



HUMAN RESOURCES DEPARTMENT

CODE OF CONDUCT FOR STAFF MEMBERS: BUSINESS PRACTICES

1. GENERAL

- 1.1 In accordance with the Higher Education Act, 1997, the Council of the University is responsible for the management of the University. These responsibilities entail *inter alia* that the University should on an ongoing basis account for and report on all assets, liabilities, income, expenditure and other financial transactions. This applies also to any body or entity that functions under the aegis of the University.
- 1.2 In this regard the Council is guided by the University's Vision, Mission and Value Systems which binds the Council and staff members to consistent, open and ethical business practices.
- 1.3 To give effect to the above, the Council and personnel organisations representing staff members of the University agreed to this Code of Conduct.
- 1.4 The Code of Conduct should be read in conjunction with existing policy documents and regulations. In some respects the Code is a summary of rules already contained in other policy documents and regulations, but it also contains additional guidelines. This Code of Conduct forms part of the University's Institutional Rules. The rules are binding on both the management and staff of the University.
- 1.5 If any subject of a moral or ethical nature is not dealt with in this Code, such omission or exclusion is not an invitation to the Council or staff members to act as they see fit. In all their actions the Council and staff members are guided by the Vision, Mission and Value System of the University.
- 1.6 Any Council member or staff member is entitled at any time to disclose non-compliance with the Code without fear of victimization. The Council and the Executive subscribe fully to the principles set out in the Code. In the final instance the Audit Committee of the Council is responsible for monitoring whether the provisions of the Code are observed or not.

2. THE CONTRACT OF EMPLOYMENT: BROAD PRINCIPLES

- 2.1 Arising from the service relationship between the University and its staff members, every staff member has a duty to act in good faith towards the University under all circumstances.

- 2.2 The good faith obligation referred to in Clause 2.1 requires that every staff member should:
- 2.2.1 promote the interests of the University and spend the appropriate amount of time on and make the appropriate inputs to his/her work for the University, as agreed to in the contract of employment;
 - 2.2.2 not compete with the University;
 - 2.2.3 avoid any conflict between his/her financial interest and the University's interest, and if this is unavoidable he/she should disclose this conflict;
 - 2.2.4 receive no other benefit as a result of his/her association with the University than he/she is entitled to in terms of the contract of employment.

3. **DEFINITIONS**

Unless inconsistent with the context, the following meanings are attached to the terms below where they occur in this Code:

- 3.1 *"Relative by marriage"* includes the husband/wife of a blood relative;
- 3.2 *"Interest and/or involvement"* includes any association as owner, director, shareholder of an unlisted company, partner, manager, member, trustee, beneficiary, administrative officer, adviser, consultant, agent, staff member or such person with any trust, partnership, close corporation, one-person business, company or any other form of enterprise;
- 3.3 *"Business association"* includes any business association outside the university task between a staff member of the University and a third party, for example the association between parties to a trust, co-directors or co-shareholders of a unlisted company, partners, members of a close corporation and those in a service relationship with any of the mentioned persons and entities;
- 3.4 *"Blood relative"* includes children, parents, brothers, sisters, cousins, uncles, aunts, nephews and nieces as well as kinship through adoption;
- 3.5 *"Outside employ"* encompasses activities performed by a staff member outside his/her University obligations and additional to the working week, with or without remuneration;
- 3.6 *"Husband/wife"* also includes a spouse in terms of a marriage contracted according to indigenous law and persons who live together in a marriage-like relationship;
- 3.7 *"Gifts"* include any item, service or benefit received worth more than R100 (including money, goods, free meals, vacation and recreation, accommodation and discount on any goods or service for personal use at a rate that is not available to the general public) without proper or full consideration. The above include "kickbacks" and "spotter's fees";

- 3.8 *"Family friend"* includes any person with whom a staff member has a friendship that is of such a nature that caution is justified where the staff member is involved on behalf of the University in any official dealings with the family friend or with his/her blood relatives; and
- 3.9 *"Person"* includes a company, co-operative, close corporation, trust, partnership, one-person business and any other legal entity that can be used for doing business.

