

Victimised Australian school teacher dismissed

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15 July 1998

As of July 3, Geraldine Rawson, a secondary school teacher in the state of Victoria with over 30 years of experience, was dismissed from the Department of Education. Her termination was the culmination of a two-year victimisation carried out by the education authorities under the state government's Teaching Service Order 140.

Rawson is one of many teachers who have been victimised and charged under TSO140 since it was introduced in 1993, in the midst of the most far-reaching assault on public education in the postwar period. In 1996 fifty-seven teachers were forced out of teaching through this process.

Rawson, with the support of the Socialist Equality Party and the Committee to Defend Public Education (CDPE), is the first teacher to publicly speak out and challenge this repressive measure, which provides a secretive mechanism for removing teachers and also prohibits any teacher from speaking out against government policy.

Her dismissal under these anti-democratic provisions is a sharp warning of a further and deepening assault on public education and the democratic rights of all teachers.

The case against Rawson began in 1996 after she had returned to school from a period of WorkCover leave. In the previous year, and whilst at school, she had sustained a serious back injury.

The initial allegations derived from letters from some parents of her students. They were made within several weeks of Rawson returning to the school on a graduated return -- taking classes part-time and at the same time receiving ongoing medical treatment.

These allegations fell into two categories. The first were trivial and spurious. For example, she was accused of asking a student to 'sit up like a lady' and of having tidied up the classroom excessively.

Other allegations were, however, of a more serious nature relating to her skills, competency and professional behaviour. For example, it was alleged that she carried out 'no apparent lesson planning,' failed 'to assess and evaluate student progress' and 'did not leave appropriate work for students when absent.'

Rawson had no idea why the letters were written or for what purpose. In the previous 30 years her competency had never been questioned, in fact, she had received several commendations for her teaching ability and professional approach.

In an interview and in several letters to the principal Rawson meticulously answered every allegation. In one letter she explained that many of the allegations were fabricated, that some were from students who were misbehaving, and that the blame for a general lack of discipline in the school was being shifted away from the school administration 'onto a physically weakened teacher who is struggling to recover from an injury.'

In the past, school administrations would seek to allay any concerns

that parents may have. However, under conditions where schools are being stripped of funding, pitted against each other to maintain and attract enrollments, any allegation from students or parents -- now regarded as 'clients' -- can become the basis for charges.

Under TSO140, accused teachers are presumed guilty, regardless of their answers to the charges, before any claims have been substantiated. A series of closed door proceedings follow under the Teaching Service Act 1981 which states, 'the proceedings... shall be without regard to legal formalities...'

Teachers have no democratic rights throughout the process. While the principal and the administration are free to enter into discussions with students, parents and teachers to gather evidence; the accused teachers are bound by a confidentiality clause. The clause forbids them from informing their colleagues of the allegations, thereby precluding a public defence campaign.

In the first stage of the process, a so-called support group is set up with the stated purpose of 'modifying' or 'improving' the teacher's performance. Again, the teacher is assumed to be guilty.

Secondly, an internal inquiry is carried out by an officer chosen by the Department. The accused teacher is not permitted to attend when evidence is being presented against him/her and has no knowledge of those interviewed. No transcript of the inquiry is kept and no legal representation is permitted.

At any stage in the process, new and unsubstantiated allegations from unknown accusers can be brought forward.

In the final stage, findings of the internal inquiry are presented at a 'consultation'. In Rawson's case, the meeting was attended by six departmental representatives and she had no right to speak except through her legal counsel.

When her lawyer requested evidence from the Department's investigation -- notes or a transcript from the investigator, statements from her accusers, or the right to call and cross-examine the investigator -- his request was rejected outright.

The Department's lawyer presented a prepared final submission recommending Rawson's dismissal. The submission made clear that no matter what had been presented at the consultation for consideration, the end result would have been the same.

It had been proven, according to the Department's lawyer, that Rawson was incompetent and lacking the appropriate skills to perform her duties, that she had acted unprofessionally by breaching obligations of confidentiality and that she had raised accusations against the principal and administration. The breach of confidentiality was in reference to her public defence campaign.

A special point was made that Rawson refused to 'comply with the principal's request to participate in the support group and that she

showed a preparedness to level serious allegations to the mala fides of the principal and the school administration.'

