursue a career in science. Her class is predominantly male and she feels that her teacher, Mr Boll, excludes her from the active learning in the class.

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

A discussion with Mr Boll reveals that he does address Tanya differently, with the intent of being caring, and is unaware of the other behaviours she describes. Mr Boll admits that he did not take Tanya’s interest in a science career seriously.

### Miguel

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

During a session, one of his students, Jason, misunderstands a question and provides an answer that is unrelated to the question. Miguel responds quickly with: “Oh Jason, you’re a dodo. Where did that come from?”. Jason is embarrassed, as his classmates begin to comment in the chat function and refer to him as ‘Dodo’.

The following session, Jason’s classmates continue with the commentary, and the name ‘Dodo’ seems to stick. Jason is upset and angry, and leaves the class. Miguel realises that Jason has logged off and phones his parents after the lesson. Jason’s parents are unaware of any issue but, after speaking with Jason, it is apparent that Miguel’s comment has created a situation where Jason no longer feels comfortable being part of the class.

Jason’s parents complain to Miguel, who states that his comment was a good natured jibe that he often does with students to make light of a situation.

## REFLECTIVE QUESTIONS

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

- Do I have any personal beliefs or opinions that may affect the way I interact with learners?
- What steps can I take to ensure my personal beliefs and opinions do not negatively impact the way I interact with learners?
- What vulnerabilities or background of my learners do I need to consider?
- What form(s) of communication are most appropriate to use with my learners?
- Am I considering the need for confidentiality in my communications?

## PRINCIPLE 1.2 - TEACHERS TREAT THEIR LEARNERS WITH COURTESY AND DIGNITY, AND PROMOTE PARTICIPATION AND EMPOWERMENT

### DEFINITIONS

Key term / phrase	Explanation
Respectful and impartial language and behaviour	As teaching professionals, teachers should ensure they are using respectful and impartial language and behaviour with learners. This includes ensuring language and behaviour is sensitive to the learner's context, unbiased and inclusive.
Protect learners from intimidation, embarrassment, humiliation and harm	Teachers must take all reasonable steps to provide a safe learning environment for their learners, free from intimidation, embarrassment, humiliation or harm. For example, learners should be able to speak freely and share their views, however, where this negatively impacts another learner, a teacher should take steps to intervene.
A learner's individual context and specific vulnerabilities	<p>Teachers must consider the specific vulnerabilities of learners in all of their interactions with them. Teachers should take reasonable steps to familiarise themselves with these vulnerabilities.</p> <p>The specific vulnerabilities of learners are varied, but may include their</p> <ul style="list-style-type: none"><li>• age</li><li>• gender identity</li><li>• sexual orientation</li><li>• cultural or linguistic background</li><li>• socio-economic background</li><li>• family context / dynamic</li><li>• disability(ies) / special needs.</li></ul>

### CASE STUDIES

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

#### Ron

Ron is a primary school teacher. He repeatedly asks a specific learner, Betty, to stop talking. Ron also singles Betty out in class for reprimand and makes belittling statements such as: "You have an extremely screechy voice."

While Ron's behaviour is not intended to cause harm, he is unaware of the impact of his behaviour on Betty. Betty perceives Ron's behaviour to be both intentional and bullying, and subsequently suffers from stress and anxiety because of the comments.

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

#### Mr Temple

The Temple family is well-known at the local secondary school, with 4 children who have attended over the years - Hannah, Matthew, Peter and (more recently) Stephen.

Mr Temple is on a disability pension, and his wife cares for him and the children. The Temples are struggling financially and have required support from the school for their children to access uniforms and attend excursions. On occasion, the school is asked to provide lunch for the children. Despite efforts from the school to assist, there have been numerous attendance and behavioural issues with Hannah, Matthew and Peter Temple.



Stephen Temple attends a year 7 orientation day and is assessed by his primary school as ‘at level’ in his academic performance. There is no mention of behaviour or attendance issues on the transition information sent to his secondary school. Stephen attends an English lesson on his first day at the secondary school. His English teacher, Mr Hugh, promptly identifies Stephen as “one of the Temples” and says he “will not be putting up with any rubbish”. Stephen immediately feels uncomfortable.

