

# FOURTH YEAR BLACK MALE STUDENT TEACHERS' CONCEPTUALISATION OF THE *IN LOCO PARENTIS* PRINCIPLE AT THE UNIVERSITY OF TECHNOLOGY

L. SEGALO

## Abstract

This research study explores how black male student teachers in their final fourth year programme at the University of Technology conceptualise the 'in loco parentis' aspect of their professional moulding. Male student teachers in their final fourth year studies are placed for a period of six months at various schools, as part of their professional preparation. Based on this phenomenon it has become important to explore how they perceive their position as male teachers in preparation against the delegated position invested in them by common law, as well as legal positive law. The researcher used the Critical Emancipatory Research (CER) approach as a transformative and liberatory mechanism to move away from the problems that are associated with being a male teacher and the abuse of power directed at learners in their care. A critical discourse analysis (CDA) was used to analyse the narratives of ten black male student teachers through in-depth interviews that were audio-taped. The ten male student teachers were based in different secondary schools in the Lejweleputswa district.

Keywords: male student teachers, in loco parentis, professional preparation, critical emancipatory research, teacher-learner relationship, critical discourse analysis, transformative and liberatory

## 1. INTRODUCTION

Teaching as a professional practice is fully embedded in law, stating what is expected and what is not expected from the professional. Likewise, teaching practice in the form of school based learning is viewed as a critical stage for teacher moulding and character forming of prospective professionals. Once placed at the school, student teachers are faced with the task of how their position is viewed against the law governing learner care. Although South African Schools Act of 1996 is silent on what the position of student teachers is during school based learning (SBL), there is little doubt that they are referred to by senior teachers, as well as learners, as teachers. The implication is that once student teachers are left with their learners they assume not partial, but full responsibility, equal to other teachers at the school. Against this background, this paper seeks to establish how black male student teachers during the SBL period of six months have come to conceptualise the concept of *in loco parentis*. It is widely reported that male teachers abuse their positions of responsibility by having teacher-learner affairs, thus compromising their integrity as professionals and being in serious violation of the law.

Likewise, it is assumed in this paper that male student teachers, having observed this phenomenon of teacher-learner affairs, have been tempted to be moulded, as well as role model the examples demonstrated by their senior teachers. The following is a description on how the *in loco parentis* principle is defined.

## **2. CONCEPTUALISATION – IN LOCO PARENTIS**

The concept *in loco parentis* is a Latin word which means to be in the place of a parent or a guardian of the child (Stamatakos, 1991:493). Oosthuizen and Rossow (1998:92) citing Black (1983:403) state that the concept *in loco parentis* is described as being in the place of the parent; instead of the parent. Put differently, the Oxford Advanced Learner's Dictionary (2010:774) defines the concept as having the same responsibility for a child as a parent has. However, Oosthuizen and Rossow (1998:92) claim that the concept is factitious in the sense that to be in place of a parent is different from being a parent. As such, the sameness of responsibility of the parent cannot be emphatically approximated to that of the teacher charged with the care of the child. Based on this definition it may be inferred that the teacher holds a professional function, whereas the parent possesses natural responsibility over the child. This justification is supported by Joubert and Prinsloo (2009:158) who opine that teachers act *in loco parentis* from the time the learners enter the school premises until they leave again after the school programmes.

Accordingly, Oosthuizen and Rossow (1998:93) claim that the concept *in loco parentis* may be divided into the following categories:

- The teacher's duty of care; and
- The teacher's right to maintain discipline.

## **3. THE DUTY OF CARE**

Joubert (2009:145) and DeMitchell (2003:18) assert that parents do have a cluster of rights for the upbringing of their children which accrue with responsibilities. As such, one of the responsibilities of parents is to ensure that their children are protected and safe from danger. Likewise, teachers should take reasonable measures to ensure their learners' safety. According to Malherbe's (2009:439) reference to the Children's Act 2005, the safety of children in South Africa is a constitutional matter. Section 24 of the Constitution (Republic of South Africa), states that the environment in which children are taught should be an environment that is not harmful to their health and well-being. Similarly, the Children's Act 2005 champions the protection of learners (children who are under the age of 18 years) from maltreatment, abuse, degradation, exploitation and physical and emotional harm.

