

# NELSON MANDELA

UNIVERSITY

## INSTITUTIONAL REGULATORY CODE (IRC) (Policies, Procedures, Rules etc.)

*To be completed by initiator of policy/policy owner:*

<b>1. POLICY TITLE:</b>	<b>CODE OF ETHICAL BEHAVIOUR</b>
<b>2. FIELD OF APPLICATION:</b> (All persons to whom policy applies)	All employees
<b>3. COMPLIANCE OFFICER(S):</b> (Persons responsible for ensuring policy implementation)	ED: Human Resources
<b>4. STAKEHOLDER CONSULTATION</b> (State the stakeholder group/s consulted during policy formulation/revision)	Institutional Forum (IF) Management Committee (MANCO)
<b>5. DESIGNATION OF POLICY OWNER:</b> (Person responsible for maintaining policy)	ED: Human Resources

**POLICY HISTORY** *(To be completed by policy owner)*

Decision Date (Compulsory)	Status (New/Revised/ No Changes)	Implementation Date (Compulsory if "new" or "revised")	Approving Authority (If "new" or "revised". N/A if no changes)	Resolution Number e.g. 07/11-10.2 (Minute number. N/A if no changes)	Policy Document Number (e.g. D/.../07 N/A if no)	Pending date for next revision (Compulsory)
12Dec2013	New	Immediate	Council	C13.64.4.2	D/319/11 (02-12-2013_10h55)	Annually

**For office use only**

<b>SUBJECT</b> (Broad policy field):	Human Resources
<b>SUBJECT NUMBER:</b>	600
<b>CATEGORY</b> (Policy sub-field):	Employee Relations
<b>CATEGORY NUMBER:</b>	602
<b>IRC NUMBER:</b>	602.06

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# CODE OF ETHICAL BEHAVIOUR

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Bird Street Campus



Missionvale Campus



2<sup>nd</sup> Avenue Campus



South Campus



George Campus



North Campus

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## **REFERENCES**

## **SECTION 1 : PREAMBLE**

### **1.1 TERMS OF REFERENCE FOR THIS CODE**

This Code provides a framework to guide all employees of Nelson Mandela University in an ethical code of conduct, in accordance with a resolution of Council.

The essence of this Code is founded on the core values of Nelson Mandela University and general ethical principles in relation to all employees.

### **1.2 APPLICATION OF THIS CODE**

This Code is applicable to the employees of Nelson Mandela University, as well as students, visitors and contractors.

The Code should be read in conjunction with existing policy documents, the Nelson Mandela University Statute (No. 929 of 2007) and the Rules of Nelson Mandela University. 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 forms part of the Nelson Mandela University's Institutional Rules.

### **1.3 PURPOSE OF THIS CODE**

The objectives of this Code are as follows:

- 3.1 To set guidelines for expected ethical behaviour from all employees of Nelson Mandela University;
- 3.2 to motivate and encourage employees to display good conduct and teamwork; and
- 3.3 to reflect the values of Nelson Mandela University and how employees are expected to comply with these values.

In accordance with the Higher Education Act of 1997, the Council of Nelson Mandela University is responsible for the governance and general supervision of the management of Nelson Mandela University. These responsibilities entail, *inter alia*, that Nelson Mandela University should, on an ongoing basis, account for and report on all assets, liabilities, income, expenditure and other financial transactions.

To give effect to the above, the employees of Nelson Mandela University, including all levels of Nelson Mandela University management, must abide by this Code.

The ethical business standards observed by Nelson Mandela University should also reflect the spirit and intent of the Constitution of the country, applicable legislation such as the Consumer Protection Act, as well as other regulatory codes of good practice.

The Code is also intended to promote teamwork and to enhance the efficiency and effectiveness of the employees of Nelson Mandela University.

### **1.4 GENERAL RESPONSIBILITIES**

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 employees to act as they see fit. In all their actions employees must be guided by Nelson Mandela University's Vision, Mission, Core Values, Strategic Objectives and Rules.

Any employee is entitled, at any time, to disclose non-compliance with the Code without fear of victimisation. Nelson Mandela University's Management subscribes fully to the principles set out in this Code. In the final instance, it is the responsibility of everyone at Nelson Mandela University to monitor whether or not the provisions of the Code have been observed.

### **1.5 DURATION OF THIS CODE**

This Code will commence on approval by Council and will remain in force until it is revised or replaced, in accordance with a resolution or resolutions of Council in respect of another Code of Ethical Behaviour or the like at Nelson Mandela University.

