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## Codes of Ethics in Australian Education: Towards a National Perspective

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*Abstract: Teachers have a dual moral responsibility as both values educators and moral agents representing the integrity of the profession. Codes of ethics and conduct in teaching articulate shared professional values and aim to provide some guidance for action around recognised issues special to the profession but are also instruments of regulation which position teachers in sanctioned roles. This paper offers a rationale for reviewing the purposes of codes of ethics in Australia as instruments which profoundly influence teacher morality and have significant educational implications. As one of the first comparative reviews of Australian state and territory codes of ethics and conduct procedures the author finds that policies around ethical action in teaching can be characterised as either 'aspirational' or 'procedural'; each type shaping teacher role morality differently. The aim is to spur dialogue about notions of 'value' and to articulate problems of individual autonomy, regulatory control and collective integrity.*

In this article I examine codes of ethics and conduct across the States and Territories of Australia in terms of the ways they position the teacher as a professional, as a moral agent and as a public servant. This paper asks how codes help to define moral teacher action and offers clarification about assumptions evident in these documents about the nature of ethics as a field and the scope of a fully professionalised workforce. I explore the two distinct forms of code and suggest that the 'regulatory' type and 'aspirational' type conceptualises the moral identity of teachers in distinctive ways. I suggest there is a blending of the two currently occurring in Australia. I explain how the use of each different type of code has implications for the nature of teachers' work through the exercise of moral agency.

The educational implications of this content analysis are twofold. Firstly, it provides an avenue for teacher educators and those offering professional development to teachers to demonstrate multiple perspectives to promote critical reflection and contestation that complements curriculum around professional ethics and values in teaching. Secondly the research adds conceptual analysis to those shared values articulated in various codes and raises questions relating to the role of codes of ethics in perpetuating the paradox of independent professional judgment and trustworthy service to society.

### Codes of Ethics

The discourse of Australian teaching is politically committed to transparency of schooling outcomes in numeracy and literacy, evidence-based practices and policy, the improvement and standardisation of teaching quality, and the lifting of (measurable) schooling outcomes for social justice in areas of disadvantage including indigenous

education and low socioeconomic zones (Lingard, 2010; MYCEETYA, 2008a). This presents teachers with an interpretive lens which prescribes priorities in the field and has been argued to have a marked impact on the ethical subjectivity of teachers' professional practice (Kostogriz & Doecke, 2011).

It is well recognised that certain ethical dilemmas and tensions characterise the work of teachers (Boon, 2011; Colnerud, 1997; Shapira-Lishinsky, 2011). Many of these centre around relational issues to do with limits to student-teacher intimacy, balancing concern for the individual with group needs, the forces of school policy on autonomous or case-based judgement, collegial loyalty and more generally, the ethics of pedagogy (Aultman, Williams-Johnson, & Schutz, 2009; Fenwick, 2008; Pope, Green, Johnson, & Mitchell, 2009). Further, the movement towards 'professionalization' that situates the roles of teachers and mandates accountability to standards, transparent processes of accreditation and performance management (Beck, 2008; Popkewitz, 1994; Tuinamuna, 2011) has had implications for professional ethics in teaching. Some authorities have re-envisioned and re-instituted codes of ethics in the light of pressure drawn from political re-structuring and their governments' attempts to shape new models of teaching professionals (Shortt, Hallett, Spendlove, Hardy, & Barton, 2012). Depending on the form of authority at work, these changes may be driven by professional organisations or educational bureaucracy through top-down or bottom-up consultative processes. Internationally, codes of ethics are perceived as an important measure to prevent corruption in education (van Nuland & Khandelwal, 2006). Whilst codes are the application of the field of ethics to issues which characterise specific professional work and provide guidance for action around these issues, they are also instruments of regulation which position teachers in sanctioned roles.

Codes of conduct and codes of ethics are traditionally different (Van Nuland, 2009); the former regulates behaviour whilst the latter tends to be more aspirational. Formalised codes have a substantial function in defining the 'terms of trade' between the profession and the school administration and public, but in doing so they can have unintended effects. For example, teachers may tend to treat their code superficially; codes of ethics can give a false sense that 'all is well' which mixes up normative ideals with actual behaviour; codes make static convictions, values, norms and expectations that are in flux and so they may lose their currency and relevance; and administrators may abuse their intended purpose as the articulated, shared self-obligations of an autonomous profession and use them to undermine moral agency (Terhart, 1998). The tension between the interests of administrators and teacher agency is not new, having arisen most notably in Australia with the managerial professional standards discourse (Sachs, 2001, 2003).