4. APPOINTMENT AND PROMOTION

Policy

- 4.1 Decisions on the appointment, evaluation or promotion of a candidate are made on the basis of objective post requirements.
- 4.2 All actions surrounding the appointment, evaluation or promotions of candidates are performed with integrity and in accordance with the applicable legislation.

Application and procedure

- 4.3 All appointments take place according to the provisions of Regulations S0162/00 (lecturing staff) and R425/00 (support staff).
- 4.4 It is the responsibility of the chairperson of Appointment Selection Committees to see to it that the members of such committees comply fully with the regulations.
- 4.5 A member of an Appointment Selection Committee withdraws from the committee if a candidate is the husband/wife, blood relative, relative by marriage or family friend of the member.
- 4.6 Members of Appointment Selection Committees treat all documents, information, discussions and decisions pertaining to committee meetings as strictly confidential.
- 4.7 The appointment or promotion of a candidate as the subordinate or superior of a staff member who is the husband, wife or a blood relative, or a relative by marriage of the candidate is not permitted, save where this fact is disclosed in writing to the Executive of the University and the Executive approves the appointment or promotion in writing.
- 4.8 The appointment or promotion of a candidate in a work capacity where he/she liaises with a husband/wife or blood relative already in the service of the University and where such liaison is of a financial nature, is not permitted save where this fact is made known in writing to the Executive of the University and the Executive approves the appointment or promotion in writing.

- 4.9 A member of an Appointment Selection Committee discloses beforehand to the committee any business association he/she has with a candidate.
- 4.10 If the chairperson of an Appointment Selection Committee believes that this Code of Conduct will be or may be contravened he/she may request the committee member to withdraw from the committee.
- 4.11 Each member of an Appointment Selection Committee undertakes to confirm in writing that the candidate is not a husband/wife, blood relative, relative by marriage or family friend of the member and that the candidate does not have a business association with the committee member.
- 4.12 A member of an Appointment Selection Committee is obliged to recuse himself/herself from the said committee if there is a disciplinary hearing and/or grievance procedure pending in which the candidate and the member are involved, either as the complainant or as the accused.

5. CONFLICT OF INTERESTS

Policy

- 5.1 Staff members act in the best interest of the University in all dealings with current or prospective clients, suppliers, contractors and consultants.
- 5.2 Situations must be avoided where a staff member's personal interests conflict or may conflict with those of the University or where they may cause the staff member not to act in the best interest of the University.

Application and procedure

- 5.3 The policy and procedures regarding purchases and the solicitation of quotes and tenders, as amended from time to time, must be scrupulously adhered to at all time.
- 5.4 Participation by a staff member in the purchasing process, collection or evaluation of quotes, granting of tenders or the appointment of consultants where a husband, wife, blood relative, relative by marriage, family friend or business associate of the staff member has an interest or is involved as a third party is not permitted.
- 5.5 A staff member immediately discloses in writing to his or her immediate superior any possible conflict of interest and such staff member must immediately withdraw from the particular decision-making process.
- 5.6 All tenders to be awarded or quotations and purchases to be made where a staff member has withdrawn from the decision-making process are submitted to the Director: Department of Facilities and Services or his/her proxy for final approval.

- 5.7 A staff member with a personal interest in and/or involvement with any person with whom the University has entered into a contract (or with whom the staff member suspects the University may enter into a contract in the future) makes this fact known to his/her immediate superior every year.

6. OUTSIDE EMPLOY

Policy

- 6.1 The University acknowledges the desirability and even the necessity of practice exposure for academics in certain circumstances.
- 6.2 Outside employ must not prejudice the effective execution of the staff member's university duties. The granting of approval to do outside employ is subject to the staff member's carrying out his/her university duties satisfactorily.
- 6.3 Outside employ that is done in a private capacity may not be advertised or performed in the name of the University or an operating division of the University. The impression may also not be created that the work is done in the name of the University or an operating division of the University.
- 6.4 Staff members must recompense the University for the use of University assets in the execution of outside employ.

