



# CODE OF ETHICS



National Council for Higher Education (NCHE)

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# CODE OF ETHICS

## 1. BACKGROUND

- 1.1 The National Council for Higher Education (NCHE) is a statutory body established by an Act of Parliament, Act No. 26 of 2003, to advise the Minister of Education on issues related to higher education.
- 1.2 Its members are drawn from various constituencies on account of their expertise and knowledge in educational matters.

## 2. INTRODUCTION

- 2.1 The Code of Ethics ("the Code") is subject to the laws of Namibia and any national policy promoting good governance and transparency.
- 2.2 The Code is designed to promote honest, truthful and ethical business conduct and to foster compliance with the letter and spirit of all applicable laws, regulations and standing rules by the Council and employees of the NCHE Secretariat.
- 2.3 Council members and employees of the NCHE Secretariat shall at all times comply with the NCHE values when conducting business and in their dealings with stakeholders.

### 3. CORE VALUES

The NCHE core values are:

- Integrity
- Professionalism
- Accountability
- Justice
- Commitment
- Teamwork

### 4. GENERAL ETHICAL PRINCIPLES AND STANDARDS

- 4.1 Employees must serve the NCHE diligently and to the best of their abilities and must apply their full attention and energy to the service of the NCHE.
- 4.2 Employees and Council members are expected to put the interest of the NCHE before personal interests when acting in an official capacity.
- 4.3 Employees must conform to, obey and abide by any rule or regulation of the NCHE, which may be in force from time to time, as well as obey the orders and directives of any duly authorized person.
- 4.4 Dealings with the NCHE's customers, suppliers, competitors and employees shall be undertaken in a manner that is completely honest and that does not take unfair advantage of any person through manipulation of material facts and not to offer or accept any improper inducements or otherwise attempt to make or influence any decision improperly.
- 4.5 Procurement of material, supplies and services for the NCHE shall be accomplished in a manner that obtains the best value for the NCHE, while considering only merits such as quality, performance and price.



No attempt should be made to influence or effect purchase or sales decisions improperly.

- 4.6 Solicitation of gifts in any manner or kind is improper and in conflict with the Code.

## **5. CONFIDENTIALITY**

- 5.1 Employees shall treat all information concerning the NCHE's business and financial affairs which is proprietary or otherwise not generally revealed to third parties as confidential.
- 5.2 Council members and employees shall not use for their own benefit or for the benefit of any other person, divulge or communicate to any person(s) any of the NCHE's and/or its partners' confidential information.
- 5.3 Confidential information includes, but not limited to information, data and analyses concerning the NCHE's business affairs, processes, strategies, employees, computer materials, and the NCHE's financial and operating plans and practices. Every precaution should be taken to preserve the confidentiality of all such information, data and analysis unless and until specifically released in writing by senior management for general publication or otherwise made public by the NCHE.

## **6. CONFLICT OF INTEREST**

- 6.1 Employees shall perform their work conscientiously, honestly and according to the best interest of the general public and the NCHE.
- 6.2 Council members and employees may not participate in the deliberations or vote on any matter which is the subject of consideration at a meeting of the NCHE if in

relation to such matter, such member has any interest, whether direct or indirect, which may preclude such member from performing the functions of a member in a fair, unbiased and proper manner.

- 6.3 If at any stage, prior to a meeting of the NCHE, it appears to a member that he or she has or may have a direct or indirect interest in any matter to be discussed at such meeting, such member must fully disclose the nature of his or her interest at such meeting before the NCHE proceeds with the dispatch of any of its business.
- 6.4 If at any stage, during a meeting of the NCHE, it appears to a member that he or she has or may have a direct or indirect interest in a matter to be discussed, or under discussion, by the NCHE, such member must forthwith fully disclose the nature of such interest, and leave the meeting so as to enable the remaining members to discuss such disclosure and determine whether the member is precluded from participating in such meeting by reason of a conflict of interest.
- 6.5 If a member reasonably believes that a potential conflict exists between another member and a point at issue he / she shall bring it promptly to the attention of the Chairperson of the meeting. The meeting shall then consider the issue and may request the member to recuse him /herself from the deliberations on the point at issue.
- 6.6 A disclosure in accordance with paragraph 6.4 by a member at a meeting, and the decision taken at that meeting by the members in connection therewith, must be recorded in the minutes of the meeting.

