

## **Teacher Professional Codes of Ethics of New Zealand and Kenya: A Document Analysis.**

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## Abstract

*Professional ethics codes are crucial instruments for regulating the conduct of teachers globally. The value and prevalence of these frameworks vary across developed and developing countries. This interpretive qualitative case study used documentary analysis to examine the content of teacher codes of ethics in New Zealand and Kenya to understand how they are shaped to inform the ethical conduct. The paper highlights the common and varied content, or approaches inherent in each code of ethics, thus, the Teacher's Council, New Zealand relies on an aspiration approach while the Teachers service, Kenya, a regulatory approach. The findings suggest that when codes of ethics build teacher agency for ethical conduct and engrain the teacher function, they are more likely to enhance commitment to ethical practice. While contributing to theory and policy, these findings should stimulate further dialogue to enhance the constructive development of relevant ethical frameworks for managing teacher ethical conduct in schools in Kenya.*

Key words: Ethics, ethics codes, teacher conduct, New Zealand, Kenya

## **Introduction**

This paper presents the results of an analysis of the content of teacher's codes of ethics of Kenya (a developing) and New Zealand (a developed country) and suggests that codes of ethics can elicit teacher responsiveness when they are contextualised to their role and function. The aim is to contribute the literature on teacher professionalism and the centrality of ethics in education contexts. The literature confirms that teacher professional practice and conduct has received increased attention over the past decade because of its influence on the attainment of education outcomes and student moral development (Bullough, 2011; Campbell, 2008, Shapiro & Stefkovich, 2016; Shapira-Lischcinsky, 2011; Socket, 2016). The studies emphasize that teachers must remain ethically and professionally competent and accountable to society (Hansen, 1998; Shapiro & Stefkovitch, 2016). Subsequently, normative instruments such as codes of ethics, codes of conduct have been established by government agencies, teacher unions or professional bodies (Buyruk, 2018) to articulate the ethical standards what is good or what ought to be done in their interaction with students and other stakeholders when carrying out their tasks as professionals and be accountable for their actions (O'Neill & Burke, 2010; Hosteler as cited in Campbell, 2000; Gluchmanova, 2015; Van Nuland, 2009).

The rampant global reports and studies of teacher misconduct (Hogan, Ricci & Ryan; Knoll, 2010; Shakeshaft, 2013) and in Africa (Prinsloo, 2006; Batweli, 2013) confirm that cases of teacher incompetence, absenteeism, abuse of students' and parents as well as poor community relationships. Teachers have also been implicated in examination cheating and other malpractices which undermines the credibility of the teacher profession leading to poor education outcomes. This raises questions about the usefulness of codes of ethics in curbing ethical flaws particularly in enabling the desired ethical dispositions in teachers. Research remains inconclusive about the value of codes in informing ethical behaviour and led to debates on the value of codes of ethics. While some indicate that codes of ethics have an impact on minimizing misconduct (Frankel, 1989; Van Nuland, 2009), some researchers (Campbell, 2003) and philosophers (Gedes, 2020; Harris, 1994; Ladd, 1998; Terhert, 1998) emphasize that, the presence of a code does not make ethical practitioners. An examination of the content of teacher's codes of ethics is important for understanding how they are constructed to influence and inform ethical conduct and pave way for future investigation in this area.

This paper reports the results of a documentary analysis of teachers' professional codes of ethics of New Zealand and Kenya. The content of each code was examined – the purpose, value and principles engrained within them to understand the perspectives that inform their development and how this shaped teachers' ethical conduct in the two contexts. It suggests that when codes of ethics are not located within a teacher's professional role and function they are unlikely to be amenable to a teachers' ethical role. The paper commences with a brief overview of literature relating to professionalism and professional ethics codes, then a description of the methodology and discussion, conclusion and implications.

### **1.2 Teacher professional codes of ethics**

Although teaching characteristics fall within definitions of a profession, it remains as a semi-professional entity (Etzioni, 1961) because it lacks a common professional body and limited discretionary power over their core functions like other profession, following centralization and increased regulation linked to the adoption of market driven policies that have led to increased control of education processes by employers and organizations (Evetts, 2011). Current research underscores the need for high teacher discipline and moral uprightness because it is an occupation

wrought with moral considerations (Campbell, 2003; Carr, 2006; Sockett, 1993). This is because they play the role of “moral person and moral professional moral educator, model and exemplar whose aim is to guide students to a moral life” (Campbell, 2003, p.2) which adds weight to their responsibility. Subsequently they are subject to intense scrutiny in both their public and private lives for how well they uphold defined disposition’s or behaviours, responsibilities, legal and ethical provisions (Brehm as cited in Creasy, 2015, p. 24).

