



UNIVERSITY OF ZULULAND

POLICY AND PROCEDURES

Code of Conduct: Staff

POLICY NUMBER	HR P5	POLICY OWNER	Executive Director: Human Resources	
APPROVAL DATE	07 June 2013		REVISION DATE	07 June 2017

POLICY STATEMENT

This policy provides guidelines regarding the conduct of staff.

UNIVERSITY OF ZULULAND

CODE OF CONDUCT AND RELATED POLICY GUIDELINES FOR STAFF

PREAMBLE

WHEREAS upholding the principles of good and corruption free governance are essential in a public institution such as the University of Zululand; and

WHEREAS the University of Zululand subscribes to such principles as an integral part of its value framework; and

WHEREAS the University expects employees and Service Providers to embrace its value framework; and

WHEREAS the University has, after consultation with the Senate and the Institutional Forum, developed and adopted this Code of Conduct with the view to guiding employees and Service Providers in conceptualising the essence of the value framework of the University;

THE COUNCIL adopted this Code of Conduct with the expectation that:

- employees of the University will subscribe to the value framework embedded in the Code and sign it as part of their Conditions of Service; and
- Service providers will respect the value framework of the University as reflected in the Code and will actively assist the University with the implementation thereof.

1. DEFINITIONS

Unless the context indicates otherwise –

“**blood relative**” means a child, a parent, a brother, a sister, a cousin, an uncle, an aunt, a nephew and a niece;

“**business association**” means any business association, formal or informal, which involves a member of Council or an employee of the University;

“**conflict**” means any situation in which an individual or corporation (private or public) is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit;

“employee” means a person in the employ of the University;

“Executive Management” means the Executive Management as contemplated in the Statute of the University;

“family friend” includes a close friend and means a person with whom an employee or his or her blood relative has a relationship that is of such a nature that disclosing the relationship is justified where the employee acts on behalf of the University;

“gift” means any item, service, or benefit with a monetary value and includes (but is not limited to) money, food, a vacation, any form of recreation, accommodation, discount on any goods or service, “kickbacks” or “spotter’s fees”;

“husband or wife” means a spouse in a marriage concluded in accordance with common or indigenous law and includes partners in a cohabitation or similar relationship;

“interest or involvement” means an interest or involvement as owner, director, shareholder, partner, member, manager, trustee, beneficiary, administrative officer, adviser, consultant, agent, staff member in any enterprise, association or other formal or informal business relationship or venture;

“outside employment” means an activity performed by an employee with or without remuneration which falls outside his or her contract of employment with the University and includes activities which are part of such contract of employment, but performed outside official working hours;

“person” includes a company, co-operative, close corporation, trust, partnership, one-person business and any other entity, formal or informal, used to conduct business;

“relative” means a blood relative, a relative by marriage and includes kinship through adoption;

“relative by marriage” means a relative of a spouse;

“Senior Members of Staff” means Senior Members of Staff as contemplated in the Statute and the Rules of the University;

“service provider” means any individual, group or entity providing services of goods to the University in accordance with a business or other relationship with the University;

“supplier” means any individual, group or entity providing goods to the University in accordance with a business or other relationship with the University; and

“University” means the University of Zululand.

2. CONTEXT AND APPLICATION

- 2.1 This Code applies to employees and service providers, as applicable, of the University.
- 2.2 This Code is an integral part of the policy and value framework of the University, as approved by the Council, to give effect to the mandate of the Council and to assist the Vice-Chancellor, Executive Management and Senior Members of Staff in the execution of their responsibilities through an institutional value framework and sound governance and business practices.
- 2.3 It is expected of employees to agree to the contents of the Code in writing when they conclude contracts of employment with the University.
- 2.4 The commitment to and the proven track record of Service Providers of upholding the values aligned with those evident from the Code, will guide the University in concluding and renewing business and other relationships with them.
- 2.5 The behaviour expected from employees and service providers in terms of this Code does not amend or replace the behaviour expected from them by any law (see clause 15 below), but is supplementary thereto.
- 2.6 The Vice-Chancellor and individual members of the Executive Management are jointly and separately authorised by the Council to monitor compliance with this Code.
- 2.7 The Vice-Chancellor and in his/her absence (or when the Vice-Chancellor is implicated) the Deputy Vice-Chancellors, and in their absence (or when the Deputy Vice-Chancellors are also implicated) the Registrar, and in his/her absence (or when the Registrar is also implicated) the Chairperson of the Council must take any action sanctioned by this Code or applicable legislation against employees and service providers contravening the provisions of the Code and/or applicable legislation.