## **7. EMPLOYMENT AND DIRECTORSHIPS OUTSIDE THE NCHE**

- 7.1 The NCHE encourages employees' involvement and participation in professional organizations, panels, advisory bodies, religious, educational, government, charitable and business activities, as well as serving on other governing boards.
- 7.2 Full-time employees are therefore permitted to engage in such outside opportunities subject to the following:
  - 7.2.1 Employees may not directly or indirectly engage (either personally or through a firm in which they have a substantial interest) in any consultancy, part-time employment or business activity during working hours.
  - 7.2.2 Such activities shall not involve obligations, interest or distraction which can or will interfere with the employees' independent exercise of decisions or discretion in the NCHE of the employees' best efforts and contribution to effectively satisfy their primary responsibilities to the NCHE.
  - 7.2.3 Such activities shall not be advanced by using assets of the NCHE, such as supplies, computers, telecommunications equipment and copiers.
- 7.3 Before contemplating outside employment or consulting activities employees should declare the intention to and seek approval from the Executive Director.
- 7.4 Employees who hold or have been invited to hold directorships shall take particular care and skill to ensure compliance with the provisions of the Code. When outside business or institutional directorships are being considered, prior approval shall be obtained from the Executive Director.

- 7.5 Employees appointed by the NCHE to represent the NCHE as directors on boards shall be regarded as being on duty when partaking in these activities.
- 7.6 Employees appointed by the Government to serve as directors on boards of public institutions, state-owned enterprises or commissions shall be allowed to participate in such activities with permission of the Executive Director. The Executive Director shall however, not unfairly withhold such permission.
- 7.7 Leave provisions for employees holding directorship or trusteeship positions of charitable institutions (e.g. Red Cross, Chamber of Commerce, Council of Churches, etc.) shall be as determined from time to time by the Executive Director.
- 7.8 Employees holding private directorships in companies will be required to take vacation leave when partaking in the activities of these institutions.

#### **8. GIFTS, FAVOURS AND HOSPITALITY OFFERS**

- 8.1 The NCHE accepts as normal practice in the business world that gifts are given and received for people in business to entertain one another.
- 8.2 The NCHE is also aware that conflict of interest could arise where an employee is offered gifts, hospitality or other favours, which can be perceived to influence their decision or discretion in relation to business activities, such as contracts, purchase orders, account payments, etc.
- 8.3 Therefore, it is also a sound business practice to discourage personal gifts and favours from people with whom the NCHE has a business relationship so as to avoid conflict of personal interest and to ensure that employees exercise due care and diligence at all times when accepting gifts.

- 8.4 Thus, as a matter of policy, acceptance of the following will normally not be considered contrary to the Code, provided that it does not induce an employee to provide a favour or prejudice the NCHE or its customers:
- 8.4.1 Promotional items of limited commercial value.
  - 8.4.2 Gifts, favours or hospitality offers of commercial value limited to N\$250.00 per individual item at a given time.
  - 8.4.3 Occasional business entertainment, such as lunches, cocktail parties and dinners.
  - 8.4.4 Occasional personal hospitality, such as tickets for local sporting, music or theatre events.
  - 8.5 All gifts and favours exceeding the value specified above must be declared to the Executive Director. The Accountant shall keep a central Gift Register in which all such gifts and favours with the value exceeding N\$250.00 are recorded.
  - 8.6 Employees involved in the awarding or administration of contracts are prohibited from soliciting or accepting gratuities, favours or anything of monetary value from contractors or potential contractors.

## **9. UTILIZATION OF COMPANY PROPERTY**

- 9.1 It is the duty of all employees who use the NCHE assets or resources to ensure that sufficient and proper records are kept to materially and fairly reflect the transactions and business performance in an accurate and timely manner.
- 9.2 Unrecorded or undisclosed revenues, expenses, assets or liabilities are not allowed or permitted. Failure to record and reflect the aforementioned is in direct contravention of the Code as it jeopardizes



the accurate, material and fair reporting on business performance as required by the law.

9.3 Misuse of the NCHE assets constitutes a major contravention of the Code.

9.4 Any employee found to be engaging in, or attempting theft of any property of the NCHE, including documents, equipment, intellectual property and personal property of other employees will be subject to disciplinary action and possible criminal prosecution. All employees have a responsibility to report any theft or attempted theft to the NCHE's management.

9.5 It is recognized that damage to the NCHE property may occur from time to time. Such damage may be intentional or unintentional. In the event of damage to the NCHE property occurring, the employee causing such damage, or any individual noticing such damage, shall bring it to the attention of the immediate supervisor.