## **SECTION 2 : DEFINITIONS**

### **2.1 ACADEMIC EMPLOYEES**

Employees who are employed by Nelson Mandela University in teaching and research for more than 50% of their time in the Faculties or complementary departments.

### **2.2 CONSENSUAL RELATIONSHIPS**

Refers specifically to romantic and / or sexual relationships between managers and their subordinates or between employees and students.

### **2.3 CONSUMER PROTECTION ACT**

The Consumer Protection Act 68 of 2008.

### **2.4 CONTRACT EMPLOYEES**

#### **2.4.1 Fixed-term contract employees**

People who are employed by Nelson Mandela University on a fixed-term contract for more than one year.

#### **2.4.2 Contract employees employed on an Intermittent Work Contract [IWC]**

People who are employed by Nelson Mandela University on contracts normally not exceeding one year.

### **2.5 EMPLOYEES**

This term is used in this Code to refer cumulatively to Academic Employees; Contract Employees; Managers; Permanent Employees; and Professional, Administrative and Support Employees; as defined in the Code.

### **2.6 HIGHER EDUCATION ACT**

The Higher Education Act 101 of 1997.

### **2.7 MANAGERS**

People employed by Nelson Mandela University, including senior management and supervisors, who have the responsibility to manage all aspects related to their staff and the effective running of their respective directorates and departments in keeping with the spirit and intent of this code.

### **2.8 PERMANENT EMPLOYEES**

People who are permanently employed by Nelson Mandela University.

### **2.9 PROFESSIONAL, ADMINISTRATIVE AND SUPPORT EMPLOYEES**

People who are employed by Nelson Mandela University other than academic employees.

## **SECTION 3 : VISION OF NELSON MANDELA UNIVERSITY**

To be a dynamic African university, recognised for its leadership in generating cutting-edge knowledge for a sustainable future.

## **SECTION 4 : MISSION STATEMENT OF NELSON MANDELA UNIVERSITY**

To offer a diverse range of quality educational opportunities that will make a critical and constructive contribution to regional, national and global sustainability.

## **SECTION 5 : VALUES OF NELSON MANDELA UNIVERSITY**



### **Respect for diversity**

- ◆ We reflect and serve diverse regional, national and global communities.
- ◆ We promote an open society where critical scholarship and the expression of a multiplicity of opinions and experiences are actively encouraged.
- ◆ We foster an environment in which diversity is appreciated, respected and celebrated.
- ◆ We are committed to accessibility, inclusivity and social justice.



### **Excellence**

- ◆ We promote, recognise and reward excellence in our teaching, learning, research and engagement.
- ◆ We promote, recognise and reward excellent service delivery to all our stakeholders.
- ◆ We provide a supportive and affirming environment that enables students and employees to reach their full potential.
- ◆ We adopt innovative approaches to promote excellence in our institutional policies, structures, processes and systems.



### **Ubuntu**

- ◆ We are a people-centred university.
- ◆ We respect the dignity of others.
- ◆ We recognise our mutual interdependence.
- ◆ We promote compassionate and responsible citizenship



### **Integrity**

- ◆ We act with integrity and accept responsibility for our actions.
- ◆ We behave in an ethical and professional manner
- ◆ We conduct our activities in an accountable and transparent manner.
- ◆ We ensure the integrity of our information, systems and processes.



### **Respect for the natural environment**

- ◆ We care about the environment and recognise our responsibility to conserve, protect and properly manage natural resources for ourselves and future generations.
- ◆ We promote the integration of sustainability principles into our academic practices, institutional operations and design of physical infrastructure.
- ◆ We encourage mutually beneficial and sustainable approaches to community service and engagement.
- ◆ We inspire students and employees to embrace environmentally friendly practices.



### **Taking responsibility**

- ◆ We acknowledge our personal responsibility for ethical behaviour towards others.
- ◆ We assume responsibility for the achievement of personal and institutional goals.
- ◆ We accept responsibility for our actions and the consequences thereof.
- ◆ We provide an environment that encourages students and employees to take responsibility for their academic and professional endeavours.