### **Conceptual and Historical Context for Codes of Ethics and Conduct**

Professional ethics articulate a profession's special obligations to society in which it holds a position of trust and relative autonomy over a specialised area of knowledge and practice as opposed to reflecting general ethical theories about what it means to be moral as a human being. Professional standards are different from ethical standards in the sense that professional practice is not always ethical practice. The term 'ethics' is not redundant, but adds something new. In some professions, such as law, certain kinds of unethical action, for example an attack on the character of a witness by the defence, may be acceptable in order to fulfil professional responsibilities to the charged client (Applbaum, 1999). However, others have argued that since professionals are people, universal norms such as keeping a promise should still apply (Bayles, 1989). In teaching in particular it is well recognised that ethical knowledge is not separate from professional knowledge

(Campbell, 2003; Lyons, 1990) implying that moral motivations are not exempt from pedagogical choices. Teachers regularly use what Gholami and Husu (2010) call 'praxial' knowledge to defend their pedagogical choices, and in doing so they appeal to moral grounds rather than simply the principles of 'effective' teaching. In order to have some sense of a moral 'compass' in professional ethics Oakley and Cocking (2006) argue from an Aristotelian perspective that professional role morality is a subset of a more broad-based morality, but its nature depends upon the contribution that the profession makes to human flourishing.

National professional standards are the measure against which contemporary expectations of the role of the teacher are most broadly understood in the Australian education sector. However the concept of the 'professional' is not neutral; it legitimises existing powers and authorities and validates particular discourses around knowledge, practices, research programs and systematic reforms (Popkewitz, 1994). In Australia the individualised, audit-culture 'competent teacher' model has become dominant over more diverse and collective notions of 'good' teaching which Connell (2009) argues raises the need for robust debate to re-establish teaching as situated and responsive practice. This debate would raise questions about interpretations of 'good' teaching and whilst the relationship between competence in professional standards and ethical expectations merits discussion, it is unfortunately beyond the scope of this paper.

Historically, teachers have been expected to be moral exemplars engaged in the improvement of society and individual character alongside their role as knowledge providers, often with missionary zeal (Glegg, 2003; Lovat & McLeod, 2006). Lovat and McLeod (2006) argue that the nineteenth century saw the Australian teacher's role established as a fundamentally moral one. These expectations have since expanded towards multiculturalism and social justice. Professional authorities now expect "specific attitudes to issues of gender, race, the environment, and human rights" (Glegg, 2003, p. 18).

Teachers act as both moral agents and values educators (Campbell, 2006). Thus, codes of professional ethics for teachers are implemented to differentiate broad-based morality from the specific contribution teachers are entrusted to make to society. These documents contribute to the description of the profession's purposes and obligations to the public. They provide guidance and prioritise values to influence the ways professionals act out their perceived responsibilities and embody ethical knowledge. There are a range of possible approaches to codes of ethics that identify educational aims and articulate teachers' roles.

Codes can create different expectations of teachers as moral role models in society. Some have claimed that codes of ethics hide "the originary myth of teacher professionalism" (Shortt, et al., 2012, p. 129) which speaks to the paradox of the social and the private characters of the profession; the pull between the autonomy of the individual and the demands of collective living. This analysis recognised the subtle ways in which a supposedly benevolent state normalises behaviours and it exposed competing vulnerabilities and duties associated with teaching and teachers which potentially exploit, distort and create concepts of teacher identity. For instance, teachers have duties to protect the rights of children, but are themselves vulnerable and may be exploited by the paternal motivation inherent in a code's intention to guide moral decision making. In a comparative analysis of international codes of ethics (Terhart, 1998), differences in the articulation of codes highlighted the difficulty of balancing autonomous professional judgement with effective regulation. Terhart (1998) argues that some codes treat teachers as passive role takers (rather than role-makers) who work toward functional citizenship, whereas others expect autonomous action in the best interests of students and make explicit the need for public trust; and other codes are too heroically drawn to provide guidance to teachers in

their everyday work and set the teacher apart from society in ways which commit them to modelling overstated ideals. This problem, between autonomy and collective responsibility, is the key tension my analysis of Australian codes draws out but in this case the roles noted above blur and overlap along some particular trends.

In Australia codes of ethics are relative to States and Territories whilst professional standards, curriculum and strategic goals have moved into the national domain. This discrepancy is interesting but beyond the scope of this paper. It could be explained by reference to incomplete trends towards federalising education, given that the compulsory education sector (i.e. schools) has been traditionally the domain of states and territories. Federalism in Australian public education has manifest in recent times as a part of standardising and strategic agendas in the sector. There has been a roll out of the National Australian Curriculum, National testing (NAPLAN), National Partnerships, National Values Curriculum and the establishment of bodies such as the Australian Institute for Teaching and School Leadership (AITSL) (formally Teaching Australia) to develop National Professional Standards for primary and secondary schools. Yet States and Territories have some significant differences as well as similarities in their articulation of the ethical responsibilities of their teachers and each has drawn together a set of values and virtues to constitute something of a shared role morality within their borders.

All Australian States and Territories have released re-visioned professional codes of ethics for teachers since the turn of the new millennium, but much of this was in train before federalisation of other dimensions of the sector occurred. Whilst some boards or committees were established prior to 2000 (for instance the Teachers Registration Board of Tasmania (T.R.B.T, 2006) most were released between 2005 and 2009. The NSW Code of Conduct (N.S.W.D.E.T., 2010), for instance, has recently been reviewed, with a 2010 release containing some significant differences to its 2004 predecessor. These differences will be considered later in this paper. In 2008 the Queensland College of Teachers was the only State or Territory to explicitly outline and embed moral expectations within their teaching standards to explain what teachers do, what they know and what they value (Mergler, 2008).