The literature on teacher codes of ethics focusses on the importance of codes of ethics. It demonstrates why teachers must uphold professional ethics (Carr, 2006; Campbell, 2003; 2008; Johnson, 2012; Frankel, 1998; Shapiro & Stefkovitch 2016; Sockett, 1993), and define the standards that enhance professionalism. Frankel (1998) avers that codes appeal to “a moral dimension which helps sustain the relationship between the profession as a group, its individual members and those who receive professional services” (p.110).

Professional codes of ethics fall within the renowned category of justice, a branch of normative ethics or applied ethics and are derived from traditional Euro-western theories of deontology, utilitarianism and virtue ethics Beauchamp & Childress (as cited in Stefkovitch and Shapiro, 2016). Deontological theory is premised on man’s autonomy or ability to reason prior to action to determine intent by appealing to universal principles/ rules or duties (standards) that apply in each situation and thus is more aligned to codes, laws or policies (Kant as cited in Cahn, 2014). The utilitarian theory determines moral acts through consideration of consequences or results for the greater good of the society and not the intention of the act or rule, on which deontology is premised (Singer, 1993). The Virtue theory differs, in that it emphasizes that character traits, instincts, principles, intuition or virtues of agents influences reasoning or judgement about what is acceptable conduct (Singer, 1993). The first two theories focus on what makes an act right or wrong, while virtue ethics is concerned with the traits that define a good teacher and how they can be nurtured.

Despite the importance of teachers’ codes of ethics, research is inconclusive about the core principles or values that define teacher ethical conduct (Ball & Wilson, 1996; Sabbagh, 2009) and the value of codes in informing ethical behaviour. Scholars (Gilighan, 1993; Noddings, 2013) championing for relational theories of care are opposed to the justice approach. Noddings contends that the engrossment that comes with relationships, makes care an important value for informing moral or ethical action in teaching. Campbell (2006) identified “honesty, fairness, care, justice and integrity, empathy, courage, respect and responsibility should guide teachers conduct and interpersonal relationships” (p. 32), Strike and Soltis (as cited in Sabbagh, 2009) indicate that non-maleficence, autonomy, and fairness are important while Sockett (as cited in Sabbagh, 2009) avers that intellectual honesty, fairness and practical wisdom are essential. Some scholars (Beauchamp & Childress, 2001; Gallagher, 1999; Hugman, 2005) have emphasized that care practitioners are underpinned by values of beneficence, non-maleficence, trustworthiness, autonomy, and justice which illuminate the moral responsibilities that they must uphold to carry out their services.

Some studies (Campbell, 2003; Gross, 1993; Short et al. 2012; Terhart, 1998) and philosophers (Harris, 1994, Ladd, 1998) acknowledge that, the presence of a code does not make ethical practitioners because ethics is complex matter. Moreover, teachers hardly adhere to a single moral framework that is devoid of historical and contextual influences (Sabbagh, 2009). This suggests that codes may not entirely be responsible for the flaws reported among teacher professionals. Some researchers are however emphatic that failure to adhere to codes of ethics has negative outcomes and loss of credibility of professionals (Frankel, 1989).

The literature (Brien, 1998; Frankel, 1989; Forster, 2012) demonstrates that codes of ethics can be formulated as obligatory codes, educational or aspirational codes and each with implications for

enforcement. Aspirational codes are defined as “teacher centred code of professional standards or a legally binding document such as education act” or regulatory code. Aspirational codes seem to be the preferred approach for managing ethics (Carr, 2006; Forster, 2012) because they “elevate ideals of professional practice” with less deontological rules (Schwimmer & Maxwell, 2017,p.8), and enforce self-regulation and trust (Brien, 1998) and elicit the professional culture or values while encouraging professionals to aspire to attain them, without compelling them to obligations (Carr, 2006). In essence they draw a teachers’ attention to the moral and ethical issues relevant to their professional roles. Regulatory codes on the other hand, define ethical standards, prohibitions and include specific minimum standards of behaviour that users should uphold and thus are proscriptive and general (Gilman, 2005; Brien, 1998). These codes are bureaucratic and distant from the realities and experiences of the professional contexts (Campbell, 2008; Gilman, 2005; Carr, 2006) and do not allow for professional reflection or discretion ( Harris, 1994; Ladd, 1980).

