

CODE OF CONDUCT ON STAFF AND STUDENT RELATIONSHIPS

1 Preamble

Against the background of the dream to be an internationally recognised university in Africa, distinguished for engaged scholarship, social responsiveness and an ethic of care, the Council of the North-West University (NWU) has adopted this Code of Conduct on Staff and Student Relationships on 01 December 2023.

This Code of Conduct is adopted in terms of said policies and rules, to ensure that academic integrity is protected, and that operations and other interests of the university are not compromised by any personal relationship between staff members, or staff members and students.

2 Purpose

The purpose of this Code of Conduct on Staff and Student Relationships (hereafter referred to as the CoC) is to -

- 2.1 Guide the extent to which the relationships between staff members or staff members and students impact on the business processes and functions of the university.
- 2.2 Ensure the credibility, integrity, fairness and transparency of university business and related processes, including matters related to governance, academic/research integrity and freedom, and employment.
- 2.3 Ensure that staff members and students can perform at the highest levels of competence, integrity and security, and thereby fostering public trust and confidence in the University's business.
- 2.4 Ensure professionalism in the workplace and prevent possible abuses of power by staff members in a position of authority or supervisory roles.
- 2.5 Maintain a reasonable balance between the possible competing interests of staff members in their commitment and dedication to the NWU on the one hand, and their personal affairs and interests on the other hand.
- 2.6 Promote the effective management of possible instances of conflict of interest and protect the reputation of the NWU.
- 2.7 Develop an organisational culture that stimulates a safe workplace and student environment as well as a conducive academic and co-curricular environment.

3 Interpretation and application

This CoC must be applied in a manner that is consistent with the –

- 3.1 Constitution of the Republic of South Africa, 1996¹;
- 3.2 Higher Education Act, 101 of 1997 ('The Act');
- 3.3 Protection of Personal Information Act, 4 of 2013;
- 3.4 Labour Relations Act, 66 of 1995²;
- 3.5 NWU Statute as promulgated from time to time;
- 3.6 Employee Relations Policy approved from time to time;
- 3.7 Policy on Student Discipline approved from time to time;
- 3.8 NWU Behavioural Manual as approved by Council from time to time;

¹ Hereafter referred to as *the Constitution*.

² Hereafter referred to as *the Labour Relations Act*.

3.9 Policy and Rules on Conflict of Interest and on Declarations of Interest and of Gifts approved from time to time³; and

3.10 Other relevant policy, rules, and guidelines of the University.

4 Scope

This CoC applies to all staff and students of the North-West University, and the relationships that can have the potential to unduly influence and/or impact the business of the NWU.

5 Definitions

The following definitions inform this CoC whereby -

| Term | Definition |
|---------------------------------|---|
| Academic advantage | Means any real or potential benefit to a student's academic or professional standing or to the student's prestige within the University community, including (but not limited to) marks, academic credits or awards, research outputs / publications and/or other recognition of academic excellence. |
| Conflict of Interest | Means the existence of a private or personal interest likely to influence the objective exercise of a member of the University's official duties whereby the person is placed in a position to make or influence an official decision or process that may serve private or personal interests above those of the NWU. |
| Relationship of interest | Within the context of the CoC, refers to a close and consensual personal, sexual, familial, and influential relationship that exists between (a) staff member(s) and student(s), that has the potential to lead to an academic advantage and/or unduly influence university business. |
| Staff member(s) | Means an employee as defined in the Higher Education Act, Labour Relations Act, and employed by the University. |
| Student(s) | Refers to an individual registered as a student with the North-West University in accordance with the General Academic Rules of the North-West University. |
| University business | Refers to the functions, products, and services of the University as it relates to teaching-learning and Research, Community Engagement, People and Culture, Student Life and other relevant support services and departments of the NWU. |

6 Principles

This CoC is guided by the following principles whereby the University –

- 6.1 Must ensure, for the sake of promoting good governance, that consistent and constructive rules and guidelines exist to ensure compliance with the Higher Education Act as well as the common law and ethical principles to prevent conflicts of interest.
- 6.2 Recognises the freedoms and rights afforded to individuals through the Constitution including rights related to freedom of association, expression, and sexual orientation.
- 6.3 Acknowledges that relationships exist amongst staff members or staff members and students that are fundamental to human interactions and behaviour.
- 6.4 Acknowledges individuals' rights to privacy, dignity, and the protection of their personal information, noting that such rights are not absolute.
- 6.5 Works towards ensuring that relationships that have the potential to unduly influence university business and related decisions and/or processes are managed in a reasonable and justifiable manner.
- 6.6 Strives towards maintaining a high standard of integrity, fairness, and transparency as part of its university business.
- 6.7 Creates an environment where staff members and students can engage and interact in a manner that is ethical, safe and conducive to university business, without infringing on their related rights and freedoms.