## **SECTION 6 : GENERAL EXPECTATIONS FROM ALL EMPLOYEES, STUDENTS, VISITORS AND CONTRACTORS**

### **6.1 GENERAL EXPECTATIONS FROM ALL EMPLOYEES, STUDENTS, VISITORS AND CONTRACTORS**

All employees, students, visitors and contractors are expected to:

- 6.1.1 observe the ethics, Values and Mission of Nelson Mandela University;
- 6.1.2 act with and promote integrity by communicating respectfully and accepting responsibility for their words and actions;
- 6.1.3 treat all colleagues, students and members of the community with fairness, respect, dignity and honesty by encouraging and respecting a multiplicity of opinions and backgrounds;
- 6.1.4 respect all private and confidential information entrusted to them;
- 6.1.5 do no harm, physically, emotionally or mentally;
- 6.1.6 commit themselves to excellence in order to continue to add value to Nelson Mandela University;
- 6.1.7 seek to improve Nelson Mandela University's systems and be open to learning in order to fill gaps in their knowledge, skills and competence;
- 6.1.8 listen empathetically; respond to and relate to people in a transparent and fair manner whilst being compassionate about their circumstances;
- 6.1.9 ensure that they are reliable and consistent in all their actions, thereby creating credibility for themselves and Nelson Mandela University;
- 6.1.10 respond to all queries and requests for assistance expeditiously and deliver results consistently;
- 6.1.11 have a zero tolerance for corruption; and
- 6.1.12 demonstrate an attitude of care and protection of the natural environment.

## **SECTION 7 : SPECIFIC EXPECTATIONS FROM MANAGERS**

### **7.1 EXPECTATIONS FROM MANAGERS**

All managers, by virtue of their accountability for the management of Nelson Mandela University and their control of the carrying on of the business of Nelson Mandela University, shall, in addition to the general expectations of them in terms of section 6.1 of this Code:

- 7.1.1 be responsible for the communication of this Code and to ensure that it is understood by all employees of Nelson Mandela University;
- 7.1.2 be responsible for the observance of the ethical obligations of Nelson Mandela University;
- 7.1.3 not compromise their management roles, teamwork and performance when acting as office-bearers or representatives of employees or an employee union of which employees under their supervision may be members;
- 7.1.4 be committed to the optimal development, motivation, teambuilding and utilisation of the employees under their supervision and to promote sound labour and interpersonal relations;
- 7.1.5 be responsible for the discipline of employees under their control and to take appropriate steps to instil discipline in their departments;
- 7.1.6 deal courteously with employees, having regard to cultural diversity, sensitivities and individual dignity;
- 7.1.7 give due attention to the training and development of employees;
- 7.1.8 provide safe working conditions, including adequate machinery and equipment and competent supervision;
- 7.1.9 protect employees against physical, mental or emotional harassment; and
- 7.1.10 take the necessary steps for compliance with the provisions of this Code within Nelson Mandela University.

### **7.2 EXPECTATIONS FROM MANAGERS IN RELATION TO STUDENTS AND OTHER STAKEHOLDERS**

All managers shall:

- 7.2.1 market the services of Nelson Mandela University accurately and in accordance with the purpose and policy of the Consumer Protection Act;
- 7.2.2 disclose all relevant information regarding the services which students and stakeholders cannot reasonably learn for themselves;
- 7.2.3 supply the services with promptness and in a manner that at least meets the reasonable quality expectations of the customer;
- 7.2.4 not permit wastage of the assets of Nelson Mandela University;
- 7.2.5 report accurately to the Government on the performance and prospects of Nelson Mandela University and to justify the confidence placed in them;

- 7.2.6 furnish to an auditor of Nelson Mandela University all information and explanations that the auditor requires for the performance of their functions;
- 7.2.7 inform a supplier of any bribe or attempted bribe by the supplier's personnel to an employee of Nelson Mandela University;
- 7.2.8 terminate dealings with any supplier who bribes employees or students of Nelson Mandela University;
- 7.2.9 ensure that no bribe is paid to the personnel or supplier of Nelson Mandela University;
- 7.2.10 ensure compliance by Nelson Mandela University with its debt obligations to suppliers of the University on credit, including lenders of money;
- 7.2.11 not apply funds acquired from a lender or financial supporter to a purpose which is contrary to any agreement with the lender;
- 7.2.12 manage Nelson Mandela University in a way that does not unjustifiably increase the risk to University creditors;
- 7.2.13 not make dishonest allegations concerning other institutions and / or competitors or concerning their products and / or services;
- 7.2.14 not damage their competitors other than by accepted competitive practice;
- 7.2.15 not acquire confidential information of a competitor by espionage, the subordinating of the competitor's employees or any other improper means;
- 7.2.16 pay due regard to environmental and public health considerations; and
- 7.2.17 participate within the means of Nelson Mandela University in projects that will uplift the local community.

