

Tutoring and Conflict of Interest Guidelines for Members

Professional Relations staff in Protective Services receive many calls from members asking whether they can engage in private tutoring on their own time. Before engaging in private tutoring, however, you should know that ETFO has made public statements opposing the referral of students in publicly funded schools to private education providers. ETFO believes that every student in the public system should have access to the resources, services, and support needed to experience success.

Although ETFO does not support privately funded tutoring, members are legally able to engage in tutoring on their own time. It is important that members familiarize themselves with the Ontario Teachers' Federation policy on tutoring which requires adherence to the following two rules: First, in engaging in private tutoring, the teacher must not tutor their own students for remuneration. Second, if the teacher accepts a student for tutoring, the teacher should consult the student's regular teacher. In any private tutoring arrangement, the teacher will be in violation of the Code of Ethics if he or she makes adverse comments about the student's regular teacher, or if the teacher interferes in an unwarranted manner between the student and the student's regular teacher.

Conflict of Interest

Teachers are also bound by the Professional Misconduct Regulation 437/97 under the *Ontario College of Teachers Act*. Section 26 states that a teacher is guilty of professional misconduct when practising the profession while in a conflict of interest. While the Regulation does not define what constitutes a conflict of interest, arbitrators and courts have frequently commented on this issue in the context of assessing disciplinary penalties imposed on employees who place themselves in a conflict of interest. Public servants, such as teachers, are held to higher standards than other employees in conflict of interest situations.

Teachers, in particular, are regarded as influential role models and moral leaders in the community, and are held to high standards of conduct both on and off the job. Inappropriate conduct on their part has the potential to destroy the trust and confidence the community places in them and the public education system. For these reasons, teachers must act more scrupulously than most to avoid being in a conflict of interest situation.

Teachers should be guided by the following rules which have been held to apply to public servants:

- They must not advance their own agendas, financial or otherwise, that might prejudice their employer's interests or reputation.
- They must not seek for private gain to make use of information not available to the general public to which they have access by reason of their official duties.
- They must not place themselves in situations where their judgement could, even unconsciously, be affected by their private business.
- Their interest in their private financial affairs must not clash or appear to clash with their employer's interests.

Guidelines for Members

Some school boards have policies on tutoring and if a teacher breaches the policy, they may be disciplined and/or reported to the College of Teachers. Here are some specific guidelines which should be considered before engaging in tutoring:

- Find out whether the board has a policy about tutoring and follow it.
- Private tutoring should not take place on school property or during the instructional day.
- Members should not tutor their own students privately for financial gain.
- Members should not advertise private tutoring through connections at the school, through school or board publications, or through the board's computer network.
- Regular communication should occur with the student's own teacher so as not to work at cross purposes or outside the regular classroom curriculum.
- Members tutor students at their own risk and may not be eligible for ETFO support should problems arise from the private tutoring situation.

Members are advised to consult Professional Relations staff in Protective Services at 416-962-3836 or 1-888-838-3836 for additional advice if concerned about a possible conflict of interest.

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