Elsewhere in the education sector, there has been significant scholarship about the Early Childhood Australia code which is Australia's only national code of ethics. Much research relates to its development and implementation which need not be repeated here (see: Barblett & Kennedy, 2006; Hydon, 2007; Kennedy, 2005; Martin, 2005; Newman & Pollnitz, 2005; Radich, 2007; Woodrow, 2001). However, little academic scholarship exists to examine specific State and Territory codes or which conducts comparative research on the suite of Australian codes of ethics in schools.

It may be premature to consider any rationale for the nationalisation of codes of ethics in Australia given that State and Territory based professional organisations that author codes of ethics and conduct are well established. However the formation of national professional standards, curriculum and other changes to the Australian education sector noted earlier raises questions about the value of nationalised professional ethics in teaching. We can gain a broader perspective on ethically-focused policies by examining State and Territory codes and take stock of existing expectations. Thus, this analysis represents a new avenue for research. The analysis of moral value in States and Territories codes of ethics that follows seeks to directly contribute to research on the federalisation of Australian education system. The next section is an entry towards mapping some of the more significant aspects for consideration in the area of professional ethics.

## **An Analysis of Codes of Ethics**

An exhaustive search was conducted for all publicly available documents relating to professional standards, conduct and ethics from official teacher registration bodies in Australian States and Territories. Documents titled ‘code of ethics’ or ‘code of conduct’ available through teacher registration boards, professional institutes of teaching or departments of education in each State and Territory in Australia were selected for analysis. A follow-up online search checked these documents for currency as at 2012, and any further educational resources that were provided for in-service teachers’ use was noted.

Content analysis of the documents titled code of ethics or code of conduct was undertaken using the following questions:

- What message does the appearance of the document convey?
- How is the document titled and how is it organised?
- What key terms are emphasised and how are these elaborated?
- Does the document provide a statement of purpose? How is this elaborated?
- How does the document provide explicit guidance for practical action?
- What links exist to other documents or policies, e.g. teaching standards or federal educational aims?
- Finally, the researcher asked what kind of conceptual ‘families’ could be discerned between the different statements of values.

Comparative analysis focused on key words presented as ‘values’ or ‘principles’ of the teaching profession and the definitions or ‘demonstration statements’ provided for these terms. Explicit language which served to position the document in terms of its purposes to the profession was of particular interest. The codes’ stated purposes were mapped to each State and Territory. Key value statements were mapped to the source document in all States and Territories and any descriptions provided were included and clustered together with conceptual families. In this initial analysis various differences and similarities were noted in table format.

Relevant professional standards documents were mapped to codes of conduct or ethics for each State and Territory and it was assumed that they would cohere with MCEETYA’s Melbourne Declaration and Four-year plan (MYCEETYA, 2008a, 2008b). It was found that professional standards documents often referred to the code of ethics or conduct. Under circumstances where a complaint about a teacher’s misconduct is made, all States and Territories refer to legislation (e.g. the relevant Teacher Registration Act) enabling the relevant teacher registration boards to conduct investigations and usually also formal or informal hearings that may result in disciplinary processes such as de-registration. The issue that interests the current research is what role the code of ethics or conduct plays in determining disciplinary processes.

From the analysis to be reported below and the review of literature presented in the first section of this article, various points of comparison in the characteristics of Australian codes of ethics for teaching professionals emerged. Firstly, these can be grouped around statements about their purpose – do they perform a primarily regulatory and disciplinary or idealised, heroic or ‘aspirational’ role? Secondly, differences and similarities occur in the articulation of shared moral concepts, values and principles which indicate interpretative families of values associated with the teaching profession, but also outliers of associated values. Thirdly, the codes themselves are presented to the public in different ways; some are posters or flyers designed for display and quick reference in staffrooms, whereas others are embedded in lengthy policy documents to be attended to in detail and still others are supported by online resources which present multiple perspectives around central ethical

tensions and dilemmas for professional development purposes. Next, differences also occur in the provision of some form of guide to the process of ethical decision-making and judgment that is or is not functionally separate to the actual code of values to assist teachers to take 'appropriate' action. This point relates to the last aspect for consideration here, that some codes or their associated resources appear to explicitly engage in collegial processes that emphasise consensus building around shared issues or dilemmas whereas others emphasise a hierarchical process of consultation.

### **Statements of Purpose: Codes of Conduct and Codes of Ethics**

Codes of conduct and ethics tend to describe their purposes explicitly. There are a range of stated purposes for the codes of ethics in Australia. The most straightforward of these is found in Tasmania (T.R.B.T., 2006) where the code is a "statement of the ethical commitments, practices and aspirations" to articulate the "identity of the teaching profession". In Western Australia (W.A.C.O.T., 2009) the code adds to the identification of values for the profession the purposes of "guiding" decisions, "inspiring" excellence and "promoting public confidence" which are all reflected in various expressions in the Northern Territory (T.R.B.N.T., 2009), Queensland (Q.C.T., 2008) and in South Australia (T.R.B.S.A., 2006). Victoria (V.I.T., 2008) adds to these purposes the aims to promote "adherence" and affirm "public accountability".

