

Respectful Conduct in Public School Community in Sri Lanka: Exploring the Policy and Program Framework

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Abstract

In organizational development literature, ‘Respectful conduct’ refers to acceptable standards of behavior rejecting violence, discrimination, bullying, or harassment. In a workplace setting, respectful conduct is ensured by introducing policies on behavioral standards, remedies to address policy breaches, and programs to build staff capacities to implement such policies. A growing body of evidence demonstrates that disrespectful conduct is a common problem in public schools in Sri Lanka, and the school system is poorly equipped to address the issue. Clarifying the existing laws concerning respectful conduct, this article explores policy reforms, remedial pathways, and program mechanisms to solve the problem. The key research question posed in this article is ‘what policy and program initiatives are required to ensure respectful conduct in schools under the existing legal setting in Sri Lanka?’ This research aims to identify gaps in existing policy and program frameworks and propose policy measures to fill the gaps based on the international best practices. The methodology adopted in this study includes a survey of local and international literature on the problem of institutional level disrespectful conduct and appropriate solutions. This study also consists of a policy review conducted by collating the instruments currently being applied in the public school system. Based on the analysis, this study proposes several components of a policy framework, including remedial pathways

supplemented by a program mechanism to implement such policies in public schools in Sri Lanka.

Keywords: Discrimination, Harassment, Bullying, Violence, Respect, Schools, Policies, Programs

Introduction

‘Respectful conduct’ is an umbrella term often adopted in organizational human resource strategies to promote the right to dignity at workplaces. The term is generally applied to articulate initiatives against discrimination, bullying, harassment, and certain types of physical or psychological violence. For example, the Department of Education in Victoria and New South Wales (NSW) of Australia have published central policy documents benchmarking behavioral standards on respectful conduct in the workplace (Department of Education of Victoria, 2021; NSW Government, 2018). Similar references can be found in local policy documents such as Sri Lanka’s Ministry of Education’s (MoE) Policy on Social Cohesion and Peace Education (MoE, 2008) and international policy documents such as the International Labour Organisation’s (ILO) publications on work health and safety (ILO, 2013). As per these local and international policy documents, the idea of respectful conduct connects to other crosscutting areas such as workplace peacebuilding, workplace diversity, work health and safety, and social cohesion initiatives. As opposed to these internal human resources perspectives, the term ‘Respectful conduct’ is also applied from the customer service perspective within the context of non-discriminatory treatment of people seeking or receiving the services of agencies such as schools or hospitals. Thus, the initiatives to promote respectful conduct generally branch out to cover an organization’s liabilities arising from external dealings with customers and stakeholders as well as internal dealings with employees. Education institutes such as schools are unique in this regard since the boundaries between the

external and internal aspects are sometimes merged because the employers, who are teachers and the customers who are students and their parents, are considered as members of one school community, thus requiring everyone to adhere to the same set of values which regulates their behavior and performance in schools. As elaborated in the following segments with examples, respectful conduct in the working environment is generally ensured by policy statements combined with a range of procedures such as complaint handling mechanisms and programs such as staff training initiatives on complaint handling. Clarifying the existing laws and policies concerning respectful conduct in public schools in Sri Lanka, this article explores options of setting up a policy framework supplemented by programs to implement such policies in schools.

As elaborated in the upcoming sections, a growing body of evidence demonstrates that disrespectful conduct is a common problem in public schools in Sri Lanka, and the school system is poorly equipped to address the issue. For example, publishing a report on whole school culture fostering social cohesion in Sri Lanka, Save the Children International (SCI) points out that violence and disrespectful conduct is manifested in schools in multiple forms such as bullying amongst students, corporal punishment of students by teachers or discriminatory treatment of students or their parents in schools (SCI, 2020, p. 23). According to this report, bullying or other disrespectful conduct is not uncommon amongst teachers. The main negative climate factors associated with bullying behaviors include school staff modeling bullying behavior, ignoring or reinforcing such behavior, or accepting such behavior as normal (SCI, 2020, p. 24). The report notes that there is no consistency in handling staff or student disciplinary matters or grievances (SCI, 2020, p. 41). These inconsistencies arguably contributed to the continuance of disrespectful conduct in schools.

The problem to be explored in this article can be centered around two contrasting factors: the perpetuation of disrespectful conduct in school communities and the ineffectiveness of the existing policy and program frameworks to address such disrespectful conduct. To resolve this problem, the key question in this research is ‘what policy and program initiatives are required to ensure respectful conduct in schools under the existing legal setting of Sri Lanka?’ This article aims to identify gaps in the existing policy and program frameworks and to propose policy measures to fill the gaps based on international best practices. Although multiple aspects of violence and disrespectful behaviors in schools are muddled in a complex web of issues, the focus of this article is limited to a discussion on the law, policy, and program initiatives. This article indeed fills a notable gap in the existing body of scholarship. The significance of this article is the utility value of the answers to be found in the enquires made in this exercise since those answers are expected to provide a solid foundation to build comprehensive strategies to address the systemic issues related to disrespectful conduct in schools.

Literature Review

Approximately 4.2 million students are being educated in 10,000 schools in Sri Lanka by over 247,000 teachers (MoE, 2018). Although the schools are run by the central and provincial governments collaboratively through a dual management system, policy decisions affecting the teachers’ and students’ conduct are mainly taken by the Ministry of Education of the Central Government (Wehella, 2014, p. 55). SCI reported that bullying and discrimination of certain minorities in schools exist both at an interpersonal level as well as an institutional level victimizing segments of students, parents as well as teachers, and added that such issues are addressed by taking a ‘rather inconsistent and punitive approach’ (Save the Children International - SCI, 2020, p. 4). SCI further submitted that the policy instruments influencing

social cohesion lack clarity and are inconsistently applied (SCI, 2020, pp. 4-5).