Malherbe, (2009:439) advises that sexual abuse of learner in any form by teachers should be reported. Beckmann and Prinsloo (2007:217) postulate that sexual abuse and sexual offenses are some of the factors that inhibit a safe environment for learning in schools. The views of Beckmann and Prinsloo (2007) seem to concur with Oosthuizen, Rossouw and De Wet (2007:3) when they assert that there is an absence of responsibility among professional teachers in fulfilling their roles of care.

The duty of care by teachers is interrogated in the well-known court case of Wynkwart No v Minister of Education and Another 2002 (6) SA 564 (C) which is discussed below. This court case is an example of a liability case against the School Governing Body and the minister of Education in the Western Cape Province. In this instance, the plaintiff claimed liabilities on behalf of his son, R, who sustained serious head injuries when R fell from an unused school gate while attempting to climb over it. R was in the care of Mrs N who supposedly failed to ensure that R was safely escorted to a normally used school gate where learners are handed over to another educator tasked with the care of the learners. During the court proceedings it was established that R had attempted to leave the school premises through gate 4 and had slipped while trying to scale it. Thus, the plaintiff, the father of R, had earlier urged the court to find R's educator Mrs N guilty of negligence.

The court held that the test of a reasonably prudent person or a reasonably careful parent in relation to his children involved *bonus paterfamilias* and it was relevant in this instance. Educators acted in *loco parentis* and were better trained than most parents about child development. This matter was decided accordingly, taking the following factors into consideration:

- Duty of care owed to children by school authorities has been said to be like that of a careful father who would take of his children;
- School masters like parents must observe towards their charges the standard of care that a prudent man would observe in the particular circumstances;
- That it was not too much to ask of a person acting in *loco parentis* to be judged according to the normal test in the discharge of his duties;
- Mrs N did not take reasonable steps to ensure that R, like all his peers, left the school through the correct exit gate; and
- As a result, the defendants were found guilty of negligence and held liable for the injuries sustained by R.

Against the above-mentioned court case, it may be inferred that student teachers during the SBL are expected to demonstrate the care that a reasonable person should espouse. Furthermore, the fact that the male student teachers are in possession of temporary registration with SACE, they could be held liable for any misdemeanour they may commit against female learners in their care.

#### 4. THE RIGHT TO MAINTAIN DISCIPLINE

Joubert and Prinsloo (2009:107) define discipline as meaning to teach, to be trained, willingness to obey the rules of the school and unforced willingness to be controlled and punished when erring. Based on this definition of discipline, it could be reasoned that it is expected of student teachers during the SBL to instill discipline in learners in an acceptable manner in order to maintain order at the school. The following are some of the literature reviewed, based on a purposive disciplined learning environment.

Conley and Mestry (2010:3), Reyneke (2010:1) and Oosthuizen, (2002:209) point out that section 8 (2) of SASA seems to be consistent with section 24 (a) (b) of the Constitution which affords everyone the right to dignity, privacy, non-degrading punishment and an environment that is not harmful to their health or well-being and to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures.

Likewise, a code of conduct for learners is created with the understanding that it would delineate what learners, educators and parents are obliged to conform to and what not to do that would hinder any learning. De Waal and Mawdsley (2010:4) refer to discipline in the school milieu as implying the existence of productive, remedial rights-based educative practices, and punishment that is not retaliatory, disparaging or unproductive. Masitsa (2011:164), De Waal (2011:176), Motseke (2011:118), Conley and Mestry (2010:2), Oosthuizen and Booysen (2010:1) and Khoboka (2009:54) refer to instances that could be classified as hindrances to the realisation of a disciplined, purposeful and safe learning environment in South African schools by mentioning the following instances:

- Conduct that threatens the safety of others;
- Illegal drugs and alcoholism;
- Dangerous weapons at school;
- Fighting and assaults; and
- Foul language and hate speech, among others.

According to De Waal and Mawdsley (2010:9), Smit (2010:99) and Radoni (2009:33), the above-mentioned misdeeds by learners are not consistent with a good code of conduct for learners. Purposeful and disciplined learning implies that learners look after their school property and are present in classes without disrupting educators and other learners (De Waal & Mawdsley, 2010:10). In terms of the above-mentioned incidents, the quality of relations among learners, educators and parents could be adversely affected, thus leading to invoking section 9 (1) of SASA which deals with punitive measures in the form of suspension and expulsion of a learner from a public school.

