



higher education
& training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

CODE OF CONDUCT

4.1

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1. INTRODUCTION

1.1 Acronyms

| ACRONYMS | DEFINITION |
|----------|--|
| CET | Community Education and Training |
| CETC | Community Education and Training College |
| CETA | Continuing Education and Training Act No. 16 of 2006, as amended |
| DHET | Department of Higher Education and Training |
| LRO | Labour Relations Office |
| TVETC | Technical and Vocational Education and Training College |

1.2 Glossary of Terms

| TERMS | DEFINITION |
|-----------------|---|
| CODE OF CONDUCT | DHET Code of Conduct |
| COLLEGE | A Public College including CET and TVET |
| COMPONENT | A part that makes up the Department at various levels- i.e. Head Office, Regional Offices and Colleges |
| CONSTITUTION | Constitution of the Republic of South Africa Act No. 108 of 1996 |
| DEPARTMENT | Department of Higher Education and Training consisting of Head Office, Regional Offices and College components |
| EMPLOYEE | A person appointed in terms of the Public Service Act, 1994 as amended, excluding an Independent Contractor, who works for another person or for the State and receives, or is entitled to receive remuneration |

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|-----------------|--|
| EMPLOYER | Department of Higher Education and Training |
| MINISTER | Minister of the Department of Higher Education and Training |
| PARENT | <ul style="list-style-type: none"> - Any natural parent or guardian of a student; - Any person legally entitled to custody of a student; and - Any person who undertakes to fulfil the obligations of a person referred to in the above two bullets towards the student's education at the DHET |
| STUDENT | A person who is enrolled and formally engages in learning at a College |

1.3 Introduction

The Employer recognises the need that exists to provide direction to employees with regard to their relationship with the legislature, political and executive office bearers, other employees, students and the public and to indicate the spirit in which employees should perform their duties. In addition, guidance is provided on what should be done to avoid conflict of interests and what is expected of employees in terms of their personal conduct in public and private life as public service employees.

1.4 Legislative Framework

- 1.4.1 Occupational Health and Safety Act No. 85 of 1993, as amended
- 1.4.2 Public Service Act No. 103 of 1994, as amended
- 1.4.3 Labour Relations Act No. 66 of 1995, as amended
- 1.4.4 Constitution of the Republic of South Africa Act No. 108 of 1996
- 1.4.5 Basic Conditions of Employment Act No. 75 of 1997, as amended
- 1.4.6 Employment Equity Act No. 55 of 1998, as amended
- 1.4.7 Employment of Educators Act No. 76 of 1998
- 1.4.8 Public Ethics Act No. 82 of 1998
- 1.4.9 South African Council for Educators No. 31 of 2000
- 1.4.10 Public Service Regulations 2016, as amended

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- 1.4.11 Continuing Education and Training Act No. 16 of 2006, as amended
- 1.4.12 DHET Delegations of Authority according to the Public Service Act 103 of 1994 and Public Service Regulations of 2016
- 1.4.13 DHET Labour Relations Manual

NB: Where this Code of Conduct and the Delegations of Authority of the DHET differ, the Delegations shall take precedence.

1.5 Purpose

The purpose of the Code of Conduct is to provide a comprehensive relevant guideline for regulating the expected standards of conduct by DHET employees. It serves to maintain discipline in the DHET and also ensures that the conduct of employees conform to the basic values and principles governing public administration and the norms and standards prescribed by the Public Service Act, as amended as well as by the South African Council for Educators. The Employer expects all its employees to be familiar with the Code of Conduct and reflect its contents in their daily conduct.

1.6 Objectives

- 1.6.1 To give guidance to the role of each employee and outline the principles, policies and laws which govern the activities of the Department and to which all employees and any other persons who represent the Employer in any capacity must adhere to.
- 1.6.2 To provide practical guidelines to all employees as to what is expected of them from an ethical point of view, both in their individual conduct and in their relationship with others.
- 1.6.3 To ensure compliance with the Public Service Regulations' Code of Conduct for the Public Service, which can be expected to enhance professionalism and help to ensure confidence in the Public Service. Also to ensure employees carry out their duties in an ethical, transparent, accountable and responsible manner.

