

2019

REVISED DISCIPLINARY POLICY AND PROCEDURES
MANUAL FOR MEMBERS OF THE TEACHING
SERVICE



TEACHING SERVICE COMMISSION

Revised Edition

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Teaching Services Commission

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Acronyms or Abbreviations

PEB	Provincial Education Board
BEB	Bougainville Education Board
NEB	National Education Board
NCDEB	National Capital District Education Board
TSC	Teaching Service Commission
NDOE	National Department of Education
DPPM	Disciplinary Policy and Procedures Manual
PNGTA	Papua New Guinea Teachers' Association
TS Act	Teaching Service Act 1988
TDPPM	Teacher Disciplinary Policy and Procedures Manual

Chairman's Message:



The qualities of professionalism, integrity, loyalty, honesty and self-discipline are essential elements of a teacher's position in the community. A teacher's educational accountability extends beyond the curriculum to that of a role model to students and the community in which they perform their duties.

Teacher's professional behavior is a critical component for improving the quality of education. Any inappropriate behavior by a teacher either within the classroom, school or the community severely compromises this professionalism and places student's learning at risk and also taints a bad image on the Teaching Profession.

The TSC wishes to help good teachers become great teachers who deliver a quality education to the children of our nation. This policy serves to assist our aspirations and to maintain the integrity and professionalism of all teachers.

All teachers must comply with the laws of the Independent State of Papua New Guinea which include, but are not limited to, the Teaching Service Act, Regulations and Determinations, the Education Act, Regulations and Secretary's Circulars, the Lukautim Pikinini Act, and the PNG Criminal Code.

The revised Teacher Disciplinary Policy & Procedures is designed to uphold the professional standards of teacher behavior and to provide a process to ensure any breach of this policy is managed in a structured and consistent way.

Any breach of TSC Disciplinary Policy & Procedures will be addressed within this policy and procedures as minor, serious or criminal offences. Failure to report or take action on any breach of policy, by the head teacher or delegated authority, is in itself a disciplinary offence.

Where a minor offence under this policy occurs, formal performance management and coaching to improve behavior can be the first intervention. This does not include repeated instances of minor breaches such as unauthorized absences or poor punctuality. Repeated instances of minor offences should be treated as a serious offence.

The Teaching Service Commission recognizes various church agencies in the country which have been co-partners in providing quality teaching and learning. These agencies also have a duty to play in developing a teacher's professional behavior.

The Teaching Service Commission is committed to ensuring teachers maximize their time in the classroom and are not encumbered by the minority who compromise this valued profession. It is the responsibility of all Teaching Service Commission staff members to ensure teachers, students and the wider communities have an awareness, understanding 5 Disciplinary Policy & Procedures Manual for members of the Teaching Service - 2019 and access to this Policy and Procedures document.

A handwritten signature in blue ink that reads "Baran Sori".

BARAN SORI
Chairman
Teaching Service Commission

Introduction

The Teaching Service Commission (TSC) is a statutory organization within the Ministry of Education. It is established by Section 2 of the Teaching Service Act 1988 and is directly responsible for all the members of the Teaching Service in the country on behalf of the State. The TSC's main function, among others is to determine the terms and conditions for employment of the teachers in the Teaching Service. The Provincial Education Boards, the National Education Board, Bougainville Education Board and the National Capital District Education Board apply the terms and conditions to the teachers in their respective jurisdictions. The TSC has authority under Section 9 (3), Section 89 and Section 151 of the TS Act to develop Disciplinary Policy and Procedures for members of the teaching service.

Since the inception of the TS Act, TSC has regulated the operation of the teaching profession, teacher employment, teacher discipline and remuneration. The TSC has always strived for higher professional standards for teachers with the aim of improving teaching and learning in schools.

Over the years, TSC and the teaching profession has had to change with the expansion of the education sector. Such changes include a growth in population resulting in an increase in the student and teacher populations. The TSC wants to acknowledge its member's service and commitment to education reform and education for all.

Teacher professional behaviour is a critical issue in improving the quality of education. The Teaching Service Commission, schools and communities have occasionally experienced inappropriate or unprofessional behaviour from teachers. This puts the student's learning at risk and demeans the integrity of the Teaching Profession and must be dealt with effectively.

As a result of these concerns the TSC has decided to help schools minimize inappropriate teacher behaviour by introducing a Disciplinary Policy and Procedures document for teachers, head teachers, national, provincial and district officers.

The main aim of the Policy and Procedures is to improve the professional conduct of teachers through a more effective teacher disciplinary process.

The TSC asks all members to read this document and ensure they understand the implications of the document for their career and behaviour. As the employer of all teachers, the TSC looks forward to working with teachers for the betterment of education for all children and the teacher's professional well-being.

Statement of values

The teaching profession values respect and justice. Teachers who respect themselves, their co-workers, their students and the community will show their respect by loyalty, commitment, professionalism and collaborative hard work.

Teachers should take pride in their profession and uphold these values in the education of our children.

Purpose of the Policy and Procedures

The purpose of the TSC Disciplinary Policy and Procedures is to improve and strengthen the effectiveness and efficiency of the teacher disciplinary processes in the Teaching Service.

Where teachers do not uphold the values of their profession or fail to fulfill their work responsibilities the TSC Disciplinary Policy and Procedures provides the process for addressing their behaviour.

This Policy and Procedures ensure that disciplinary matters are managed correctly and are in accordance with the Teaching Service Act, 1988 (Consolidated 2005) and any other laws relating to the Teaching Service.

Background to the Policy and Procedures

A review of the TSC disciplinary processes took place in 2006 and draft documents were written. In May 2009 a stakeholder workshop examined the key constraints to effective teacher discipline processes and made suggestions for improving the draft Policy and Procedures.

A TS Act Steering Committee was formed with representation from TSC, PNG Teachers Association (PNGTA), the Department of Education (DoE), church agencies and technical advisers. Building on the feedback from the stakeholders this Committee reviewed and amended the Policy and Procedures.

The HR Manual

The TSC Disciplinary Policy and Procedures are designed to build upon and complement the existing HR Policy Information and Operations Manual. The Policy and Procedures can be added to the folder.

Every school and all education officers should have a copy of the HR Manual. All teachers should have access to both the HR Manual, their performance based duty statement, PNGTA Code of Ethics and this Disciplinary Policy and Procedures (DPP).

Legal and policy framework

The DPP has been developed to be consistent with existing laws and TSC Circulars.

- The Constitution
- Organic Law on Provincial and Local Level Governments
- Teaching Service Act
- Teaching Service (Auxiliary Members) Act
- Teaching Service Regulation 1994
- Education Act
- Criminal Code Act (1974)
- Criminal Code Sexual Offences (Crimes Against Children) Act (2002)
- Summary Offences Act
- Current Industrial Relations legislation
- Lukautim Pikinini Act
- HIV/AIDS Management and Prevention Act (2003)
- TSC Circular No: 1/95
- TSC Instruction No: 1/90
- TSC Direction No: 1/83
- TSC Direction No: 1/82
- PNGTA Code of Ethics 2004

Key definitions

Authorized Person	A person appointed by the TSC in the National Education Gazette who receives, documents and investigates complaints, lays disciplinary charges, writes disciplinary reports and can suspend teachers.
Adviser	<p>The head of the division of education in the Provinces (including the Secretary for Education in Bougainville, Executive Manager, Education Director, and Assistant Secretary - NCD). They can be also referred to as the Provincial Education Advisers or Principal Education Advisers (PEAs)</p> <p>Note: In the TS Act 1988 this role is called an Assistant Secretary</p>
Charging Officer	Same as the Authorized Person
Criminal Offence	Described in the TS Act as an offence which has a prison sentence exceeding two years
Departmental Head	In provinces this is the Provincial Administrator. For national institutions this is the Secretary of Education
Disciplinary Committee	The Provincial Education Board Disciplinary Committee, National Education Board Disciplinary Committee The Provincial Education Board Disciplinary Committee, National Education Board Disciplinary Committee and the TSC Disciplinary Committee
Dismissal	Termination of employment as a teacher
Governing body	This includes Boards of Management, Boards of Governors and Governing Councils
Minor Disciplinary Offence	Where an Authorized Person determines that the nature of a disciplinary offence is not a serious breach of the TS Act. (See Section 84 TS Act)
Serious Disciplinary Offence	Where an Authorized Person has reason to believe that a teacher has committed an offence that cannot be dealt with as a minor offence. (See Section 85 TS Act)
Teacher	All registered teachers employed by TSC including teachers with full or provisional registration, head teachers, teachers-in-charge, subject coordinators, principals and managers

Roles and responsibilities in teacher discipline

The roles and responsibilities of teachers

Teachers have a responsibility to uphold the status of their profession in the schools and communities they serve.

Teachers are expected to comply with all regulations governing their employment, including:

- Constitution
- Criminal Code Act
- Summary Offences Act
- TS Act
- Education Act
- HR Policy Information and Operations Manual
- PNGTA Code of Ethics
- Teacher's Duty Statements
- HIV/AIDS Policy for the National Education System
- Gender Equity In Education Policy
- Lukautim Pikinini Act (child protection)
- TSC Policies
- TSC Determinations
- Education Policies

Teachers must maintain professional standards of behaviour and ethics at all times. They also have a duty to report unprofessional behaviour and breaches of these regulations.

The most important responsibility for all teachers is the education and welfare of the students in their care. Teachers should promote a safe, healthy, respectful and student centred learning environment. If a teacher physically abuses or has a sexual relationship with a student of the school it is a serious criminal offence and must be reported immediately to the police and an Authorized Person.

The roles and responsibilities of head teachers, principals, College Directors and managers

The effective management of the school is the responsibility of the head teacher (or principal or manager). Effective management includes processes for addressing the professional and unprofessional behaviour of teachers.

Head teachers must work with the school governing body and the staff to maintain teacher discipline. They should ensure all teachers, governing body members, parents and students know and have access to the TSC DPP and the PNGTA Code of Ethics. Minor offences should be dealt with at the school level using a range of strategies for improving teacher's professional behaviour.