During the year, Mr Hugh reports uncooperative behaviour by Stephen to the student manager and on the school’s student file system. Stephen has an excellent record of behaviour in all other classes and maintains good grades.

Mr Temple contacts the school, concerned that Stephen’s grades in English have slipped. Mr Temple also expresses frustration over Stephen’s treatment by his English teacher, who has repeatedly referred to Stephen’s lack of an electronic device - despite knowing the family cannot afford one. Mr Temple advises the school that Stephen admits he has been rude to Mr Hugh on occasion, because he feels that he is being victimised.

The student manager discusses the situation with Mr Hugh, who dismisses the concern as “more issues from a family of trouble makers”, and that “Stephen is condemned to the same fate as his siblings and he is not worth my time.”

### Anshul

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

Anshul tells the child he will need to stay outside until he has calmed down and moves the rest of the group inside to continue with the next activity. She closes the door to the room, leaving the misbehaving child outside. The child was left unsupervised until Anshul let him back into the room 25 minutes later.

### Damien

Damien is a grade 6 teacher in a small country town. He has a few students in his class who he perceives to have challenging behaviour. These students have identified disabilities and he has not been implementing the strategies recommended in their Individual Learning Plans.

Another teacher walks past Damien’s class and notices that one of Damien’s students throws a chair. The teacher observes Damien responding by dragging the student, who has non-verbal autism, across the room to stop the behaviour. The teacher who witnessed this scenario notifies the Principal.

## REFLECTIVE QUESTIONS

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

Thinking about your learners

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

## PRINCIPLE 1.3 - TEACHERS WORK WITHIN THE LIMITS OF THEIR PROFESSIONAL EXPERTISE

### DEFINITIONS

Key term / phrase	Explanation
Physical, mental and emotional capacity	<p>Under the <i>Education and Training Reform Act 2006</i>, teachers must have the physical and mental capacity to undertake the duties of a teacher. This is important to ensure the safety and wellbeing of children and young people.</p> <p>Teachers should familiarise themselves with available supports in the event the teacher recognises they are in need of support.</p>

Teachers are aware of the role of other professionals and agencies, and know when learners should be referred to them for assistance	<p>The roles of teachers varies, and while they have an important role in supporting a learner's wellbeing, teachers should not act as a psychologist or other mental health practitioner. A teacher should be familiar with the relevant professionals / agencies to refer learners to when issues arise that are beyond the reasonable expectations of a teacher.</p> <p>Other relevant professionals and agencies may include, but are not limited to</p> <ul style="list-style-type: none"> <li>• psychologists / mental health professionals</li> <li>• medical professionals</li> <li>• department of Health and Human Services</li> <li>• child FIRST</li> <li>• police.</li> </ul>
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## CASE STUDIES

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

### Li jing

Li jing is a grade 5 teacher at a primary school. She notices that one of her students, Jarris, has recently come to school appearing withdrawn. Before school one day, Li jing pulls Jarris aside to find out what is wrong. Jarris discloses that his parents have been fighting every night, and that he doesn't know what to do. Jarris goes on to say that his parents arguing has made him 'want to hurt himself' to take the pain away.

Rather than refer Jarris to the school counsellor, Li jing takes it upon herself to invite him to meet with her once a day 'for as long as it takes', so that he can talk to her about his issues. Jarris takes Li jing up on her offer, and the two meet every day for 6 months. Through these meetings, Li jing builds a strong rapport with Jarris. She believes he may be suffering from depression, however does not report this as his mood appears to be improving due to their daily meetings.

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

When the counsellor speaks to Jarris to ask what happened, Jarris says: "Li jing is the only one who has been there for me, and now she's left me too. There's nothing more for me here."

Jarris is later diagnosed with bi-polar disorder. Li jing is investigated by the school for failing to refer the situation to leadership and appropriate professional bodies.

### Mateo

Mateo is an early childhood teacher in a relatively large setting. He works in the 4-year-old kinder room with another teacher and an educator. His teacher colleague, Tina, notices that Mateo is late to work quite frequently in recent times, and he is sometimes 'glassy eyed' and dishevelled.