In NSW (N.S.W.D.E.T., 2010) the purposes of the code of conduct are to provide a "broad framework" for decision making and to "establish a common understanding" as well as placing "an obligation on all of us to take responsibility for our own conduct". In the policy (Section 4) all staff have a "responsibility to comply" with the code and if uncertain "seek clarification from your supervisor". Further, the code states that if actions "damage the reputation of the Department" or are found to be a "breach" of the code then this may result in "disciplinary action". This reflects earlier forms of NSW's policy which stated that "breaches of the code are deemed misconduct and may lead to disciplinary action" (N.S.W.D.E.T., 2004, S10.1). In addition, the 2010 code states that staff and supervisors have an obligation to report colleagues who they believe have made "possible breaches" of the code (see: section 5 and 6). Similarly, in the Capital Territory the Code of Professional Practice binds teachers to comply and if misconduct is found then disciplinary processes are undertaken (A.C.T.D.E.T., 2006).

In contradistinction, some States make an explicit statement about the limits of the code, precluding its use as a "disciplinary tool" or "an instrument of compliance" (T.R.B.S.A., 2006; V.I.T., 2008) and all other States and Territories indicate that whilst complaints are to be made directly to the relevant registration board under the relevant Education Act, codes of ethics are not explicitly disciplinary tools but are primarily used to identify ideals, general principled behaviour and values.

This difference correlates with the authorship of the codes. In all States and Territories except NSW and the ACT the code is authored by the professional body which registers teachers, the same body who implements accreditation to the professional standards for teachers. In ACT and NSW, it is the Department of Education who authors the code, whilst in NSW teacher accreditation is the purview of the NSW Institute of Teaching (NSWIT) and in the ACT the professional standards document performs a dual role (as a code of ethics and accreditation to levels of professional standards).

## Aspirational and Regulatory Codes

The analysis of the documents confirms there are two broad forms of ethical codes in Australian teaching in the States and Territories. The first form takes as its purpose to identify, inspire and promote certain values. That is, it performs a largely non-disciplinary role that aims to create shared identities and describe in general the moral role of teachers in society. In the second form, the purpose of the code is to ensure adherence to standards of professionalism and enforce disciplinary action. These documents present moral action as a generally static process of principled action laid down in some detail around central problems such as conflict of interest or student relationships. One questionable assumption here may be that a coherent system of rules – often a combination of consequentialist and rights-based perspectives – is an appropriate way to evaluate professional action. Rendering ethical value as static can negate interrogation and may conflict with teachers' experiences of ethical dilemmas in real life (Campbell, 2003). Thus it may discourage teachers from exercising genuine moral agency due to a sense that what is good and right under their circumstances is at least partly beyond their judgement; a matter of deferring to others' authority and accepting the benevolent interests of the state.

Currently, aspirational codes predominate in the Australian context. There is an indication that inspirational guidelines arranged around 'core' values are seen as more appropriate for the profession. The Director General of the NSW DEC, for example, explains that the new Code of Conduct should no longer be taken as a set of rules to be followed but as a 'framework' for thinking about ethical conduct (see: website video release <https://www.det.nsw.edu.au/about-us/code-of-conduct/about-the-code>). The new document now contains overarching values that could be considered a move towards the recognition that moral aspirations are important to the development of meaningful practice of professional ethics (de Ruyter & Kole, 2010), and an attempt at describing in somewhat richer terms the nature of value to NSW teachers. Other changes relate to mandated obedience to government and DET values. The earlier code stated that staff "are to implement in an impartial manner the policies and decisions of the Government of the day...behaviour should align with the values underlying government or departmental policy" (N.S.W.D.E.T., 2004, section 12, Responsibility to the Government of the day). This policy has since been watered down to recognise that teachers "may... have personal views that differ from those of the elected Government or the Department's management" but insists the individual views of teachers cannot 'take precedence over the Department's or Government policy and decisions' (N.S.W.D.E.T., 2010, p. 8, section 4, What does the department expect of its employees?)

In sum, Australian teachers' professional ethics documentation share some elements of those analysed over a decade ago (Terhart, 1998). In general, the aspirational varieties are documents that indicate the profession wants to gain the trust of the public, promote professional excellence, and bring teachers together under a banner of shared values, many of which have a kind of 'heroic' aura. The heroism of these codes can be problematic in the sense that it may inflate expectations of self-sacrifice for the good of others where a more sustainable moral ideal is appropriate (C. Higgins, 2003). However, these codes demonstrate some trust in the profession to make good moral decisions in the interests of students and society and provide shared core values as points of reference and guidelines for consideration.