Head teachers have a duty to immediately report serious or repeated breaches of the regulations or complaints about a teacher's behaviour to an Authorized Person. They must also support any investigation by the Authorized Person at their school.

Failure to report a serious offence is in itself a serious breach of the TS Act and may be a criminal offence. Hence, persons who failed to report the commission of the offence will be liable for disciplinary actions.

Where a criminal offence such as the rape of a student is alleged, the head teacher must also immediately report the allegation to the police.

The roles and responsibilities of students

Students have the right to a safe, healthy and effective learning environment. Where students experience or observe teachers behaving unprofessionally they have the right to make a complaint.

Students should complain about any misbehavior of a teacher to their parents, a trusted person within their community, their Student Representative Council, another teacher, the head teacher, the school governing body or an Authorized Person.

A school has the duty to protect the rights of students to make a complaint about a teacher and ensure complaints are taken seriously. Teachers should ensure the confidentiality and welfare of those students who choose to make a complaint. Failure to do so will be deemed to be a breach of the Teaching Service Act and possible disciplinary actions may be taken against the teacher guilty of the breach.

The roles and responsibilities of parents and the community

Parents and community members should expect the highest professional standards from teachers entrusted with their children's education and welfare.

If their trust is breached because of the poor behaviour of a teacher, the parents and community members have the right and duty to report their complaint to the school governing body, head teacher or district or provincial education officers.

Parents and community members should ensure they have information to support their complaint. They are entitled to a copy of the complaint report and must be informed of the outcome of any investigation.

Where a criminal offence has been committed by a teacher, the parents and community members could immediately report the complaint to the education authorities or to the Police if it is a criminal offence as well as to the people listed above. Teachers who have a sexual relationship with a student should always be reported to the police and the school.

The roles and responsibilities of the governing body

It is the duty of the school's governing body to see that the working environment for the teachers and students supports teaching and learning.

The governing body has the responsibility to understand the TS Act and the DPP and to know who the local Authorized Persons are for charging teachers. They should ensure that parents and students know their rights in regard to teacher discipline.

If a complaint against a teacher or head teacher is received, the governing body shall immediately write an acknowledgement of the complaint and ensure the complaint is sent to the Authorized Person.

Where able to assist, the governing body can support the investigation of the complaint.

Where a criminal offence is alleged the governing body must also immediately report the allegation to the police.

Roles and responsibilities of the members charged and suspended

The member charged has a responsibility to familiarize him or herself with the teaching service disciplinary policy and procedures manual.

The member who has been charged is required to respond to the charges in writing by addressing it to the charging officer within seven (7) days of receiving the charges.

The member who has been suspended has a duty to comply with any terms and conditions provided under the Notice of Suspension.

The roles and responsibilities of Inspectors and guidance officers

Inspectors and guidance officers have the duty to report allegations of breaches of the TS Act and DPP to the appropriate Authorized Person.

Where a teacher is alleged to have committed a criminal offence the standards and guidance officer has a professional responsibility to report the allegation to the police.

The roles and responsibilities of the Authorized Person

The Authorized Person has and may exercise all the powers (except those of appeals and extension of suspension) of the TSC in regards to teacher discipline. Their authority is delegated to them by the TSC.

They have the responsibility to ensure complaints about breaches of the TS Act are investigated and dealt with in accordance to these Policy and Procedures.

If the Authorized Person has a conflict of interest in relation to the complaint they should immediately hand the case to another Authorized Person.

In exercising his or her delegated powers to charge a member, the authorized person must make sure whoever serves the charges to the member charged must clearly explain the charges or suspension conditions at the time of serving.

It is the responsibility of the charging officer or whoever is serving the charges or suspension notices to explain to the member charged that his charges or suspension does not mean that he or she is guilty of the offence.

The charging officer or the serving officer must make sure that when serving the charges or suspension notices, he or she must not conduct himself or herself in a manner that will cause the member to be aggressive.

If the member who is about to be served charges or suspension notices acts in an aggressive manner or in a manner that could cause harm to the charging officer or the serving officer, the charging or serving officer may request for police escorts from the nearby police station.

If the member who has been charged is later charged by police for the same offence, the authorized person has a duty to withhold the charges temporarily and to confirm with the police on the criminal charge.

If the criminal charges are confirmed with the police, the charging officer has a duty to amend the suspension notice to a Notice of suspension where a member is charged with a criminal offence.

Investigations

The Authorized Person may appoint a suitable independent investigator in consultation with the Head of Provincial Education Division, Head of Education Department (NDOE), and Bougainville Education

Secretary, Assistant Secretary – NCD Division of Education or TSC.

The appointed investigator must have -

- A working understanding of the TS Act and the Education Act.
- A detailed understanding of the DPP
- A detailed understanding of the PNGTA Code of Ethics.
- A basic understanding of the Constitution, criminal code Act and summary offences Act
- A basic understanding of investigation skills such as interviewing, critical analysis and report writing
- No conflict of interest

The Authorized Person has the responsibility of charging a teacher and may suspend a teacher if necessary. The charge and the investigation report must be sent immediately to the teacher and to the Head of Provincial Education Division or Departmental Head (NDOE) (for minor offences) or the appropriate Disciplinary Committee (for serious offences).

Where a teacher is alleged to have committed a criminal offence the Authorized Person has a professional responsibility to report the allegation to the local police.

The roles and responsibilities of the Head of Provincial Education Division, Departmental Head, Bougainville Education Secretary or Assistant Secretary – NCD Division of Education or Departmental Head (NDOE)

The Head of Provincial Education Division or Departmental Head has a critical role in managing the teacher discipline process.

They have a duty to ensure the teacher disciplinary process is managed effectively and quickly. This includes adequate budgeting for disciplinary investigations. The Head of Provincial Education Division or Departmental Head must ensure that all documentation related to complaints, investigations, charges and decisions is properly managed.

The Head of Provincial Education Division or Departmental Head must also ensure that Authorized Persons fully understand their roles and responsibilities in the DPP process. They should also make sure TSC is properly and promptly informed of teacher disciplinary cases and decisions.

In minor offences the Head of Provincial Education Division or Departmental Head decides on whether to uphold the charge and what sanction should be imposed.

In serious offences the Head of Provincial Education Division or Departmental Head would chair the Disciplinary Committee (Section 79 and 80).

The roles and responsibilities of the Chairman of the PEB, NEB, NCDEB and BEB Disciplinary Committee

The Chairman of the disciplinary committees is responsible for making sure that he or she immediately after receiving charges, investigation reports and witness statements from the charging officer, conducts the hearing without delay.

Before conducting the hearing the chairman must inform the member charged, of the time, date, and venue of the hearing and invite him or her to attend the hearing.

The Chairman must also provide investigation reports or any other documents necessary, to the member charged at least 7 days before the hearing.

The roles and responsibilities of the PEB, BEB, NCDEB and NEB Disciplinary Committees

The Committees have a duty to ensure that decisions on serious offences are managed quickly and effectively. The Committee has the responsibility to make recommendations to the full board if the charge is upheld.

They may recommend to the PEB, BEB, NCDEB or NEB that the board:

- a. Caution or reprimand the member; or
- b. Fine the teacher; or
- c. Defer a pay increment for a period not exceeding 12 months; or
- d. Reduce a teacher's salary by one or more increments; or
- e. Reduce the teacher's classification; or
- f. Recommend to TSC for the dismissal of the teacher from the teaching service

The Committee has the responsibility to ensure all paperwork and files related to the serious offence charge are effectively and efficiently managed.

In making decisions, the Committee shall not impose any other penalties outside of those imposed above.

If a member of the Disciplinary Committee has some conflict of interest on the matter or is personally related to the member charged or is a personal friend of the member charged, he or she shall not be part of the decision making.

In the course of conducting a hearing, if the committee decides to, it may conduct further investigation into the matter before it.

The roles and responsibilities of the PEB, BEB, NCDEB and NEB

Both the PEB and NEB shall establish a Disciplinary Committee for dealing with serious offences committed by teachers. The make-up of the Disciplinary Committees is clearly defined in the TS Act Section 79 and 80. It is very important that the Education Boards ensure that the disciplinary process takes no more than four (4) months (from charging to Board decision).

The PEB, BEB, NCDEB or NEB has the responsibility to accept, reject or adjust the recommendations on serious offences from their Disciplinary Committee.

The PEB, BEB, NCDEB or NEB should also consider any appeals for minor offences. They may confirm, annul or vary the finding or penalty.

The PEB, BEB, NCDEB or NEB has the responsibility to inform the teacher, the school and the TSC of any decisions. The boards must ensure all meetings; proceedings and decisions are properly and promptly documented. They should also ensure there are adequate and timely funds for managing the teacher disciplinary process.

The documents that the Education Boards above should send to TSC include:

- The complaint(s)
- Charge Form
- Report and investigation from Authorized Person
- Any statements from witnesses
- Any teacher's statements
- Minutes and decisions of Disciplinary Committee
- Minutes and decision of the Board

The roles and responsibilities of the TSC

The TSC may delegate its powers for charging and suspending teachers to Authorized Persons. TSC has responsibility for developing policy, procedures and regulations for teacher professional behaviour.

TSC must ensure all stakeholders understand their roles and responsibilities in relation to the Disciplinary Policy and Procedures.

TSC must establish a TSC Disciplinary Committee in line with Section 81 TS Act. It must also keep secure records on disciplinary matters and coordinate with other agencies such as Payroll and Related Services (PARS) to ensure teacher records are kept up to date.

TSC should ensure regular review and consultation with all partners on teacher discipline matters to improve the efficiency and effectiveness of the processes. The TSC should also budget and plan for adequate funds to manage the teacher disciplinary process.

The roles and responsibilities of PNGTA

Under Section 28 TS Act, the PNGTA may develop or amend a Code of Ethics for teachers. The association can raise awareness of the Code of Ethics and the teacher disciplinary process.