3. GENERAL PRINCIPLES

3.1 Employees must always act in good faith and in the best interest of the University.

- 3.2 The behaviour referred to in clause 3.1 above compels employees to:
- (a) promote the interest of the University and to spend the agreed amount of time in performing their duties;
 - (b) refrain from competing with the University as far as its core activities are concerned;
 - (c) declare, before assuming office and regularly thereafter, as required by this Code and applicable legislation, any business, commercial or financial activities, interest or involvement that may raise a conflict or possible conflict of interest with the University;
 - (d) notify the University of any conflict or possible conflict of interest before the University procures any goods or services from the employee concerned or any organisation within which the employee has an interest or involvement;
 - (e) refrain from conducting business directly or indirectly with the University that entails or may entail a conflict of interest with the University unless the Council or an authority delegated by the Council is of the opinion that:
 - The goods, product or service in question are unique;
 - The supplier is a sole provider; and
 - Acquiring the goods or service from the employee or a business in which the employee has a direct or indirect interest is in the best interest of the University;
 - (f) refrain from contracting on behalf of the University with himself or herself or any entity in which he/she has a direct or indirect financial or personal interest or involvement. (Contracting relates to any conduct that is aimed at receiving any direct or indirect personal gain that does not form part of the contract of employment with the University);
 - (g) refrain from soliciting, accepting or receiving any benefit, other than benefits he/she is entitled to in accordance with his/her employment contract, as a result of his or her association with the University; and
 - (h) prevent any relationship with a student, or group of students, that constitutes an undue or unsolicited interference in the business or operations of the University or results in an unprofessional relationship, of whatever nature, with a student or group of students, or constitutes a contravention of the provisions of any Act.

4. APPOINTMENT AND PROMOTION

- 4.1 Decisions on the appointment and promotion of employees and related matters must be made objectively by the Vice-Chancellor and any other authorised official with due observance of the key performance outputs associated with a particular appointment or promotion.
- 4.2 Employees must commit themselves to upholding the principles of good governance and natural justice and to comply with legislative prescripts in all decisions affecting employees, prospective employees and service providers.
- 4.3 The chairperson of a Selection Committee and the designated Human Resources Officer must alert members of the Committee to the provisions of applicable legislation, the Statute, the Rules and any other policy guideline of the University and must monitor the activities of the Committee with a view to ensuring full compliance therewith.
- 4.4 A member of a Selection Committee must recuse him/herself from the Committee if a candidate appearing before the Committee qualifies in accordance with this Code as a husband or wife, blood relative, relative by marriage or family friend.
- 4.5 All documents, information and discussions pertaining to the functioning and decisions of a Selection Committee must be treated as confidential.
- 4.6 It is not permitted for a Selection Committee (including one person committees) to appoint or to promote (to such a position) a person qualifying in accordance with this Code as a husband or wife, or a relative to become the subordinate or superior of an employee, save where this relationship is disclosed in writing to the Vice-Chancellor and the Vice-Chancellor explicitly approves such appointment or promotion (when the Vice-Chancellor is the approving authority, the Chairperson of the Executive Committee of the Council must approve the appointment).
- 4.7 Where the appointment or promotion contemplated in clause 4.6 above would result in financial reporting between such individuals, no appointment may be made, unless the Audit and Risk Committee of the Council has explicitly approved the appointment and appropriate measures to reduce the risks associated with such an appointment.
- 4.8 A member of a Selection Committee must disclose, before the start of a session, any business association or other relationship which he or she has with a candidate, after which the chairperson of a Selection Committee must decide whether the member should recuse him/herself or not. The Chairperson will be guided in this decision by the provisions of

this Code, the provisions of applicable legislation, general legal principles and practice, and principles of good governance.