Studies that have explored the content of codes of ethics (Banks, 2003; Campbell, 2003; Forster, 2012; Hansen, 1998; Maxwell & Schwimmer, 2016; Short, Hallet, Spendlove, Hardy & Barton, 2012; Schwimmer and Maxwell, 2017; Terhart, 1998) for different purposes. Banks (2003) demonstrated that normative statements in codes typically include: ethical principles, ethical rules, principles of professional practice, rules of professional practice and attributes of the profession which represent the moral perspectives. Schwimmer and Maxwell’s (2017) study examined the criticism levelled at codes. They emphasised that codes should be open, flexible, enhance teacher’s autonomy and use of critical thought, and minimize the use of rigid contractual obligatory statements and patronizing moralist language that depicts teachers as unethical, unreliable persons in need of constant scrutiny. They add that employee commitment to employee is not a professional obligation or deontological rule to be regulated. Campbell’s (2000) study emphasised that effective codes articulate a clear purpose illuminate objective and universal truths, principles aligned to teachers practice such as` standards of practice of what ethical teachers can do clear obligations and responsibilities. Forster’s (2012), qualitative interpretive analysis of 8 Australian codes of teachers revealed that aspirational statements and tone were preferred than the regulatory ones. Farrell and Farrell’s (1998) language analysis of codes of conduct in Australian organizations showed that language use in codes either empowered or disempowered code users from using their judgement in determining ethical acts. Van Nuland’s (2009) content analysis of 20 teachers’ codes of ethics, in selected developing countries revealed that codes of ethics are used contain corruption in education contexts. These varied outcomes indicate that there is no consensus or standard teachers’ code (Sabbagh, 2009; Maxwell & Schwimmer, 2016) as teacher codes differ in terms of purpose, or type either incorporating an inspirational or obligatory tone or language or teacher responsibility to employers (Short et al.,2012), while others incorporate teacher standards and enforcement or disciplinary role which could impact on their appeal for inspiring ethical conduct. The available studies reflect experience of codes of ethics in Western countries. There is a paucity of research on the content of ethics codes in Africa and Kenya specifically. Further no documented research has examined the content of code of ethics for teachers in developing countries vis a vie that of a developed county. This study seeks to fill this gap by exploring the content of teachers’ codes of ethics of for New Zealand and Kenya. It endeavoured to contribute to the theoretical knowledge by highlighting the nature of teachers’ codes of ethics in Euro-western and non-western contexts.

The paper sought to identify how the two codes of ethics are framed to inform professional and ethical conduct in the two contexts. It specifically examined the purpose, structure, values and principles engrained within them. The goal was to contribute to the theoretical knowledge by highlighting the nature of teachers’ codes of ethics in Euro-western and non-western contexts to inform the development of policies and for designing programs for enhancing ethical teacher

practice in schools. The following research question directed this study: How are teachers codes of ethics framed to inform teacher professional and ethical conduct in New Zealand and Kenya?