Under Section 79 and 80 TS Act the PNGTA must submit a panel of names to the PEB or NEB for the selection of two members of the Provincial or National Disciplinary Committees.

Under Section 81 TS Act, the PNGTA must submit a list of names to the TSC for selection of one member who will be appointed to the TSC Disciplinary Committee.

At any point in the disciplinary process the PNGTA may support a member teacher who is subject to a minor or serious allegation. This support may include legal advice and legal assistance to PNGTA members.

The roles and responsibilities of the TSC Disciplinary Committee

This Committee is the final authority under the TS Act in the teacher discipline system. The law requires the Committee to have a Principal Magistrate as its Chairperson (unless it decides otherwise).

The TSC DC has the responsibility to deal quickly, fairly and effectively with any appeal or decisions. The TSC DC can confirm, reject or alter the decisions of the PEB or NEB.

The TSC DC must inform the teacher, school and Board of its decision in writing and ensure all records and documentations are properly maintained.

The membership of the TSC DC is described in Section 81 TS Act.

Teacher disciplinary offences

Section 83 of the Teaching Service Act 1988 lists the actions that could lead to a disciplinary charge.

A teacher who –

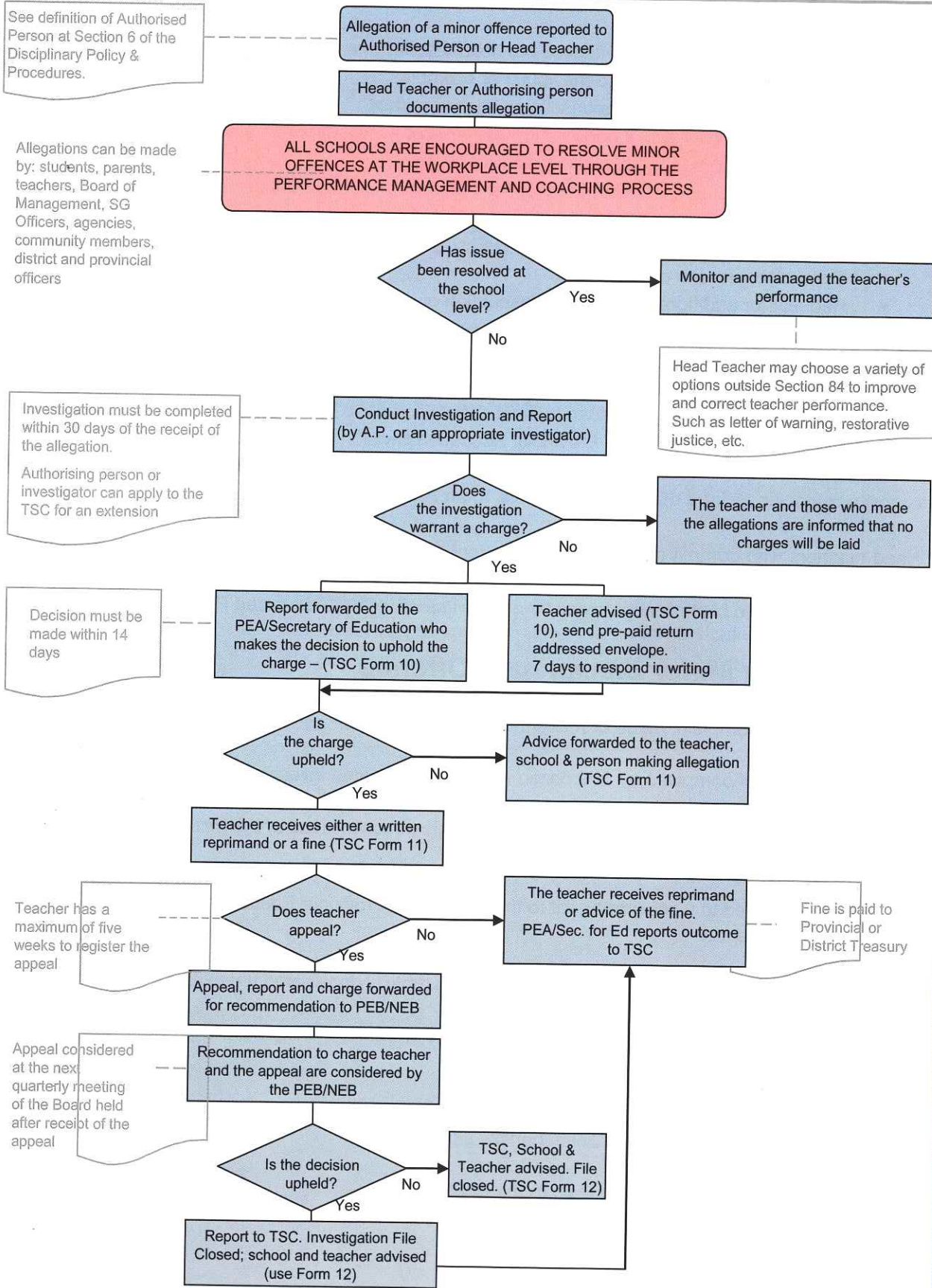
- a) Commits a breach of the Teaching Service Act
- b) Willfully disobeys or disregards a lawful order made or given by a person having the authority to do so.
- c) Is negligent or careless in the discharge of duties.
- d) Does not meet expected performance or behavioral standards.
- e) Uses intoxicating liquor or drugs to excess, so as to impair professional competence.
- f) Solicits or accepts a fee, reward, gratuity or gift in connection with the discharge of duties (other than for authorized remuneration), except in a case or in circumstances in which gifts of a customary or traditional nature are freely exchanged.
- g) Acts disgracefully or improperly either in their official or community capacity
- h) Having taken an oath or made an affirmation or declaration under the TS Act does or says anything in violation of that oath, affirmation or declaration.
- i) Abuses the authority of a teacher's role with subordinates, colleagues or students.

Minor disciplinary offences

Examples of minor disciplinary offences included in Table 1 below:

Table 1.		
Minor disciplinary offences		
▪ Poor punctuality	▪ Bad language	▪ Abuse of mobile phone
▪ Poor performance	▪ Failure to maintain records	▪ Rudeness
▪ Poor dressing	▪ First instance of absenteeism	▪ Insubordination
Cultural insensitivity		

FLOW CHART A – REPORTING A MINOR BREACH (of the TSC Disciplinary Policy & Procedure)



Performance management strategies for improving teacher behavior

Before reporting minor disciplinary offences the head teacher of a school may use a range of strategies for improving teacher's professional behaviour. For example,

- One-to-one coaching and counseling with the teacher
- Pairing the teacher with a good role model mentor
- Giving the teacher additional responsibility
- Addressing issues that affect the teacher's performance and attendance
- Written letter of warning from the head teacher
- Reports and appraisals from school based supervisors and senior teachers
- Compulsory lesson observations
- Request for additional compulsory inspection of a teacher
- Working with the teacher to restore the injustice of their unprofessional behaviour (e.g. teacher agrees to work overtime to restore hours lost through lack of punctuality)

If a teacher is absent from class the head teacher should complete the Leave Of Absence Form and send this immediately to the Head of the Provincial Education Division. The teacher's pay will be deducted. Repeated unauthorized absence from duty is a serious disciplinary offence. **The head teacher can report a minor or serious disciplinary offence to an Authorized Person at any time.**

Head teachers who commit minor disciplinary offences can be dealt with by Standards Officers using similar strategies to the ones above or reported to the Authorized Person for charging. Any stakeholder can report an alleged disciplinary offence by a head teacher to the Authorized Person.