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- 1.6.4 To provide standardised norms in the Department in order to ensure that all employees know and understand their responsibilities and functions in respect of their conduct and further the Department's core delivery of Teaching and Learning.
- 1.6.5 To ensure all employees are informed about the expected standard of conduct when delivering services to the communities they serve and are able to deal with all stakeholders with integrity and good judgment thereby creating confidence in the Department's services.

1.7 Principles

- 1.7.1 Transparency;
- 1.7.2 Honesty and Integrity;
- 1.7.3 Professionalism;
- 1.7.4 Ethical Conduct; and
- 1.7.5 Accountability.

1.8 Scope of Application

This Code of Conduct applies to all employees of the employer whether such employees are permanent, on fixed term contract, temporary or serving internship.

2. ROLE DEFINITION

The role of an employee is defined not only by the vision and mission statement of the Department, but also in conjunction with the prescripts of all relevant legislation which have a bearing on academic and support employees.

3. EMPLOYEE'S CODE OF CONDUCT

3.1 Employee, Legislature and the Components of the Department

An Employee:

- 3.1.1 is faithful to the Republic, honours the Constitution and abides thereby in the execution of his/her daily tasks;
- 3.1.2 puts the public interest first in the execution of his/her duties;
- 3.1.3 loyally executes the policies of the Government of the day in the performance of his/her official duties as contained in all statutory and other prescripts governing their role and function in the Department;
- 3.1.4 strives to be familiar with and abides by all statutory and other instructions applicable to his/her conduct and duties; and
- 3.1.5 co-operates with Public Institutions established under legislation and the Constitution in promoting the public interest.

3.2 Employee and the Student

An Employee:

- 3.2.1 respects the dignity, beliefs and constitutional rights of all students, which includes the right to privacy and confidentiality;
- 3.2.2 strives to enable students to develop a set of values consistent with the fundamental rights contained in the Constitution of South Africa;
- 3.2.3 acknowledges the uniqueness, individuality and specific needs of each student, guiding and encouraging each to realise his/her her potential;
- 3.2.4 exercises authority with compassion;
- 3.2.5 promotes gender equality;
- 3.2.6 avoids any form of humiliation and refrains from any form of abuse, whether physical or psychological;

- 3.2.7 refrains from improper physical contact with students and any form of sexual harassment (physical or otherwise);
- 3.2.8 refrains from any form of sexual relationship with any student at the college where they are employed;
- 3.2.9 always uses the appropriate language and behaviour in his/her interaction with students and ensures that his/her actions will elicit due and proper respect at all times;
- 3.2.10 is not negligent or indolent in the performance of his/her duties and always takes reasonable steps to ensure the safety of all students;
- 3.2.11 recognises where appropriate that students are partners in education;
- 3.2.12 does not abuse the position he/she holds for financial, political or personal gain;
- 3.2.13 refrains from conducting or participating in initiation practices at the Employer's premises; and
- 3.2.14 refrains from engaging in any other activities with students that could compromise their respect, dignity and credibility amongst students.

3.3 Lecturer and the Profession

A Lecturer:

- 3.3.1 acknowledges that the exercising of his/her professional duties occurs within a context requiring co-operation with and support of colleagues;
- 3.3.2 behaves in a way that enhances the dignity and status of the lecturing profession and that does not bring the profession into disrepute;
- 3.3.3 keeps abreast of educational trends and developments;
- 3.3.4 promotes the ongoing development of lecturing as a profession; and
- 3.3.5 accepts that he/she has a professional obligation towards the education and induction into the profession of new members of the teaching profession.