- 4.9 Members of Selection Committees must before the commencement of a meeting confirm in writing that a candidate does not qualify as a husband or wife, or a relative, or family friend of the member, as contemplated in this Code, and that the member of the Committee does not have a business association or other relationship with the candidate.
- 4.10 A member of a Selection Committee must withdraw from a Committee if he/she is involved in a disciplinary hearing or grievance procedure with a candidate, in whichever capacity, which at the time of the appointment or promotion is still incomplete or unresolved.

5. POLICY ON CONFLICT OF INTEREST

- 5.1 The University must not enter into a business relationship, especially any purchasing contract, with an employee, or a member of the immediate family of an employee.
- 5.2 Acquisitions from a business or entity, directly or indirectly, in which an employee has a direct or indirect interest are prohibited, unless full disclosure of the interest takes place to the Vice-Chancellor, or his/her representative, and the relevant decision-making authority at the University before the acquisition takes place. The Vice-Chancellor, or his/her representative, will ascertain whether the planned acquisition would impact negatively on the University's subscription to the value framework imbedded in this Code and/or undermine principles of good governance and/or constitute a breach of University policy and/or constitute a contravention of statutory provisions, in which case the acquisition will not be allowed.
- 5.3 Employees must act in the best interest of the University when representing the University in consultations and negotiations with current or prospective clients, suppliers, contractors or consultants.
- 5.4 An employee should prevent any situation where his/her personal interest raises, or may raise, a conflict of interest with the University, or where such interest has or may have an impact on the ability of the employee to act objectively and without preference and in the best interest of the University.
- 5.5 When a conflict of interest exists or develops an employee must recuse him/herself from the relevant decision-making process and, in the instance of existing relationships, declare such conflict without delay. The

University may decide to take appropriate steps to end existing relationships should it be of the opinion that the continuation thereof will constitute a breach of this Code or non-compliance with the provisions of any act, the Statute, the Rules or policy of the University.

- 5.6 Service providers of the University will be expected to acquaint themselves with the contents of this Code and applicable legislation and to bring to the attention of the University all information that might be relevant to the University in deciding upon its business and other relationships.
- 5.7 Employees must declare their interests annually in accordance with the provisions of applicable legislation and this Code.

6. COMPLIANCE WITH PROCUREMENT AND RELATED POLICIES

- 6.1 The Procurement Policy of the University, as approved by the Council, and related constitutional and legislative provisions must be adhered to (see clause 15 below).
- 6.2 Participation by an employee in the procurement process, of whatever nature, where a husband or wife, or a relative, or a family friend or business associate of the staff member competes for service delivery to the University, is not permitted.
- 6.3 Employees must, without delay, disclose in writing to immediate superiors any possible conflict of interest and withdraw from the decision-making process.
- 6.4 Any award to be made in accordance with the Procurement Policy of the University, in the instance where an employee had to withdraw, or where any dispute or uncertainty exists about a possible conflict of interest, must be referred to the Vice-Chancellor or his/her representative for final approval.
- 6.5 Employees involved in any relationship, as contemplated in this Code or any legislative provision, with a person or entity with whom the University has entered into or contemplates entering into a contract or business relationship must declare this interest annually or, as necessary, in between, in the format prescribed by the Council.