### Methodology

This interpretive qualitative study was informed by a constructivist paradigm which assumes that knowledge is an act of interpretation and reality is socially constructed with the researcher as an instrument through which reality is illuminated (Walsham, 1995). Constructivist scholars concentrate on interpreting and recreating meaning or knowledge including their own about phenomena (Guba & Lincoln, 1994). A single case was preferred because of the interest in “patterns of meaning given” given within the texts (Merriam, 1998, p.31) about the case or phenomenon, i.e., teachers’ codes of ethics in the targeted contexts. study was preferred. The two countries, Kenya and New Zealand and their teacher’s codes of ethics were selected purposively. A developed and developing country was the researcher’s ideal of a rich information site as suggested by Patton, (2015). Both countries were selected because they are commonwealth countries, having a common heritage of education approach and administration from Britain. Both countries have shown interest in reforming the management and administration of teacher professional conduct. The teachers code of ethics from both contexts were the primary source of data. Relevant professional publications and texts such as the OECD Document, IIEP, the EI document and UNESCO documents on professional ethics codes, as well as policy reports, were consulted to enhance understanding of the phenomenon (Marshall & Rossman, 2016). Scott’s (as cited by Bryman, 2016), criteria for assessing quality of documents for representativeness, purpose and reliability was used The codes of ethics were downloaded from the official websites of the Teachers Council, in New Zealand and the Teachers Service Commission in Kenya, respectively. A contact familiar with each code confirmed that they were authentic and original. Data collection and analysis went on concurrently, since document analysis was both a source of data, and mode of analysis (Marshall and Rosman, 2016). Bowen’s (2009) recommended steps :“selecting, appraising, making sense and synthesising of data contained in documents” was used to carry out Document analysis (p. 28). The approach was appropriate as allowed the researcher to “uncover meaning, develop understanding and discover insights relevant to the research problem” (Merriam, 1998, p.118). All narrative texts were examined and subjected to content analysis, a process which involves “identifying , coding, categorizing, classifying, labelling the primary patterns in the data” (Patton, 2015,p.68). The analysis was both deductive - a priori codes were used in the analysis, but the researcher gave room for emergent codes from the data (Cresswell, 2013). In the initial analysis, the following key guidelines/ words : title, authorship, language, tone derived from the research questions that required a direct response from the data were used to search the data and to decipher relevant codes from the statements and phrases in the documents. Given varied context of the two codes of ethics, the analysis of values and principles used in the codes of ethics, was not straightforward. The literature was explored (Banks 2003; Beauchamp and Childress ,2001;Van Nuland, 2009) and a framework identified for analysis (Miles & Hubermann, 1994). Beauchamp and Childress’s (2001) principles of professional ethics for care professionals: a) Beneficence, b) Non-Maleficence – do no harm c) justice- fairness d) trustworthiness e) autonomy- control by individual and rules of professional conduct was used. The normative statements were read closely, and labels drawn from phrases, key words representing values and principles. Relevant excerpts were then attached to each label and categorized, following a constant compared of each to identify similarities and difference and to check for emerging categories and for further classification. Each category was reviewed for meaning. To enhance credibility and dependability, a faculty member with expertise independently confirmed that the assigned categories and excerpts were consistent and reliable (Miles &

Hubermann, 1994). After a reaching consensus each them was mapped to its country. Care was taken to ensure accurate reporting of the documents.

## Findings

The content analysis of the two teachers' codes of ethics identified a total of 17 text excerpts which were sorted into 4 themes: title and authorship ,structure, purpose, language and tone, for the initial analysis. The analysis of principles and values in the codes identified 126 excerpts and sorted into 6 themes: responsible care, justice, integrity, autonomy, fidelity, respect which highlighting the predominant values and principles in the targeted codes. In this section we show how these themes cut across the two contexts to inform the ethical

### Title and Authorship

The Titles of the two codes differed but share the word 'code' referred to twice in the Teachers Council (TC) code of ethics, New Zealand, titled *Our code our standards: Code of professional responsibility and standards for the teaching profession* translated as *Nga Tikanga Matatika Nga Paerewa* in the Maori language. The Teachers Service Commission (TSC) code, Kenya titled *Teachers Service Commission Code of Conduct and Ethics for Teachers Regulations, 2015* without translation. The use of both terms "code of conduct and ethics" and "regulation", implies that it incorporates both a code of conduct and code of ethics, to inform prohibited and acceptable behaviour. The TC, a teacher's representative body with the mandate to provide professional leadership of teachers is the author and overseer of the teachers' code of ethics in New Zealand. The teachers code of ethics in Kenya is prepared with the authority of the Teachers' Service Commission, an independent body responsible for the human resource function of teachers.

### Structure of codes

The two codes of ethics were structured in sections. The TC code was structured as follows: section one elaborated on the values and commitments to the Te Tiriti O Waitangi agreement which underpins the code. Section two outlined the teacher professional responsibility or commitments and the third highlighted the six standards of the teacher professional practice. The TSC code was in two parts. Part one had a brief introduction and definitions of words used in the code. Part two had the teacher obligations for ethical conduct were stated. The TC teachers code, unlike the TSC code made provision for a user guide named "our code: examples of practice" an interpretation of the code and its application.

### Purpose of code

The analysis identified 7 out of the 17 identified excerpts for this category from both codes of ethics. The provisions of the targeted codes were compulsory for all teachers – both certified and on probation. The codes were envisioned to inform teachers of their collective responsibility and obligations in relation to their task. *The code reminds us of our obligations and responsibility to others and the need to demonstrate high standards of professional responsibility in all we do.* [ TC, NZ,p.8]; *The teachers' position is of public trust...their responsibility shall be exercised in the best interest of learners, institution and members of the public* [TSC 6].The targeted codes of ethics created awareness about the values and expectations of teacher's professional role and conduct.