9.6 An enquiry shall be constituted by the immediate supervisor within a reasonable time. The enquiry will assess and determine whether such damage was intentional or unintentional. Should it be proven that the damage was intentional, appropriate disciplinary action will be instituted.

#### **10. UTILIZATION OF THE NCHE'S NETWORK, COMPUTERS, INTERNET AND E-MAIL FACILITIES**

10.1 The NCHE expects all employees to use electronic facilities (computers, e-mail, internet, etc.) in a responsible manner and in compliance with the NCHE ICT Policy. Thus, the NCHE:

10.1.1 Reserves the right to place limited restrictions on the use of its computers and network systems by any employee.

10.1.2 Reserves the right to remove or limit access to materials posted on NCHE owned computers, when NCHE policies or contractual obligations are violated.

10.1.3 Therefore an employee shall not-

- (i) download or post to NCHE computers or transport across NCHE networks materials that are illegal, proprietary, in violation of NCHE contractual agreements or otherwise damaging to the NCHE;
- (ii) transmit or store commercial or personal advertisements, solicitations, promotions, destructive programmes (viruses), or any unauthorized materials;
- (iii) send repeated and unwanted communications by electronic mail that is pornographic, motivated by race, ethnicity, religion or gender;
- (iv) install any illegal software on his/her computer.

10.2 Employees are responsible for the safekeeping of their user login-accounts and passwords, and will be responsible for all transactions made by using their login-accounts. Under no circumstances, not even temporarily, should an employee give his/her login account and password to any other person.

## **11. POLITICAL ACTIVITIES**

11.1 The NCHE Secretariat employees, like all citizens of Namibia, have a constitutionally guaranteed right to participate in peaceful political activities.

- 11.2 Any NCHE Secretariat employee has the right to partake in political activities subject to the following:
  - 11.2.1 Attendance of public meetings and discussions of political issues must be done outside normal working hours.
  - 11.2.2 An employee may not conduct party politics on the NCHE premises or use NCHE resources to promote specific politically oriented aims. NCHE vehicles should not in any way, be associated with the activities of any political party.
  - 11.2.3 An employee may not wear any emblem of a political party or display any political material during normal working hours.
  - 11.2.4 An employee shall not be entitled to special leave while attending to political activities.
- 11.3 The Council may consent that an NCHE Secretariat employee accept a nomination to serve as a member of a local authority, or any other similar body, provided that in the event of a question arising between the NCHE and the said authority, the employee concerned may not take part in any discussions or vote on that question.
- 11.4 NCHE Secretariat employees, who have been nominated as candidates for election to the National Assembly, National Council or Regional Council and wish to do political campaigning, should go on vacation leave until after the election. If the nominated employee has been elected as a member of the National Assembly, National Council or Regional Council, such employee shall be deemed to have automatically resigned with effect from the date on which he/she has been elected.

## **12. MEDIA RELATIONS**

- 12.1 The Executive Director is the authorised spokesperson of the NCHE.
- 12.2 All employees approached by the media to express a view or make a statement on the NCHE needs to refer the matter to the Executive Director or his duly authorised representative.

## **13. COMPLIANCE WITH THE LAW**

- 13.1 All NCHE Secretariat employees shall comply fully with all applicable laws and regulations and shall ensure that their conduct shall not be interpreted as being in any way contravening the applicable laws and regulations, which govern the day-to-day business of the NCHE.
- 13.2 The NCHE shall maintain firm compliance with the applicable laws and regulations of Namibia. Contravention thereof shall not be condoned and shall be treated in the appropriate manner.

## **14. BRIBERY AND CORRUPTION**

- 14.1 No employee shall engage in the practice of making improper payments to any person or organisation for the purpose of obtaining or retaining business or for any other inappropriate purpose.
- 14.2 No employee shall, in violation of any law, offer or make, directly or indirectly through any person or firm, any payment or anything of value to:
  - 14.2.1 Any person or firm employed by or acting for or on behalf of any customer, whether private or governmental, for the purpose of inducing or



rewarding favourable action by the customer in any commercial transaction; or

- 14.2.2 Any person or firm employed by or acting for or on behalf of any governmental agency for the purpose of inducing any or rewarding any action or the withholding of any action by such agency in any governmental matter.
- 14.3 All agreements with consultants, agents or representatives shall be in writing, and payments there under shall be made by cheque or in any other manner consistent with internal auditing procedures.
- 14.4 The NCHE shall only enter into contracts for services and supplies with registered business entities, unless prior authorization is obtained from the NCHE Council.