The regulatory varieties indicate an underlying view that teachers need to be under surveillance by colleagues and occasionally threatened with disciplinary procedures in order to ensure that the public can trust them to act rightly. In particular, this latter form of code explicitly asks teachers to align themselves with governing policy, thereby assuming

individuals a pre-defined stance on certain issues and a less autonomous decision-making role. The assumption that breaking the rules equates with ethical misconduct can impact on moral agents' motivation (E. T. Higgins, 1996) and promote 'deference to authority' rather than 'grounded ethical confidence' (Cigman, 2000). Genuine confidence in one's ethical beliefs and judgements cannot be replaced by the kind of confidence one gets from deferring to authority.

The analysis undertaken here indicates that the most rigid and regulatory codes are softening somewhat and becoming more flexible, even if on the other hand, the greatest ideals of teacher heroism may be unsustainable. This softening of disciplinary intervention on teacher morality perhaps reflects the recognition that the identification of shared professional values is important to internal motivations towards good action, to growing esteem and trust in the teaching body and building a common basis for ethical decision-making. The following table (Table 1) summarises the authorship and stated purposes of codes of ethics in Australia.

**Table 1: Codes of Ethics and Conduct across Australia**

State or Territory	Institute, Board, College or Government Department	Ethical guidance document: title and date	Purpose of Code
Victoria	Victorian Institute of Teaching (VIT)	Code of Ethics (drafted 2005) Code of Conduct (2008)	Is not a disciplinary tool, but <b>aspirational</b> , forms basis of Code of Conduct, which is also not a disciplinary tool but guidance and decision making process.
Queensland	Queensland College of Teachers (QCT)	Code of Ethics (approved 2008)	Designed to guide and <b>encourage</b> all teachers to achieve stated high standards
Western Australia	Western Australian College of Teachers (WACOT)	Code of Ethics (released 2009)	Identify ethical responsibilities & commitments; guide ethical decisions; <b>inspire</b> professional excellence; promote public confidence
South Australia	Teachers Registration Board of South Australia (TRB)	Code of Ethics <i>for the Teaching Profession in South Australia</i> (drafted between 2005-2006)	Not intended as instrument of compliance but as framework to assist teachers to <b>reflect</b> on decision making and ethical issues
Northern Territory	Teacher Registration Board of the Northern Territory	Statement of Ethics for Northern Territory Teachers (2006) Code of Ethics (released 2009)	To identify & communicate values, guide decisions, promote public confidence, <b>inspire</b> honour and dignity of profession Requires people who are “fit and proper”
Tasmania	Teachers Registration Board (TRB)	Code of Ethics (2006)	A statement of ethical commitments, practices and <b>aspirations</b> underpinning identity of profession; an ongoing articulation. Requires people of “good character”
NSW	NSW Department of Education and Training (NSWDET) Institute of Teachers (NSWIT)	Code of Conduct (CoC) (implemented 2004-2009)  Code of Conduct (CoC) (from January 2010)	Breaches of CoC deemed misconduct & <b>may lead to disciplinary action</b> (S10.1)  Provides a <b>broad ‘framework’ for decision-making</b> ; places obligations and represents an attempt to establish common understandings
ACT	ACT Department of Education and Training (ACTDET)	ACT Public Service Code of Ethics (2005)	Mandatory obligations. Follow law and spirit of law, action must be seen to be ethical. Breach of code = <b>disciplinary action</b>

## Articulation of Moral Concepts

The analysis of the purposes of ethical codes in teaching in the previous section indicates a tendency towards aspirational codes in State and Territory systems and it is apparent that moral concepts form the basis for grounding shared identity and decision-making. The content analysis that this section reports on focuses on the stated concepts and ideals referred to across the State and Territory codes of ethics and conduct documents and indicates common ideals and differences in articulation of moral concepts. From this further analysis it is apparent that the profession in Australia generally agrees that the values of integrity and respect are important constituents of teacher role morality. These concepts are explicit aspects of all codes in Australian States and Territories, whilst to a lesser degree concepts of justice and dignity, care and responsibility form an extended ‘family’ of ethical characteristics. Each State and Territory code, whether aspirational or regulatory in kind states that teachers need to demonstrate commitment to others’ needs; to students, to colleagues and to the community. The descriptive work that each code does to clarify these values, however, is distinct and sometimes the same term performs different functions across codes.

Many of the codes are one-page statements of values. For example, in 2006 Tasmania’s Teachers Registration Board released a ‘Code of Professional Ethics for the Teaching Profession in Tasmania’ which states a commitment to the principles of dignity, respect, integrity, empathy and justice. The Western Australian College of Teaching’s Code focuses on justice, respect and responsible care. In the Northern Territory, the Teacher Registration Board has a Professional Standards and Ethics Committee who state allegiance for the profession to the values of integrity, respect, justice, empathy and dignity. The South Australian Teachers Registration Board’s code of ethics list is short: integrity, respect and responsibility, and these are outlined in one page.