3.4 Employee and the Public

An Employee:

- 3.4.1 recognises that the Employer serves the community at large;
- 3.4.2 promotes the unity and well-being of students, colleagues and others and conducts him-/herself in a manner that does not show disrespect to the values, customs and norms of the community;
- 3.4.3 strives to serve all stakeholders in an unbiased and impartial manner in order to create confidence in the Employer;
- 3.4.4 puts the interest of the public first and co-operates with all stakeholders in the execution of his/her duties;
- 3.4.5 is polite, respectful, helpful and reasonably accessible in his/her dealings with the public, treating members of the public as customers who are entitled to receive a high standard of service from an employee of the Employer at all times;
- 3.4.6 has regard for the circumstances and concerns of the public and does not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language, in the making of decisions affecting them in his/her official duties;
- 3.4.7 recognises the public's right of access to information, excluding information that is specifically protected by law;
- 3.4.8 does not abuse his/her official position as the employee to promote or prejudice the interest of any political party or interest group; and
- 3.4.9 respects and protects every person's dignity and his/her rights as contained in the Constitution.

3.5 Employee and his/her Colleagues

An Employee:

- 3.5.1 executes all reasonable instructions by any person(s) officially assigned to give them and refrains from undermining the status and authority of all colleagues;
- 3.5.2 respects the various responsibilities assigned to colleagues and the authority that arises there from, to ensure the smooth running of the Department;
- 3.5.3 promotes gender equality, and refrains from sexual harassment (physical or otherwise) of his/her colleagues;
- 3.5.4 uses appropriate language and behaviour in his/her interactions with colleagues;
- 3.5.5 avoids any form of humiliation and refrains from any form of abuse (be it physical or otherwise) towards colleagues;
- 3.5.6 avoids favouring relatives and/or friends in work related activities and does not abuse his/her authority neither tries to influence other employees, nor is influenced to abuse his/her authority;
- 3.5.7 uses proper procedures to address issues of professional incompetence or misbehaviour;
- 3.5.8 is committed to the optimal development, motivation and utilisation of self and colleagues and to the promotion of sound labour and interpersonal relations;
- 3.5.9 is always fair, professional and equitable in all his/her dealings with colleagues, irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language; and
- 3.5.10 refrains from political party activities in the workplace.

3.6 Employee and the Employer

An Employee:

- 3.6.1 recognises the Employer as a partner in education;
- 3.6.2 knows and understands that certain responsibilities and authorities are vested in the Employer through legislation and serves his/her Employer to the best of his/her ability; and
- 3.6.3 refrains from discussing all confidential and official matters with unauthorised persons.

4. PERFORMANCE OF DUTIES

An Employee:

- 4.1 strives to achieve the objectives of the Employer cost effectively and in the best interest of the public;
- 4.2 seeks innovative ways to solve problems and is creative in thought and enhances effectiveness and efficiency within the context of the law, in the execution of his/her duties;
- 4.3 is punctual and executes his/her duties in a professional and competent manner;
- 4.4 will recuse him-/herself from any official action or decision making process which may result in improper personal gain and this should be correctly and properly declared by the employee;
- 4.5 accepts the responsibility to avail him-/herself of self-development and ongoing training throughout his/her career;
- 4.6 uses the Employer's funds, property and other resources effectively (as per intended planned objectives), efficiently and only for authorised official purposes in an honest and accountable manner;
- 4.7 promotes sound, efficient, effective, transparent and accountable administration in the execution of his/her duties at all times;
- 4.8 refrains from theft, bribery, fraud or any act of corruption;

- 4.9 should inform service providers that any gifts, sponsorships, lunch invites etc. should not form part of promotional campaigns within Government as it creates an impression of improper influencing decision makers;
- 4.10 reports to the appropriate authorities any theft, fraud, corruption, nepotism, maladministration and/or any other act which constitutes an offence, or which is prejudicial to the interest of the Employer;
- 4.11 refrains from any act of sexual assault on a student or other employees;
- 4.12 refrains from seriously assaulting a student or other employee;
- 4.13 gives honest and impartial advice based on all available relevant information, to higher authority when asked for assistance of this kind; and
- 4.14 honours the confidentiality of matters, documents and discussions classified or implied as being confidential or secret; and
- 4.15 protects any information of the employer that is access controlled by ensuring that such information is only accessed if permitted to do so.