#### 15. IMPLEMENTATION OF THE CODE

- 15.1 The Code and its Appendixes shall form part of the Employment Contract of all employees and responsibility for compliance with the Code rests with all employees and their respective supervisors. The responsibility to communicate the requirements of the Code to employees rests with the Human Resources Section.
- 15.2 All employees are expected to review the Code and sign **Appendix A** hereto. This shall be kept in the employee's personal file, with a copy furnished to each signatory. The Human Resources Officer shall obtain a signed confirmation from each employee.
- 15.3 All employees are expected to complete **Appendix B** hereto on appointment and to review and update it annually. This shall be kept in the employee's personal

file and the Human Resources Officer shall ensure that it is completed on appointment and updated annually.

- 15.4 Before each Council or Committee meeting the members present shall sign **Appendix C** and adhere to the confidentiality and conflict of interest provisions contained therein.
- 15.5 Each employee shall report all actual or potential violations of applicable laws and the Code to his/her immediate supervisor. To the fullest extent possible, the identity of an employee making a report shall be kept confidential. Reports of all violations will be investigated by the NCHE to the extent warranted by the circumstances.
- 15.6 Supervisors are strictly prohibited from retaliating against any employee who makes a good faith report of any actual or potential violation of any applicable law or the Code. Any such retaliatory action will be subject to disciplinary action. In addition, supervisors will be subject to disciplinary action for violation of any applicable law or the Code by a subordinate employee to the extent that such violation results from inadequate supervision or a lack of diligence on the part of the supervisor.
- 15.7 Violation of any applicable law or the standards contained in the Code will result in disciplinary action, which may include termination of employment, criminal prosecution and reimbursement to the NCHE for any losses arising out of the violation.

**APPENDIX A**

**CONFIRMATION - CODE OF ETHICS (EMPLOYEES)**

I, ..... ,  
hereby confirm that I have received my personal copy of the NCHE  
Code of Ethics. I also confirm that I have familiarized myself with  
the contents thereof and that I fully understand it and agree with  
its provisions.

I acknowledge that the Code forms part of my Terms and Conditions  
of Employment and I undertake to uphold the Code of Ethics and  
that it is binding on my conscience.

NAME	
POSITION	
DATE OF ASSUMPTION OF DUTY	
SIGNATURE	
DATE	

**APPENDIX B**

**DECLARATION OF OUTSIDE INTEREST (EMPLOYEES)**

I, .....  
hereby declare that I have the following interests or perform the following  
work for remuneration/no remuneration outside my official duties at NCHE.

**Outside work (with details regarding nature of work, hours per month  
required and remuneration received, if applicable):**

.....  
.....  
.....

**Is outside work done involving companies/organizations doing business  
with NCHE? (specify details regarding nature of company/organization,  
its involvement with NCHE, nature of interest or remuneration  
received):**

.....  
.....  
.....

**I understand that, should NCHE regard any of the above outside  
interest(s) unacceptable, I may be required to relinquish it. It is further  
understood that a false statement or omission to report outside  
interests may render me liable to disciplinary measures. I undertake to  
inform NCHE forthwith should any change occur in my outside activities:**

**SIGNATURE:** ..... **DATE:** .....

**APPROVED/NOT APPROVED AND COMMENTS BY EXECUTIVE DIRECTOR:**

.....  
.....

**SIGNATURE:** ..... **DATE:** .....



**APPENDIX C**  
**ATTENDANCE REGISTER, CONFIDENTIALITY**  
**COMMITMENT AND CONFLICT OF INTEREST**  
**PROCEDURES**

We, the undersigned agree that proceedings at this meeting are confidential, unless otherwise directed by the Chairperson. Thus, all documents identified as confidential and received by a member, or anyone else, for the purposes of a meeting or other deliberations are confidential.

The information received by a member or any other person authorised to attend NCHE meetings shall not be used, directly or indirectly, for personal gain by the members or other persons.

The members shall avoid conflict of interests between themselves and their responsibility towards the NCHE during the meeting and shall solely focus on the mandate, objectives and values of the NCHE in their deliberations. A member who reasonably expects that a conflict of interests situation might arise, shall promptly disclose such a situation to the Chairperson of the meeting and recuse her/himself from the deliberations of the point at issue. If a member reasonably believes that a potential conflict exists between a member and a point at issue he / she shall bring it promptly to the attention of the Chairperson of the meeting. The meeting shall then consider the issue and may request the member to recuse him / her from the deliberations on the point at issue.

Name	Position	Signature



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