In order to understand the position of male student teachers at schools, the research study looked into the theory of masculinity in order to establish possible reasons why male teachers abuse their positions of authority by having affairs with their female learners.

## **5. THE RESEARCH PROBLEM**

The following research problems were identified for this research paper:

- What is the nature of black male student teachers' conception of the doctrine of in loco parentis during the SBL period in secondary schools in the Lejweleputswa district?
- What would be the legal position of black male student teachers who neglect their learners as part of the SBL process?

## **6. THE RESEARCH QUESTIONS**

The research paper sought to establish answers for the following research questions:

- How is the principle of in loco parentis defined by black male student teachers?
- What are the experiences of black male student teachers regarding teacher-learner affairs/ relationships at schools?

What is the extent of the legal implications with which black male student teachers might be faced in the execution of their duties?.

## **7. THE RESEARCH METHODOLOGY AND METHODS**

In order to answer the above-mentioned research questions the research paper employed a CER qualitative research method. This research method approach was chosen as ideal for black male student teachers' conceptualisation of the in loco parentis principle, as the CER approach is emancipatory and transformative in nature. The approach undertaken by this research study was based on how black male student teachers could be conscious of their 'man (ness)' and its perceived power in relation to that of their female learners in a teacher-learner relationship. It was further assumed by the research study that black male student teachers, by being aware of their powers and the role models played by their senior teachers?, would be able to redeem and liberate themselves from possible prosecution by the law. Ten black male teacher students were interviewed using Ineke Meuleberg-Buskens' free attitude interview technique, together with a critical discourse analysis that was employed to examine and reveal the experiences of black male student teachers of the structural forces that influence the prospective behaviours of this cohort in schools.

## 8. DATA GATHERING INSTRUMENT

A structured, in-depth interview technique was utilised in this study as a method of data collection. Henning, Van Rensburg and Smit, (2007:58) state that an in-depth interview is a comprehensive interview used in the primary stage of the research process as metaphoric in a miner and a traveller framework.

Flick (2010:170) and Kvale (2010:19) refer to an interview in terms of two metaphors: interviewer as miner and interviewer as a traveller. A miner metaphor is a worker who digs up knowledge buried deep underneath the ground, embodied in the conscious and subconscious minds of the participants; whereas, the traveller metaphor views the researcher as a traveller, exploring the domain of the landscape to discover unknown sites through “wandering together with” participants.

Interviews could further be useful when they uncover underlying motivations and attitudes beyond straightforward responses to unstructured questions. Moreover, in-depth interviews seek deep information and knowledge, such as lived experiences, values, decisions, ideologies and cultural knowledge (Johnson, 2002:104).

Guion, Diehl and McDonald (2006:1) and Johnson (2002:103) identify the following advantages of in-depth interviews over other research techniques embodied in the following:

- At times, respondents feel comfortable discussing sensitive issues with one person and such responses might be frank;
- One-on-one interviews are often more detailed and revealing than group discussions. The interviewer can probe more deeply to investigate the feelings that might emerge during the interview;
- One-on-one interviews are easier to schedule than group interviews;
- An in-depth interview can handle more complex topics;
- Open-ended questions provide respondents with the opportunity to answer questions divergently;
- In seeking understanding and interpretation, the researcher attempts to interpret what is being said and seeks clarity and understanding throughout the interview; and
- The recording of responses are audio-recorded and complemented with written notes that include verbal and non-verbal behaviours as they occur in a natural interview setting.

## 9. DATA ANALYSIS

The data analysis technique employed in this research study is based on Fairclough's textual oriented discourse analysis (TODA) as suggested by Philo (2007:176) and van Dijk (1998:2).

Fairclough, Philo and van Dijk seem to agree that research analyses should strive to discover and address social problems, power relations and possible forms of social actions. Mahlomaholo and Nkoane (2002:90) allude to critical discourse analysis as journeying longer to uncover the underlying conscious and psychic structures of the researched. Once the researched are able to find themselves, they are able to move on and restructure how they should behave.