Dealing with Minor Disciplinary Offence

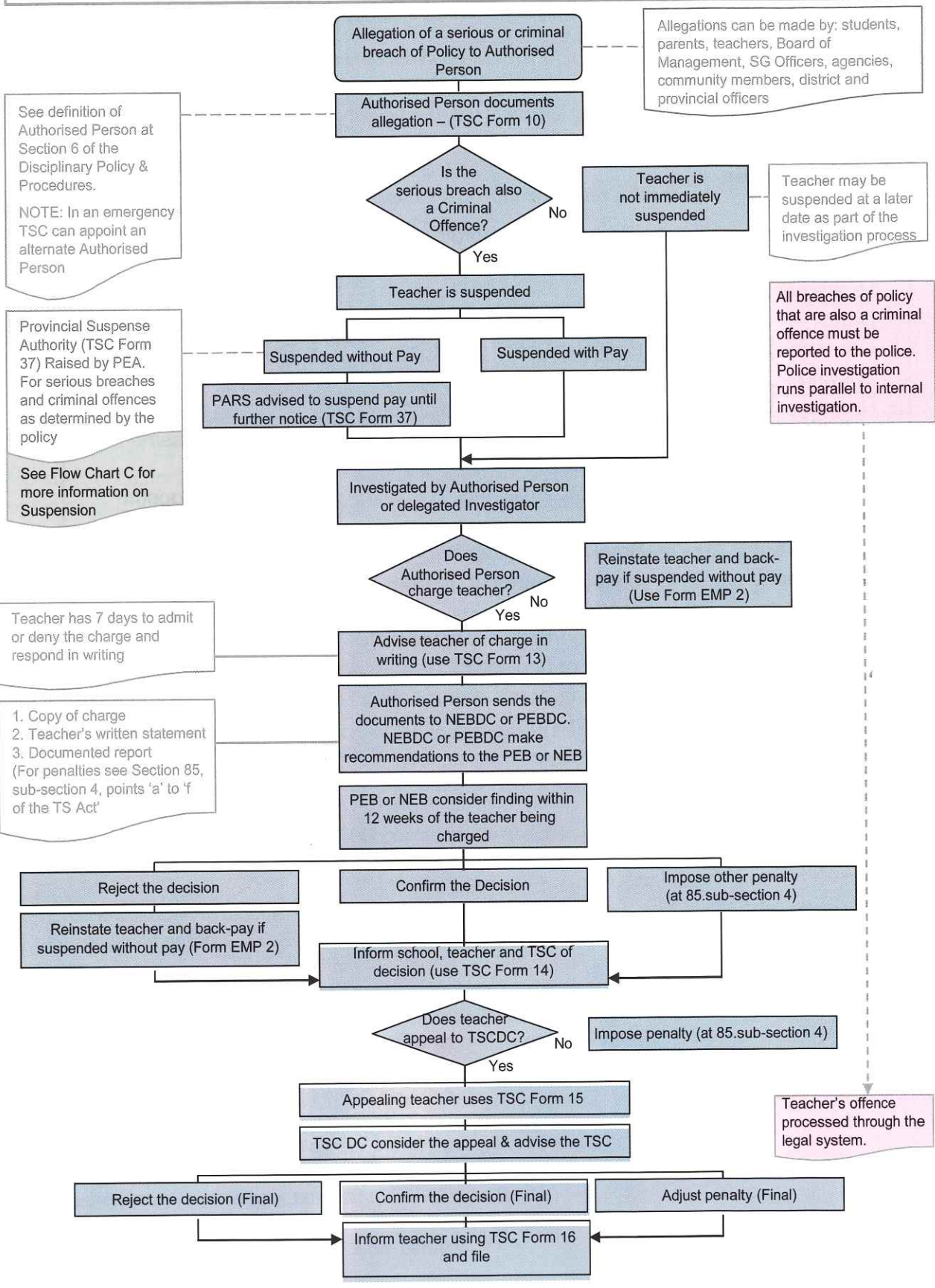
1. Allegation or complaint made or forwarded to Authorized Person
2. Investigation of complaint by Authorized Person or appointed investigator
3. Teacher charged using Form 10. Four copies made (teacher, Head of the Provincial Education Division, Authorized Person and professional file)
4. Charge delivered to teacher and sent to the Head of the Provincial Education Division along with any investigation report
5. Teacher may respond in writing to the charge. No reply is considered a denial of the charge.
6. Adviser decides whether to uphold the charge and what the penalty will be:-
 - a. Caution or reprimand the teacher, or
 - b. Fine the teacher
7. Teacher informed of any disciplinary penalty using Form 11
8. Teacher accepts penalty or appeals to the PEB/NEB
9. PEB/NEB upholds, varies or annuls the penalty
10. Adviser or PEB/NEB should then advise TSC of the actions.

Serious and Criminal disciplinary offences

Examples of Serious and Criminal disciplinary offences included in Table 2 below

Table 2.		
Serious offences		Criminal offences
<ul style="list-style-type: none"> • Harassment • Not reporting harassment • Drugs • Not reporting bullying • Drunk intoxicated • Corporal punishment • Discrimination and not reporting discrimination 	<ul style="list-style-type: none"> • Repeated insubordination • Persistent poor performance • Persistent poor punctuality • Persistent bad language • Causing damage to school property • Bullying • Stigmatizing others • Smoking, drinking alcohol or chewing betel-nut during school hours • Not reporting suspected child abuse or neglect • Misusing or misappropriating school funds 	<ul style="list-style-type: none"> • Stealing • Vandalism • Fraud • Bribery • Sexual harassment • Indecent exposure • Violence/assault • Sexual abuse including having sex with a student • Official corruption

**FLOW CHART B – REPORTING A SERIOUS or CRIMINAL BREACH
(of the TSC Disciplinary Policy & Procedure)**



Further information on criminal and summary offences

Committing a criminal offence or summary offence is usually a disciplinary offence under the TS Act.

If a teacher is charged by the police with a criminal or summary offence for which the maximum punishment is imprisonment for two or more years, then the teacher will be immediately suspended without pay or dismissed from the Teaching Service. Only TSC or an Authorized Person can charge and suspend a teacher. Only TSC or an Authorized Person can charge and suspend a teacher. Being charged by the police for such a criminal offence is always a serious disciplinary offence and will be investigated by an Authorized Person.

It is also a serious disciplinary offence to have breached the Lukautim Pikinini Act or the HIV/AIDS Management and Prevention Act.

The TS Act refers to a “criminal offence” means an offence for which the maximum penalty is two or more years’ imprisonment. However all criminal offences could be disciplinary offences under the TS Act.

i. Where a teacher is charged and arrested by the police (Section 93)

The Authorized Person must confirm the police actions and immediately suspend the teacher without pay.

Form 19 is used and a file is created which includes:

- File number
- Name of the affected teacher
- Date advice of the allegation received
- Subject of the allegation
- Complainant details
- Witness details
- Nature of offence
- Actions required – investigation
- Actions – decision

A teacher may seek work elsewhere while suspended without pay, pending a police investigation or court decision.

If the teacher is convicted of the criminal offence, the TSC may

- Dismiss the teacher; or
- Reduce the teacher to a lower position; or
- Transfer the teacher to any position; or
- Reduce the teacher’s salary

The teacher can also be charged under the TS Act, and this can also lead to dismissal.

If the teacher is found not guilty by the court, their suspension will end and their pay is reinstated and back-paid to the date of suspension. However, the Authorized Person may still charge the teacher under the TS Act if they feel disciplinary action is needed.

If, after conviction, the teacher’s criminal conviction is quashed, pardoned or they are released as the

result of an inquiry, the teacher may reapply to join the teaching service at the same level as before.

ii. Where a complaint of an alleged criminal offence is made to the TSC

When a complaint against a teacher of an alleged criminal offence is made, the TSC or Authorized Person must report it to the police and must initiate an investigation as a serious disciplinary offence.

Suspension and dismissal from the teaching service

(Section 90 and 93)

Teachers can be suspended from duty by the TSC or an Authorized Person for a serious or criminal breach of the TSC Disciplinary Policy and Procedures.

Suspension can take place before or after laying a charge and can be removed by the TSC or, with consent of the TSC, the Authorized Person who suspended the teacher.

A suspension ceases within 14 days after it is imposed unless;

- i. Within the fourteen days a charge is laid under Section 85 or,
- ii. The Commission gives approval to extend the period of suspension to a maximum of three months

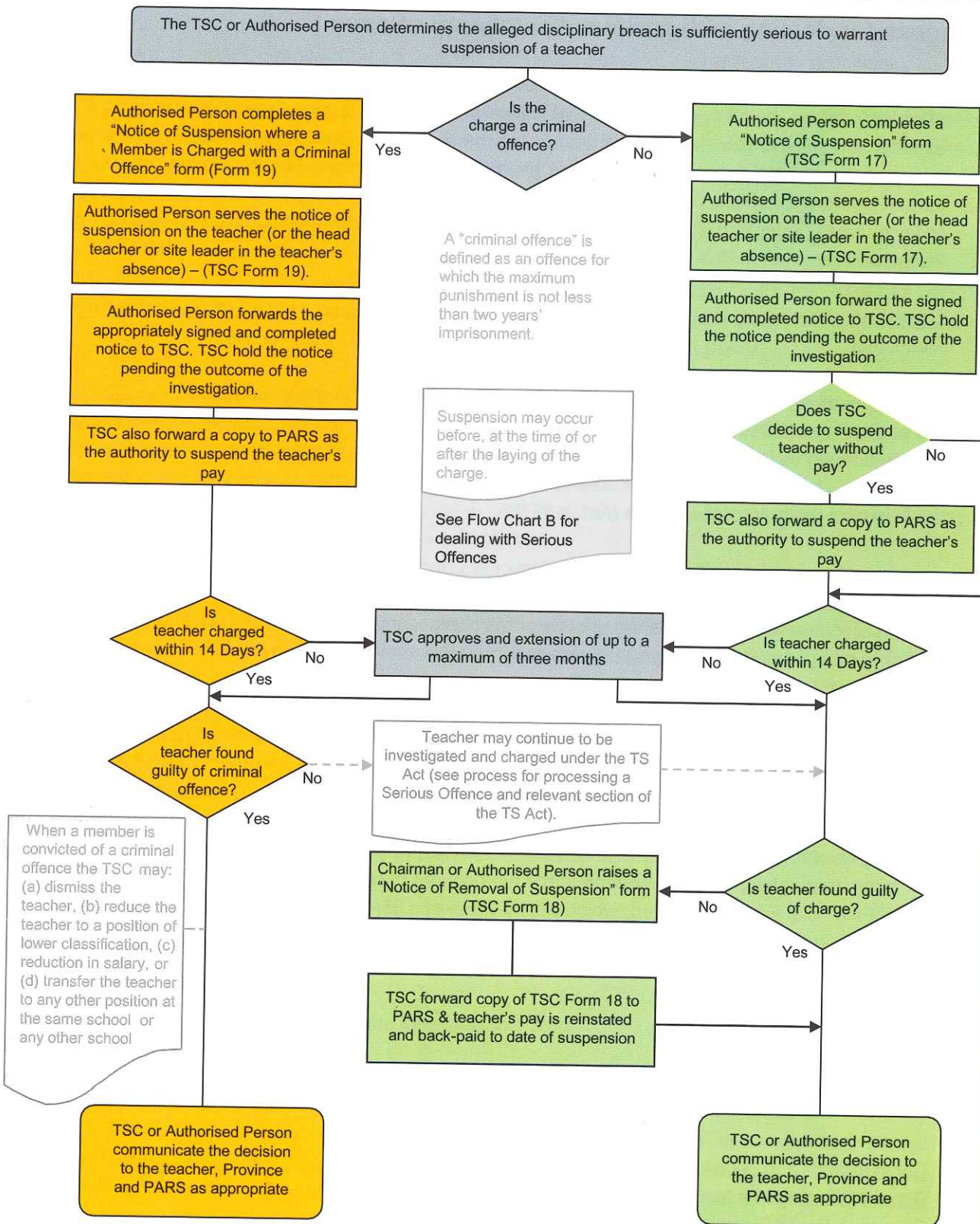
The suspension finishes if they are not charged within the time limit and also ceases in any event when the matter is finally disposed of.