**7. ADDITIONAL EMPLOYMENT CONTRACTS AND OUTSIDE WORK
(Excluding secondary appointments at UNIZULU)**

- 7.1 The University acknowledges the desirability and, in some instances, the necessity of external service delivery by and professional exposure of employees.
- 7.2 Activities referred to in clause 7.1 above may not be conducted in such a manner that it constitutes a breach of the contract of employment of the employee or the ability of the employee to perform adequately in accordance with his/her performance contract.
- 7.3 Employees may not conclude any contract of employment in addition to his/her contract with the University without the permission of the Vice-Chancellor or his/her representative.
- 7.4 Employees may not be granted permission to enter into an additional employment contract or do any professional or consultative work outside his/her service contract with the University, unless his/her primary responsibilities towards the University have been performed satisfactorily. The Executive Management and Senior Members of Staff recommending or approving such additional work certify through their recommendation or approval that the relevant employee has performed adequately and in accordance with his/her performance agreement.
- 7.5 Additional work performed in accordance with an approved additional service contract or permission to do consultative or professional work, is done in a private capacity and may not be performed or advertised in the name of the University or a division of the University. No impression may be created through whatever form of communication or behaviour that the University endorses the quality or nature of the work.
- 7.6 Employees using University property, equipment or infrastructure as a consequence of their additional contracts of employment or professional or consultative work outside their service contracts with the University, must conclude a written agreement with the University with regard to the usage of such property, equipment and infrastructure and the payment of rent or other costs.
- 7.7 Where an employee wishes to conclude an additional contract of employment or to perform professional or consultative work outside his/her contract of employment with the University, the permission of the Vice-Chancellor, or his/her representative, must be obtained in advance through the submission of the approved application form.

- 7.8 Permission to perform teaching or research at another tertiary institution will only be granted at the request of the head of such an institution.
- 7.9 Permission to conclude an additional contract of employment, or to do professional or consultative work by administrative and support staff will be subject to the condition that such work be performed outside normal working hours or during vacation leave.
- 7.10 The duration of additional contracts of employment may not exceed one year and employees have to apply *de novo* after the expiration of such a contract for a renewal, provided that only a limited number of renewals will be approved and, provided further that no renewal will be granted for employees who have not met their performance outputs of the previous year.
- 7.11 Permission to perform professional services or consultancy work outside the contract of employment of an employee has to be applied for *de novo* every year at the beginning of the academic year, provided that no permission will be granted for employees who have not met their performance outputs of the previous year.
- 7.12 All applications to conclude an additional contract of employment or to perform professional or consultative work must be submitted to the Vice-Chancellor, or his/her representative, in time (three months before the expiry of a previous approval or, in the instance of a first approval, at least one month before such approval should take effect) via the office of the relevant Head of Department (academic or support), the Dean, Senior Member of Staff or member of the Executive Management, as the case may be.

8. POLICY RELATING TO GIFTS AND DONATIONS

- 8.1 A gift or donation to the University may be received on behalf of the University by the Chancellor, the Chairperson and Deputy Chairperson of the Council and members of the Executive Management. Gifts and donations must be handed over to the University as soon as possible and recorded in the Gifts Register of the University kept in the Office of the Chief Financial Officer.
- 8.2 Subject to the provisions of clause 8.1 an employee may receive a gift or donation on behalf of the University whilst on official University business.
- 8.3 Where the University receives a gift or donation all the terms and conditions attached to the gift or donation must be declared by the donor and the involved University official.

- 8.4 If acceptance of a gift or donation could be prejudicial to the good name of the University or compromise its value framework or the ability of the University or any of its officials to decide objectively on University matters, it must be refused.
- 8.5 No gift or donation (including a cash donation of any monetary value) may be accepted by an employee in a private capacity from any former, current or prospective supplier, subcontractor, consultant or student of the University unless declared by the employee in advance and approved by the Vice-Chancellor or his/her representative. The Vice-Chancellor, or his/her representative, will not approve such a gift or donation if the perception may arise that the gift or donation will or might lead to preferential treatment for such supplier, subcontractor, consultant or student.
- 8.6 The provisions of clause 8.5 above are not applicable to a gift (excluding a cash donation) with a monetary value of less than R 150, 00. Such gifts must be declared to the Line Manager in writing, who will apply the criteria described in clause 8.5 above. The Line Manager must ensure that the gift, whether approved or not, is properly recorded by the responsible Human Resources Official on the personal file of the employee.
- 8.7 The provisions of clause 8.5 above are also applicable to a gift or donation from a current or prospective supplier, subcontractor, consultant or student of the University to the husband or wife, or relative, or family friend of an employee or to an entity in which an employee has an interest or involvement.
- 8.8 A gift to an employee must, before final acceptance, be disclosed on the prescribed form and submitted to the Vice-Chancellor or his/her representative for approval.
- 8.9 The Vice-Chancellor, or his/her representative, may consult members of the Executive Management before approving the acceptance of gifts and donations to the University, provided that the acceptance of gifts and donations with terms and conditions attached to them or which would result in additional workload for employees or require additional support and infrastructure must be consulted with the Executive Management, who must support the acceptance.
- 8.10 Portfolio Managers, Deans, Heads of Department, Heads of Units and other managers are responsible for the implementation of the rules pertaining to gifts and donations in their Faculties, Departments, Divisions and Units and are obliged to report annually to the Vice-Chancellor on the state of affairs.