## **Background, context, sample and description of black male student teachers**

Despite the outcry in communities regarding the professional behaviour of care supposedly expected from black male teachers in relation to the affairs they have with their female learners, the situation seems not yet ready to change. Against this view, the research study assumed that black male student teachers might be, or are tempted to model their senior male teachers' counterparts. The ten black male student teachers were students at the University of Technology, in the Free State in their fourth and final year of study, doing a six-month mandatory SBL at various secondary schools in the Lejweleputswa district. The Lejweleputswa district is a municipality that comprises different local municipalities, such as Matjhabeng, Nala, Mmasilo, Tokologo and Tswelopele, consisting of various towns. The ten black male student teachers were purposively chosen based on the above-mentioned geographical backgrounds. All but one of the ten black male teacher students' ages ranged between twenty-two and twenty-three, with the oldest being twenty-six.

The ten black male students represented ideal prospective teachers with the ambition to positively contribute to the development of their own communities. Furthermore, they represented the vast geographical area of Lejweleputswa district, in towns that are industrial, farming and mining in character. From these different backgrounds, it was hoped to glean data from different societal and structural orientations.

## **Findings and discussion**

The findings of this research study are arranged under the following themes resulting from the questions posed to ten black male student teachers.

### **Understanding of parental care terms of the law: in loco parentis**

Under this theme, it emerged that black male student teachers are oblivious to their positions as student teachers. This is evident, despite the units they had covered in their third year of study, seen in the work of Joubert and Prinsloo (2009). Furthermore, it emerged that it is difficult for black male student teachers to translate the theoretical knowledge into communicative action knowledge as suggested by Habermas (in Fairclough, 1995:219; Phillips, 2002:60).

Participants were asked: 'To what extent do you understand the parental care role that should be played by student teachers?' The majority of the black male student teachers responded by stating that their role is limited, in so far as the teaching and learning situation is concerned. As such, black male student teachers felt that they are not regarded as fully-fledged teachers and their care of their learners is limited. This view revealed that black male student teachers feel that they are not empowered or are not confident enough to be regarded as parents. Likewise, the data suggest that black male student teachers are of the opinion that they are not esteemed by other teachers while placed at the school. One of the black male student teachers remarked:

*You see the way teachers speak to us in front of learners is not good. They send the wrong message to learners and as a result, we are unable to instil discipline in learners. This makes us feel that we are not part of the school. Furthermore, because of our age, it makes us powerless and our status is relegated to a low level. Learners know that we are not going to be at school for the whole year.*

From the above-mentioned response it is clear that it is important to strengthen the position of student teachers by changing the perception of their position at schools. Additionally, it is important that the school principal and teachers alike should acknowledge the contribution student teachers make towards creating a disciplined learning environment in terms of section 8 of the South African Schools Act, 1998. Generally, the interviews revealed that the culture of the school and the mentoring programmes for student teachers should be reviewed and strengthened.

### **Challenges that black male student teachers are faced with: in loco parentis**

Black male student teachers from the ten different schools in the Lejweleputswa district were asked the question: 'In your opinion, what are the problems with which you are faced, in order to assume a parental role at the school?'

This poser strived to establish the opinions of black male student teachers as to what they foresee as problems in the process of establishing a sound pedagogical relationship with the learners.

### **Experience of black male teacher-learner affairs: in loco parentis**

This theme strived to establish their experiences through observation and by listening to what is said in the corridors regarding teacher-learner affairs. The question was asked: 'What is your experience of teacher-learner affairs at the school?' Black male teacher students were encouraged to freely answer this question; one responded in the following way:



*When I was a learner I knew that so-and-so teacher had a relationship with so-and-so learner. Though it is not acceptable, it became the norm at the school. At the school where I am placed, I have seen male teachers making moves on female learners.*

This view of a black male student teacher shows that male teachers are able to use their powers not in a nurturing manner, but in an abusive way. McCroskey and Richmond (1983:176) demonstrate that power is defined as the individual's potential to have an effect on another person's behaviour and to influence another person to do something he/she would not do, had he/she not had been influenced. Furthermore, it demonstrates the norm prevalent in many schools in South Africa, despite the resolution of the Department of Basic Education to dismiss any teacher who is in a relationship with his/her own learners. The Amended section 17 (1) (b) (c) (f) of Employment of Educators Act 1998 refers to teacher-learner sexual assault, a sexual affair and causing a learner to perform the contemplated sections as constituting serious teacher misconduct, which is a dismissible offence. This explicitly stated warning against teachers is formulated to deter and professionalise the teaching profession as one esteemed in the eyes of the public.