Suspension is with pay for all breaches of TSC Disciplinary Policy and Procedures except where a teacher is charged with a "criminal offence", or the TSC orders suspension without pay. Where a teacher is charged with having committed a "criminal offence" or breaches his/her terms and conditions of suspension, the teacher will be suspended by the TSC or the Authorized Person.

The authorized officer upon the suspension of the member shall request the member to hand over the keys to their office, cheque books, vehicle keys etc. that is within their control to him or her.

The suspended member shall not be removed from the house that he is occupying until and unless his disciplinary case is determined and the member is terminated from the teaching service or is transferred from the school.

FLOW CHART C – SUSPENSION PROCESS (of the TSC Disciplinary Policy & Procedure)



Serious Disciplinary Offences

Process for dealing with serious disciplinary offence

1. Laying of the charge: Only a “person authorized by the Commission to deal with serious disciplinary offences” can lay the charge, under s.85 (1). Closely allied to the laying of the charge is the decision whether to suspend the member. A member can be suspended before, at the time of or after the laying of the charge. A suspension can be effected by the Teaching Service Commission or by a person authorized by the Commission for the purpose or in an emergency, any person authorized to lay charges under Part VII of the Act. The circumstances in which a suspension ceases and other issues such as whether the suspension is with or without pay are dealt with in s.90 of the Act.
2. Service of the charge on the member: This is dealt with in s.85(2) of the Act and s.18(1) of the Regulation.
3. Member’s reply to the charge: The member has seven (7) days to reply (s.85 (2) of the Act and s.18 (2) of the Regulation). The reply must be personally given to the person who served the charge or the person who laid the charge or forwarded by registered post to the person who laid the charge (Regulation, s.18(3)). If the member does not reply within the prescribed time he or she is deemed to have denied the truth of the charge (Act, s.85 (2)).
4. Sending of the relevant documents to the National Education Board Disciplinary Committee or the Provincial Disciplinary Committee: This is the duty of the person who laid the charge (the charging officer). The relevant documents are: a copy of the charge, any statement or explanation given by the member charged and the charging officer’s report on the matter (Act, s.85 (3)).
5. Hearing of the matter by the Education Board Disciplinary Committee: The nature and purpose of which is prescribed by s.85 (4) and s.87 of the Act. The National Education Board Disciplinary Committee or the Provincial Education Board Disciplinary Committee must notify the member charged of the time and place of the hearing, give the member copies of all documents intended to be used at the hearing and afford the member the opportunity to appear before it and address it. It is obliged to make a thorough investigation and determine whether it is of the opinion that the charge has been sustained. If it forms that opinion it may recommend the next course of action to the National Education Board, or the Provincial Education Board, which will by virtue of s.85(4) be:
 - (a) a caution or reprimand;
 - (b) a fine;
 - (c) deferral of an increment;
 - (d) a salary reduction;
 - (e) reduction to a lower classification; or
 - (f) a recommendation to the Teaching Service Commission for dismissal from the Teaching Service.
6. Consideration and decision on the matter by the National Education Board or the Provincial Education Board: This step applies if the National Education Board Disciplinary Committee or the Provincial Education Board Disciplinary Committee has formed the opinion that the charge has been sustained. The National Education Board or the Provincial Education Board may accept or reject any finding or recommendation of the National Education Board Disciplinary Committee or the Provincial Education

Board Disciplinary Committee and impose any penalty specified in s.85(4) or transfer the member to a vacant position in some other educational institution. It must promptly inform the member of its decision. The National Education Board and the Provincial Education Board can directly impose any of the penalties in s.85 (4) (a) to (e). As for s.85(4)(f) – which relates to dismissal – the function of the National Education Board and the Provincial Education Board is to make a recommendation to the Teaching Service Commission for dismissal. The Board does not itself effect the dismissal.

7. Member's right of appeal to the Teaching Service Commission Disciplinary Committee: The member has five (5) weeks to appeal after service of the National Education Board's or Provincial Education Board's decision. The appeal may be on the ground of innocence of the offence or excessive severity of the punishment. A notice of appeal must be given or forwarded by registered post to the Chairman of the Committee. (Act, s.85 (10) and (11); Regulation, s.18 (5) and (6).)
8. Consideration of the matter by (a) the Teaching Service Commission or (b) the Teaching Service Commission Disciplinary Committee, depending on whether the member has appealed against the decision of the National Education Board or the Provincial Education Board.
9. If the member has not appealed, the matter goes to the **Teaching Service Commission**. If the Board has imposed a penalty under s.85 (4) (a) to (e), the **Teaching Service Commission** is obliged by s.85 (13) to confirm the decision of the Board. If the Board has made a recommendation for dismissal under s.85 (4) (f), the Commission has a discretion to exercise under s.85 (14). It can dismiss the member, reduce the member's classification or impose any other penalty specified by s.85(4). The Commission's decision is final per force of s.85 (16).
10. If the member has appealed, the matter is dealt with by the Teaching Service Commission Disciplinary Committee. Its powers and procedures are similar to those of the National Education Board Disciplinary Committee and the Provincial Education Board Disciplinary Committee as it is also subject to Division V.5 of the Act. That is, it must notify the member charged of the time and place of its hearing of the matter, give the member copies of all documents intended to be used at the hearing and afford the member the opportunity to appear before it and address it. It is obliged to make a thorough investigation without regard to legal forms or solemnities or the rules of evidence. The **Teaching Service Commission** Disciplinary Committee may by virtue of s.85(12) confirm or reject the decision of the National Education Board or the Provincial Education Board or impose any other penalty specified in s.85(4). The **Teaching Service Commission** Disciplinary Committee's decision is final per force of s.85 (12).

Appeals process

A teacher is entitled to appeal under the following conditions:

- For a minor offence the teacher may appeal to the NEB or PEB. The appropriate Board applies the rules detailed in the section under Minor Offences
- For a serious offence the teacher may appeal in writing within five weeks to the TSC Disciplinary Committee and the following rules shall apply:
 - i. The Chairperson of the TSC Disciplinary Committee or their delegated administrator shall ensure all documents are in order and contained within the case file.
 - ii. The Chairperson arranges the logistics for a meeting of the TSC Disciplinary Committee

- iii. The Chairperson advises the teacher, the Authorized Person and the witness and invites them to attend if required by the Committee
- iv. The TSC Disciplinary Committee meet, deliberate the appeal, examine witnesses if required and make a decision
- v. Meeting minutes are documented and appropriately recorded
- vi. The Chairperson conveys the TSC Disciplinary Committee decision by completing and forwarding a TSC Form 15
- vii. The Chairperson advises the NEB or PEB as appropriate, of the decision by letter enclosing a copy of the decision contained in the TSC Form 15
- viii. The Chairperson of the TSC Disciplinary Committee or their delegated administrator completes the case file and ensure it is maintained for future records
- ix. The Chairperson of the TSC Disciplinary Committee or their delegated administrator ensures copies of the decisions on the case are placed in the teacher's professional and personnel files

Strikes

(Section 95)

A strike is when teachers withdraw their labour. For example, by refusing to teach classes, or refusing to mark assignments or performing both school and delegated duties.

Strikes are a last resort and teachers should follow established processes before resorting to strike action. Every effort should be made by all parties to prevent strike action through negotiation and consultation. Under Section 13 of the TS Act any teacher may raise an issue of concern or appeal to TSC or the Minister of Education. The decision to strike has serious implications on both teachers and students.

Under the current TS Act teachers who take part in a strike shall be immediately suspended without pay by the Authorized Person using TSC Form 20. The teacher must respond to the TSC within seven days and TSC, after investigations, may:

- a. dismiss the teacher; or
- b. reduce the teacher to a position of lower classification; or
- c. reduce the teacher's salary; or
- d. transfer the teacher to any other position at the same or other school.

Strike Process

The disciplinary process relating to strike actions by members of the Teaching Service is distinct or separate from the disciplinary process under sections 84, 85 and 90 of the Teaching Service Act 1988. The strike disciplinary process under section 95 of the Act is an exclusive and separate process only performed and administered by the Teaching Service Commission. The disciplinary process relating to strike actions under section 95 of the Act set out by then His Honour DC Justice Injia, in the case of *Kenehe v Jogioba* [2008] PGNC 250; N4025 (11 July 2008) as outlined below.

1. **Suspension:** The teacher is suspended by a person authorized to lay charges: s 95(1). The authorized person may consult the Teaching Service Commission prior to suspending or charging a member on the process and procedures involved in the disciplinary process.

2. Service of Notice of Suspension: The notice of suspension is served on the teacher. There is no express provision on service of the suspension, however, this is inferred from the requirement on the part of the teacher to show cause within seven days of “receipt of the notice of suspension”: s 95 (1). Service of the notice may be by personal service or whether the teacher’s location is unknown, by post to his or her last – known address using Form 20: s 92 (1)
3. Reply or show cause: The teacher is “required in the prescribed form to show cause within seven days from the receipt of the charge “why he or she should not be dismissed from the Teaching Service: s 95 (1)
4. Investigation and Hearing: TSC conducts an “investigation and hearing”. The investigation and hearing is conducted without “regard to the disciplinary procedures set out under Part (VII)”: s 95 (2). Investigation will be through section 11 (c) of the Act and that is through an independent Board of Enquiry.
5. Opportunity to be heard in the “investigation and hearing” process: It is implicit from the notice to show cause requirement in Subsection (1) and the requirement to conduct a “hearing” in Subsection (2) that the teacher must be given an opportunity to be heard at the “investigation and hearing”.
6. Decision on guilt or innocence and penalty: After conducting the investigation and hearing TSC makes its decision on both guilt and penalty and imposes any of the prescribed penalties: s 95 (2). There is no express provision on whether TSC makes a separate determination on guilt or innocence, however it is implicit from the requirement “to show cause” by the teacher and the “investigation and hearing” to be conducted by TSC that precedes the decision on penalty, that TSC must first make a decision and then go on to determine the appropriate penalty prescribed by s 95 (2).
7. Appeal: TSC decision is final.