United Nations International Children's Emergency Fund (UNICEF) notes that although some policy measures have been taken to protect children from abuse, the impact of such measures has been minimal (UNICEF, 2013, p. 62). Bullying and harassment occurring in the forms of physical abuse, verbal abuse, emotional abuse, and cyberbullying have been found as contributing factors to students' irregular attendance (UNICEF, 2013, p. 109). Despite heavy penalties imposed by anti-ragging legislation and the Penal Code, much bullying-related violence goes unreported. The SCI report submits that the existing policies and practices in this regard are inflexible. Most hierarchical organizational cultures of schools do not support the adoption of democratic and participatory decision-making methods by which most causes of grievances could be prevented (SCI, 2020, p. 5). The other interesting observation of this report is the disconnection between 'what is taught in the classrooms and what is practiced in and outside the schools' and the report indicates the failure of some teachers and parents to live by example in displaying respectful behavior (SCI, 2020, p. 5).

Respectful conduct is interconnected to a range of socio-economic factors. The SCI report affirms this by presenting field research findings to demonstrate how marginalized children are treated unfairly in schools in comparison to the children of affluent parents (SCI, 2020). Children are also indirectly affected by certain types of unfair treatment their parents receive from various institutions, individuals, or groups. According to the Central Bank of Sri Lanka (2005), the main reason for the drop out of the children is the poverty, and children are forced to contribute to household income through child labor (UNICEF, 2013, p. 36). According to UNICEF, gender is a 'socio-cultural barrier', and it is not identified as a significant factor contributing to drop out from education; however certain exceptions have been observed in

Muslim and plantation sector Tamil communities (UNICEF, 2013, p. 32). Carter and Osler (2000, p. 342) point out that gender-based discrimination in education exists in schools as rather subtle ‘social scaffolding’. Children with disabilities are struggling in the education system in Sri Lanka for several reasons, despite the recent introduction of an Inclusive Education Policy.

It is imperative to consider the teachers’ attitudes and behavior in a study exploring respectful conduct in schools. Pointing out teachers’ ignorance towards the values, attitudes, and behavior associated with social cohesion, the SCI report submits that a majority of the teachers had little understanding of respectful workplace conduct, and some teachers were found to have engaged in practices discriminatory against students of certain backgrounds (SCI, 2020). The report noted that teachers also seem to be heavily susceptible to harmful messaging from outside, particularly speculative media reports that vilify minority groups. As per the report, bullying is not uncommon amongst teachers, many being subjected to or have witnessed unsafe and disrespectful behavior. According to this report, teachers do not seem to have adequate avenues to express their grievances, and occasionally scandalous incidents seep into media when certain individuals risk their careers to take legal actions. Thus, it could be argued that a comprehensive policy framework addressing the issues related to respectful conduct in schools must be strongly connected to the institutional human resource strategy, as explained in the following sections.

Volumes of literature support the need to take a holistic approach in promoting respectful conduct and social cohesion in schools. Sri Lanka's National Policy on Social Cohesion and Peace Education submits that even the best curricula activities promoting social cohesion cannot make an impact ‘if there are divisions among the students, lack of free speech or democracy, or an acceptance of violence or inhumane punishment as a solution to a problem’ (MoE, 2008, p. 15). Researching on various peace education programs in

Europe and North America, McMaster submits that a culture of inclusion requires the ‘creation of structures within the school’ that provide fertile ground to develop and strengthen a shared commitment and vision to inclusive principles (McMaster, 2013, p. 4). These authors urge not to isolate the initiatives promoting respectful conduct but to take a holistic approach to facilitate institutional transformation through an integrated and long-term strategy covering all aspects of the education sector. In this regard, South African scholars submit that institutional transformation programs in the education sector such as policy and program initiatives should not be viewed as ‘optional or extras’ and argue that such efforts are ‘non-negotiable’ in promoting equity in education (Alexander & Wyk, 1997, p. 539).

Methodology

The methodology adopted in this study comprises several key components. Firstly, a policy review was conducted to collate the policy instruments currently being applied in the public school system, and the documents included policies, regulations, and departmental circulars. The review also included a study on general government regulations such as the Establishment Code (Ministry of Public Administration, 1999), which regulates the conduct of government employees. To clarify the legal parameters of respectful conduct, relevant parts of the Constitution and various pieces of legislation were also examined, particularly discussing the legal terms such as discrimination, bullying, and harassment. Existing literature, including peer-reviewed academic publications and various reports published by government departments such as the Ministry of Education, international non-governmental organizations such as Save the Children International, and U.N. agencies, UNICEF, were reviewed. To identify best practice policy benchmarks, legislation and policy documents of Australia and the United Kingdom were examined, particularly making specific reference to the policies adopted by the NSW (New South Wales) Government agencies.

International workplace standards published by U.N. organizations such as the International Labour Organisation (ILO) were also considered benchmarking best practices. Materials presented in this article will also refer to publications on peacebuilding, diversity and inclusion, work health and safety, and social cohesion initiatives because these themes overlap with what is explained as respectful conduct in this article.

Analysis and Discussion

The materials collated for this research are analyzed and discussed under five themes: legal framework, policy framework, remedial pathways, program framework, and community participation. The rationale of adopting these themes is to present a roadmap addressing the issues related to disrespectful conduct in schools by identifying strategies at the government and grassroots levels. For example, the relevant policy framework is developed by applying the legal provisions at the government level, while the program framework is implemented at the grassroots level by engaging the school community.