On this particular morning, Mateo rushes into work and Tina notices a smell of alcohol that appears to be coming from Mateo. Tina watches Mateo closely and observes that his balance seems to be off and he is having trouble finding appropriate words to interact with the children. One of the children asks Mateo why he is 'being funny'.

Tina confronts Mateo who, after initially denying it, admits that he has been drinking and should probably not be at work.

Tina asks if there is something wrong, as she senses that this is more than an overzealous night out. Mateo denies there is anything wrong and promises it will never happen again. Tina decides not to report the issue. Over the next few weeks, Tina notices that Mateo's behaviour seems to be repeating at regular intervals, and decides to report the issue when Mateo trips over a child sitting on the floor and injures the child.

In a conversation with his supervisor, Mateo denies ever having been drunk at work and accuses Tina of point scoring. His supervisor can clearly see that he is under the influence during the conversation, and feels she has no option but to suspend his employment until such time as Mateo can be assessed as safe to be in charge of children. The supervisor then advises VIT.

## REFLECTIVE QUESTIONS

- Am I familiar with all the other professionals and agencies and when learners should be referred to them?
- Am I familiar with my workplaces processes for referring learners to other professionals / agencies when needed?
- What are my professional obligations in relation to my physical, mental and emotional capacity?

## PRINCIPLE 1.4 - TEACHERS MAINTAIN OBJECTIVITY IN THEIR RELATIONSHIPS WITH LEARNERS

### DEFINITIONS

Key term / phrase	Explanation
Teachers interact with learners without displaying bias or preference	Developing a good rapport with learners is an important part being an effective teacher, however, teachers must ensure they remain objective in their interactions with all learners and do not show bias or preference with their learners. A demonstration of bias or preference may impact the teacher's professional relationship with both that learner and other learners.
Personal agendas	A teacher should ensure their motivations to interact with learners aren't for personal gain or gratification.

### CASE STUDIES

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

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

#### Andrew

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

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

## REFLECTIVE QUESTIONS

- Can I identify a time where I may have shown preference for a particular learner? What steps can I take to ensure my interactions are objective?
- Do I have any personal needs that may affect the way I interact with learners?
- What steps can I take to ensure that my personal needs do not influence the way I interact with learners?

## PRINCIPLE 1.5 - TEACHERS ARE ALWAYS IN A PROFESSIONAL RELATIONSHIP WITH THEIR LEARNERS, WHETHER AT THEIR EDUCATION SETTING OR NOT

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

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

## DEFINITIONS

Key term / phrase	Explanation
Unique position of influence and trust	<p>The teacher-learner relationship is not equal. Teachers are in a position of authority and have significant influence over their learners.</p> <p>The high level of trust within a teacher-learner relationship means that teachers must always be aware of this power-imbalance and act in a way that is in the best interests of the learner and does not abuse this power imbalance.</p>
...touches a learner without a valid reason	<p>Teachers must always act to maintain appropriate professional boundaries. Within appropriate professional boundaries there is consideration that touch is an important part of education, care and relationship building.</p> <p>Teachers should always consider whether touching a learner is appropriate in their specific teaching context. For instance, an early childhood teacher or a teacher in a special needs school would have many occasions where touching a learner is necessary.</p> <p>While not definitive, a valid reason would generally include, where the touch was consented to and was provided to</p> <ul style="list-style-type: none"> <li>• ensure the learner's safety or the safety of others</li> <li>• support the learner's education</li> <li>• provide comfort within an appropriate professional relationship.</li> </ul> <p>Teachers must also be aware that corporal punishment in schools is prohibited by law.</p> <p>The <i>Child Wellbeing and Safety Act 2005 (Vic)</i> states that physical violence committed against, with, or in the presence of a child is a type of reportable conduct. The use of force includes actions such as physical restraint of a child and the use of physical force to move a child (for example, removing a child from a classroom).</p> <p>There are a number of situations where a worker or volunteer may make physical contact with a child for lawful reasons. This would mean the conduct or behaviour does not satisfy the definition of physical violence under the scheme. An example of lawful physical contact includes physically restraining a child to stop them from hurting another person or themselves, or from destroying property.</p> <p>Any force used by the worker or volunteer must be reasonable in all of the circumstances and no more force should be used than is absolutely necessary. If the force used is not reasonable, or is more than is needed, the act could be physical violence. For more information of the use of force / physical violence, please refer to the <a href="#">Commission for Children and Young People</a>.</p>
...engages in communications with a learner beyond the boundaries of a professional relationship without a valid reason	<p>Although relationship building is an important part of teaching, all communications with learners should be purposeful, appropriate and necessary to support learning. Teachers should only use communication methods that are approved by the workplace. Social media is not considered an appropriate professional method of communication.</p> <p>A valid reason may include, but is not limited to</p> <ul style="list-style-type: none"> <li>• supporting their education</li> <li>• discussing wellbeing issues (within workplace guidelines)</li> <li>• building rapport to engage the learner.</li> </ul> <p>An invalid reason may include, but is not limited to</p> <ul style="list-style-type: none"> <li>• personal conversations outside the professional boundary or outside workplace guidelines</li> <li>• socialising outside professional boundaries and workplace guidelines</li> <li>• furthering a personal agenda.</li> </ul>