Delegation of disciplinary powers

TSC has delegated its disciplinary powers to certain Persons within the Department of Education, Church Education Agencies and certain officers of the Teaching Service Commission under Section 16 of the Teaching Service Act 1988.

Authorizations

INDEPENDENT STATE OF PAPUA NEW GUINEA

Teaching Service Act, 1988
(CONSOLIDATED TO NO.20 OF 1995)

AUTHORISATION

The Teaching Service Commission, by virtue of the powers conferred by Sections 84, 85 and 90 of the Teaching Service Act, 1988, and all powers it enabling, hereby authorize the persons occupying the offices specified in Column 1 of the schedule below, to receive, investigate complaints, lay disciplinary charges and if warranted, issue suspension notices against the persons specified in Column 2 of the schedule.

SCHEDULE

Column 1	Column 2
AUTHORISED PERSON FOR CHARGING/SUSPENDING MEMBERS OF TEACHING SERVICE.	TEACHERS AGAINST WHOM CHARGES/ SUSPENSIONS MAY BE MADE.
TEACHING SERVICE COMMISSION	
TSC Legal Officers.	All teachers in all member institutions.
TSC Assistant Regional Directors	All teachers in all education institutions within their respective regions.
TSC Provincial Advisors.	All teachers in all provincial education institutions in their respective Provinces.
NATIONAL DEPARTMENT OF EDUCATION	
First Assistant Secretary – Provincial Services	All teachers in National High Schools and FODE
Regional Directors Education Standards	All teachers in all High Schools and Secondary Schools in their respective regions.
TVET Inspectors – National Institutions	All teachers in Technical College, Business Colleges and Poly-technical Institute.

Inspector – Teacher Education and Inspections	All teachers in Teachers’ Colleges, inclusive Learning Centers and PNG Education Institute
FODE and National High School Inspectors	All FODE institutions and National High Schools.
Senior Secondary School Inspectors	All teachers in all High Schools, Technical High Schools, Technical Secondary Schools and Secondary Schools in their respective Provinces
Senior School Inspector – Basic Education	All teachers in Elementary, Community and Primary Schools and basic education teachers in academy schools within their respective Provinces.
School Inspector – Basic Education	All teachers in Elementary, Community and Primary Schools and basic education teachers in academy schools within their respective Districts.
Vocational Inspectors	All teachers in vocational centers within their respective Provinces
CHURCH EDUCATION AGENCY	
Church Education Secretaries	All teachers in Church Education institutions within their respective jurisdictions.

NOTE: In serving the charges/suspensions notices the Authorized Person may delegate the documents to the District Education Officers or any other approved officers.

Dated thisday of 20.....


BARAN SORI
 CHAIRMAN


SAMSON WANGIHOME
 COMMISSIONER - POLICY


MATHEW POBAYA
 COMMISSIONER - OPERATIONS

Disciplinary process forms

PAPUA NEW GUINEA Teaching Service Act

Act, Sec. 22(2) (c)
Reg., Sec. 1

Form 1

OATH AND AFFIRMATION OF SERVICE OF MEMBERS OF THE TEACHING SERVICE

Oath

I....., do swear that I will give good and faithful service as a member of the Teaching Service of Papua New Guinea.

So help me God!

Affirmation

I, do solemnly and sincerely promise and declare that I will give good and faithful service as a member of the Teaching Service of Papua New Guinea.

Signed: _____
Member of Teaching Service

Witness: _____
Commissioner for Oaths

Date: _____

PAPUA NEW GUINEA
Teaching Service Act

Act, Sec. 84(1)
Reg., Sec. 17(1)

Form 10

NOTICE OF CHARGE OF MINOR DISCIPLINARY OFFENCE

To: **(Name):**
(Designation)
(Location):

TAKE NOTICE that you are hereby charged for committing an offence within the meaning of Section 83 of the **Teaching Service Act**, namely that:-

AND TAKE FURTHER NOTICE that in accordance with Section 84(2) of the Act, you are hereby required to state, in writing to me whether you admit or deny the truth of the charge, and they you may give any explanation you think it as to the offence for consideration by the Departmental Head/Provincial Education Advisor.

DATED this day of 200.....

.....
(Name of Charging Officer) (Signature)

DELIVERY OF NOTICE OF CHARGE

I, certify that I have served the above-named officer with the charge indicated.

.....
(Signature) (Date Delivered)

I, acknowledge the receipt of the charge which was served on me on/...../.....

.....
(Signature of Member Charged) (Signature of Witness)

.....
(Date)

PAPUA NEW GUINEA
Teaching Service Act

Act, Sec. 84(4)
Reg., Sec. 17(4)

Form 11

NOTICE OF DECISION ON CHARGE OF
MINOR DISCIPLINARY OFFENCE

To: **(Name):**
(Designation):
(Location):

TAKE NOTICE that the charge laid against you namely that:-

.....
has been sustained and by virtue of the powers conferred upon me by Section 84(4) of the **Teaching Service Act**, I hereby *caution/reprimand you/fine you the sum K.....

AND TAKE FURTHER NOTICE that in accordance with Section 84(5) of the Act, I hereby notify you that you have a right to a review of my decision by the *Provincial/National Education Board and if you so wish, you may appeal in writing to the *Provincial/National Education Board.

DATED this day of..... 20.....

.....
(Departmental Head/Assistant Secretary *)

DELIVERY OF NOTICE OF PUNISHMENT

I certify that I have served the above-named officer with the notice indicated.

..... / /
(Name) (Date)

***Delete whichever is not applicable.**

PAPUA NEW GUINEA
Teaching Service Act

Act, Sec. 84(5)
Reg., Sec. 17(7)

Form 12

NOTICE OF DECISION ON APPEAL IN RESPECT OF
MINOR DISCIPLINARY OFFENCE

To: (Name):
(Designation):
(Location):

TAKE NOTICE that the Education board has considered your appeal against the punishment imposed on you, the notice of which was set out in the Notice of Decision dated/...../....., and served on you on/...../..... and it has decided as follows:-

.....
.....

DATED this day of 20.....

.....
CHAIRMAN
Education Board

DELIVERY OF NOTICE OF DECISION ON APPEAL

I have served the notice of decision on appeal by *handling/ mailing it to him/her

.....
(Name/signature)

..... /..... /20.....
(Date)

.....
(Signature of Appellant)

PAPUA NEW GUINEA Teaching Service Act

Act, Sec. 85(1) Reg., Sec. 19(1)

Form 13

NOTICE OF CHARGE OF SERIOUS DISCIPLINARY OFFENCE

To: (Name): (Designation): (Location):

TAKE NOTICE that you are hereby charged for committing an offence within the meaning of Section 83 of the Teaching Service Act, namely that:-

.....

AND TAKE FURTHER NOTICE that in accordance with Section 85(2) of the Act, I hereby call upon you to state in writing to me, whether you admit or deny the truth of the charge, and give any explanation you think fit in respect of the said charge for consideration by the Education Board Disciplinary Committee.

DATED this day of..... 200.....

(Name of Charging Officer) (Signature)

DELIVERY OF NOTICE OF CHARGE

I,, certify that I have served the above-named officer with the charge by *handing/ mailing it to him/her.

(Signature) (Date Served)

I, acknowledge the receipt of the charge which was served on me on/...../.....

(Signature of Member Charged) (Signature of Witness) ... /... /20...

*Delete whichever is not applicable

PAPUA NEW GUINEA
Teaching Service Act

Act, Sec. 85(4)
Reg., Sec. 18(4)

Form 14

NOTICE OF DECISION ON CHARGE OF
SERIOUS DISCIPLINARY OFFENCE

To: (Name):
(Designation):
(Location):

TAKE NOTICE that the Education Board has considered the finding and recommendation of the Disciplinary Committee as to the charge against you, namely that:-

.....
.....,
and has found you *guilty/not guilty of the offence charged, therefore, it imposed the penalty of

AND TAKE FURTHER NOTICE that you may, if you so wish, appeal against the finding and the penalty imposed or both, in writing to the Teaching Service Commission Disciplinary Committee, within five (5) weeks after the receipt of this notice. Your appeal, if any, should be addressed to the Chairman, TSC Disciplinary Appeal Committee, P.O. Box 6268, BOROKO, NCD.

DATED this day of 20.....

.....
CHAIRMAN of Education Board

DELIVERY OF NOTICE OF DECISION

I have this day served the original of the above on/..... /..... by
*handing/ mailing it to him personally.

..... (Signature of Person Serving Notice)/...../..... (Date)

I acknowledge receipt of the original of above.

..... (Signature of Member Charged)

..... (Signature of Witness)/...../..... Date

*Delete whichever is not applicable.

PAPUA NEW GUINEA Teaching Service Act

Act, Sec. 85(12) Reg., Sec. 18(8)

Form 15

NOTICE OF DECISION ON APPEAL IN RESPECT OF SERIOUS DISCIPLINARY OFFENCE

To: (Name): (Designation): (Location):

The Teaching Service Commission Disciplinary Committee has considered your appeal against the Education Board's decision to the notice of which was set out in the Notice of Decision dated ... / ... / ... and it has decided to

DATED this ... day of ... 200...

CHAIRMAN

MEMBER

MEMBER

DELIVERY OF NOTICE OF DECISION ON APPEAL

I have served the notice of decision on appeal by *handling/ mailing it to him/her.

(Name)

(Signature of Appellant)

* Delete which is not applicable

PAPUA NEW GUINEA
Teaching Service Act

Act, Sec. 85(11)
Reg., Sec. 18(8)

Form 16

NOTICE OF CONFIRMATION ETC., OF DECISION ON
SERIOUS DISCIPLINARY OFFENCE

To: (Name):
(Designation):
(Location):

The Teaching Service Commission, by virtue of the powers conferred by **Section 85(13)** of the **Teaching Service Act** and all other powers it enabling hereby:-

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

DATED this day of 200.....