*A teacher shall uphold patience, dignity and courtesy to all stakeholder with whom the teacher deals with in an official capacity [TSC 11(3)]*

*The code informs them about the standards of ethical behaviour and practice that the profession expects of all teachers...provide them with confidence and trust that all members of the profession have agreed to uphold high standards of ethical behaviour [TC, p.8].*

The codes of ethics envisaged to inspire confidence in the teacher's role and to uphold its image e.g., *to win the trust and confidence of stakeholders- learners, parents and whanau or families [ TC, NZ,,p.8]; to honour teaching as a profession of high trust and integrity; A teacher shall carry out his or her duties in a manner that inspires public confidence and integrity. [ TSC 12 (4)]*

In comparison to the TSC code of ethics, the TC's code envisioned to specify the duties of teachers to each stakeholder *to provide general information to employers of teachers, and professional leaders about the teachers' roles and their obligations [TC, NZ,p.8]*

*Unlike the TSC code, the TC code envisioned to define the standards of effective teaching [TC,p.2] and generally inform teacher employers and professional leaders about the teachers' roles and obligations. create an environment where learners can develop confidence in their identities, languages, cultures and abilities [TZ,p.20]*

The TSC code unlike the TC code, intended to express the value of upholding the law, the constitutional requirements and upholding the employer expectations. *All teachers shall abide by the guiding principles of the leadership and integrity set out under chapter 6 of the constitution [TSC 4]* It also intended to ensure the enforcement of the ethics provisions. *The commission may carry out investigations on a teacher's improprieties on its own initiative or pursuant to a complaint by any person [TSC 38 (2)].*

### **Language and tone style**

The language i.e., words, phrases and tone of voice exemplified in the targeted codes were analysed for how they informed teacher ethical conduct. 10 out of the 17 excerpts were identified for this category. The predominant use of employee or personal language to communicate the ethical standards in the TC code of ethics e.g.: 'we' [16 times ], 'our' [13 times], 'us' [9 times], 'I' [5 times], will [ 4 times], commitment [4 times], sometimes used in combination as 'I will' and the decision to translate the code in Maori language to demonstrate inclusivity was more likely to draw the teachers to commit to the collective ideals or culture stated in the code.

*I will maintain public trust and confidence in the teaching profession ;These are our standards TC,p.14]; We understand the influence we have on shaping futures, and the contribution we make to society; It also connects us as a profession. If one of us breaches the code, it can affect us all [TC,p.6]*

The TSC code of ethics, used the phrase "shall" [ 40 times ] and "shall not" [18times] extensively, which signalled the obligatory nature of the code.

*A teacher shall carry out the duties of his or her office in accordance with the law[5(1)]; A teacher shall not flirt with a learner [TSC 22(1c)]*

These phrases were instructional and directed teachers acts away from unacceptable conduct. The phrase ' may' was used – signalling a choice for members on action to be taken. *A teacher may engage in teaching or learning activities outside normal school hours to promote education. [TSC(32)].*

The TC code has some reference to directive language too signalling mandatory expectations.

*Establish and maintain professional relationships and behaviour focussed on the learning and wellbeing of each learner. [TC p. 18]*

The language used in both codes – directive or impersonal and personal was likely to yield different responses from its users to the expectations of the codes and ethical conduct.

## Principles and values

From the data a total of 123 text excerpts from the list of obligations and statements within the code illuminates the principles/values that defined ethical conduct. The excerpts were sorted into 6 general themes that were common across the two codes: responsible care, justice/ fairness, integrity, autonomy, fidelity, and respect.

Table 1 illustrates the values highlighted in the targeted codes of ethics. The predominant value/principle in both codes was fairness or justice principle: 30% in TC code and 10.75% in the Kenyan code. The TSC code of ethics lay more emphasis on the principle of fidelity or compliance with rules, policies and law [46%], followed by integrity [30%]. In the TC code, fairness/ justice [30%] and respect [20%] were most widespread.