In seeking to substantiate this point, the Department's lawyer referred to an Open Letter by Rawson to parents, teachers and students. In the letter she suggested that the principal and administration had solicited letters of complaint, carrying out a systematic campaign of harassment, and that one of their motives was to save money.

In other words, Rawson's refusal to accept guilt and her determination to prove her innocence, to uncover and establish the truth, were regarded as further grounds for recommending her dismissal.

Teaching Service Order 140

Teaching Service Order 140 was enacted by the state Liberal Party government in 1993 as part of a wide-ranging attack on public education. In just over five years 400 public schools have been closed in Victoria and 9,500 permanent teaching positions eliminated.

The purpose of TSO140 is twofold. First, it is a cost-cutting measure in its own right, aimed at replacing older and more experienced teachers with cheaper contract teachers. Secondly, it is used to silence and intimidate any teacher from opposing the decimation and privatisation of public education. It prohibits teachers making statements or comments critical of government education policy.

The state government of Premier Jeff Kennett and the Department of Education are demanding nothing less than an obedient and docile work force, where employees accept orders from above without question. This is directly in line with the new 'restructuring' of public schools.

By the beginning of next year, an increasing number of public schools will be run as businesses with the ability to borrow funds, buy and sell real estate, raise school fees and seek corporate sponsorship. Companies will have a direct say in the curriculum and how it is taught. Already, the hamburger chain McDonalds has been given the green light to establish accredited courses as part of Years 11 and 12 -- the final two years of secondary education.

Under such conditions, any teachers who raise criticisms, or who question whether their own, or their students' interests are being adequately met, will risk facing charges. That is the meaning of the all-encompassing phrase in the Department's final submission against Rawson: 'Rawson cannot be relied upon to act in accordance with her statutory requirements when she takes the view that they conflict with her own personal views on the subject.'

Until 1995, when the CDPE began publishing in its Information Bulletin, material about victimised teachers and information about TSO140 and its implications, no teacher, outside of those being framed up and charged, would have known of its existence.

Throughout the past five years, the teacher unions have actively enforced TSO140. Not only has no campaign been organised to inform their members about its significance, but in every case where charges have been laid, the unions have advised the teachers concerned to abide by all of its processes -- in particular the confidentiality clause.

When one victimised teacher indicated a willingness to speak out and submitted letters to the union journal, Australian Education Union officials threatened to withdraw all legal advice and financial support. In this way, one by one, teachers have been picked off and isolated,

creating an atmosphere in the schools of fear and resignation.

In 1996 when the first allegations were made against Rawson she contacted the AEU for advice. Its officials said they could not defend her because she was not a union member at the time she was charged. The fact that she had previously been a union member for over 25 years made no difference.

Later, when the Department laid additional charges of breaking confidentiality, specifically on the grounds that she spoke as a union member to a teacher union meeting, the union leadership refused to act.

The only response to this fundamental attack on freedom of speech and union rights was given by AEU deputy secretary Neil Kimpton in a reply to the CDPE. He stated, '... it is inappropriate for the AEU to engage in detailed correspondence on the issues you have raised.'

Geraldine Rawson's courageous stand against TSO140 constitutes a critical test case. Twenty years ago no teacher could be victimised or arbitrarily terminated without a major political and industrial battle. Today the unions have allowed a growing number of teachers to be hounded out of the school system. With the support of the SEP and CDPE, Rawson will challenge her dismissal under TSO140 in the courts and expose to the widest possible audience its thoroughly anti-democratic measures.

The defence of freedom of speech, however, cannot be left in the hands of the courts alone. Like the establishment of public education itself, the fight for democratic rights has been bound up with the struggles of the working class over the last 100 years.

The Socialist Equality Party and the CDPE call on teachers, students and parents, in Australia and internationally, to support the stand taken by Geraldine Rawson and participate in the fight for her full reinstatement and the repeal of TSO140.

Letters of protest can be sent to:

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Fax:

03 9637 2120

E-mail his secretary:

di.burns@dse.vic.gov.au

Copies of letters and messages of support should be emailed to editor@wsws.org

See Also:

Australia: Support won for victimised teacher
[23 July 1998]

Further moves to privatise education in Australia
[17 June 1998]



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