- 8.11 The receipt of a sponsorship, endowment or donation from any supplier, subcontractor or consultant by an employee on behalf of a third party is, with the necessary changes, governed by the provisions of this Code.

9. POLICY PERTAINING TO THE USE OF ASSETS AND INFRASTRUCTURE

- 9.1 An employee must act in the best interest of the University when entrusted with University assets.
- 9.2 No employee may sell or use or authorise anybody else to sell or use University assets, without the permission of an authorised official. Need does not justify the unauthorised use of University assets or the consumption of food and drinks.
- 9.3 Employees are accountable for the assets entrusted to them.
- 9.4 The loss of or damage to any asset must be reported by the responsible employee to an authorised official without delay.
- 9.5 The use of University assets by anyone other than the employee entrusted therewith is not permitted.
- 9.6 Employees are obliged to use assets entrusted to them for the intended purposes and in accordance with user directions. Any expenditure incurred by the University due to damage caused by the improper use or maintenance of assets by employees will be recovered from the employee entrusted with the asset.
- 9.7 Employees must adhere to the University's internal asset control measures with a view to tracking and managing the changes in the Asset Register of the University.
- 9.8 Unauthorised access to and use of University infrastructure (such as telephones and computer equipment and systems) for private purposes or in a manner prohibited by the respective user policies and guidelines and/or in contravention of the provisions of any law, are regarded as serious breaches of this Code.
- 9.9 No staff member may, without the written permission of the Vice-Chancellor or his/her representative load any private software on any of the University's computers or networks, or link private hardware to the University's networks or systems.

- 9.10 The viewing or storage of any information or visual material on University computers of an offensive or pornographic or similar nature, whether prohibited by law or not, is not permissible and constitute a serious breach of this Code. The sending of such material to another employee or any other person is equally inadmissible.
- 9.11 An employee may not spend University funds without authorisation or in contravention of University policies.
- 9.12 No funds allocated to faculties, departments, units or divisions by means of the operating budget of the University for identified purposes or funds (external or internal in origin) approved for specific projects may be used for alternative purposes, unless approved by an authorised official in accordance with relevant financial policies and procedures. It is expected of employees to display the same care and prudence with regard to University and project finances as can be expected of a reasonable financial manager.
- 9.13 Where an employee expends or authorises expenditure of funds, he/she must ensure that the University receives reasonable value for the money so expended.
- 9.14 No employee may, without the permission of the Vice-Chancellor, or his/her representative, open a bank account on behalf of or in the name of the University, a department, division, centre, institute, unit, or any similar operating division of the University.
- 9.15 When an employee travels in the execution of his or her duty 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.
- 9.16 The use of University vehicles for private or illegal purposes is not permitted. The Vice-Chancellor may under exceptional circumstances and for a limited period of time and for an identified trip, grant permission to an employee to use a University vehicle or trailer for private purposes.
- 9.17 The use of a vehicle or trailer allocated to a specific department or project and which is not administered by the University fleet, takes place in accordance with University policy and the rules and procedures approved by the University for the department or project. Such departmental or project oriented rules and procedures must be in writing and approved by the Vice-Chancellor, or his/her representative.
- 9.18 The requisition of University assets (including vehicles) takes place in accordance with University policy, procedures and guidelines.