### **Legal implications: male student teachers**

This theme explores the nature of the legal implications with which male student teachers might be faced in the execution of their duties. Prinsloo (2007:192) maintains that the Employment of Educators Act, 76 of 1998 does not use the term 'employee' but the concept 'educator' which means any person who teaches, educates or trains other people. As such, student teachers may be viewed as employees who assist in carrying out the business of teaching learners, despite not being remunerated. Nieuwenhuis (2007:215) citing Maithufi (1997), Malherbe (2009:438) and Minnie (2009:533) point out that the duty of teachers is underpinned by the duty of care (looking after the physical and mental wellbeing of learners), as well as the duty to maintain order at the school or away from the school grounds. Furthermore, Joubert (2009:21) and Nieuwenhuis (2007:215) imply that the duty of care is a legal obligation for teachers. The above-mentioned implication is that the law regulating the conduct of teachers cannot be ignored or be seen as an excuse. Though there are no reported cases of student teachers-learner sexual relationships, it is paramount to note that they are also affected by the legislation. As demonstrated in the court proceedings held between Wynkwart No v Minister of Education and Another 2002 (6) SA 564 (C) the test of a reasonably prudent person or a reasonably careful parent in relation to his children, would always be used to adjudicate whether one is a student teacher or a teacher. The question asked to black male student teachers was: 'Do you think you could be held responsible for your actions while in the supervision of learners?'

This question was replied to hesitatingly by black male student teachers and the majority were not sure whether they could be held responsible by law and what the consequences of their behaviour would be. One black male student teacher responded in the following way:

*I don't think it would be fair if student teachers are treated in the same way as other teachers who are in the employment of the Department of Basic education. This however, does not mean that student teachers should not be held responsible for their actions. It would be a shameful experience if a student teacher is found guilty at the prime of his training, even before his career has taken off.*

Based on the above-mentioned narration, it seems that student teachers are of the view that the law could be applied to them differently. According to Kleyn and Viljoen (2011:11), law is law in a positivist way of things and *ius dicere non facere* (judges speak the law; they do not create the law). Prinsloo (2009:178) states that South African Council of Educators might refuse to register a person if it is believed that the person concerned is not fit to teach.

### **Student teacher's misconduct and legal remedies**

With this theme, the researcher sought to establish the extent to which parents might claim legal remedies against student teachers who are found to have violated the rights of learners in their care. Kleyn and Viljoen (2011:241) state that the Constitution prescribes that an appropriate remedy should be administered following a finding that a right has been violated. Joubert (2007:162) avers that educators are in good position to identify child abuse or molestation and that from a legal point of view all educators have a duty to protect learners. As such, student teachers could be held liable by parents for non-patrimonial loss as a result of pain suffered, loss of good health, loss of amenities and emotional shock; notwithstanding patrimonial loss in the form of medical expenses caused by the unlawful conduct of student teachers.

## **10. CONCLUSION**

This article explored how the position of black male student teachers is viewed at a school during the SBL period in relation to the principle in *loco parentis*. In this paper I stated that student teachers play an important role in the provision of quality education and their role cannot be underestimated. Furthermore, their roles during the SBL would continue to be interrogated. I evaluated these statements against the framework of legal positivism and natural law; thus affirming that in *loco parentis* may be viewed in both ways as stated by Malherbe (2009:439). Data that emerged from the narratives of the ten black male student teachers were that the position of student teachers is viewed from a peripheral point of view by the structures at schools. Additionally, it appears that student teachers do not enjoy equal status to teachers during their SBL.

The age factor, some of the black male student teachers felt, that due to their age, they are regarded as children by their fellow teachers and a result of this conservative approach; they do not feel that they can assume the delegated responsibility of parents. Likewise, it emerged that student teachers prior to their placement in schools, should be registered with the South African Council of Educators. This move, it is hoped will empower student teachers as role players and professionals in the making.

