

PPTA Constitution

Fourth Schedule (Code of Ethics)

Introduction

It is the responsibility of all members of NZPPTA to encourage ethical conduct by all secondary teachers in terms of this Code. This responsibility includes the support maintenance and defence of the Code which is binding upon all members in all classes of membership.

Responsibilities of Members

1. The teacher should:

- a) be concerned for the quality of the service rendered to and for the welfare of students
- b) help all pupils to develop their potentialities for personal growth
- c) deal justly and without prejudice with students.

2. The teacher should

- a) respect the basic responsibility of parents for the child and seek to establish a co-operative relationship with them
- b) encourage community participation in the school.

3. The teacher should

- a) recognise an obligation as a member of the teaching profession to maintain a high standard of conduct and performance
- b) be concerned for the welfare of colleagues
- c) submit to the Association all disputes arising from professional relationships with colleagues which cannot be resolved at the local level.

Unethical Conduct

4. The following practices abuse the trust that a student can expect to have in a teacher. Accordingly it shall be held unethical for a teacher:

- a) to punish a student excessively or unfairly
- b) to show any form of prejudice in dealing with any student
- c) to use authority as a teacher to compel any student to participate in any extra-curricular activities
- d) to use authority as a teacher to compel any student to participate in any curricular activity which may reasonably be held to be offensive to the student's cultural or moral practices or beliefs
- e) to use authority as a teacher to persuade any student to pay for extra tuition in any course taught by the teacher
- f) to criticise any student to anyone not directly concerned with the welfare or education of the student
- g) to divulge personal or domestic information obtained from students parents or guardians except when required by law or in accordance with the best interests of the student
- h) to supply to any person other than the students concerned or their parents or guardians copies of school reports written for students or their parents or guardians
- i) to engage in any form of sexual or any other type of harassment of any student
- j) to discriminate on the grounds of sex race religion political belief marital or parental status sexuality or age
- k) to engage in any form of sexual relationship with a student.

5. The following practices abuse the trust that teachers can expect to have in each other. Accordingly it shall be held unethical for a teacher:

- (a) to compel any other teacher to carry out extra-curricular activities
- (b) to compel any other teacher to undertake professional duties for which the teacher is not trained or qualified or has not at the time of application agreed to undertake
- (c) speak in derogatory terms of any other teacher or criticise the work or conduct of any other teacher in the presence of pupils or in public
- (d) to coach a student of any other teacher in any course of study without consulting that teacher
- (e) to advertise availability as a member of or to promote any commercial coaching activity
- (f) to offer or accept appointment to a basic scale position before the advertised closing time for that position or to offer or accept appointment to a senior position before the time allowed for return of referees' reports has elapsed
- (g) to be a party to any request or agreement to withdraw an application for appointment
- (h) to delay advertising an actual vacancy or delay allocating a school's full entitlement to units
- (i) to engage in any form of comparative advertising or to make any public comment which is derogatory of any other state school
- (j) to be party to any breach of an enrolment scheme
- (k) to show any form of prejudice in dealing with any other teacher
- (l) to engage in any form of sexual or other type of harassment of any other teacher
- (m) to discriminate on the grounds of sex race religion political belief marital or parental status sexuality or age.

6. The following practices damage the Association. Accordingly it shall be held unethical for a teacher:

- (a) to wilfully disregard any policy decided on by Annual Conferences of the Association or decisions reached by the National Executive
- (b) to purport to represent the views of the Association unless authorised to do so
- (c) to divulge Association information classified as confidential.

Procedures for dealing with infringements

7. In setting out procedures for dealing with infringements of the Code of Ethics the Association accepts the legal obligations and duties of principals.

8. In all cases the rule of natural justice shall apply. The teacher concerned must be advised of the charge given the chance to defend the charge orally and/or by written submission and any member of any Ethics Committee or the National Executive who is likely to appear to be biased by interest or connection must withdraw.