In 2008 the Queensland College of Teachers (QCT) released their code of ethics in a one-page statement to complement embedded values dimensions within their professional standards. This statement explains how teachers can demonstrate integrity, dignity, responsibility, respect, justice and care in their work. A connected document, the QCT Professional Standards for Queensland Teachers, embeds values statements related to pedagogical and professional standards, but these values statements are not necessarily about ethics. For instance, in Standard One “Design and implement engaging and flexible learning experiences for individuals and groups” there are several statements describing expected practice and knowledge, and values. In the latter, teachers are committed to: “believing all students can learn and supporting them to achieve success” and “making ICT integral to learning”. The first statement may have some ethical imperative, but it is not obvious that the last one has any moral dimension.

The Victorian Institute of Teaching (VIT) Code of Conduct explains integrity, respect and responsibility in both one page and an extended document of principles. For example, teachers should demonstrate these ideals by acting for the best interests of students; keeping professional relationships; respecting and advancing the profession; showing care and compassion, fairness and impartiality, and a high regard for colleagues; and by acknowledging partners in education such as parents, aides and the broader community. A teacher is expected to ‘maintain objectivity’ with students (Principle 1.4), to ‘enhance student autonomy and sense of self-worth and encourage students to develop and reflect on their own values’ (Principle 1.2.d.), moreover they

must 'seek to ensure they have the physical, mental and emotional capacity to carry out their professional responsibilities' (Principle 1.3.a.). The code of conduct states that there is no clear line between professional and personal ethics, and as such asks teachers to provide 'positive role modelling' in both the school and in the community, and regarding the 'performance of civil obligations' and 'personal or financial interests' (Principle 2.1). This last principle aligns with the view that professional ethics is an extension of broader morality (Oakley & Cocking, 2006).

### **Conceptual Moral 'Families'**

The analysis of the values stated in the codes found that two central conceptual families of values are shared amongst all or most States and Territories; integrity and respect. All codes except WACOT's indicate explicitly that integrity is valued (W.A.C.O.T., 2009). There are several ways this concept is articulated and not all codes provide a demonstration statement or clarification. As a point of reference for teachers in Australia, the National Framework for Values Education (DEST, 2005) describes integrity as action 'in accordance with principles of moral and ethical conduct' that ensures 'consistency between words and deeds'. In the codes, virtues such as 'honesty', 'trustworthiness', 'accountability', 'dignity', 'honour' 'truthfulness' and 'impartiality' are often grouped as descriptors of integrity (N.S.W.D.E.T., 2010; Q.C.T., 2008; T.R.B.N.T., 2009; T.R.B.S.A., 2006; T.R.B.T., 2006). The VIT indicates that integrity is a function of the teacher's capacity to act in the best interests of students, maintain professional relationships and act in ways that "respect and advance the profession" (V.I.T., 2008). Since aspirational codes are predominant in Australia and work to draw together a shared moral identity amongst the profession of that State or Territory local interpretations of a core moral concept such as integrity ought to provide a coherent ideal for its members and a point of reference for decision-making.

The codes also indicate that respect is valued and that this should be mutual in significant relationships, for example, between teachers and their students and families. They group together virtues including care, compassion, fairness, impartiality, and acknowledgement of others, trust, valuing uniqueness, diversity and traditions, holding colleagues in high regard and valuing the contributions of others. These local interpretations of respect present an immediate tension. That is, between notions of respect in terms of relationships at 'arm's length' characterised by impartiality and fairness, and those which recognise greater intimacy between learners and teachers by drawing on notions of care, compassion and knowledge of uniqueness. In the more disciplinary codes of NSW and the ACT, respect is rendered somewhat differently, for example in the 2004 NSW version, respect was described in terms of respect for people and property (CoC:S17, NSWDET 2004), as these codes have a concern for the conservation of physical resources which means the term respect has a dual meaning (one in reference to a human being, the other to ownership of inanimate objects).

These two core values of integrity and respect are each described in ways which overlap conceptually with other values and virtues, and in some cases the way that one code describes or demonstrates a concept such as 'respect' is described in another code as 'integrity'. The VIT for instance, clarifies respect as partly a function of impartiality whereas the QCT consider impartiality as an indicator of integrity. Further, the VIT describe respect in terms of caring and compassion as well as

impartiality; these are moral concepts in tension with each other (Noddings, 2010). Other codes such as from Queensland, WA, SA, and the NT refer to care as a separate core value associated with empathy and wellbeing.

The Teachers Registration Board of South Australia exhorts teachers to “uphold integrity, respect and responsibility” as core values. It describes integrity in terms of “honest and trustworthy relationships” that uphold the “dignity and honour of the profession”. This example reveals assumptions regarding the relationship between the work of an individual teacher and the perception of the profession as a whole. The extrinsic rationale to uphold the professional image of the organisation is working as a motivator to teachers to be honest and trustworthy. But the public may expect to interact with a teacher who is honest and trustworthy for the reason that he or she values honesty and trust intrinsically and as a matter of individual integrity rather than because they are concerned for the image of the profession as a whole. Thus, what constitutes honour in the profession could be raised as an open question for peer discussion to deepen the conversation about professional values.

