



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$2.00

WINDHOEK - 6 February 2004

No.3144

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Government Notice

MINISTRY OF BASIC EDUCATION, SPORT AND CULTURE

No. 15

2004

AMENDMENT OF REGULATIONS MADE UNDER EDUCATION ACT, 2001

The Minister of Basic Education, Sport and Culture under section 80 read with section 73 of the Education Act, 2001 (Act No. 16 of 2001), in consultation with the Minister responsible for higher education, has made the regulations set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations the "Regulations" means the regulations made under section 80 of the Education Act, 2001 (Act No. 16 of 2001) and published under Government Notice No. 187 of October 2002.

Addition of Part VII to Regulations

2. The Regulations are amended by the addition of the following Part:

“PART VII

CODE OF CONDUCT FOR TEACHING SERVICE

Purpose of Code

- 63.** The Code of Conduct for Teaching Service has the following purposes -
- (a) to set the basic professional requirements and minimum standards of professional conduct for teachers;
 - (b) to guide the teaching profession in its quest to deliver a professional service; and
 - (c) to promote a sense of professionalism, accountability and responsibility among teachers to improve effective teaching and learning.

Objectives of Code

64. (1) The objectives of the Code of Conduct for the Teaching Service are that teachers are generally expected to -

- (a) establish a safe, disciplined and purposeful school environment dedicated to the improvement and maintenance of the quality of the learning and teaching process;
- (b) create a caring and nurturing environment for learners to enable them to develop into caring, honest and responsible adults;
- (c) act responsibly and in a clear and transparent manner, bearing in mind the responsibility they hold in their communities and in society;
- (d) be aware of the imbalances that exist in any teaching situation and vow to not use their position to override the best interests of their learners;
- (e) undertake to avoid using violence as a teaching and disciplinary tool;
- (f) execute their duty of care as imposed upon them by any Act, regulation or rule in the best interest of the learners; and
- (g) inform themselves about the diverse cultural backgrounds of the learners under their care, to respect and accommodate this diversity and to adapt their classroom approaches accordingly.

(2) The Teaching Service is committed to the general principles of public service delivery as contained in the Public Service Charter, namely:

STANDARDS

Setting, monitoring and publishing clear standards of service that individual members of the public can reasonably expect.

INFORMATION

Providing information about public services in a straightforward and open manner which is readily understandable.

COURTESY AND HELPFULNESS

Providing a courteous and helpful service which is run to suit the convenience of those entitled to the service: services being provided by public servants who can be identified readily, through wearing name badges, by their customers.

CONSULTATION AND CHOICE

Ensuring that there is regular consultation and communication with those who use the service and, having taken their views and priorities into account, providing a choice wherever possible.

ACCOUNTABILITY

Providing details of performance against targets and identifying who is responsible.

OPENNESS

Disclosing how public services are managed, and the cost and performance of specific services.

NON-DISCRIMINATION

Ensuring that services are available and applied equally to all.

QUALITY OF SERVICE

Publicising straightforward complaints procedures with independent reviews where possible. Providing, where errors have been made, an apology, full explanation and early correction of the error.

VALUE FOR MONEY

Providing efficient and economic public services within affordable resources.

(3) The Teaching Service commits itself to provide a basic education to all learners in Namibia that promotes -

- (a) functional literacy and language development;
- (b) functional numeracy and logical reasoning;
- (c) intellectual development;
- (d) emotional development;
- (e) physical development;
- (f) spiritual development;
- (g) social and cultural development;
- (h) political development;
- (i) national unity and international understanding;
- (j) civic responsibility;
- (k) vocational orientation and economic development; and
- (l) development of environmental awareness.

Professional conduct for teachers

65. (1) In this regulation -

“dress in an appropriate manner” means to be dressed neatly and decently, and in clothing suited to the task of teaching (e.g. not too revealing by being too low-cut, too short, too transparent in respect of female teachers, or too tight in respect of female and male teachers);

“ethical conduct or behaviour” means a conduct or behaviour based on or influenced by a system of principles and values and beliefs about right and wrong, good and bad;

“gender equality” means equal status of women and men and the roles of women and men as equal partners;

“moral standards” means the principles and values based on what the society believes are the right and acceptable ways of behaving;

“sexual abuse” means a behaviour by a teacher directed towards a learner that is likely to harm the learner and deprive her or him of a sense of physical or psychological safety, that includes -

- (a) all contact (e.g. touching, fondling, stroking);
- (b) non-contact (e.g. through gestures, sexually explicit pictures);
- (c) verbal or non-verbal (e.g. sexual comments, jokes) violent or non-violent, coerced and seduced sexual activities; and
- (d) love affairs and exploitative acts (e.g. use of gifts) between a teacher and a learner; and

“sexual harassment” means unwanted behaviour or advance of a sexual nature which may include physical acts of unsolicited and unwanted touching, verbal, non-verbal, written or electronic invitations, suggestive and obscene remarks or jokes by a teacher towards a learner.