The first theme, the ‘legal framework’, is dedicated to discussing the legal aspects of respectful conduct referring to local, foreign and international legal instruments. The second part will discuss options of adopting a ‘policy framework’ in the local public school system, referring to overseas examples. Next, this article will focus on ‘remedial pathways’ available for aggrieved parties by presenting international best practices of complaints or grievance handling procedures. In the fourth part, under the theme ‘program framework’, various types of programs to supplement policy rollouts, for example, staff capacity building initiatives, will be discussed. Finally, this article will also briefly discuss the importance of ‘participation’ of the school community in developing and delivering initiatives to promote respectful conduct.

The Legal Framework

It is important to mark the legal parameters of respectful workplace conduct within the context of domestic laws in Sri Lanka before incorporating certain behavioral standards into a policy framework. The Fundamental Rights chapter of the Constitution of Sri Lanka provides the most upper-level authority in this regard. As per Article 126 of the Constitution, individuals whose fundamental rights have been violated by executive actions can petition the Supreme Court; thus, students, parents, or teachers can approach the Supreme Court against actions of the school authorities or other government officers, including the respective ministers of the Central or Provincial Governments. Article 12 of the Constitution guarantees the right to equality before the law and prohibits discriminatory actions. Article 14 guarantees the freedom to engage in any occupation or profession, and this provision protects certain employment rights of the teachers and non-teaching staff employed by schools. Article 11 prohibits torture or cruel, inhuman, or degrading treatment, and it can be invoked by students who are unreasonably punished, particularly in an abusive manner in schools.

Certain types of disrespectful behavior attract criminal liability. The Penal Code of Sri Lanka punishes cruelty to children (section 308A [1]), causing hurt (sections 310, 312, 314, and 315), and causing grievous hurt (sections 311, 313, 316, and 317). Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act also prohibits physical or psychological violence committed by public officers against children or adults. Corporal punishment of students in schools indeed comes under the definitions of offenses introduced by these laws. A ministerial circular also prohibits corporal punishment in schools. 'Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act 1998' (Anti-ragging Act) was enacted to specifically prevent violence against students in schools, universities, and other higher education institutes, and teachers are also

protected by this Act. The laws do not necessarily help to shape acceptable types of behavior within the institutions, although they may offer remedies to aggrieved persons. For this precise reason, institutions need to adopt standards of behavior through policy documents. Still, such documents are scarce, and they do not seem to be applied in a consistent manner in the public sector organizations of Sri Lanka. The Establishment Code of the Government of Sri Lanka is the main instrument that regulates the conduct of public officers, which provides: ‘An officer should at all times act in a manner befitting his public office. He should not commit any act that would bring the public service or the post he holds into disrepute’ (Chapter XLVII, section 1:4.). Appendix I of the Code includes the types of behaviors that amount to misconduct, such as ‘improper conduct’ and ‘indiscipline’; however, the definitions do not refer to discrimination, harassment, bullying, or similar conduct. The teachers’ Code of Conduct guides the teachers to shape their attitudes and behavior, but this too bears no references to discrimination, harassment, or bullying (MoE, 2012).

Despite the existence of these laws and policies, students are subjected to violence and corporal punishment in schools (De Silva et al., 2017). Bullying that occurs in the form of ‘ragging’ is endemic in higher education institutes such as universities and technical schools, and the practice has also permeated into schools, particularly when new students are enrolled into high school grades to follow Advanced Level subjects (SCI, 2020, p. 24). Teachers also experience violence in the form of physical assault or sexual harassment; however, incidences are reported seldom (SCI, 2020, pp. 31-49). The major reasons for under-reporting of such unlawful or criminal conduct in schools appear to be a lack of understanding of the laws and faith in the institutions’ capacity to resolve the matters. Policies are generally based on a legal framework; thus, it is imperative to adopt the legal definitions in policy documents, particularly to define discrimination, harassment, and bullying.

Article 12 (2) of the Constitution presents the definition for discrimination: ‘No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds. Article 12 (1) of the Constitution guarantees ‘right to equal protection of the law’, and the courts have broadly interpreted the provision; therefore, the establishment of discrimination based on any of the grounds listed in Article 12 (2) is not necessary to prove discriminatory conduct on certain circumstances. Also, it is important to note that the discriminatory grounds spelled out in Article 12 (2) is not an exhaustive list since the article also identifies' or any one of such grounds. This view was cemented in *Manuwel Dura Chandani*, where the Supreme Court opined that unfairly treating a student perceived to be HIV positive by the school authorities was an infringement of the student’s fundamental rights.

No law of Sri Lanka explicitly prohibits harassment in general, except for sexual harassment, which is a criminal offense (section 345 of the Penal Code). This means harassment of non-sexual nature does not have a local statutory definition. One of the most elaborative definitions for harassment given by the ILO can also be adopted locally: ‘any conduct towards somebody based on their age, disability, HIV status, domestic circumstances, sex, sexual orientation, gender reassignment, ethnic background, color, language, religion, political opinion, trade union affiliation or other opinion or belief, national or social origin, association with a minority, property, birth or another status that is unreciprocated or unwanted and which affects the dignity of women and men at work (ILO, 2013, p. 8). According to this definition, harassment is unreciprocated conduct that should be based on one of the discriminatory grounds, such as race; thus, in essence, harassment is a type of discrimination. If this interpretation is to be applied locally, in theory, unreciprocated and offensive conduct based on one of the discriminatory grounds spelled out in Article 12 (2) of the Constitution could be considered a

violation of the aggrieved person's fundamental rights. Considering a similar argument in the *Manohari Pelaketiya* case, the Supreme Court held that sexual harassment of a female teacher by male teachers amounted to a violation of the victim's fundamental rights.