...socialises with learners (including online and via social media) outside of a professional context	<p>Building rapport with learners is an important part of a positive learner-teacher relationship, however, a teacher should not act as a friend. Some informal interaction in the education setting is perfectly appropriate, such as talking with learners at school events, formals, fundraising events or fairs.</p> <p>Teachers generally should avoid socialising with learners outside of a professional context, as this goes beyond an appropriate professional relationship. This includes socialising in an online context (which may include via social media, on gaming websites or any other non-education related platform).</p> <p>The context in which a teacher works and lives is of particular relevance to this principle of the Code. Teachers should consider what is considered appropriate in their current context, use the ethical decision-making model to help guide their behaviour, and speak with workplace leadership if they are unsure about how best to ensure they maintain appropriate professional boundaries.</p>
...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	<p>Teachers are in a unique position of trust and influence over a learner. This can extend beyond the end of the professional relationship.</p> <p>The length of time between the conclusion of teacher-learner relationship and the beginning of a sexualised relationship is one factor that will be considered by VIT when determining the appropriateness of a teacher's conduct.</p> <p>Other factors that VIT may take into account include, but are not limited to</p> <ul style="list-style-type: none"> <li>• the emotional / social maturity of the former learner</li> <li>• the vulnerability of the learner</li> <li>• evidence of the nature of teacher-learner relationship, including the closeness, dependence, significance and length of the relationship while at the education setting</li> <li>• any misconduct of the teacher during the professional relationship with the learner.</li> </ul>

## CASE STUDIES

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

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

### Nat

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

The learner's mother, Genevieve, is aware of Nat's interactions with the learner and is initially supportive of their relationship, as the learner has been going through a tough time and Genevieve perceives Nat as a stabilising influence in their life.

Genevieve becomes uncomfortable with Nat's interactions with the learner as they became more frequent. She asks Nat to pull back and to ask permission before engaging in any more one-on-one activities with the learner. Nat does not abide by Genevieve's request and continues to see the learner without seeking her permission.

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

### Sasha

Sasha is a secondary school teacher who has a 'mentor' relationship with a learner and describes the learner as his 'best friend'. Sasha meets with the learner out of school hours for tutoring and shares personal information about himself, including that he has previously been sexually assaulted.

Sasha 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.

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

### **Akari**

Akari is a secondary school teacher and has the personal mobile number of one of her year 12 learners as part of normal school-related activities. Akari 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.

Akari 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 Akari reduce her communications with the learner, but not completely cease them to avoid disrupting their child's learning and emotional state. Akari 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 her relationship with the learner by other staff members, Akari 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, Akari expresses a desire to commence a romantic relationship with the learner.

### **Ben**

Ben is a secondary school teacher and while scrolling through his Instagram account, he comes across a 'suggested post' from a learner. The learner, Sally, is a year 10 student in Ben's class, who is also an aspiring actress and model. Sally has a public profile on Instagram where she posts modelling photos.