.....
CHAIRMAN

.....
COMMISSIONER

.....
COMMISSIONER

DELIVERY OF NOTICE OF CONFIRMATION OF DECISION

I have served the notice of confirmation of decision by *handing/ mailing it to him/her.

.....
(Name/signature)

.....
(Signature of charged)

...../...../.....
(Date)

* Delete whichever is not applicable.

PAPUA NEW GUINEA
Teaching Service Act

Act, Sec. 90
Reg., Sec. 19(1)

Form 17

NOTICE OF SUSPENSION

To: **(Name):**
(Designation):
(Location):

WHEREAS there is reason to believe that your conduct has been unsatisfactory in that:-

.....
.....

Pursuant to Section 90 of the **Teaching Service Act** and acting under the authority of the Teaching Service Commission, I hereby suspend you from duty and your suspension takes effect immediately after this notice is served on you.

Your suspension will be with pay until such time the Commission orders otherwise.

While you are under suspension the following additional conditions shall also apply:-
.....
.....

DATED this day of 20.....

.....
(Chairman or Authorized Person)

DELIVERY OF NOTICE OF SUSPENSION

I have served the notice of suspension by *handing/ mailing it to him/her.

.....
(Name/signature)

.....
(Signature of suspended teacher)

...../...../.....
(Date)

* Delete whichever is not applicable

PAPUA NEW GUINEA
Teaching Service Act

Act, Sec. 90(2)
Reg., Sec. 19(2)

Form 18

NOTICE OF REMOVAL OF SUSPENSION

To: **(Name):**
(Designation):
(Location):

TAKE NOTICE that your suspension from duty under Section 90 of the Teaching Service Act, in connection with the charge laid against you, notice of which was served on you on/...../..... has been removed and you are hereby instructed to resume duty forthwith.

AND TAKE FURTHER NOTICE that the removal of your suspension does not remove the right of the Teaching Service Commission to impose any other punishment in respect of the offence with which you are charged if the charge is sustained.

DATED this day of 20.....

.....
(Chairman or Authorized Person)

DELIVERY OF NOTICE OF REMOVAL OF SUSPENSION

I have served the notice of removal of suspension by *handing/ mailing it to him/her.

.....
(Name/signature)

.....
(Signature of suspended teacher)

...../...../.....
(Date)

*Delete whichever is not applicable

PAPUA NEW GUINEA
Teaching Service Act

Act, Sec. 93
Reg., Sec. 19(3)

Form 19

NOTICE OF SUSPENSION WHERE A MEMBER IS CHARGED
WITH A CRIMINAL OFFENCE

To: (Name):
(Designation):
(Location):

TAKE NOTICE that in accordance with Section 93(2) of the *Teaching Service Act*, you, having been charged with a Criminal Offence which relates/does not relate to the duties of your position, you are hereby suspended from duty with/without pay from the date of this notice.

DATED this day of..... 20.....

.....
(Chairman or Authorized Person)

DELIVERY OF NOTICE OF SUSPENSION

I, certify that I have served the above-named officer with the notice indicated by *handing/ mailing it to him/her.

.....
(Name/Signature)

..... (Signature of charged teacher or site leader)/...../..... (Date)

*Delete whichever is not applicable.

PAPUA NEW GUINEA
Teaching Service Act

Act, Sec. 95(1)
Reg., Sec. 19(4)

Form 20

NOTICE OF SUSPENSION FOR STRIKE

To: **(Name):**
(Designation):
(Location):

WHEREAS there is reason to believe that you have committed an offence or offences within the meaning of Section 95(1) of the **Teaching Service Act**, you are hereby suspended from duty and this take effect from the date this notice is served on you.

AND TAKE NOTICE that you are suspended without pay and that this suspension remains in force until the matter is dealt with and disposed of.

AND TAKE FURTHER NOTICE that you are required under Section 95(1) of the **Teaching Service Act** to show cause to the Teaching Service Commission within seven (7) days of receipt of this notice of suspension as to why you should not be dismissed from the Teaching Service.

DATED this day of..... 20.....

.....
(Signature of Authorized Person)

DELIVERY OF NOTICE OF SUSPENSION FOR STRIKE

I,, certify that I have served the above named officer with the notice indicated by handing/ mailing it to him/her.

.....
(Signature)

..... / / 20...
(Date)

PAPUA NEW GUINEA
Teaching Service Act

Act, Sec. 6.
Reg., Sec. 22(1)

Form 21

OATH AND AFFIRMATION OF OFFICE OF MEMBERS
OF THE COMMISSION

Oath

I,, do swear that I will well and truly serve the Independent State of Papua New Guinea in the Office of Chairman (or Commissioner) of the Teaching Service Commission of Papua New Guinea.

So help me God!

Affirmation

I,, do solemnly and sincerely affirm and declared that I will well and truly serve the Independent State of Papua New Guinea in the Office of the Chairman (or Commissioner) of the Teaching Service Commission of Papua New Guinea.

Dated thisday of 20.....

.....
(Signature)

PAPUA NEW GUINEA
Teaching Service Act

Act, Sec. 90(2)
Reg., Sec. 19(5)

Form 22

NOTICE OF VARIATION OF ORDER

To: **(Name):**
(Designation):
(Location):

TAKE NOTICE that the Commission has reason to believe that you have committed a disciplinary offence within the meaning of Section 83 of the **Teaching Service Act**, namely that:-

.....

And as the nature of the offence committed was such that you were suspended under Section 90 of the Act, the Commission hereby orders that your suspension be varied to suspension without pay effective on and from

..... until the charge is disposed of.

DATED this day of 20.....

.....
(Chairman or Authorized Person)

DELIVERY OF NOTICE OF VARIATION OF ORDER

I have served the notice of variation of order by handing/ mailing it to him/her.

.....
(Name/ signature)

..... / / 20.....
(Date)

.....
(Signature of suspended teacher)

DISCIPLINARY POLICY AND PROCEDURES MANUAL FOR MEMBERS OF THE
TEACHING SERVICE

PAPUA NEW GUINEA
Teaching Service Act

Form 21

Act, Sec. 6.
Reg., Sec. 22(1)

OATH AND AFFIRMATION OF OFFICE OF MEMBERS
OF THE COMMISSION

Oath

I,, do swear that I will well and truly serve the Independent State of Papua New Guinea in the Office of Chairman (or Commissioner) of the Teaching Service Commission of Papua New Guinea.

So help me God!

Affirmation

I,, do solemnly and sincerely affirm and declared that I will well and truly serve the Independent State of Papua New Guinea in the Office of the Chairman (or Commissioner) of the Teaching Service Commission of Papua New Guinea.

Dated thisday of 20.....

.....
(Signature)

PAPUA NEW GUINEA
Teaching Service Act

Act, Sec. 90(2)
Reg., Sec. 19(5)

Form 22

NOTICE OF VARIATION OF ORDER

To: **(Name):**
(Designation):
(Location):

TAKE NOTICE that the Commission has reason to believe that you have committed a disciplinary offence within the meaning of Section 83 of the **Teaching Service Act**, namely that:-

.....
And as the nature of the offence committed was such that you were suspended under Section 90 of the Act, the Commission hereby orders that your suspension be varied to suspension without pay effective on and from
..... until the charge is disposed of.

DATED this day of 20.....

.....
(Chairman or Authorized Person)

DELIVERY OF NOTICE OF VARIATION OF ORDER

I have served the notice of variation of order by handing/ mailing it to him/her.

..... / / 20.....
(Name/ signature) (Date)

.....
(Signature of suspended teacher)

**PAPUA NEW GUINEA
Teaching Service Act**

Form 23

**Act, Sec. 84(1)
Reg., Sec. 22(2)**

**OATH AND AFFIRMATION OF OFFICE OF MEMBERS OF
APPEALS AND DISCIPLINARY COMMITTEES**

Oath

I,, do swear that I will WELL AND TRULY SERVE The Independent State of Papua New Guinea in the office of a member of a Teaching Service Appeals Committee (**or** a Provincial Education Board Disciplinary Committee **or** the National Education Disciplinary Committee **or** the National Education Board Disciplinary Committee **or** the Teaching Service Commission Disciplinary Committee) established under the **Teaching Service Act** and that I will perform the duties and exercised the powers imposed or conferred on me as such member without fear or favour, affection or ill-will.

So help me God!

Affirmation

I,, do solemnly and sincerely affirm and declare that I will well and truly serve The Independent State of Papua New Guinea in the office of a member of a Teaching Service Appeals Committee (**or** a Provincial Education Disciplinary Committee **or** the National Education Board Disciplinary Committee **or** the Teaching Service Commission Disciplinary Committee) established under the **Teaching Service Act** and that I will perform the duties and exercise the powers imposed or conferred on me as such member without fear or favour, affection or ill-will.

Dated thisday of..... 20.....

.....
Signature

**PAPUA NEW GUINEA
Teaching Service Act**

**Act, Sec. 56, 82
Reg., Sec. 22(3)**

Form 24

DECLARATION OF SECRECY

I,, a member of the Teaching Service Appeals Committee (**or** a Provincial Education Board Disciplinary Committee **or** the National Education Board Disciplinary Committee **or** the Teaching Service Commission Disciplinary Committee) established under the **Teaching Service Act**, do solemnly and sincerely declare that I will at all times maintain secrecy as to the deliberations and decisions of the Committee and that I will not directly or indirectly communicate or divulge any information that comes to my knowledge as such a member except by authority of the Teaching Service Commission or as authorized or required by la

Declared at, this day of20.....

.....
(Signature of Person before whom Declaration is made)

Before me:

.....
Commissioner for Oaths

PNGTA Code of Ethics (2004)

Preamble

Quality public education, a cornerstone of a democratic society, has the task of providing equality of educational opportunity for all children and youth and is fundamental to the well-being of society through its contribution to economic, social and cultural development. Teachers and educational personnel have a responsibility to foster confidence among the general public in standards of service that can be expected from all engaged in this important task.

