



TEACHER DISCIPLINE

A teacher argued she had been unjustifiably suspended when she was directed to work from home after making derogatory remarks to students. Paul Robertson explains why she was unsuccessful with her personal grievance.

IF A STUDENT SWEARS AT A teacher the outcome will usually be a visit to the principal's office and disciplinary action. What should happen if the teacher is the one who is abusive?

The Employment Relations Authority recently upheld the decision of a board of trustees to give a teacher a final written warning for her verbal abuse of students. The Authority also considered the circumstances in which it is appropriate to suspend a teacher.

THE FACTS

The teacher was covering a music lesson for an absent teacher. Students later alleged that the teacher made derogatory comments including calling a female student a slag, calling male students losers and self-centred pricks, and making derogatory comments about ethnicities.

The principal received complaints and confronted the teacher who denied the allegations. The teacher was

directed to work from home while the complaints were investigated.

The principal carried out a preliminary investigation and reported to the board. A board subcommittee undertook its own investigation before giving the teacher a final written warning.

The teacher raised a personal grievance complaining that the decision to send her home was an unjustified suspension, the subcommittee of the board was not entitled to discipline her, and that the investigation was not carried out appropriately.

SUSPENSION

The principal's view was that the teacher agreed to work from home on discretionary leave. In a subsequent letter, the teacher was directed to undertake alternative duties due to concerns about her welfare.

The teacher argued that she had been unjustifiably suspended and was sent home against her will.

The board was only entitled to suspend the teacher if "...

satisfied that the welfare and interests of any student attending the school or of any teacher at the school so require[d] ..." As an alternative, the board was able to require the teacher to undertake other duties.

There was no direct evidence that the teacher had been suspended. The Authority considered the following facts.

The teacher was agitated and it was affecting her and her students. She had been prescribed diazepam for her anxiety and she had sent emails to staff (wrongly) blaming a student and his father for the complaints. It would have been difficult for the teacher to avoid interacting with the students who had made complaints if she had returned to her normal duties.

The Authority found the direction to work from home while the investigation was completed was reasonable.

It concluded that the teacher had not been suspended, but had appropriately been placed on alternative duties.

OTHER COMPLAINTS

The Authority considered, and dismissed, other complaints concluding that:

- On the facts it was not inappropriate to withhold the names of the students and parents who had complained;
- The board was entitled to receive the report of the principal before the teacher, and there was no predetermination for this reason;
- The subcommittee was authorised to make a decision and to issue the written warning on behalf of the board; and
- The written warning was appropriate.

For all these reasons the teacher was unsuccessful with her personal grievance.



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