Bullying also does not have a clear local definition, and no vernacular equivalent terms can be found. Once again, to identify the elements of bullying, definitions provided by ILO can be examined. According to ILO, bullying is 'repeated and overtime offensive behavior through vindictive, cruel, or malicious attempts to humiliate or undermine an individual or groups of workers' (ILO, 2013, 8). Defining violent and bullying like conduct as 'ragging', the Anti-Ragging Act establishes several offenses such as hostage taking (section 4), wrongful restrain (section 5), and wrongful confinement (section 6). Defining criminal intimidation, section 3 of the Act prohibits verbal or written threats 'to cause injury to the person, reputation or property of any student or a member of the staff [...] to cause fear' or to compel the victim to do certain things. One of the differences between the ILO and the local Anti-Ragging Act is that the local law does not require repeated offensive conduct to establish bullying-like behavior. It should be noted that subtle methods of bullying, such as excluding an individual teacher from important work-related meetings or withholding important work-related information from an individual teacher to disrupt their duties, are not considered unlawful conduct under the anti-ragging law.

The Policy Framework

Compiling a set of guidelines for schools in the European Union to improve diversity and inclusion, the British Council has identified four key requirements or conditions, and the first two are a legal framework that makes the institutions accountable and a policy framework with funding to locally fulfill the legal obligations (Rashid & Tikly, 2010, pp. 10-33). Although public education institutions in developed countries invest a significant level of

resources in policy development and implementation, as discussed earlier, the education sector in Sri Lanka has demonstrated poor performance in this area. The unavailability of a comprehensive policy framework causes numerous disputes in school communities, resulting in expensive litigation and scandalous media coverage damaging the schools' reputation.

Examining Sri Lanka's public education system, researchers and institutions have pointed out the importance of policy reforms in various areas, including respectful conduct. A report on a school-based psychosocial program published by the German development agency, which is named GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit), notes that the complex bureaucratic systems and functions of the MoE are mediated by local cultural patterns and the influence of individuals, apart from policy applications (Handy, 2018, p. 24). Presenting the need to modify the archaic legislation and policy structure governing the general education system in Sri Lanka, the National Education Commission (NEC) proposes policy and program initiatives to regulate teachers' conduct and professional standards (Gunawardena et al., 2009, pp. 9-12). According to a World Bank publication, little evidence is available on the effectiveness of policies and practices related to teacher and student behavior in Sri Lankan schools (Dundar et al., 2017, p. 90). A publication of the University of Colombo points out that work health safety laws which require to regulate workplace violence are almost non-existent in Sri Lanka (University of Colombo, 2016, pp. 7-8). The MoE has considered the importance of introducing school-level policies on health, safety, and protection under the 'child-friendly school initiatives' (MoE, 2008a). The National Social Cohesion Policy of the MoE recognizes issues related to violence, discrimination, gender equity, miscommunication, lack of tolerance towards certain groups, and teamwork to be considered under the policy and program initiatives (MoE, 2008b, p. 3-4). SCI proposes a policy framework to promote respectful conduct in schools, arguing that such

initiatives will not only mitigate the risk of injury, litigation, and disrepute but also will improve the overall education outcomes (SCI, 2020, pp. 47, 61, 62). Policies regulating the employees' conduct are usually owned by the human resource divisions of the organizations since such policies intend to influence the organizational culture seeking the employees' involvement (Nankervis et al., 2002, p. 62). Policies contain 'principles', i.e., policy statements or charters that spell out certain organizational commitments or expectations. They also contain 'rules of actions', i.e., procedures guiding to implement the policy statements (Nankervis et al., 2002, p. 64). Unlike laws that make certain conduct criminal or unlawful, policies introduce standards guiding individuals or organizations, in some cases providing mechanisms to remedy the problems arising from breaches.

The ultimate objective of policies regulating respectful conduct is to ensure fairness and justice in schoolwork and learning environments, and this objective may not be achieved if the policies are not implemented fairly and consistently, as stipulated by the standards set by the principles of administrative law. The procedures accompanying the policies should guide the authorities to follow these standards, such as reasonableness, proportionality, and acting according to the principles of natural justice (Gomez, 2006). Thus, when guiding the authorities to investigate a particular matter, the school principals must ensure the impartiality of the process and also provide a fair hearing to all parties.

The main benefit of having a policy framework regulating respectful conduct in schools is that it allows the schools to internally deal with most of the problems caused by disrespectful conduct, which do not fall within the ambit of the criminal law, as further illustrated in the next section titled 'remedial pathways'. Successful remedies found within the institutional level in addressing disrespectful conduct can significantly mitigate the risks of blowing up internal disputes out of proportion.