The exercise of responsible judgment is at the heart of professional activity and the actions of caring, competent and committed teachers and education personnel to help every student reach his or her potential is a critical factor in the provision of quality education.

The expertise and commitment of teachers and education personnel must be combined with good working conditions, a supportive community and enabling policies to allow quality education to take place. It is only when all necessary components are in place that it is possible for teachers and education personnel to fully meet their responsibilities to students and to the communities in which they work.

Teachers and education personnel are committed to the promotion of education that helps to develop a person's capacity to live a fulfilled life and to contribute to the well-being of the society.

Declaration

Teaching is a profession and membership of a profession carries its obligations as well as privileges. These obligations concern loyalty, discipline, justice and service to the society. It is essential to create a body of teachers who conform to recognized ethics, who conduct themselves honorably in their professional practice and who do their utmost to promote and maintain the dignity and welfare of the teaching service and their profession as a whole.

1. Commitment to students

The education personnel desire their students to attain the highest level of mental, moral and physical health and development and protect their students from any physical or mental harm.

Education personnel shall:

- 1.1 set an example in behavior, dress and appearance acceptable to the community
- 1.2 work to instill in students the respect for elders and cultural differences
- 1.3 aim to develop self-reliance, self-development and self-discipline in students being always mindful of the differences in their needs and abilities
- 1.4 strive to prepare students to take their place as citizens who are concerned with the welfare of the community and the nation
- 1.5 respect the rights of children, especially their students to benefit from the provisions identified in the United Nations Convention on the Rights of the Child, particularly as those rights apply to education
- 1.6 safeguard and promote the interests and well-being of students and make every effort to protect students from bullying and from physical or physiological abuse
- 1.7 take all possible steps to safeguard students from sexual abuse
- 1.8 exercise due care, diligence and confidentiality in all matters affecting the welfare of their students

- 1.9 assist students to develop a set of values consistent with International Human Rights Standards
- 1.10 maintain professional relations with students
- 1.11 acknowledge the uniqueness, individuality and specific needs of each student and provide guidance and encouragement to each student to realize the student's full potential
- 1.12 give students a feeling of being part of a community of mutual commitment with room for everyone
- 1.13 exercise authority with justice and compassion
- 1.14 ensure that the privileged relationship between teacher and student is not exploited to proselytize or for ideological control

2. Commitment to the profession

As a member of a profession, education personnel are committed to striving for the highest level of personal integrity, professional competence and academic achievement for their betterment and that of the profession as a whole.

Education personnel shall:

- 2.1 adopt standards of integrity and loyalty which create mutual respect between teachers and add distinction to the profession
- 2.2 exercise discretion in dealing with matters relating to students, parents and fellow education personnel
- 2.3 ensure that professional knowledge is regularly updated and improved
- 2.4 determine the nature, format and timing of their lifelong learning programs as an essential expression of their professionalism
- 2.5 declare all relevant information related to competency and qualification
- 2.6 strive, through active participation in the union, to achieve conditions of work that attract highly qualified persons to the profession
- 2.7 justify public trust and confidence and enhance the esteem in which the profession is held by providing quality education for all students
- 2.8 support all efforts to promote democracy and human rights in and through education

3. Commitment to colleagues

A member of the education profession acknowledges the importance of cooperation and strives to maintain a cordial and harmonious relationship with colleagues based on trust and respect.

Education personnel shall:

- 3.1 promote collegiality among colleagues by respecting their professional standing and opinions and be prepared to offer advice and assistance particularly to those beginning their career or in training
- 3.2 maintain confidentiality of information about colleagues obtained in the course of their professional service, unless disclosure is required by law
- 3.3 assist colleagues in peer review procedures negotiated and agreed to between the union and employers
- 3.4 safeguard and promote the interested and well-being of colleagues and protect them from bullying and from physical, psychological or sexual abuse
- 3.5 ensure that all means and procedures for the implementation of this declaration are the object of thorough discussions in each national organization in order to ensure its best possible application

4. Commitment to parents

Members of the education profession value the advice and support of parents and seek to have them actively participate in the education of their children.

Education personnel shall:

- 4.1 recognize the rights of parents to consultation through agreed channels on the welfare and progress of their children
- 4.2 respect the lawful parental authority and give advice from a professional point of view that is in the best interest of the student
- 4.3 makes every effort to encourage parents to be actively involved in the education of their child and to actively support the learning process by ensuring that children avoid forms of child labor that could affect their education

5. Commitment to management, agency and employer

The obligation of members of the education profession to their management, agency and employer is based on respect for lawful authority and need for mutual cooperation.

Education personnel shall:

- 5.1 be knowledgeable of their rights and responsibilities
- 5.2 be knowledgeable of their terms and condition of their employment
- 5.3 obeys the rules and regulations of their employer in principle and practice as well as the philosophy of education
- 5.4 have regard for the accepted process of appeal, conciliation and arbitration as means of challenging rules and regulations and their interpretation
- 5.5 respect the established conflict settlement machinery
- 5.6 carry out reasonable instruction from management personnel and the right to questions instructions through a clearly defined procedure
- 5.7 show initiative in the fulfillment of their duties
- 5.8 avoid situations that may bring doubt to their professional integrity and question their competence or that may be detrimental to the effectiveness of their professional responsibilities
- 5.9 be constructive in their criticism

6. Commitment to the community and the nation

An education personnel adopts a friendly, cooperative and constructive relationship with the community and works therein to advance the cause of education.

Education personnel shall:

- 6.1 respect the community they service and be willing to participate in community activities and national affairs
- 6.2 encourage cooperation and understanding between teachers, parents, school and the community
- 6.3 strive to keep themselves informed on matters of community and national importance
- 6.4 respect the values and customs of the community

7. Commitment by the community to teachers in the teaching profession

The community has an obligation to respect the teacher and allow them to carry out their lawful duties without fear or favor.

The community shall:

- 7.1 make it possible for teachers to feel confident that they themselves are treated fairly while attending to their duties
- 7.2 recognize that teachers have the right to preserve their privacy, care for themselves and lead a normal life in the community

Policy development

Reviewed by Teaching Service Act Review Committee of 2019

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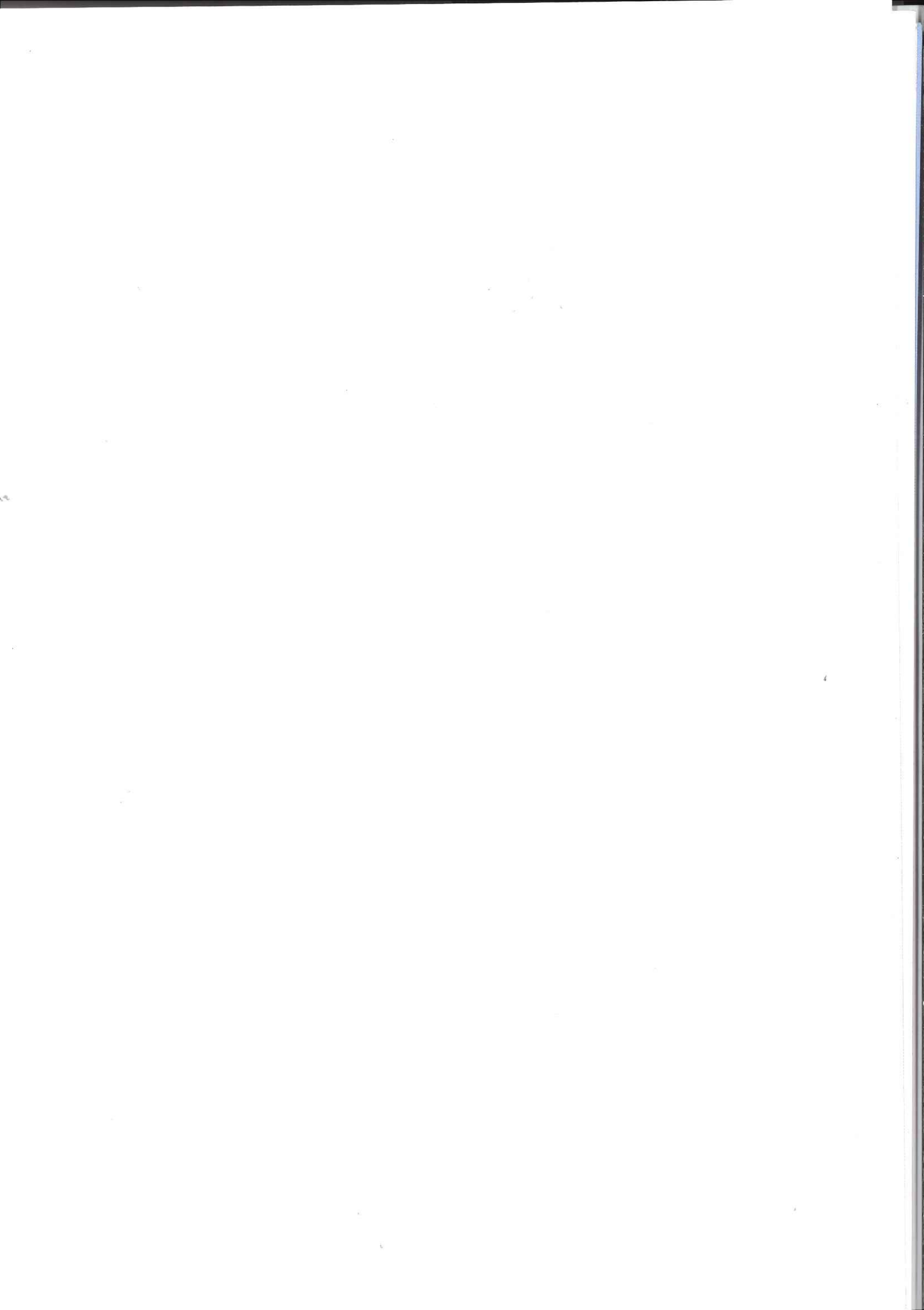
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