- 9.19 Employees requesting the use of University assets for private purposes do so through the office of the relevant Portfolio Manager, Dean or Head of Department, who must submit the request, accompanied by an appropriate recommendation, in writing to the Vice-Chancellor for approval. It will be required of the employee to conclude an agreement with the University to pay the rent or other costs associated with the private use of assets to the University.
- 9.20 The Portfolio Manager, Dean or Head of Department is responsible for the proper implementation of the rules with regard to the use of University assets within his/her faculty, department, unit or division.

10. IMPROPER INFLUENCE AND BRIBERY

- 10.1 Employees may not bribe or improperly influence, or attempt to influence any person or put undue pressure on any person in a decision-making position regarding University matters.
- 10.2 An employee may not create the impression that he/she has the power to influence procedures and decisions with regard to the appointment or promotion of employees, admission of students, the conferment/awarding of degrees or diplomas, the procurement of services, the concluding of contracts, the awarding of tenders or any other related matter.
- 10.3 Employees may not extort a bribe from an employee or any other person for whatever purpose.
- 10.4 Employees must report to the Vice-Chancellor or his/her representative, without delay, any attempt by another person to bribe or to improperly influence, or put undue pressure on him or her.

11. DISSEMINATION OF INFORMATION

- 11.1 A staff member may not impart or divulge, without the permission of the Vice-Chancellor or his/her representative, confidential information such as, but not limited to, business strategies, pending contracts, procurement of services, research results and access restricted information about students and employees to any person or entity not entitled to such information.
- 11.2 Employees may not use University information for own personal gain.

- 11.3 It is incumbent on the University to inform employees appropriately of the Rules and policies of the University and on employees to acquaint themselves with the contents thereof. Employees will be expected to indicate in writing their understanding and acceptance of the provisions of the Rules and policies.

12. DISPUTE RESOLUTION

- 12.1 Any employee, who is dissatisfied with the outcome of any application or request in terms of this Code, may submit a presentation to the Council or the Vice-Chancellor, as appropriate, for a revision of the outcome.
- 12.2 The decision of the Council and the Vice-Chancellor, as appropriate, on the matter will be final and binding.

13. BREACH

- 13.1 Breach of the provisions of this Code by employees may expose them to the immediate cancellation of any privilege acquired in terms of this Code and disciplinary action in accordance with the Disciplinary Code of the University and/or any other appropriate action allowed or required by law.
- 13.2 Breach of the provisions of this Code by service providers may result in the cancellation or non-renewal of contracts and business relationships or any other action permitted by law.
- 13.3 Failure on the part of the University to take appropriate steps against an employee or service provider for a breach or alleged breach of the provisions of the Code will not be interpreted as an endorsement of the breach or a waiver of rights.
- 13.4 Any practice contrary to the provisions of this Code must upon discovery thereof be terminated immediately.
- 13.5 Reports due in accordance with this Code must be submitted to the relevant authority annually before 28 February.

14. PROCEDURES FOR DECLARATIONS

- 14.1 Employees must declare their conflicts of interest as contemplated in this Code and applicable legislation annually, or as necessary, in between.

14.2 The Council, or a committee of the Council with delegated authority, must determine rules and procedures for the regular declaration of interests by employees.

15. STATUTORY PROVISIONS

15.1 The provisions of this Code must be read with the provisions of the Constitution, other relevant legislation and the Statute, which have preference over the Code.

16. DATE OF COMMENCEMENT

This Code will come into effect on the date of approval by the Council. This date of commencement will, however, has no effect on the commencement dates of any legislation, the Statute, the Rules or any other policy guideline.

CONFIRMATION

Employee

I..... (Staff Number)
confirm that I have read the provisions of this Code of Conduct. As an employee of the University I subscribe to the value framework imbedded in this Code and confirm that the Code is binding on me and forms an integral part of my service contract with the University.

SIGNATURE

DATE

20 June 2013