## **SECTION 8 : SPECIFIC EXPECTATIONS FROM ALL EMPLOYEES**

### **8.1 EXPECTATIONS REGARDING PROFESSIONAL CONDUCT OF ALL EMPLOYEES**

- 8.1.1 All employees shall provide the services of Nelson Mandela University accurately and in accordance with the purpose and policy of the Consumer Protection Act;
- 8.1.2 All employees shall strive to achieve the Mission, objectives and strategic and short-terms plans of Nelson Mandela University cost-effectively and efficiently;
- 8.1.3 There should be continuous efforts by all employees to treat every student as an important stakeholder of Nelson Mandela University as the University exists primarily to serve students;
- 8.1.4 All employees should ensure that their services to students are governed by the principles of dignity, fairness, professionalism and equity;
- 8.1.5 Appropriate channels of communication shall be used to air complaints or grievances and all officials in the relevant line of authority should be notified and given an opportunity to address these complaints or grievances before appeals are made to higher authorities;
- 8.1.6 All employees are expected to devote their working time to the punctual execution of their duties in a professional and competent manner and commit themselves to optimum productivity and good work ethics;
- 8.1.7 No employee may be involved in any activity that may be construed as sexual harassment;
- 8.1.8 An employee who attends any meeting of Nelson Mandela University's committees in whatever capacity may not disclose to anybody the contents of confidential discussions or decisions of such a committee, except with the express approval of the Chairperson or as allowed by a resolution of the meeting;
- 8.1.9 Arising from the service relationship between Nelson Mandela University and its employees, every employee has a duty to act in good faith towards the University under all circumstances. This requires that every employee shall:
  - 8.1.9.1 promote the interests of Nelson Mandela University and spend the appropriate time on and make the appropriate inputs to his/her work for the University, as agreed to in the contract of employment;
  - 8.1.9.2 not compete with Nelson Mandela University;
  - 8.1.9.3 avoid any conflict between his / her financial interests and those of Nelson Mandela University and, if this is unavoidable, disclose this conflict;
  - 8.1.9.4 receive no other benefit as a result of his / her association with Nelson Mandela University than he / she is entitled to in terms of the contract of employment;
  - 8.1.9.5 avoid any waste of Nelson Mandela University's resources, including time;
  - 8.1.9.6 respect the confidentiality of Management, employees' and students' sensitive information;
  - 8.1.9.7 assist fellow employees and students of Nelson Mandela University to meet their obligations;
  - 8.1.9.8 not make false accusations against a fellow employee;
  - 8.1.9.9 not intimidate a fellow employee; and
  - 8.1.9.10 recognise fellow employees' rights to freedom of association.

### **8.2 EXPECTATIONS REGARDING RELATIONSHIPS AND CONFLICT OF INTEREST**

- 8.2.1 Employees should always act in the best interest of Nelson Mandela University in all dealings with current or prospective students, other stakeholders, suppliers, contractors and consultants.

- 8.2.2 Situations must be avoided where an employee's personal interests conflict or may conflict with those of Nelson Mandela University or where they may cause the employee not to act in the best interest of the University.
- 8.2.3 Participation by an employee 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 employee has an interest or is involved as a third party is not permitted.
- 8.2.4 An employee who serves as a member of an appointment selection committee should withdraw from the committee if a candidate is the husband / wife, blood relative, or a relative by marriage or family friend of the member.
- 8.2.5 The appointment or promotion of a candidate as the subordinate or superior of an employee 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 made known in writing to the Management of Nelson Mandela University and approval is received in writing.
- 8.2.6 The appointment or promotion of a candidate as the subordinate in a work capacity where he / she liaises with a husband / wife, blood relative already in the service of Nelson Mandela University and where such liaison is of a financial nature, is not permitted, save where this fact is made known in writing to the Management of Nelson Mandela University and the approval for the appointment or promotion is received in writing.
- 8.2.7 A member of an appointment or selection committee should disclose beforehand to the committee any blood relationship, family relationship or business association he / she has with a candidate.
- 8.2.8 If the chairperson of an appointment selection committee believes that this Code will be or may be contravened, he / she may request the committee member to withdraw from the committee.
- 8.2.9 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.
- 8.2.10 An academic employee who has a special relationship with a student in the department of which he / she is a member shall disclose the relationship to the Head of Department who should report this to the Dean.
- 8.2.11 A Head of Department who has a special relationship with a student shall disclose this to the Dean.
- 8.2.12 A Head of Department or Dean to whom such a special relationship has been reported shall take whatever steps are necessary to ensure that the academic process is not compromised and that bias, or perception of bias, in dealing with students is avoided.
- 8.2.13 A Dean who has a special relationship with a student should disclose this to the relevant Deputy Vice-Chancellor.