The Northern Territory Government publication from the Teacher Registration Board of the Northern Territory states that “integrity, respect, justice, empathy and dignity” are core values of the profession whilst also stating that it is a teacher’s “ethical responsibility” to “uphold the rights and responsibilities of self and others” (T.R.B.N.T., 2009). Concepts of justice can be contrasted with concepts of empathy to highlight the different emphasis that may inform judgements regarding how to act, for example, in the ‘best interests’ of students. It can be difficult to decide the best course of action when the rights of an individual conflict with the rights of another or a group of others. In order to act with integrity a teacher may consider how possible options for action align with her existing beliefs and values and previous decisions. Whilst some claim that justice and care can be merged cohesively towards worthwhile moral action (Colnerud, 2006), the code itself may contribute to a conflation of moral ideals.

What the analysis here reveals is that a statement of values in a code of ethics or conduct, whilst intending to clarify points of reference so as to act as a guide to ethical decision-making, contains a variety of perennial ethical tensions such as those between individual and collective goods. There is no universal understanding of a particular moral concept, if this is a legitimate goal. Hence a dialectic process between States’ and Territories’ presentations of moral expectations may be extremely valuable for promoting ethical understanding. Codes themselves may leave teachers confused about the meaning of core values and in need of greater support such as programs to clarify ethical decision-making which enable individuals to base their actions on more than moral intuition. Potentially, each moral decision provides a teacher with the opportunity to genuinely re-evaluate previous choices and existing values and beliefs in terms of one’s understanding of the highest good, thus acknowledging the need for on-going ethical reflection (Taylor, 1991) in the profession.

### **Presentation, Use and Provision of Resources for Moral Decision-making**

Since moral matters are so complex, they require interpretation through multiple frames or theoretical positions in order to cut between “relativism ... and the kind of absolutism that seems to follow the quest for ethical rules” (Bullough, 2011, p. 28). A recent review demonstrated that the majority of research in the area of

teacher ethics acknowledges the inherently moral nature of teaching and the deeply relational quality of ethical decision making. This has to do primarily with the way teachers respond to the often competing needs of others under perceived cultural and systematic norms and a common recognition of many obstacles, including a confused understanding of the notion of 'value' and differing degrees of moral sensitivity which can hinder some teachers' capacities to find "reflective critical space" (Mahoney, 2009, cited in Bullough, 2011, p. 24). The previous section highlighted that the confusion of values is apparent in codes themselves and this indicates that there are spaces in the current Australian context where moral exploration and deep reflection should work towards clarifying and progressing professional ethics in teaching. Shortt et al. (2012) argue that it is important for teachers and teacher-educators to investigate both the experiences of teachers and the public perceptions of teachers through an understanding of the tensions inherent in the derivatives of rights and duties and the ways that vulnerability and power are represented to position expectations of teacher behaviour.

Teacher education courses in Australia already contain units dealing with ethics and values which include beliefs about teaching, classroom management, moral development and social inclusion but a key problem is that these components are not made explicit to pre-service teachers (Mergler, 2008). But ethical philosophy courses in teacher education in Australia are few and the lack of debate and thorough examination of professional codes is unlikely to develop graduates competent in moral reasoning (Boon, 2011). This highlights the importance of generating opportunities through professional bodies for serving teachers to clarify and deepen ethical understandings.

Recorded interviews with teachers interpreting ethical practice is becoming a more widely used approach by the authors of codes. Procedural types of code have tended to provide more detail to guide actions in general than aspirational types. For example, in Section 21 of the Code of Conduct (2004) the NSW DET provided a linear model to guide ethical decision-making. This model, however, has since been removed in the 2010 version and it could be argued that the replacement is now in the form of recorded online interviews with teachers about important issues faced in practice.

The VIT provides resources to further teachers' use of the codes for specific areas of action (professional conduct, personal conduct and professional competence) through a linear decision-making model and supplementary workshops available online. These are focused on several key principles. In some of these resources, practicing teachers discuss their moral reasoning related to challenges to their professional values. These practitioner viewpoints are designed to be discussed collegially (with the aim towards consensus) alongside the highly structured decision-making model and are available online (see website: [www.vit.vic.edu.au](http://www.vit.vic.edu.au)).

To negate perceptions of codes of ethics as ineffective and problematic, teaching registration bodies and teacher education programs have reason to provide teachers with opportunities explore, reflect on and clarify their moral expectations of the role, and give them a mandate to interrogate and contest accepted norms and values as an essential aspect of the exercise of moral agency.

## Implications

This paper set out to do two things; firstly, the analysis offered two forms of codes that echoes reviewed literature and the historical position of Australian teachers as agents of moral action. One form of code is inspirational but can render the role of teachers as potentially unsustainable by way of moral heroics, whilst the other is regulatory and begins from assumptions about the need to monitor and discipline teachers. This, it was argued, has implications for the nature of teachers' work in the sense that codes of ethics and conduct intend to function as guides towards shared and cohesive ethical action and in doing so can promote either 'grounded ethical confidence' or 'deference to authority' (Cigman, 2000). This relates to the core issue identified by analysis, of teachers' independent professional judgment and the assurance of trustworthy service to society.