Application and procedure

- 6.5 Outside employ takes place on the basis of the conditions of service and Regulation R386/96 (permanent full-time lecturing staff) and Regulation A9/95 (permanent full-time support staff).
- 6.6 Where staff members do outside work in their private capacity at other tertiary institutions involving lecturing, examining (excluding external examining) and research or where they are involved in a service or managerial capacity in other institutions, the written permission of the Vice-Principal must be obtained.
- 6.7 Support staff may do outside work only if it is done outside normal working hours or during their vacation leave.
- 6.8 Each year staff members must apply via their superior to the Dean or Director for permission to do outside work. This permission lapses at the end of the calendar year or specific period for which it was granted. Staff members must apply for an extension of the period three months before the expiry of the approval.
- 6.9 Contravention of the above-mentioned provisions can lead to the summary withdrawal of the permission and/or appropriate disciplinary steps.

7. GIFTS AND FUND RAISING

Policy

- 7.1 Gifts to the University may be received on behalf of the University by the Chancellor, the Chairperson and Vice-chairperson of the Council, members of the Executive, Deans and Directors only. Such gifts are recorded in the asset register of the University.
- 7.2 Where the University receives gifts, all the prerequisites set by the donor for the donation must be disclosed.
- 7.3 If acceptance of the gift could be prejudicial to the good name of the University a gift must be refused.
- 7.4 No gifts may be accepted by a staff member in a private and/or official capacity from any former, current or prospective supplier, subcontractor, consultant or student of the university, where the perception may arise that the gift will lead to preferential treatment for the said supplier, subcontractor, consultant or student.
- 7.5 Gifts from current or prospective suppliers, subcontractors, consultants or students of the University to the husband/wife, blood relative, relative by marriage or family friend of a staff member or to an entity in which a staff member has an interest or in which he/she is involved, are also subject to these rules.
- 7.6 No staff member may receive money as a gift from any former, current or prospective supplier, subcontractor, consultant or student of the University without the written permission of the Principal.

Application and procedure

- 7.7 All gifts to a staff member must before final acceptance thereof be disclosed on the prescribed form and approved in writing by the Dean/Director/Head. A Copy of the approval is filed in the staff member's personal life.
- 7.8 Deans, Head of Departments and Directors and other managers are responsible for implementing the rules pertaining to the receipt of gifts in their Faculties/Departments and they report each year in their annual reports on the situation regarding such gifts.
- 7.9 The receipt of sponsorships, endowments or donations from any supplier, subcontractor or consultant obtained or collected by a staff member for the benefit of anyone other than the University, takes place in consultation with the Department of Marketing Services.

8. USE OF ASSETS

Policy

- 8.1 All staff members must act in the best interest of the University when dealing with University assets. No staff member may sell or use University assets without authorization. Need is not a justification for the unauthorized use or consumption of University assets.

- 8.2 Staff members are responsible for the assets placed under their control.
- 8.3 The staff member must report the loss of any assets immediately to his/her superior.
- 8.4 The use of University assets by anyone other than the authorized staff member is not permitted.
- 8.5 Staff members' must use University assets for the purpose for which the particular goods are normally intended and in accordance with the directions for use pertaining to the goods.
- 8.6 Staff members must adhere to the University's internal control measures, which are aimed at protecting assets against their unauthorized removal and/or use.
- 8.7 In respect of University funds, staff members must display the same care and prudence as is demanded from a reasonable and expert financial manager.
- 8.8 Staff members may not spend University funds without authorization.
- 8.9 Where a staff member spends money or authorizes that money be spent, he/she should ensure that the University receives reasonable value for the money expended.
- 8.10 No staff member may without the permission of the Vice-Principal open a bank account on behalf of or in the name of the University, a department, division, centre, institute or any similar operating division of the University.