9. Any member may lodge a complaint. A formal complaint must be in writing and lodged with the chairperson of the branch where the teacher alleged to have breached the code is a member. If the chairperson is a party to the complaint the complaint must be lodged with the regional chairperson. If the regional chairperson is a party to the complaint then the complaint must be lodged directly with the Executive.

10. In addition any member of the National Executive may lodge a complaint against any other member of the Association in writing with the General Secretary for direct referral to the National Executive.

11. Upon receipt of a written complaint from any person eligible to lodge a complaint the branch chairperson shall within seven days refer the matter to the regional chairperson and notify the teacher complained against of that action such notification to be in writing.

Regional Ethics Committee

12. Each region shall have a Regional Ethics Committee set up at its annual general meeting. This committee will consist of five members at least three of whom shall investigate each complaint. It is to

this committee that the regional chairperson shall refer all complaints received. Should any of its members be a party to a specific complaint they must withdraw from membership while that complaint is considered.

13. The Regional Ethics Committee shall within seven days and in writing inform the teacher concerned of the nature of the complaint of its intention to meet within twenty-one days to investigate the complaint and of the teacher's rights.

14. The teacher shall have the right to respond in writing and/or appear before the Regional Ethics Committee. In the latter case the teacher shall have the right to be accompanied by another member.

15. The Regional Ethics Committee after consideration of all the evidence before it shall adopt one or more of the following measures

- (a) take no further action
- (b) caution reprimand or censure the teacher
- (c) refer the case to the National Executive.

16. No matter what decision is made by the Regional Ethics Committee all parties and the National Office of the Association shall be notified within 14 days in writing of the decision and the reasons for that decision.

17. Each year the region shall receive a report from its Ethics Committee specifying the number of cases it has handled and setting out the nature and results of its investigations in general terms.

18. The respondent shall have the right to lodge an appeal against the decision of the Regional Ethics Committee with the General Secretary for referral to the National Executive.

Executive Ethics Committee

19. The Executive shall set up at the first Executive meeting each year an Executive Ethics Committee which shall investigate all ethics complaints referred to the Executive and report its findings to the Executive. This committee shall consist of five Executive members at least three of whom shall investigate each complaint.

20. The Executive delegates to the Executive Ethics Committee the power to conduct investigations or enquiries into complaints and the Committee shall determine its own procedures and practices subject to the rules of natural justice.

21. When it has completed its investigations into a complaint lodged directly with the Executive the Executive Ethics Committee shall adopt one or more of the following measures

- (a) take no further action
- (b) caution reprimand or censure the teacher
- (c) recommend to the Executive that it withdraw the teacher's right to Association membership as provided for in Rule 9(ii) of the Constitution.

22. The Executive Ethics Committee will also review appeals against the decision of a Regional Ethics Committee. In such a case after considering all the evidence before it the Committee shall adopt one of the following decisions

- (a) annul the decision of the Regional Committee
- (b) uphold the decision of the Regional Committee
- (c) change the decision of the Regional Committee.

23. Any decision of the Executive Ethics Committee or of the Executive acting in terms of Rule 21(c) shall be communicated to all parties concerned in writing within 14 days giving the reasons for the decision.

Ethics Appeal Board

24. The respondent shall have the right to lodge an appeal against a decision of the Executive Ethics Committee except a decision made by the Committee under Rule 21(c) provided it is in writing to the General Secretary within one calendar month of the date of the decision. The General Secretary will refer such appeals to the Association's Ethics Appeal Board.

25. The respondent shall have the right to lodge an appeal against a decision of the Executive provided it is in writing to the General Secretary within one month of the date of the decision. The General Secretary will refer such appeals to the Association's Ethics Appeal Board.

26. The Executive shall appoint and may re-appoint a person to chair an Ethics Appeal Board. Such a person not being a member of the Executive will hold office for one year. In addition for each appeal except an appeal lodged under Rule 25 the Executive will appoint one of its members who was not a member of the Ethics Committee involved in the case and elect by lot three regional chairpersons none of whom shall have been involved in the case to this stage. These five will hear the appeal.