**Table 1**  
*Principles in the Teachers codes of ethics*

Principles/values	No of References	New Zealand %	No. of references	Kenya %
Responsible care	2	6.6	8	8.6
Justice/ fairness	9	30	10	10.75
Integrity	4	13.3	28	30.1
Autonomy	4	13.3	-	-
Fidelity	5	16.6	43	46.2
Respect	6	20	4	4.3
Total	30	100	93	100

## Responsible care

Ten of the 123 identified excerpts showed that responsible care was an important value and principle for teachers as follows: 7 percent of the TC code statements appealed to teachers to uphold this value while 9 percent of TSC code statements gave elaborate examples of actions/ rules that did and did not demonstrate care.

*Promoting the wellbeing of learners and protecting them from harm. [TC. p.10]*

*Do not induce, coerce, threaten or intimidate a learner in any way particularly regarding their academic performance, in exchange for sexual relationship. [TSC 22(1)]*

This principle required teachers to maintain appropriate professional relationships or engagements with learners, to prevent harm and to demonstrate care for their interests.

## Justice or fairness

From the data, 19 out of 123 excerpts identified justice as an important principle in the targeted codes as follows: higher in the TC code than the TSC code. This principle required teachers to acknowledge the rights of stakeholders to fair or equitable treatment in all their engagements.

*Being fair and effectively managing my assumptions and personal beliefs ; Respecting the diversity of the heritage, language, identity and culture of all learners; promoting and protecting the principles of human rights, sustainability and social justice. [TC, p. 10]*

*A teacher in the performance of duty shall not discriminate directly against any person on any ground including, race, sex, pregnancy, marital, health status, health status, ethnicity or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. [TSC 7 (1)]*

### **Integrity**

The data shows that 30 out of the 123 excerpts illuminated the principle of integrity: 13 per cent and 30 percent for the TC and TSC code respectively, meaning there were more references to it in the Kenyan code than the New Zealand one.

*Showing integrity by acting in ways that are fair, honest and ethical and just. [TC, p.2] A teacher shall not use public or institutional property funds or resources at his or her disposal for activities that are not related to his or her official work. [TSC 15(2)]*

This principle was intricately linked to the principle of honesty and more specifically fidelity, which required teachers to adhere to laws. Integrity required teachers to be honest and upright by upholding the requirements of the law , policies and the codes of ethics.

### **Fidelity**

Of the 123, 48 illuminated fidelity or promise keeping as a principle in the targeted codes of ethics as follows. This principle was emphasized more in the TSC code than the TC code of New Zealand.

*Demonstrating a commitment to Thangata whenuatanga and Te Tiriti o Waitangi partnership in the learning environment sessional behaviour and integrity. [TC, p.10, 18];The teacher should commit to the ideals of the profession by providing high quality teaching and upholding professional standards. [TC, p.10]*

*A teacher shall respect and abide by the constitution and the law. [TSC 5(1)]*

The principle required teachers to honour all the expectations and requirements of the code, laws, and policies, including their responsibilities to the employer.

### **Respect**

From the data 10 out of 123 excerpts identified respect as an important moral principle for teachers in both contexts. The principle required teachers to have due regard for the worth of others by taking cognisance of their stakeholder's dignity, culture, need for confidentiality needs. The emphasis varied across the codes.

*Respecting the diversity of the heritage, language, identity and culture of all families and whanau [TC,p.10]; Every teacher shall respect and uphold the personal rights and freedoms of all persons as guaranteed in chapter 4 of the constitution. [TSC 7 (1)]*

### **Autonomy**

The finding was unique to the TC code of ethics. Only 4 out of 123 excerpts were indicative of its presence. The principle was presented in two ways in the code :as recognition of a teacher's discretion in determining ethical acts in any encounter and requirement for teachers to acknowledge that stakeholder have the liberty to make informed choices. Teachers were to recognize that

individuals have preferences and a capacity to think and to make decisions that affect their learning and wellbeing.

*Commitment to parents and whanau  
Involve parents in decisions making,  
Encourage learners to think critically.*

This value was closely related to the principle of respect and justice and directed teachers do not overlook learners and families within their multicultural learning context.

### **Teacher standards**

The incorporation of teacher standards within the code of ethics was an exceptional finding unique to the TC code . was the incorporation of standards that were obligatory to all teachers within its code.

*Demonstrate commitment to a Tiriti o Waitangi based Aotearoa New Zealand design learning that is informed by national policies and priorities; teach in ways that ensure learners are making sufficient progress. [TC,p.20]*

The standard drew the attention of the teacher to their core responsibility for upholding quality in teaching and learning, and professional development. This informed teacher appraisal, and evaluation for certification.