Application and procedure

- 8.11 The use of University assets takes place on the basis of the conditions of service and Regulations A9/95 and R386/96.
- 8.12 Permission for the use of University assets for private purposes must be granted in writing by the Dean/Director concerned. Such written permission is filed in the staff member's personal file. An accompanying remuneration agreement must be entered into with the University.
- 8.13 Where a staff member undertakes a journey in the service or at the request of the University, the University is entitled to any benefits arising from the regular use of a specific airline, car rental company or hotel group. Such benefits must be applied to the advantage of the University.
- 8.14 No staff member is entitled without the written permission of the Director: Information Technology to load any private software on any of the University's computers or networks or to link private hardware to the University's network and/or systems.
- 8.15 The use of vehicles and trailers allocated to a specific department or project and which are not administered by the University fleet, takes place according to the

rules and procedures stipulated in writing by the departmental head/project leader. Such rules and procedures are submitted beforehand to the Director: Facilities and Services for approval.

- 8.16 The Dean/Director/Departmental head is responsible for the proper implementation of the rules concerning the use of University assets within his/her Faculty/Department/Unit, and he/she reports each year in his/her annual report on such use.

9. IMPROPER INFLUENCING AND BRIBERY

- 9.1 No staff member may bribe or improperly influence or attempt to improperly influence any person in a decision-making position regarding University matters.
- 9.2 No staff member may create the impression in another person that he/she has the power to influence the procedure concerning and/or the people entrusted with appointments, selection decisions, purchases, and the awarding of tenders and/or drawing up of quotations.
- 9.3 A staff member must report immediately to his/her superior any attempt by another person to bribe or to improperly influence him/her.

10. INFORMATION

- 10.1 Staff members may not impart without authorization confidential information (including business strategies, pending contracts, unannounced services, research results, and information on students and personnel) to other people where such people are not legitimately entitled to the information.
- 10.2 Staff members may not use University information for their own personal gain.

11. REPRESENTATIONS

- 11.1 Any staff member of the University, who is dissatisfied with the refusal to grant permission or with the result of any instruction under these provisions, can make written representations to the Vice-Principal.
- 11.2 The Vice-Principal's ruling is final and binding.

12. GENERAL

- 12.1 The University is responsible for publicizing all policy documents, regulations and codes.
- 12.2 Heads of Departments, Directors and Deans that approve the payment of additional remuneration and/or the reimbursement of concomitant expenses should ensure that the claims concerned have been submitted in accordance with the provisions of the relevant policy documents, regulations and codes. Heads of Departments, Directors and Deans are therefore responsible for ensuring that

the internal control measures are adequate to achieve compliance with this code of conduct.

- 12.3 Staff members are responsible for acquainting themselves with the content of these documents as well as of other regulations and codes and must, if requested, indicate in writing that they understand the content and bind themselves to it.
- 12.4 Actions that are contrary to this Code of Conduct can lead to disciplinary steps. The conviction of a staff member may even lead to dismissal.
- 12.5 Where a staff member within the context of working for the University is guilty of any common law and/or statutory crime, it is the policy of the University to bring such crime to the attention of the authorities concerned, who can deal with the information as they see fit.
- 12.6 Neglect on the part of the University to discipline transgressors or to bring possible crimes to the attention of the authorities concerned, should not be interpreted as tacit sanction or condonation or a waiver of rights.
- 12.7 Customs and activities that are contrary to the provisions of these and related regulations must be terminated immediately. Information that must be made known in terms of this Code must be divulged annually before 28 February in accordance with the provisions of the Code.
- 12.8 Notwithstanding the provisions of Clause 12.6, a staff member can be disciplined for actions that were in conflict with the University's policy (par 5.7) regulations or procedures when the actions were performed.

13. **DATE OF COMMENCEMENT**

This policy will come into operation on 1 February 2000.

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