



EDITORIAL - 'Any Conduct That Brings or is Likely to Bring Discredit to the Profession'

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The New Zealand Teachers Council rules for making reports and complaints of serious misconduct against teachers have been modified in 2008. They now include the catch-all clause 9.1 of 'any conduct' that is 'likely to bring discredit to the profession'. Both PPTA and NZEI made submissions against the new clause, on behalf of their members, when it was proposed by the Council in March 2008. It was, nevertheless, gazetted. The Council's Director, Dr Peter Lind, was quoted (The Press, 29 July) as commenting that "clearly, one of the issues for teachers is where does my personal life begin and where does my professional life end. And in a job such as teaching, that does become sometimes a little blurred." According to the same news report, PPTA had asked the Council to specify what behaviour would bring the profession into disrepute, to which the response had been that this would be decided 'as cases came to light.' So, at present, no-one in the Council seems able to define 'discredit', but it appears to encompass, at least in part, teachers' personal lives.

This concern by officialdom to police the personal sphere arguably harks back to an earlier century, when employment contracts for (women) school teachers prohibited such personal conduct as getting married, keeping company with men, being out between 8pm and 6am, loitering downtown in ice cream stores, leaving town without permission, smoking, drinking alcohol, riding in carriages or automobiles with anyone other than her father or brother, dressing in bright colours, dying her hair, wearing makeup, wearing dresses more than two inches above the ankles, or wearing fewer than two petticoats (Apple, 1986, p. 73). At first glance, comparing 2008 Aotearoa with 1920s rural America might seem too far a stretch, but how many New Zealand teachers today work in secondary schools, for example, where students' personal lifestyle choices are disciplined in similarly crude and arbitrary ways? If boards of trustees believe it is acceptable to closely regulate the sexuality, morality and identities of their students during school hours, in ways that clearly have considerable impact on their personal lives outside of school, then why not also those of their employees?

Section 5 of the Teachers Council Rules already defines serious misconduct as conduct that (i) adversely affects (or is likely to) the learning or well-being of students, (ii) reflects adversely on the teacher's fitness to be a teacher, or (iii) meets the Council's criteria for reporting serious misconduct under rule 9. In turn, rule 9 prohibits the following: physical, sexual or psychological abuse of a child or young person; an inappropriate relationship with anyone under 16 years or with a student; neglect or ill treatment of a child or animal in the teacher's care; theft or fraud; anything to do with controlled

drugs or pornography; breaching the school's standards or rules concerning alcohol while at school or on school business; or "any other act or omission that could be the subject of a prosecution for an offence punishable by imprisonment for a term of 3 months or more."

These clauses and their attendant behaviours already provide the Teachers Council with sufficient scope to address serious misconduct by teachers in any aspect of their professional lives, so one can only wonder why an additional clause has now been introduced, particularly one that is so loosely defined around the notion of 'discredit', which has yet to be decided. In our view, the Council's purpose with this new clause can only be to attempt to 'discipline' teachers' personal, private and virtual lives, but to do so at arms length. Teachers, in effect, are now expected to self-regulate their personal behaviour and lifestyle in the knowledge that at any time someone *might* deem this 'likely to discredit the profession' using arbitrary, subjective criteria. In this regard, the clause has the very real potential to become an oppressive, conservatising, social cleansing mechanism. It is difficult to believe that this is what the official mouthpiece of the teaching profession in New Zealand intends. More worryingly, in the absence of a clearly agreed and shared understanding of what 'discredit' might mean, it is an inherently unethical rule.

It is also certain that children and young people's educational experiences would be greatly impoverished if all their teachers in future had to come from Stepford. Peaceful political protest, withdrawal of one's labour, and the free expression of sexual orientation by teachers have all been lambasted as 'unprofessional' by powerful groups in our society in recent decades. Indeed, 'professionalism' is just as often used these days as a stick with which to beat public sector workers as it is an acknowledgement of the uniqueness, value and complexity of their work. Moreover, letters pages and talk-back radio are full of uncompromising, polarised opinions about every aspect of the way others choose to live their lives. Any and all of these could be said to meet a test of 'discredit', but only if the arbiter is weight of public opinion, not rational argument.

The Council might well argue that targeting teacher conduct which 'discredits' is consistent with its statutory regulatory and disciplinary functions. Nevertheless, it is difficult to see how it is also consistent with its other obligation, to provide leadership and advocate on behalf of teachers. In fact, it all seems more than 'a little blurred' to us and, as such, is likely to bring the profession no credit.

REFERENCE

Apple, M. (1986). *Teachers and texts: A Political economy of class and gender relations in education*. London: Routledge.