



Regulatory decision

Inappropriate relationship

The following is a summary of a regulatory decision made by VIT concerning a teacher who had allegedly developed an inappropriate relationship with a student. All names and identifying information have been removed.

Under the Education and Training Reform Act (2006) (the Act), VIT must conduct a preliminary assessment of all notifications and complaints that it receives.

During the preliminary assessment, VIT may require further information from

- *the registered teacher who is the subject of the notification or complaint*
- *the person or body who made the notification or complaint, and/or*
- *any person who may have information relevant to the notification or complaint.*

This additional information will help VIT understand the notification or complaint and determine what further action may be required.

At the end of a preliminary assessment, VIT may decide to conduct an investigation or take other action including

- *suspending the registration of the teacher*
- *cancelling the registration of the teacher, or*
- *using the information to help assess a pending application for registration.*

Under the Act, the VIT Council is responsible for making decisions with respect to applications for registration or renewal of registration. The VIT may decide to

- *grant the application for registration or application for renewal of registration*
- *refuse the application for registration or application for renewal of registration, or*
- *impose conditions, restrictions or limitations on a teacher's registration.*

The VIT Council has delegated the power to grant registration or renewal of registration to VIT's Chief Executive Officer (CEO). The VIT Council has also delegated the power to impose conditions, restrictions or limitations on a teacher's registration to the CEO and the Professional Conduct and Registration Suitability (PCRS) Committee.

The VIT will provide the teacher with an opportunity to respond to the suitability matter and invite them to provide any further information they may wish to provide regarding their application for registration or renewal of registration.

The teacher will be notified if the CEO, the PCRS Committee or the VIT Council intends to

- *refuse their application for registration or renewal of registration, or*
- *impose conditions, limitations or restrictions on their registration.*

The teacher will have a further opportunity to make written submissions to VIT in support of their application. The VIT will consider any written submissions provided prior to making a final decision.



Scenario

The VIT received a complaint from Teacher X regarding the behaviour of a colleague, Teacher Y. It was alleged that Teacher Y had developed an inappropriate relationship with a learner at the school, as well as demonstrated inappropriate conduct towards other students in the class.



The complaint detailed that Teacher Y and 18-year-old Student Z had been spotted alone together at the local cinema by a group of students. The group of students reported this to Teacher X, who notified VIT.

The students raised concerns that Teacher Y had added several students from class on social media app BeReal, with one student stating they had seen a photo of Teacher Y on Student Z's BeReal post, which appeared to have been taken in private at home.

The group of students also alleged Teacher Y occasionally demonstrated flirty behaviour and favouritism towards Student Z. It was also alleged that Teacher Y made a series of inappropriate comments about Student Z to others, including comments about Student Z's appearance and body shape.

Immediate action

Upon receiving the complaint, VIT conducted a preliminary assessment. Further information was requested from Teacher X, Teacher Y and their employer, Student Z and the group of students who raised concerns about Teacher Y's behaviour.

The decision

During the investigation process, Teacher Y's employer reported they had not offered to renew Teacher Y's contract following a performance management process initiated earlier in the year.

The matter was referred to the PCRS Committee to make a decision on Teacher Y's recent application for renewal of registration.

The PCRS Committee issued Teacher Y with a Notice of Intention to Refuse Registration. Teacher Y did not make any submissions in response to the notice.

The outcome

Teacher Y was issued with a Notice of Refusal of Registration, their teacher registration was cancelled, and they were unable undertake the duties of a teacher in Victoria.

Reflection

This case study reflects that as a registered teacher, Teacher Y has a responsibility to take reasonable steps to maintain a safe and respectful learning environment for their students.

It also shows how VIT applies its regulatory approach, particularly in relation to the below principles of the [Victorian Teaching Profession's Code of Conduct](#)

- Principle 1.1 – Teachers provide opportunities for all learners to learn
- Principle 1.2 – Teachers treat their learners with courtesy and dignity, and promote participation and empowerment
- Principle 1.4 – Teachers maintain objectivity in their relationships with learners
- Principle 1.5 – Teachers are always in a professional relationship with their learners, whether at the education setting where they teach or not
- 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
- Principle 3.1 – Teachers value their professionalism, and set and maintain high standards of competence
- Principle 3.2 – Teachers are aware of, and comply with, the legal requirements that pertain to their profession.

Further information

View the Code of Conduct and further guidance material including case studies, videos, podcasts and professional learning opportunities at www.vit.vic.edu.au/maintain/conduct/codes.