

Educators scared

by Gilbert Bouchard

Keith Harrison, of the ATA's Member Services spoke in Education-South on the subject of "Teachers and the Law."

Subjects, including contract, job termination, appeals and civil suits were discussed. Harrison also commented on the rise in law suits involving teachers, and the press' often slanted reporting of educators' lawsuits.

"The increase of lawsuits is not due to the economic climate but rather to a change in international climate where people are going to third parties (the courts) in order to get their problems resolved," Harrison commented.

"This trend is becoming more prevalent in Canada following the US precedent. There are more lawsuits against teachers than ever before."

Biased reporting was also one of Harrison's points of contention, since "the press looks for sensationalism and blows up cases beyond all recognition, forgetting the positive aspects of the case."

Harrison, who was also the ATA representative who aided in the defense of Jim Keegstra. Keegstra battled with the Lacombe county School Board, and Harrison felt that the case was particularly badly handled by both the press and school board.

Harrison asserts that the Lacombe County School Board acted strangely in dealing with Keegstra's case. Keegstra was brought before the board in February of 1982 and the Board decided against terminating his contract. This was followed up with an investigation by the Board's Superintendent who in

October 1982 reviewed Keegstra's teaching methods and filed a glowing report.

Then in May of that same year the school board reversed its earlier decision and terminated Keegstra's contract.

Harrison had recommended that a social studies expert be allowed to judge Keegstra's teaching methods and materials and decide if they were biased. In the case of an unfavourable judgement, Keegstra would lose his job.

The board decided instead to utilize a Department of Education expert and used as evidence student's notebooks and parental testimony.

Harrison added that the ATA did not defend Keegstra's methods but his right to a proper hearing.

"Everybody has the right to a

proper defence. Even if you shot your mother you have the right to a fair defense. In Keegstra's case the proper procedure was not followed."

Now, thanks to the media overexposure of the case, Harrison fears that "Keegstra now can't get a job anywhere apart from perhaps a job in a private school, run by his church."

But Keegstra is hardly an isolated incident as more and more teachers are dragged into court.

Harrison asserted that "teachers are being called into court to defend themselves against allegations, with no evidence to back them up."

Complications arise due to the fact that teachers also have a unique duty as surrogate parents.

"A teacher is more than a parent and has special training and knowledge and should know the inherent dangers of the subject she is teaching," said Harrison.

Hence the teacher must be

constantly on guard to avoid accidents and possible negligence suits.

Another sensitive area is discipline, where once again the teacher becomes a parental surrogate and can legally discipline a child. But "while the child is under your supervision and in your classroom under your care, there is no doubt that you can discipline the child. However, grey areas exist such as, let's say, a fight in a hallway when you're not on supervision or the children are not of your homeroom. The question is to discipline, or not to discipline," commented Harrison.

The courts tend to be lenient in assault cases (except indecent assault where teachers are often convicted) and only very rarely will a teacher be found guilty. (The last such case was a teacher near retirement who pleaded guilty)"

Conversely, more cases of students assaulting teachers are being reported.

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