### **8.3 EXPECTATIONS IN RELATION TO CONSENSUAL RELATIONSHIPS**

- 8.3.1 "Consensual relationships", as defined in section 2.2 of this Code, refer specifically to romantic and / or sexual relationships between managers or supervisors and their subordinates or between employees and students.
- 8.3.2 Consensual relationships, as defined, are strongly discouraged because they can undermine the atmosphere of trust which is at the core of the employment relationship and the educational process. They can create potential conflicts and openings for potential exploitation in the workplace and in the educational setting.
- 8.3.3 Should a consensual relationship develop or exist between a manager or a supervisor and his / her subordinate, the manager or supervisor has the obligation to disclose its existence to his / her line manager. The disclosed information shall be considered and dealt with in a sensitive manner, and with full regard for the affected employees' rights to dignity and privacy. The affected employees have the obligation to co-operate with the applicable line manager in making appropriate alternative arrangements relating to the functioning of the directorate, department or unit where necessary.
- 8.3.4 Should a consensual relationship develop or exist between an employee and a student, the employee has the obligation to disclose its existence to his / her line manager. The disclosed information shall be considered and dealt with in a sensitive manner, and with full regard for the affected parties' rights to dignity and privacy.
- 8.3.5 In the case of consensual relationships between an academic employee and a student registered for a module presented by that academic employee or engaged in post-graduate study under the supervision of that academic employee, the academic employee has the obligation to co-operate in making alternative arrangements for the lecturing, supervision and / or assessment of the student.
- 8.3.6 Part of the intention behind discouraging consensual relationships is to guard against the possible abuse of power through the forming of romantic and / or sexual relationships at Nelson Mandela University. A few examples of Nelson Mandela University's expectations in relation to consensual relationships are provided in order to further clarify section 8.3 of this Code:
- 8.3.6.1 Friendships and relationships which are not of a romantic and / or sexual nature do not form part of the definition of "consensual relationships" and are accordingly not regulated by this Code.

- 8.3.6.2 Romantic and / or sexual relationships between employees, other than between managers or supervisors and their subordinates, are not regulated by this Code. Consensual relationships between a manager or supervisor and his / her subordinate employee must be disclosed to the manager or supervisor's line manager so that appropriate alternative arrangements relating to the functioning of the directorate, department or unit may be made where necessary. The affected employees must co-operate with the line manager during this process in a manner which minimises the impact of the consensual relationship on the functioning and morale of the relevant directorate, department or unit.
- 8.3.6.3 Romantic and / or sexual relationships between any employee and any student is strongly discouraged, even if the employee is not directly involved, for example, in lecturing that particular student. This is because such involvement may create unforeseen conflicts, reputational damage and potential for exploitation in Nelson Mandela University educational setting.
- 8.3.6.4 Romantic and / or sexual relationships between an academic employee and his / her own student are also strongly discouraged. In addition, the academic employee is obliged to co-operate with Nelson Mandela University in order to ensure that the academic integrity of the University is maintained, for example by facilitating alternative arrangements for the lecturing, supervision and assessment of the student.

#### **8.4 EXPECTATIONS REGARDING OTHER STAKEHOLDERS**

An employee of Nelson Mandela University shall:

- 8.4.1 avoid unreasonable disruption of Nelson Mandela University services;
- 8.4.2 use their capabilities and develop their potential as much as possible, particularly in return for training received;
- 8.5.3 not divulge any confidential information of Nelson Mandela University to its competitors or otherwise make improper use of such information;
- 8.5.4 act honestly at all times and report any harmful activity they may observe or come across in the workplace;
- 8.5.5 abide by their agreed terms and conditions of employment; and
- 8.5.6 not act in any way that may jeopardize the taxpayers' rights to benefit from the teaching, research and engagement activities of Nelson Mandela University.

#### **REFERENCES**

1. Code of Professional Conduct, Usability Professionals Association, no date. Retrieved 15 April 2011 from [http://www.upassoc.org/about\\_upa/leadership/code\\_of\\_conduct.html](http://www.upassoc.org/about_upa/leadership/code_of_conduct.html),
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