Secondly, it articulated multiple perspectives of teacher ethics as stated in public documents of codes of ethics and conduct in order to demonstrate the complexity of applied ethics and offer points for critical reflection on the different interpretations of purpose and shared values stated by professional organisations representing Australian teachers in the light of trends towards federalism in Australian education. These reflective points, for instance perennial tensions between stated values such as impartiality and care and functional differences around concepts such as respect, could be used to inform curriculum development in professional ethics and values in teaching and encourage re-interpretive dialogue and contestation in order to enhance moral understanding and decision-making in the profession.

The analysis demonstrated the extended family of moral values appropriated by codes of ethics and conduct in statement of value and the potential for developing greater clarity around these concepts. Many values stated as important in Australian codes of ethics in teaching, whilst inspiring, are not coherently articulated. This may compound moral ambiguity and leave practitioners uncertain about what they ought to be committed to and entrench intuitive moral evaluations. This can increase the prevalent confusion regarding 'values' in teacher ethics (Bullough, 2011). Unelaborated codes are often not supported by further resources and thus neglect to provide means for productive moral dialogue to deepen interpretations of moral meaning. Having said this, achieving teacher education in professional ethics that equips individuals to think autonomously and negotiate the complexity and particularity of moral circumstance is a difficult challenge that requires further research and reflective practice. Some suggest it requires a multidimensional approach to avoid the problems of relativism and moral despair but on the other hand also ought to avoid overemphasis of highly structured ethical reasoning which can undervalue narrative moral sensibility (Diamond, 1982; Warnick & Silverman, 2011).

This article has contributed to the argument for teacher education in ethics by demonstrating that whilst the majority of codes take an aspirational view of teacher role morality and there is evidence of shared values, greater attention needs to be paid to how teacher education and professional development can support teachers' use of codes of ethics to promote moral capacities and sensitivity. Aspirational codes of ethics in Australian States and Territories do provide some descriptions of how teachers ought to demonstrate values of integrity, respect, justice and so on but greater provision for teachers to dialogue with and interrogate ethical purposes of education in professional, undergraduate and postgraduate arenas will be important to achieve the current agendas of raising quality in teaching (Boon, 2011) and bringing greater educational merit to the work of teachers (Webster, 2009).

The central tension between autonomous professional judgement in ethics and trustworthy service is clear, but questions around the normative role of codes are not easily satisfied. Aspirational codes imply that individuals have an intrinsic motivation towards moral action and thus are something of an antithesis to the assumption that professionals need surveillance and discipline to be good. However, in the absence of internal motivation towards the good aspirational codes lose the capacity to influence action. If ethics are left in the aspirational mode, then how is uniformity of action across the profession ensured? Whilst aspirational codes appeal to certain ideals, they may be taken less seriously than more procedurally and authoritatively expressed items because they lack disciplinary teeth, may be considered too heroic or present unconvincing accounts of moral value in teaching.

This raises the question about how teachers ought to relate to seemingly arbitrary moral norms and values localised to State and Territory borders. Professional ethics construed in a regulatory way tends to define right action as a matter of executing principles to minimise harm rather than to aspire to higher ideals, and given the back drop of competence models in contemporary Australian teaching it can also undermine debate about the possibilities of 'good' teaching (Connell, 2009). The analysis here demonstrates that control of teachers' behaviour by static values embedded in disciplinary processes may lead to perfunctory action up the chain of command rather than grounded ethical decision making and that individuals may be more likely to be motivated by external factors such as fear of litigation or punishment rather than internally by their highest ideals in a context of dynamic and supported professional dialogue around ethical values in teaching.

## **Conclusion**

In sum, this analysis has raised some important and philosophically informed questions. The first of these is how best to present professional ethics and engage teachers with moral concepts through formal documentation such as codes of ethics and conduct, given that ethics is a dynamic rather than static landscape and the profession is highly relationship-focused. Whilst principles of action can be used as a guide, particular circumstances require teachers to make use of autonomous ethical judgement based in character traits, such as integrity and the capacity for respect recognised as core to the profession. Further, the trends towards competencies in professional standards mean that since knowledge of professional action and ethical action are inseparable, enhancing ethical dialogue in teaching can make an important contribution to the value of education.

Further, questions remain regarding how decisions made about the normative power of codes of ethics and the choice and articulation of values stated as core to the teaching profession. Given the trends towards federalisation, which ultimately is a trend towards the universalisation of professional ethics in teaching in Australia, multiple voices should be part of this discourse and revision process; that is, the voices of teachers and the broader pluralist community in which the work is embedded, including their students, families and community. This dialogue is crucial to the development of public trust in the profession of teaching, even while questions regarding the nature of collective integrity in relation to professional autonomy may remain unresolved. The controversial nature of ethics in education needs to be recognised in order to encourage teachers to engage in dialogue about different

understandings of educational value. Engaging in open dialogue about value is important to becoming more sensitive and responsive to the ethical world.

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