A policy framework that guides the school community to internally deal with disrespectful or violent behavior must include the following minimum instruments:

- **Respectful conduct policy or charter:** A policy statement that outlines respectful behavioral requirements covering the entire school community can guide teachers, students, and parents on the minimum behavioral standards common to everyone in the school environment. The SCI report submits that to maintain uniformity in behavioral thresholds across all the schools, the MoE or a similar central authority should develop a basic charter that can be adopted or modified by schools (SCI, 2020).
- **Code of Conduct:** Since the current Government Establishment Code or the Teachers' Code of Conduct (MoE, 2012) does not explicitly prohibit discrimination, bullying, or harassment, these instruments need to be revised, guiding staff on respectful behavior towards their colleagues, students, and parents. The Code also should include other aspects of professional conduct about conflict of interest, attire, communication, punctuality, etc. The Code only applies to school staff, and its behavioral standards should be based on a respectful behavior policy or charter.
- **Disciplinary matters and investigation:** The existing policies and procedures are not adequate to disciplinary matters and lack clarity; therefore, a uniform policy with step-by-step guidance should be provided to schools in dealing with serious behavioral issues and complaints such as harassment and bullying. Generally, this type of policy guides the employees to respond to the breaches of the Code of Conduct, and the policy will cover areas other than respectful conduct such as corruption or conflict of interest.
- **Grievance resolution:** This instrument provides options and simple steps to guide the employees to resolve interpersonal disputes. These options may include informal discussions between disputing parties, lodging in

written grievances, and facilitating mediation with options to escalate unresolved matters upwards in the organization's hierarchy. Disciplinary matters related to serious misconduct cannot be dealt with this policy.

In the school system, the teachers' professional performance and standards need to be finely balanced with their behaviors, and this requires the introduction of other policy instruments to ensure probity and efficacy in employees' performance. Amongst other things, having clear guidance on service standards and human resource management methods are crucial for the execution of the previously mentioned policies covering certain aspects of respectful conduct. Although not directly related to respectful conduct, the following policy instruments provide clarity on certain human resources matters, and this can inadvertently minimize conflict amongst school staff.

- Performance planning, development, and management: This policy should ideally provide clear guidance to teachers, principals, and education officers on planning their careers, identifying career development opportunities, including training and assisting employees in improving their performance if they are performing poorly. Sometimes interpersonal issues or disciplinary matters are combined with performance management issues; therefore, previously mentioned policy instruments need to be applied in conjunction with policies related to performance planning, development, and management.
- Work health and safety: Work health and safety policies are meant to remove the risks of physical and psychological injuries from the school environments. Work health and safety policies are directly connected to respectful conduct because health and safety policies ensure systems to prevent workplace violence, bullying, and harassment which account for serious injuries, including mental trauma (Lopez et al., 2009, pp.7-8; Rhodes et al., 2010, p. 97). Workplace bullying is recognized as a work health and safety risk in Australian legislation.

- Reasonable adjustment: Disability-discrimination and prevention legislation in most developed countries have introduced reasonable adjustment or reasonable accommodation to remove the barriers experienced by people with disabilities, and such adjustments are generally provided to students as well as teachers with disabilities. Disability is broadly defined to include not only physical and sensory disabilities but also chronic illnesses such as AIDS and mental health conditions such as depression or anxiety. Reasonable adjustments can be provided by making physical modifications such as adjusting table height for people using wheelchairs or installing screen reader software to computers for the use of blind persons. Adjustments can also be made by flexible practices, such as providing additional time for a dyslexic student to complete a test.
- Diversity and inclusion: Most government organizations, including education authorities in developed countries, have diversity and inclusion policies to promote workplace productivity through managing diversity. These initiatives also directly link to respectful conduct since they aim to create a leveled playing field for various marginalized segments of the society, such as ethnic/religious minorities or Lesbian, Gay, Bisexual, Transgender, and Intersex people. Some of these minority groups also may require certain adjustments or flexible arrangements in schools, like reasonable adjustments given to persons with a disability.

Unlike legislation that applies to the entire jurisdiction of the state, policies can be locally adapted to fulfill the local requirements at certain institutions while locally incorporating legally imposed behavioral requirements such as non-discriminatory conduct. According to Nankervis et al. (2002, p. 67), human resource policies are effective if they are culturally appropriate. Therefore, certain requirements of ethnic or religious groups may need to be considered instead of taking a blanket approach. This means, although public

schools are administered according to certain uniform rules and regulations, some flexibility may be provided to introduce adjustments through locally customized processes, considering ethnic, religious, or socio-economic factors. Nonetheless, as explained earlier, respectful conduct needs to be articulated from a single source of value base, which applies to teachers as well as students and parents. For example, Australia's Department of Education of Victoria has a central policy document that sets the benchmark of respectful conduct, and everyone in the workforce is required to meet these behavioral standards (Department of Education of Victoria, 2021). Similarly, the SCI reports propose to adopt fundamental sets of values through central policy documents such as a charter to set behavioral standards applicable to teachers and the student-parent community (SCI, 2020, p. 62). As such, the central policy document can function as the bedrock of the procedures which may be customized by the schools according to their requirements.

Even though our substantive law requires some modification, for example, defining bullying, the existing law provides a solid foundation to set up a comprehensive policy framework to be implemented by the public schools. A progressive diversity and inclusion policy can be developed based on the constitutional fundamental rights by guiding the school authorities to treat everyone equally regardless of their backgrounds, such as race, religion, or disability (SCI, 2020, Chapter 3). The minimum requirement of the policy framework aiming to promote respectful conduct in schools must at least meet the standards-imposed by-laws that prohibit discrimination and various types of physical or psychological violence; however, the institutions can strive to achieve higher thresholds of conduct based on the organizational priorities. For instance, the schools can adopt a broader definition for bullying by expanding the spectrum of disrespectful conduct beyond what has been covered by the anti-ragging laws.

The Remedial Pathways

When incidents are reported to the school authorities, it is important to draw a line separating the remedial pathways available to an individual within the school system and outside the system by determining whether a particular issue should be resolved externally by litigation or internally by a complaint handling or dispute resolution mechanisms. As explained earlier, organizational policies published by local and international entities such as MoE of Sri Lanka, the Department of Education of Victoria, and NSW (New South Wales) were extensively reviewed in this study and based on this review, remedial pathways to address disrespectful behavior available in an organizational setting can be summarised under the following three tiers, acknowledging a certain degree of overlapping of the tier boundaries.