### **Enforcement**

The TSC code unlike the NZ code incorporated measures for enforcement and sanctions for teachers who failed to uphold the expectations of the code of ethics.

*The Commission may carry out investigations on a teacher's improprieties on its own initiative or pursuant to a complaint by any person... refer a matter to another appropriate body for investigation. [TSC38]*

It indicates the disciplinary steps available mostly likely to deter teachers from adhering to the expectations of the code.

## **Discussion**

This case study indicates that the following interrelated components of teacher codes of ethics of New Zealand and Kenya shape the ethical conduct of teachers: authorship and purpose, structure, defined values and moral principles. Other additional factors that inform ethical conduct within codes include the underlying ethical theory, the defined teacher professional role and responsibility and contextual factors .

The study indicated that the targeted teacher professional codes of ethics were envisioned to influence the ethical conduct of teachers and to assure the public and stakeholder to have confidence in their ability to carry out this responsibility within a defined ethical framework. This was congruent with several studies (Brien, 1998; Schwimmer & Maxwell, 2017; Van Nuland, 2009) on the purpose of codes of ethics. The study further indicated that both teacher's codes of ethics were authored by external government agencies i.e., the Teachers Council in New Zealand and the Teacher Service Commission, Kenya, who oversee its implementation. This corroborates previous studies (Buyruk, 2018; Cohen, 2013; Evetts, 2011; Hall, 2013; Terhart, 1989) which reported the external control of teacher professionalism. This has implications for focus of the code which in turn influences teacher's ethical conduct. TC, a Teacher's professional body run by teachers and educationists would appear more in touch with the reality of teacher's task, responsibilities and

conduct. TSC, Kenya, a teachers' employer, would be more inclined to requirements for teachers as employees than as professions. This could explain the varied emphasis in both codes, the TC's incorporation of teachers' standards in the code and incorporation of teacher employees' obligations in the work environment and employer in the TSC code. The claim by (Butler, 2002; Schultz, 2011) that professional ethics codes may represent the values of their developers and not professionals seems relevant. The views of a few scholars (Campbell, 2008; Carr, 2006; Gilman, 2005; Ladd, 1998; Schwimmer and Maxwell, 2017; Shortt et al., 2012; Van Nuland, 2009) also apply. Van Nuland contended that sometimes codes of ethics can focus more on expectations of the job, bureaucracy that are far removed from the core functions or virtues that inform conduct which render them useless for ethical decisions. This suggests that when codes of ethics do not attend to the professional and ethical role of teachers in relation to their core responsibility, they are less likely to inform teacher ethical conduct.

The following principles or values: responsible care, justice, integrity, fidelity and respect that informed the moral and ethical conduct required of teachers in each context. Which aligns with several studies (Banks, 2003; Brien, 1998; Campbell, 2003; Schwimmer & Maxwell, 2017; Van Nuland, 2009) on components of codes of ethics. The study further indicated that these values and principles found in within the normative statements are informed by western traditional normative theories which define what is ethical or not. The TSC code's obligations or duties is aligned to two theories: deontology and consequentialism. The TC code of ethics was more aligned to a virtue theory given its focus on inspiring teachers to acquire or uphold the defined dispositions for undertaking their role as teachers. This is affirmed by several studies (Aristotle, 1982; Campbell, 2000). Aristotle avers that virtue ethics focus' on the virtues or character of agents and encourages phronesis or practical wisdom when making judgments and to enhance ethical conduct. This is consistent with several studies (Beauchamp & Childress, 2001; Fawkes, 2009; Gallagher, 1999) which confirmed that western derived ethical theories inform what is appropriate ethical conduct of teachers. The underlying ethical theory within a code defines and shapes the response to the provisions and ethical conduct of teachers.

It was evident that the targeted codes differed in their approach. The structure of the codes e.g., language and general tone shapes ethical conduct in varied ways in the targeted contexts. The use of employee or personal language and tone to communicate the ethical standards in the TC code of New Zealand is likely to endear teachers to the code and its provisions and its collective ethical culture. Conversely impersonal and directive tone in the TSC code is more likely to elicit a different effect on its users i.e., compel teachers to unquestionably adhere to the provisions of the code without commitment. This aligns with Farrell and Farrell's (1998) study which showed that the predominant use low obligation words in codes, gave users more autonomy to think through ethical decisions, unlike strong obligatory language. This suggests that language conveys the intention of codes and can build teachers agency, motivation or responsibility or not for ethical conduct.