(2) Teachers must maintain and adhere to the following minimum standards of professional conduct:

A. *TEACHER AND LEARNER*

A teacher, in relation to learners -

- (a) must take the place of parents when a learner is officially at school and when he or she participates in official school programmes and activities in and outside school;
- (b) must execute his or her teaching duties and assistance to learners within the framework of the policies of the Ministry regarding the Teaching Service;
- (c) must ensure that effective teaching and learning are developed and maintained to the maximum at school;
- (d) must respect the dignity and constitutional rights of every learner without prejudice, including the right to education, equality of culture, and the right to privacy;
- (e) must promote gender equality and refrain from any form of discrimination including on the basis of HIV/AIDS status or health reasons;
- (f) must promote acceptable moral standards and development among learners;
- (g) must promote a sense of responsibility among learners toward themselves, their school, peers and their community;
- (h) may not, in any form, humiliate or abuse a learner (i.e. physically, emotionally or psychologically);
- (i) may not administer corporal or any other degrading punishment upon a learner;
- (j) may not divulge information about a learner received in confidence or in the course of professional duties;

- (k) may not accept any form of payment for tutoring of a learner in any school subject without the necessary permission;
- (l) may not withhold a learner's progress report as a form of disciplinary measure or for non-payment of contribution to a school development fund;
- (m) may not abuse his or her position for financial, political or personal gain;
- (n) may not use language or behaviour that will undermine the confidence and respect of any learner;
- (o) may not become involved in any form of romance or sexual relations with a learner or sexual harassment or abuse of a learner; and
- (p) may not discriminate against any learner on the basis of physical or mental impairment or disability, but assist every learner to reach his or her full potential.

B. *TEACHER AND SCHOOL AUTHORITIES AND MINISTRY*

A teacher, in relation to school authorities such as school boards and learners' representative councils and the Ministry as employer, must -

- (a) recognise such authorities and the employer as partners;
- (b) acknowledge that such authorities and the employer have certain responsibilities and authority;
- (c) assist such authorities and serve the employer to the best of his or her ability;
- (d) fulfil his or her contractual obligations to the best of his or her ability to the employer until released by mutual consent or according to law;
- (e) act responsibly in relation to the execution of professional, organisational and administrative duties; and
- (f) refrain from discussing or disclosing confidential information which he or she has obtained in the course of his or her duties as a teacher.

C. *TEACHER AND PARENTS AND COMMUNITY*

A teacher, in relation to parents and a community, must -

- (a) recognise parents and the community at large as partners in education and promote good relationship with them;
- (b) create effective communication channels between the school, parents and the community;
- (c) keep parents adequately and timeously informed about the well being and progress of their children;
- (d) acknowledge and recognise that his or her school serves the community, and accept different customs, codes and beliefs within the community but simultaneously promote national reconciliation; and
- (e) inform and advise parents and the community on matters relating to HIV/AIDS and disability, and ministerial policies regarding HIV/AIDS and disability.

D. *TEACHER AND COLLEAGUES*

A teacher, in relation to colleagues -

- (a) must acknowledge the fact that his or her duties require cooperation with and the support of colleagues;
- (b) must promote the motto of cooperation, collaboration and consultation among colleagues on matters related to their teaching tasks;
- (c) must, as an administrator, provide opportunities for colleagues to express their opinion and bring forth suggestions regarding the administration of the school;
- (d) must respect the various responsibilities assigned to colleagues and the authority that arises thereof, to ensure the smooth running of the school;
- (e) may not undermine the confidence of parents, the community or learners in any colleague;
- (f) may not undermine the status, authority or confidence of any colleague;
- (g) may not criticise the professional competence or professional reputation of a colleague in public, but use proper procedures to report infringements of the law, sexual relations with a learner, any harassment or abuse of a learner, professional incompetence and misconduct by a colleague;
- (h) may not take, because of animosity or for personal advantage, any step to secure the dismissal of another teacher;
- (i) may not discriminate against a colleague on the basis of his or her health, disability or HIV/AIDS status; and
- (j) may not sexually harass, or in any way abuse, a colleague.

E. *TEACHER AND PROFESSION*

A teacher, in relation to the teaching profession, must -

- (a) take his or her task as an educator seriously;
- (b) act in a manner which maintains the honour and dignity of the profession inside and outside of school time;
- (c) accept that he or she has a professional obligation towards the continuous development of teaching as a profession and therefore should keep abreast of developments in education;
- (d) not engage in activities which may adversely affect the quality of the teacher's professional service;
- (e) acknowledge that his or her attitude, dedication, self-discipline, integrity, and training determine the quality of education;
- (f) dress in an appropriate manner for specific duties in order to enhance the image of the profession;
- (g) under no circumstance attend school activities whether during or after formal classes while under the influence of alcohol or any other drug;
- (h) uphold the professional conduct in order to enhance the image and status of the profession; and

- (i) take the necessary steps to contribute through the profession to the eradication of HIV/AIDS in the spirit of the National Policy on HIV/AIDS for the Education Sector.

F. *TEACHER AND LEARNING AND TEACHING ENVIRONMENT*

A teacher, in relation to a learning and teaching environment, must -

- (a) take reasonable steps to ensure and protect the safety of learners in schools and hostels;
- (b) ensure that schools and hostels become institutions that promote the well being and happiness of learners;
- (c) take pride and ownership in and responsibility for the school and hostel facilities entrusted to him or her;
- (d) foster a sense of pride and ownership in the school and hostel facilities amongst learners, parents and the community;
- (e) inculcate in learners knowledge of and respect for Namibian National Symbols and assets;
- (f) instil in learners from an early age the need to protect, preserve and conserve the environment.
- (3) A teacher who contravenes or fails to comply with any provision of the Code commits a misconduct and must be dealt with in terms of the Public Service Act.
- (4) Subject to subsection (3), a teacher who commits a misconduct, depending on the seriousness of the act or omission that constitutes a misconduct, may be given the necessary counseling and advice and opportunity to correct his or her behaviour.
- (5) A teacher charged with a criminal offence in a court of law, whether the matter is still pending, or he or she is found guilty or not guilty of such offence, may be charged with misconduct, if the offence constitutes a misconduct in terms of or under the Education Act or the Public Service Act.
- (6) A teacher who is aggrieved or dissatisfied with an official action, order or directive may follow the procedures provided for in Part III of Chapter J.I of the Public Service Staff Code.
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