- **Serious breaches of law:** Issues related to types of conduct that trigger mandatory reporting to external authorities such as police, workplace health, and safety authorities or child protection authorities cannot be placed within the internal policy framework; however, on such the internal policies are still required to guide the schools on matters under their control, for example protecting the privacy of an abused student or tentatively removing a teacher accused of misconduct from certain duties pending an investigation. To determine whether a serious breach of law has occurred, the officer assessing the conduct needs to verify whether the conduct in question would come under any definition of offenses in the Penal Code or any other statute imposing criminal liability on the perpetrator.
- **Serious breaches of internal Code of Conduct:** Serious workplace conduct issues can be considered as a type of behavior that could trigger a mandatory internal investigation process, which is generally facilitated by a specialized investigation unit within the organization. Discrimination or harassment based on the grounds prohibited by the Fundamental Rights

chapter of the Constitution should also be prohibited by the Code of Conduct, and such conduct can be considered under this category. In this regard, the officer making the initial assessment should verify whether the conduct in question comes under the relevant definition of discrimination. It is important to note that on some of these occasions, the aggrieved persons may be able to seek remedies through external avenues such as lodging complaints in the Human Rights Commission. This means in some cases, both internal investigations and litigation can take place simultaneously.

- Interpersonal disputes: Interpersonal disputes which do not fall under either of the above categories need to be resolved internally applying the grievance resolution policy, and relevant remedies include mediation between parties or counselling of staff by their supervisors. Discrimination or harassment-like conduct is not suitable for dealing with in this manner.

For this three-tier system to work, the school staffs need to have a clear understanding of which approach is to be taken when an incident is reported. At least the school principals must have the training to match a particular type of questionable conduct with one of the three-tier remedial pathways so that they can mitigate the risk of injury and litigation while minimizing the impact of such issues in the day-to-day running of the schools. The matching of the questionable conduct with the appropriate remedial pathways can be done by applying a threshold test. These tests can be conducted by asking a set of questions or applying a comprehensive formula to identify criminal liability or compliance-related matters. The first step of the threshold test is to verify whether the conduct triggers mandatory reporting requirements; if so, the matter should be considered under the aforementioned first tier. If the matter doesn't trigger mandatory reporting, the second test is to ask whether particular conduct triggers an internal investigation process, and an affirmative

answer to this question will place the matter under the second tier of the remedial pathway. Only such matters filtered through the first and second tiers will be fallen into the third tier to be dealt with under internal mechanisms.

The Program Framework

A policy framework that regulates respectful conduct in schools needs to be implemented both in reactive and proactive ways. The three-tier approach to 'peace' proposed in Galtung's peace theory can be useful in articulating these reactive and proactive approaches to peace initiatives that apply to respectful conduct in schools, as presented by Cremin and Bevington (2017, p. 55). According to Galtung's theory, 'peace keeping' and 'peace making' efforts are positioned in the reactive end of the spectrum of peace initiatives, and previously discussed policy rollouts and remedial pathways, as well as some of the innovative conflict resolution methods explained in the next paragraph, can be considered under these reactive efforts.

The SCI report suggests that while respectful behavioral standards are reinforced through educational activities and publicity campaigns, schools also should set up mechanisms of early intervention as well as responsive actions to deal with grievances arising from breaches of behavioral standards (SCI, 2020, Chapter 3). The report further submits several mechanisms to resolve interpersonal issues between students, and these mechanisms include peer mediation under the supervision of teachers and peace-making circles to resolve conflicts between groups by facilitating reflection and dialogue amongst students. Emphasizing the importance of helping all children to develop more caring attitudes towards each other, Cowie and Jennifer (2007) propose peer support mechanisms by training students to become peer mediators. Unlike punitive and retributive measures, restorative practices have proven to have the capacity to mend the harms of broken relationships by addressing the needs of both the victim and the offender by using a

communitarian process to generate resolutions mutually agreed upon by the participants (Solinas, 2007, pp. 8-9).

A more proactive approach to promoting respectful conduct can be positioned within a large institutional reform agenda, which is in some sense explained as 'peace building' initiatives in peace theory formulated by Galtung (Cremin & Bevington, 2017, p. 55). Some of these proactive measures can be found in certain innovative programs implemented in various schools across the globe. A collection of research papers compiled by UNESCO (2014) under the theme of 'Learning to Live Together' presents a range of proactive international examples in the areas of curricular design, teacher training, community arts, and community engagement. To promote positive behavior and attitudes amongst students, Cremin and Bevington (2017) advocate for applying various creative methods such as 'photo-voice' where photographs are used to engage students and consult them on peace in school or activities (Cremin & Bevington, 2017, p. 56). Sinclair (2013, pp. 27-29) also proposes innovative methods such as expressive activities using visual art, drama, poetry, creative writing, diaries, music, dance, and activities based on photographs or pictures depicting certain scenarios or stories to develop the students' empathy and to introduce relevant concepts, skills or values. These proactive measures are generally aimed at initiating positive changes in the organizational culture by cultivating positive attitudes on respectful conduct and building the capacities of the individual members of the school community to reflect on issues related to respectful conduct and self-manage conflicts or disputes.