5. PERSONAL CONDUCT AND PRIVATE INTERESTS

An Employee:

- 5.1 during official duties, dresses and behaves in a manner that enhances the reputation of the Employer and does not invite unnecessary attention from either students and/or fellow employees;
- 5.2 may not engage with media or its representatives in matters relating to the Employer or the institution of employment without obtaining prior approval from the Head of Department/Accounting Officer;
- 5.3 may not be found in illegal possession of an intoxicating, illegal or stupefying substance;
- 5.4 may not carry or keep firearms or other dangerous weapons on the Employer's premises;
- 5.5 may not refuse to obey security regulations;
- 5.6 does not willfully, intentionally or negligently damage or cause loss to the property of the Employer;
- 5.7 does not in the course of duty endanger his/her life or the lives of others by disregarding the set safety rules and regulations;

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- 5.8 acts responsibly as far as the use of alcoholic beverages or any other substance with an intoxicating effect is concerned;
- 5.9 does not use his/her official position to obtain private gifts or benefits for him-/herself during the performance of his/her duties nor does he/she accept any gift or benefit as these may be construed as bribes;
- 5.10 may not operate any money-lending scheme for employees or students for his/her her own benefit during working hours or from the Employer's premises;
- 5.11 in the execution of his/her duties does not perform poorly or inadequately for reasons other than incapacity;
- 5.12 does not use or disclose any official information for personal gain or the gain of others; and
- 5.13 does not without approval, undertake remunerative work outside his/her official duties or use the Employer's equipment, property and/or resources for such work.

6. EMPLOYEES AS CANDIDATES FOR ELECTION AS MEMBERS OF NATIONAL ASSEMBLY, PROVINCIAL LEGISLATURE OR MUNICIPAL COUNCIL

- 6.1 An employee who is issued with a certificate in terms of Section 31(3) of the Electoral Act, 1998 (Act No. 73 of 1998), stating that he/she is a candidate in an election, shall, not later than the next working day, inform their Employer in writing thereof and submit a copy of the certificate.
- 6.2 The employee shall be deemed to be on annual leave from the date following the date the certificate is issued until, he/she is ...
 - 6.2.1 elected and accepts election, the date immediately before the date he/she assumes office;
 - 6.2.2 elected, but declines election, the date that he/she declines election; and
 - 6.2.3 not elected, the date of the designation of representatives in terms of item 16 to Schedule 1A to the Electoral Act, 1998.
- 6.3 If the employee has insufficient annual leave, they shall be deemed to be on unpaid leave for the period in question.

7. CONTRAVENTION OF THE CODE

Contravention of this Code constitutes a misconduct and consequently shall be dealt with, in terms of the disciplinary procedures applicable to DHET employees contained in the DHET Labour Relations Manual.

8. MONITORING OF THE CODE OF CONDUCT

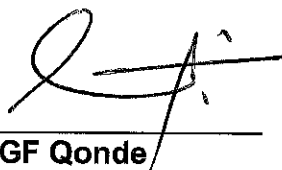
This Code of Conduct shall be monitored by the Directorate responsible for HRM.

9. REVIEW OF THE CODE OF CONDUCT

The Code of Conduct shall be reviewed after every three years, unless changes in Legislation and Ministerial Directives dictate otherwise.

10. APPROVAL OF THE CODE OF CONDUCT

Signed at Pretoria on this 12 day of MAY 20 19



Mr GF Qonde
Director-General: Department of Higher Education and Training