Ben 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."

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

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

Ben admits to writing the comments, but says he only did so to encourage Sally's acting and modelling pursuits. He denies any sexual connotation in his comments.

### **Tina**

Tina is a teacher in a primary school. While walking between classes, she notices a lot of noise in the hall and a crowd appears to be forming.

Tina rushes to the scene and finds two boys engaged in a physical fight. She immediately pushes between them and breaks them apart. One of the boys, Justin, refuses to stand down and she holds his hands while calmly speaking to him in an effort to stop him from continuing to hit the other boy. He is angry and screams at her to let him go, saying that she has no right to touch him.

Once the altercation has been dealt with, Tina discusses her actions with the principal, as she is concerned that Justin may make a complaint against her.

### **Irina**

Irina is a teacher in a special education school. She loves the challenge of working with her learners but, occasionally, they present some behaviours that can be difficult to navigate.

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

Mark is a happy 7-year-old student in her class. He is a lively child and has a loving family. One afternoon, the children are outside playing in their sensory garden when Mark notices his older sister, Sonjia, walking back from a school outing with her class. Sonjia is on the other side of the road when Mark spots her. He runs to the school gate, which had been left open, and out towards the road. Irina runs after Mark and grabs his arm just as he is about to cross the road and into the path of an oncoming car.

Mark is upset by the incident and complains that his arm, which is showing red marks, is sore. Irina reports the incident to her manager and explains the situation to the parents, who were grateful for her intervention.

## REFLECTIVE QUESTIONS

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

## PRINCIPLE 1.6 - TEACHERS MAINTAIN A PROFESSIONAL RELATIONSHIP WITH PARENTS / CARERS

### DEFINITIONS

Key term / phrase	Explanation
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	<p>While teachers are encouraged to develop positive working relationships with parents / carers, they must maintain appropriate professional boundaries.</p> <p>In some circumstances, teachers may already have a personal relationship with parents / carers outside the education setting. This can be particularly common in smaller communities. Personal relationships outside the education setting must be managed so as not to influence the way the teacher interacts with the learner.</p> <p>Teachers should consider informing their workplace of any personal relationships with parents / carers to minimise any perceptions of bias.</p>

### CASE STUDIES

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

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

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

#### Zac

Zac is a teacher in a primary school. He meets Bimala, a single mother of a learner (Riya) during a parent-teacher interview. Interested in getting to know Bimala more, he accesses Riya's records and obtains Bimala's email address. That night, he sends Bimala the following email.

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

Bimala responds to Zac's email:

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

The next day, Zac writes another email to Bimala:

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

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

## Rachel

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

One afternoon, a young mother comes to pick up her son who has been upset all day. Once the mother leaves, Rachel makes a comment to her colleague in the reception area that the child is upset because the mother has left her partner for someone else. Rachel adds: “She was always like that at school, one bloke after another.”

Rachel does not realise that another parent is in the room and hears the exchange. He reports this to the mother who was the subject of the comments.

## REFLECTIVE QUESTIONS

- Am I maintaining the privacy of all of my learners? (e.g. if you were talking about workplace issues with a friend who is a parent / carer at the education setting)
- Is my personal relationship with the learner’s parent / carer influencing the way I interact with them at the education setting?

## PRINCIPLE 1.7 – TEACHERS WORK IN COLLABORATIVE RELATIONSHIPS WITH LEARNERS’ FAMILIES AND COMMUNITIES

### CASE STUDIES

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

### Darcy

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

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

## REFLECTIVE QUESTIONS

- What steps can I take to ensure I work collaboratively with my learner’s families and communities?
- What are the benefits of working with my learner’s families and communities to understand their background, beliefs, context and culture?

## PRINCIPLE 1.8 – COLLEGIALLY IS AN INTEGRAL PART OF THE WORK OF TEACHERS

Strong working relationships between teachers is an essential part of supporting teacher effectiveness and supporting learning. Teachers should support one another in their practice, particularly those new to the profession.

