



# WHEN PASSIONS RUN HIGH

A long-running dispute between a librarian and school principal led to defamation proceedings and an unusual order by the High Court. Paul Robertson explains how it all came about.

**THE HIGH COURT RECENTLY** delivered its decision in a defamation case brought by the former principal of a school against the former school librarian.

The community library building—adjacent to the local school in the Rai Valley, half way between Nelson and Blenheim—was constructed by locals, who had contributed money and materials. It opened in November 1999.

The librarian and her husband had been instrumental in obtaining funding for the library that was shared with the school. The librarian also taught French in the school.

The management of the library was split between the school and a library committee. The librarian, as chairperson of the library committee, took a strong stance on day-to-day management.

## RELATIONSHIP UNRAVELS

The relationship between the librarian and the principal of the school began to unravel. This was initially because of differences of opinion about how to fund computers for the library, but it soon snowballed.

Both sides engaged solicitors. There was then a proposal to reduce the teaching hours of the librarian, which she viewed as part of the wider dispute with the principal.

The librarian raised a personal grievance alleging that she was bullied by the principal. She also raised complaints with other people and agencies, including the local Member of Parliament and the Ministry of Education.

The complaints of bullying/harassment were not upheld and the employment dispute was ultimately resolved in the course of a settlement conference convened by the Employment Court in May 2010.

The dispute between the principal and the librarian, both respected members of the local community, split the town. By 2011, the principal and librarian had retired from teaching—they both had serious health issues.

The community remained deeply polarised, with one faction supporting the former principal and the other supporting the former librarian. There were letters published in the local newspaper

and a petition was sent to the Minister of Education.

By 2012, the librarian was attending an art course in Otago. There she met a professional writer and convinced the writer to write about the dispute in order to show the true nature of bullying in the workplace and to demonstrate the devastating emotional and physical cost to the librarian and others. The book was intended to profile and expose the former principal as a bully.

The author contacted members of the Rai Valley community to obtain their personal accounts of the dispute. The letters graphically set out the allegations of bullying by the former principal.

The principal issued defamation proceedings against the author, the former librarian and her husband that came before the High Court in July 2017. The claim was for \$400,000 and costs.

The claim in defamation succeeded. The allegations of bullying and related complaints about the principal were not true. The principal had instead been trying to exercise normal management over the school,

including the librarian.

The court made an unusual order. If the former librarian was prepared to publicly apologise, and to withdraw the allegations of bullying etc, then she was only liable to pay legal costs. However, if she refused to make the apology, then she must pay the costs and \$100,000. According to news reports, the former librarian has not yet decided whether to give the apology, or to appeal the decision.

## AND THE LESSON IS ...

Education attracts people with strong passions. Here, two people who had known each other for many years were not able to maintain a professional relationship and both suffered. Attending a mediation at the beginning of the dispute may have avoided this grief.

For more background to the dispute see: [www.stuff.co.nz/national/education/96450248](http://www.stuff.co.nz/national/education/96450248)

## Newton v Dunn and Leov [2017] NZHC 2083



PAUL ROBERTSON is a partner at Heaney & Partners in Auckland. Visit: [www.heaneypartners.com](http://www.heaneypartners.com)

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PAUL ROBERTSON | Partner: direct dial: (09) 367 7004 email: [paul.robertson@heaneypartners.com](mailto:paul.robertson@heaneypartners.com) [www.heaneypartners.com](http://www.heaneypartners.com)  
Phone: (09) 3030 100 Fax: (09) 3677 009 Level 13, PwC Tower, 188 Quay Street, Auckland PO BOX 105391, Auckland. 1043. DXCP18503