## 11. BIBLIOGRAPHY

Dowd, N.E. (2009). Masculinities and feminist legal theory. *Wisconsin Journal of Law, Gender & Society*. Vol. 23 (2). pp. 201-248.

Fuller, L.L. (1958). Positivism and fidelity to law- a reply to Professor Hart. *Harvard Law Review*, vol. 71 (4) pp. 630-672.

Goodenough, C. (2002). Human Rights Watch: Sexual violence is rampant in South Africa's schools. *Perspectives on Kwazulu – Natal*. Vol. 1 (2).

Hall, S. (2001). The persistent spectre: Natural Law, International Order and the limits of legal positivism. *EJIL*. Vol. 12 (2) pp. 269-307.

Hare-Mustin, R.T. (2004). Can We Demystify Theory? Examining Masculinity Discourses and Feminist Postmodern Theory. *Unknown* (3) pp. 10-35.

Henning, E., Van Rensburg, W. & Smit, B. (2004). *Finding your way in qualitative research*. Pretoria: Van Schaik.

Flick, U. (2010). *Designing qualitative research*. Los Angeles: Sage Publications.

Johnson, J.M. (2002). In-depth interviewing. In Gubrium & Holstein, J.A. *Handbook of interview research context & method*. London: Sage Publications.

Joubert, R. (2009). Law and education. In Joubert, R. & Prinsloo, S. (Eds.), *The law of education in South Africa*. Pretoria: Van Schaik Publishers.

Kvale, S. (2010). *Doing interviews*. Sage Publications: Los Angeles.

Kleyn, D. & Viljoen, F. (2011). *Beginner's guide for law students* (4th ed). Claremont: Juta & Co, Ltd  
Mahlomaholo, M.G. & Nkoane, M.M. (2002). The case for an emancipatory qualitative research: reflection on assessment of quality. *Journal of education as change*. 6 (1), 89 – 105.

Malherbe, R. (2009). The impact of constitutional rights on education. In Boezaart, T. (Ed.), *Child law in South Africa*. Claremont: Juta & Co Ltd.

Masitsa, M.G. (2011). Exploring safety in township secondary schools in the Free State province. *South African Journal of Education*. Vol. 31. 163-174.

Masoge, E. (2011). Growing scourge of the loverboy teacher sweethearts. *Sowetan*. March 24

Martino, W.J. (2008). Male teachers as role models: Addressing issues of masculinity, pedagogy and re-masculinization of schooling. *Curriculum inquiry*. 38 (2).

McCroskey, J.C. & Richmond, V.P. (1982). Power in the classroom I: Teacher and student perceptions. *Communication Education*. Vol. 32.

McGinley, A.C. (2010). Ricci v. Destefano: A masculinities theory analysis. *Harvard Journal of Law & Gender* (33). pp. 581-623.

Minnie, D. (2009). Sexual offences against children. In Boezaart, T. (Ed.), *Child law in South Africa*. Claremont: Juta & Co Ltd.

Naylor, N. (2007). The struggle for free quality education continues. In Ramadiro, B. & Vally, S. (Eds.). *Sexual violence in schools, the rights of learners and educators*.

Niewenhuis, J. (2007) *Growing human rights and values in education*. Pretoria. Van Schaik Publishers.

Soper, P. (1992). Some natural confusions about natural law. *Michigan Law Review*. Vol. 90 (8) pp. 2393-2423.

Vega, J. (2010). Aristotle's concept of law: Beyond Positivism and Natural Law. *Journal of Ancient Philosophy*. Vol. 1V (2).

### **Court case**

Wynkwart No v Minister of Education and Another 2002 (6) SA 564 (C)

### **Legislations**

South Africa (Republic). (1996). *Constitution of the Republic of South Africa, Act 108*. Pretoria: Government Printers.

South Africa (Republic). (1996). *South African Schools Act, 86*. Pretoria: Government Press.

South Africa (Republic). *Employment of Educators Act, 76 of 1998*. Pretoria. Government Press.

South Africa (Republic) (2007) *Education Amendment Bill*. Pretoria: Government Press.