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

### CASE STUDIES

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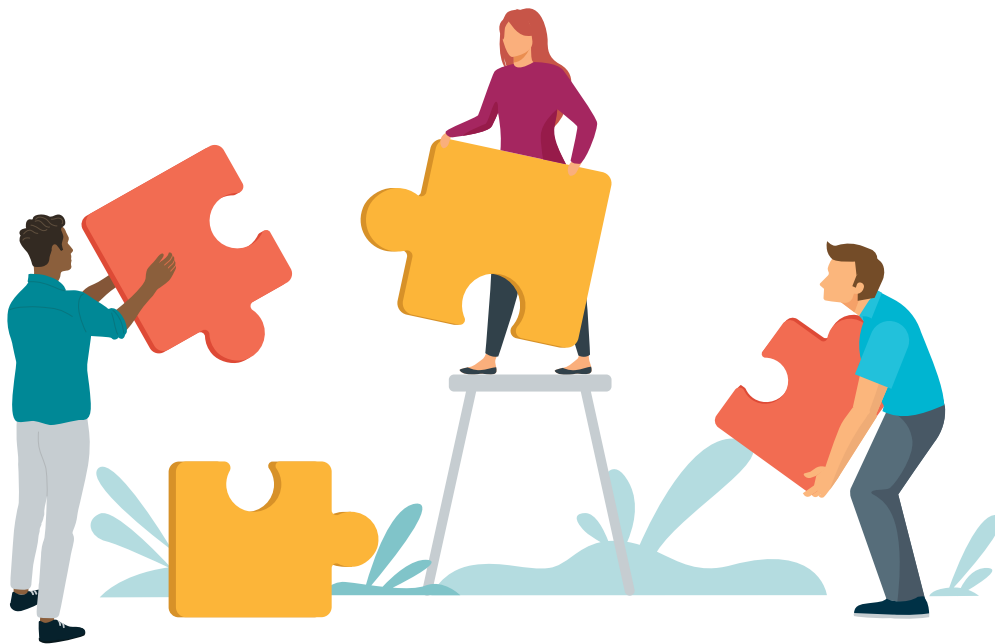
### Fiona

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

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

### REFLECTIVE QUESTIONS

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



## Section 2: Personal conduct



### PRINCIPLE 2.1 – THE PERSONAL CONDUCT OF A TEACHER HAS AN IMPACT ON THE PROFESSIONAL STANDING OF THAT TEACHER AND ON THE PROFESSION AS A WHOLE

#### DEFINITIONS

Key term / phrase	Explanation
Positive role model	<p>The teaching profession and the community have high expectations in relation to a teacher's personal conduct, which includes that they act as a positive role model both within and outside the education setting (including online / via social media).</p> <p>The type of behaviour that constitutes a positive role model may vary depending on each individual's context. It should include behaving (in both their personal and professional life) in a way that</p> <ul style="list-style-type: none"> <li>demonstrates a commitment to community values such as respect, civility, integrity, equity, justice and responsibility</li> <li>promotes respect for the law with learners</li> <li>reflects positively on the teaching profession</li> <li>does not cause harm to others.</li> </ul>
...respecting and complying with the law	<p>Respecting and complying with the law means teachers have an understanding of the importance of the law, take positive steps to be aware of the law, consider their actions in light of the law and take active steps to ensure they comply with it.</p>
Inappropriate personal or financial benefit	<p>Teachers must ensure they do not use their position as a teacher for their own personal gain or benefit. For example, teachers should not use the resources available to them as a teacher to support an independent business, or use their position as a teacher to employ their friends / family members where a merit-based process has not been followed.</p>

Demonstration of intolerance or prejudice	<p>Teachers should be aware that as role models, any demonstration or acceptance of intolerance or prejudice (both within and outside the education setting) can have an impact on their standing as a professional, and may have an impact on the safety and wellbeing of children.</p> <p>Teachers should also consider what they post, share or like on social media to ensure they are not demonstrating or accepting intolerance or prejudice.</p> <p>If a learner observes a teacher demonstrating or accepting intolerance or prejudice against a particular group of people, this may have an impact on their safety and wellbeing, as they may no longer feel the learning space with that teacher is safe and supportive.</p> <p>While not an exhaustive list, teachers should ensure their actions do not demonstrate intolerance or prejudice of a particular groups based on</p> <ul style="list-style-type: none"> <li>• age</li> <li>• gender identity</li> <li>• sexual orientation</li> <li>• racial or cultural background</li> <li>• socio-economic background.</li> </ul>
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## CASE STUDIES

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

### Polly

Polly is currently the subject of a police investigation in respect of engaging in sexual activity with a minor.