It is not only the students who should be supported to resolve their interpersonal disputes but also the teachers and, in some cases, parents. The field study segment of the SCI report presents volumes of evidence of disrespectful conduct amongst teachers and parents (SCI, 2020, Chapter 2). Like children, adults also should be supported to resolve their interpersonal disputes, not amounting to serious disciplinary matters through alternative

dispute resolution mechanisms such as informal discussions facilitated by third parties or formal mediation, which leads to mutually agreed solutions. Citing an example from Colombia, Sinclair (2013, p. 108) explains how researchers of Andes University delivered a program on conflict reduction which involved developing and testing a curriculum targeting students in grade 2-5 classes and their teachers while conducting workshops for their parents.

The proactive methods of implementing the policy framework should be delivered in congruence with the organizational strategies and operational plans. The state and territory governments in Australia with a significant service delivery portfolio such as education or health generally have an agency-wide strategic framework aiming to implement various policies such as workforce diversity and workplace health and safety policies which have a direct or indirect function in regulating respectful workplace conduct. For example, the NSW Education Department's Code of Conduct (2018) presents the central foundation to develop procedures to regulate respectful conduct in the workplace, and to build the staff capacities in applying this Code of Conduct, the Department provides staff training, advice, and resources, amongst other things. Also, the agency-wide four-year Diversity and Inclusion Strategy of the NSW Education Department refers to 'respecting and valuing the differing backgrounds' providing the basic central policy foundation to ensure respectful conduct in schools (NSW Government, 2018).

Community Participation

Earlier, the legal and policy frameworks were identified as two key requirements to improve diversity and inclusion in the schools as submitted by Rashid and Tikly (2010, pp. 10-33). The same publication further submits two additional requirements: community partnership structures to engage the school community in decision making and local support systems to assist schools with monitoring, advising, evaluation, targeted interventions, etc.

Collecting volumes of evidence on good practices across the world in this regard, the SCI report submits that the entire school community, including teachers, students, and parents, should be consulted throughout the policy development and rollout process to ensure wider participation and to create a sense of ownership of the policy initiatives amongst the members of the school community (SCI, 2020, p. 59). The report further recommends implementing a communication strategy combined with training for school community members on respectful conduct to maximize the impact of the policy framework (SCI, 2020, p. 58).

Participation of the school community is encouraged by practitioners and researchers who advocate for a whole school community approach to eliminate violence and disrespectful conduct from the school environment. Cowie and Jennifer (2007) submit that the community inside and outside the schools should be engaged in such initiatives to have any chance of succeeding. Authors argue that the success of such initiatives can be assured only if all members of the school community feel empowered to participate meaningfully in the development and implementation of such initiatives, but the lack of ownership will result in community resistance. Cowie and Jennifer (2007) propose a multi-level model to get the school community involved in such initiatives, and the activities include the provision of information to the school community; seeking the community's involvement through meetings or workshops, and facilitating all members of the school community to work together sharing responsibilities (Cowie & Jennifer, 2007, Chapter 3,5).

Based on the evidence of good practices across the globe, the following initiatives could be proposed to be adopted in the local school system:

- Consultation of the school community: Pointing out the benefits of the consultative approach to human resource policymaking, Nankervis et al. (2002, p. 65) point out that the employees show increased commitment to policies developed by facilitating their participation in the policymaking

process. Policies introduced top-down to the schools without having the input of the school community are likely to fail due to various reasons, including impracticability or absence of ownership from the part of the community. It is sometimes important to pilot the policies initially to identify the problems associated with implementation. Also, the implementation of the policies needs to be constantly monitored and reviewed through a consultative process.

- Communication through a range of strategies in and outside classrooms: Policy initiatives without a communication strategy are unlikely to produce results due to several reasons, including a lack of awareness amongst the members of the school community on the very existence of the policy. Behavior-related policies should be promoted in the school community to raise awareness of the anticipated behavioral standards from the students, teachers, parents, and non-teaching staff. Seminars, posters, short films, or social media posts can be considered as some examples of communication methods.
- Capacity building of the school community: For a policy framework to be implemented successfully, the school community should be equipped with adequate skills to apply the policies and deal with breaches. In particular, key decision-makers in schools, such as principals, need to have the skills to identify the correct pathway to address the policy breaches, and they also require skills in conducting delegated investigations or facilitating mediation between staff members having interpersonal conflicts. All the key prominent strategies or publications produced by the MoE and the NEC (National Education Commission) point out the importance of training teachers and principals to better manage disputes or conflicts in schools (NEC, 2016; MoE, 2008a). As proposed by the British Council, local support systems should be set up to assist schools with these initiatives, and the deployment of regional

advisors or evaluation teams can be proposed to build staff capacities (Rashid & Tikly, 2010, pp. 10-33).

Curricular and Co-curricular activities: Volumes of literature and national policy instruments such as the 'Final report of the National Committee for formulating a new Education Act for general education' (Gunawardena et al., 2009) insist on reinforcing respectful behavioral standards through school activities inside and outside the classrooms. Some measures have been taken already by introducing subjects such as Life Competencies and Civic Education.

Conclusion and Recommendations

Exploring the legal framework influencing respectful conduct of the school community members, this article submitted that an effective policy framework must be built on the principles of Fundamental Rights presented in the Constitution and considering other pieces of legislation. Further, it was argued that an effective policy framework should be developed by engaging all members of the school community in the whole process of policymaking, and the policies should be supplemented by a program framework that supports the implementation of policies through communication and capacity building initiatives. The aforementioned policy and program frameworks were also discussed, considering the intersectional aspects of peace building and social cohesion, emphasizing the importance of taking a holistic approach to address disrespectful conduct in schools. The materials presented in this article established the endemic problem of the perpetuation of violence and disrespectful conduct in school at multiple levels. It is important to take swift actions by the education authorities to develop strategies based on the policy and program frameworks proposed in this article. To develop and implement such strategies, all layers of the decision-making authorities in the education sector need to come together under visionary leadership supported by long-term commitments.