Further, the TC code alerted its users on their ethical role and responsibility giving room for discretion in determining and evaluating ethical acts which potentially encourage self-regulation and was thus is more aligned to an aspirational code. This corroborates several studies (Arthur, Davidson & Lewis, 2005; Forster, 2012) which indicated that aspirational codes of ethics inspire teachers to become the best and encourage them to become more accountable. The TSC code of ethics focussed the user's attention to the law, rules to be adhered to or not by teachers and thus was aligned to a regulatory code. This finding is consistent with the view of several scholars (Ladd, 1998; Geddes, 2020; Harris, 1994; Terhart, 1989) who found that regulatory or compliance-based codes give little room for ethical reasoning or reflection and ethical development. Geddes (2020) contends that they have a narrow perspective of ethical conduct. They are also superficial, static and

are more likely to be ignored by their users ( Terhart,1989) suggesting that its potential for influencing ethical conduct may be lower than the aspiration code.

The study also indicates that the TC code of ethics unlike the TSC code defined the teacher's professional obligations in relation to key stakeholders, and their task as elaborated in the teaching standards. This finding aligns with several studies (Campbell, 2000; 2008 Van Nuland,2009). Campbell study emphasized that teachers' codes should be constructed to align with the teacher's functions to include standards of what ethical teachers do. The TC code is more aligned with the teacher's contextual role and responsibility and was better placed to inform the ethical conduct of teachers. based on their complex role. This suggests that teachers' codes of ethics are should be structured and engrained in teacher practice.

The study indicates that contextual considerations inform the priorities or values, emphasised within code. The TC code of ethics takes cognisance of the history and the socio- political treaty of Te Tiriti O Waitangi partnership a national value to be upheld by teachers. This aligns with Saqipi, Asunta & Korpinen (2014) study which emphasised that a teacher's context - historical and cultural settings influence teaching, learning and professionalism. The TSC code lay more emphasis on the principle of integrity potentially to address a contextual challenge. This aligns with Van Nuland (2009) study which found that codes of ethics in developing countries were used as a measure to curb corruption in most developing countries. This suggests that codes of ethics are social constructions drawn from professional and national contexts to shape or influence ethical conduct and may not be universal across contexts.

### **Conclusion**

This paper provides some knowledge about the content of teachers' codes of ethics. It demonstrates that Teachers' codes of ethics are more likely to be amenable to ethical conduct if there is clarity of purpose, structured to include appropriate language and tone that endears its users towards ethical practice, is specific to the task , responsibility and practice of teaching and focusses on building teacher agency for ethical practice.

The study has limitations because it did not engage deeply with the two contexts, nor explore the effectiveness of the two codes of ethics. The findings are thus limited to the document analysis of two codes of ethics and cannot be generalized to other contexts. A comprehensive research is needed to determine how users engage with the content of codes of ethics in these contexts, and others to get a broader picture. However, the findings offer some important thought for conversations about the construction of codes particularly in non -western contexts.

The study findings have implications for teachers' codes of ethics and professional guidelines. Policy makers, teacher professionals, teacher unions, parents' associations in Kenya and education organizations need to explore ways of ensuring that the teachers codes of ethics communicate the ethical expectations in ways the build teacher agency for ethical practice with a goal of building an ethical culture. Codes of ethics should be aligned to the task of teaching and learning. Kenya can learn from the New Zealand case, which demonstrates how a subtle external control can effectively allow for teacher autonomy (through teacher led organizations) in defining and monitoring professional standards that inform their conduct and practice. More research and candid discussions are be needed to explore the feasibility of such an approach in both developed and developing contexts.

This study gives valuable insights about teacher codes of ethics in developed versus developing education contexts. It advances the literature on teacher professionalism and professional ethics codes by indicating that codes in non-western contexts are informed by Euro-western derived ethical frameworks and hardly incorporate need of cultural context. It proposes that teacher codes of

ethics should be aligned to the professional function or practical realities of teachers and should be constructed to elicit response, acceptance and commitment from its users. As teacher practice becomes globalised, more attention should be given to perspectives that inform the content of teachers' codes of ethics and ethical practice which should be incorporated in future scholarly debates.

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