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

Polly states that she thought the minor was 18 years old, despite looking 15 years old, as he brought alcohol to their date in the park.

### Kane

Kane is an early childhood teacher who throws a taxi driver's phone to the ground during an argument and smashes it. Kane also pushes the taxi driver, spits on the driver and steals the keys to the driver's car. During the dispute, Kane'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".

### Jo

A number of years ago, early in his teacher career, Jo comments and likes a number of social media posts with jokes referring to race and religion.

These include sharing posts such as: "The white supremacist protestors are starting to realise why their grandparents were smart and wore hoods." and "I hate it how girls always claim they were forced when they were just drunk and regretted it - at least the Catholics know how to cover it up."

### Bronya

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

Bronya is an active part of the community - she volunteers with local groups and plays on the local netball team. Bronya is family friends with a number of her learners' parents and is also friends with these parents on social media. When she began teaching at the local school, she was already friends on social media with some of her learners.

To ensure she maintains appropriate professional boundaries, Bronya discusses with her learners that she will not connect with them on social media while she is their teacher. Bronya maintains the connection on social media with parents, but takes steps to ensure her accounts are private; that she shares some content only with specific people; and that what she posts, shares and likes on social media is aligned with the community's expectations of her as a teacher.

### Deb

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

One afternoon, she is presenting a PowerPoint to her form group and has her laptop plugged into the screen. During the presentation Deb, receives an email from one of the agencies that she has been engaged with for her student. The email has the student's full name as the subject line and is clearly marked from 'Jones Psychological Services'. Everyone in the class notices and the student runs from the room.

### REFLECTIVE QUESTIONS

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





## Section 3: Professional competence



### PRINCIPLE 3.1 - TEACHERS VALUE THEIR PROFESSIONALISM, AND SET AND MAINTAIN HIGH STANDARDS OF COMPETENCE

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

#### REFLECTIVE QUESTIONS

- Do I understand the requirements of my role?
- How do I identify my professional learning needs?
- What resources can I utilise to support my learning?
- Am I engaging in ongoing reflective practice?

### PRINCIPLE 3.2 - TEACHERS ARE AWARE OF, AND COMPLY WITH, THE LEGAL REQUIREMENTS THAT PERTAIN TO THEIR PROFESSION

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

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

#### CASE STUDIES

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

#### Martin

Martin is a teacher in a special education school. There are a number of difficult issues with one of his learners, Gabriel, and so Martin liaises with a number of family members and outside agencies. Gabriel's file shows there is a court order against his father.

Martin receives a call from Gabriel's father looking for information regarding his son. Martin explains that he is unable to speak with him as he is not listed on the file as a contact and there is a court order. The father explains that he and his partner are working together to try to help Gabriel, so he can disregard the court order. Martin gives Gabriel's father the information that he requests.

Martin is later asked to see the principal, who is upset. Gabriel's mother has complained that Martin gave information to an unauthorised person. This has triggered the father's violent behaviour and has called Gabriel's mother with threats to 'sort her out'.

### Annika

Annika is working at an early childhood centre. One of the children in Annika's care is a 3-year-old boy, Samuel, who is also the son of one of her colleagues. One day, Samuel arrives to the centre with a bruised, fat lip. Annika questions Samuel about his injury and he responds: "Mummy was angry with me and hit me."

Annika does not make a mandatory report, as she does not believe her colleague is capable of injuring her child. She does, however discuss it with her colleague (Samuel's mother), who confirms that she did lose her temper, but indicates it won't happen again.

### REFLECTIVE QUESTIONS

- What are my legal obligations as a teacher? How can I find out more?
- How do I ensure (in my day-to-day practice) that I am fulfilling these legal obligations?

## Additional resources

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