References

- Alexander, J., & Wyk, V. (1997). The Intercultural Culture of Schools: Problems and Challenges for a Post-Apartheid South Africa, *The Journal of Negro Education*, 66, 4.
- Carter, C., & Osler, A. (2000). Human rights, identities and conflict management: A study of school culture as experienced through classroom relationships, *Cambridge Journal of Education*, 30(3), 335-356.
- Central Bank of Sri Lanka. (2005). *The Consumer Finances and Socio-economic Survey Report, 2003/04. Part 1.*
- Cowie, H., & Jennifer, D. (2007). *Managing Violence in Schools: A Whole-School Approach to Best Practice*, SAGE.
- Cremin, H., & Bevington, T. (2017). *Tackling Conflict and Creating a Culture of Peace in the Classroom*, Routledge.
- De Silva, H., Senarath, U., De Zoysa, P., & Weerasinghe, M.C. (2017). *A Study on Child Disciplinary Methods Practiced in Schools in Sri Lanka*, Save the Children International.
- Department of Education of Victoria. (2021). *Policy and guidelines on Respectful Workplaces.*
<https://www2.education.vic.gov.au/pal/respectful-workplaces/policy-and-guidance>
- Dundar, H., Benoit, M., Michelle, R., Mari, S., Sangeeta, G., & Dhushyanth, R. (2017). *Sri Lanka Education Sector Assessment Achievements, Challenges, and Policy Options*, The World Bank.
- Gomez, M. (2006). Blending rights with writs: Sri Lankan public law's new brew, *Acta Juridica*, 451.
- Gunawardena, G. B., Suraweera, A.V., Perera, L., Epasinghe, P.W., Sandarasegaram, S., & Jiffry, M.T.M. (2009). *Final report of the National Committee for formulating a new Education Act for general*

- education*. National Education Commission, Colombo, Sri Lanka: Retrieved from NEC Publications Database.
- Handy, T. (2018). *Lessons Learned: Psychosocial Care in Education for Social Cohesion*, GIZ.
- International Labour Organisation. (2013). *Integrating Health Promotion into Workplace OSH Policies*.
- Lopez, S. H., Hodson, R., & Roscigno, V. J. (2009). Power, Status, and Abuse at Work: General and Sexual Harassment Compared, *The Sociological Quarterly*, 50 (1), 3-27.
- McMaster, C. (2013). Building Inclusion from the Ground Up: A Review of Whole School Re-Culturing Programmes for Sustaining Inclusive Change, *International Journal of the whole schooling*, 9 (2), 1-24.
- Ministry of Education. (2008a). *National Policy on Social Cohesion and Peace Education*. Retrieved from <https://moe.gov.lk/wp-content/uploads/2020/06/NATIONAL-POLICY-AND-A-COMPREHENSIVE-FRAMEWORK.pdf>
- Ministry of Education. (2008b). *Indicators of child-friendly school initiatives in Sri Lanka*. Retrieved from MoE Publications Database
- Ministry of Education. (2012). *Code and system of ethics on the moral conduct of teachers*.
- Ministry of Education. (2018). *Annual School Census of Sri Lanka Final Report*.
- Ministry of Public Administration. (1999). *The Establishment Code Vol. II*, The Government Publication Bureau.
- Nankervis, A., Compton, R., & Baird, M. (2002), *Strategic Human Resources, Management*, 4th Edition, Thompson.
- National Education Commission. (2016). *Raising the Quality of Education; Proposals for a National Policy on General Education in Sri Lanka*. Retrieved from NEC Publications Database.

- NSW Education Department. (2014). *The Code of Conduct of NSW Education*, Retrieved from NSW Education Policy Database.
- NSW Government. (2018). *Diversity & Inclusion Strategy*, Retrieved from <https://education.nsw.gov.au/about-us/strategies-and-reports/strategic-plan/corporate-plans-and-strategies/diversity-and-inclusion-strategy-2018-2022>
- Rhodes, C., Pullen, A., Vickers, M. H., Clegg, S. R., & Pitsis, A. (2010). Violence and Workplace Bullying: What Are an Organization's Ethical Responsibilities? *Administrative Theory & Praxis*, 32 (1), 96-115.
- Rashid, N., Tikly, L. (2010). *Inclusion and Diversity in Education; Guidelines for Inclusion and Diversity in Schools*, British Council, Spain.
- Save the Children International (SCI). (2020). *The whole school culture fosters social cohesion*.
- Sinclair, M. (2013). *Learning to live together; Education for conflict resolution, responsible citizenship, human rights and humanitarian norms*, PEIC.
- Solinas, J. (2007). *Harmonizing Restorative Justice Values, Programmes, and Whole School Culture*. (Master's thesis). Retrieved from Simon Fraser University thesis database.
- UNESCO. (2014). *Learning to Live together; Education policies and realities in the Asia-Pacific*. Retrieved from <<https://bangkok.unesco.org/content/learning-live-together-policies-and-realities-asia-pacific>>
- UNICEF. (2013). *Out-of-school children in Sri Lanka; country study*. Retrieved from <<https://learningportal.iiep.unesco.org/en/library/out-of-school-children-in-sri-lanka-country-study>>

- The University of Colombo. (2016), Report on Situational Analysis on Occupational Health and Safety in Sri Lanka, WHO Collaborating Centre for Training and Research in Occupational Health, Sri Lanka.
- Wehella, M. M. (2014). *School-based management initiatives in Sri Lanka: policy into practice* (Ph.D. thesis). Retrieved from University of Sussex thesis database.