³ Hereafter referred to as *the Policy on Declaration of Conflict of Interest*.

7 Code of Conduct

- 7.1 Staff members and students at the University have an obligation to ensure they maintain a high standard of professionalism, ethics, integrity, fairness and transparency in their interaction with the University.
- 7.2 No staff member or student may, due to the existence of a personal relationship of interest, be allowed to gain any advantage; or to unduly influence the decisions of the NWU or its business in any manner that may adversely affect the University.
- 7.3 Acknowledging the constitutional rights afforded to each individual related to their relationships and interactions with other individuals, staff and students who are, or enter into, a relationship of interest with each other, commit to declare such a relationship of interest to the university as well as any resulting conflict.
- 7.4 Staff members and students involved in relationships of interest undertake to exercise such relationships in an ethical and trustworthy manner, further committing to –
 - 7.4.1 Manage their personal and professional affairs in a manner that is not detrimental to university business.
 - 7.4.2. Conduct themselves in a manner that would not create an unfair advantage and/or disadvantage towards parties involved and/or other staff members and students.
 - 7.4.3 Report any actions, interactions or conduct that has the potential to unduly influence University business.
 - 7.4.4 Recuse themselves from any discussions and decisions by the University involving any staff member or students with whom a relationship of interest exists except for the process determined in 8.2 and 8.3 hereunder.

8 Framework on managing relationships of interest

8.1 General

- 8.1.1 Staff members and students are required to declare relationships of interest that exist between them that have the potential to unduly influence the transparency, integrity and fairness of the university business, and related processes and/or decisions. Such relationships of interest must also be declared when the relationship ends, as it might have a negative impact on the workplace and/or student environment, e.g. on colleagues, students and the parties themselves.
- 8.1.2 A declared relationship of interest must be adjudged by the relevant line manager of the involved staff member(s) in accordance with paragraph 8.2 below.
- 8.1.3 The line manager, in consultation with the affected staff member and/or student(s), must identify reasonable measures that will manage the potential influence and/or impact of the declared relationship of interest on university business.
- 8.1.4 The identified reasonable measures must be agreed upon in writing between the line manager and the affected staff and/or student(s) and submitted to the relevant University Management Committee member.
- 8.1.5 The declared relationships of interest and agreed upon reasonable measures must be reported as part of the annual process provided for through the policy on the declaration of conflict of interest.
- 8.1.6 The Registrar and Executive Director: People and Culture must annually report on the number of declared relationships of interest to the University Management Committee (UMC) and Council.

8.2 Identification of reasonable measures managing relationships of interest

- 8.2.1 A relationship of interest that may exist between staff members or a staff member and a student must be declared by the relevant staff member to the relevant line manager, with the line manager required to complete an impact assessment on the relationship to determine the following-
 - i. The nature of the relationship.
 - ii. The identification of the parties involved with the relationship.
 - iii. The relevant university business process and/or decision that can potentially be unduly influenced by the relationship.

- iv. The potential impact of the relationship on university business if not appropriately managed.
- 8.2.2 Based on the impact assessment conducted in terms of 8.2.1, the relevant line manager in consultation with the affected staff member and student must identify reasonable and justifiable measures to manage the impact of the relationship on university business, which can include -
- i. The staff member and/or student recusing themselves from forming part of the relevant business process and/or decision.
 - ii. The assignment of specific oversight measures and role-players.
 - iii. The implementation of reasonable limitations on staff and/or student involvement in the relevant business processes and/or decisions.
- 8.2.3 The identified reasonable measures must be agreed upon in writing between the line manager and the affected staff and/or student(s) and submitted to the relevant University Management Committee member.

8.3 Dispute resolution

In the event that a declared relationship of interest cannot be adequately managed and/or resolved in accordance with paragraph 8.2 above -

- 8.3.1 The matter must be referred to the next-level line manager of the affected staff member, for further consultation and possible resolution.
- 8.3.2 Should a satisfactory outcome still not be forthcoming, the relevant next-level line manager is required to refer the matter to the relevant UMC member as well as the Director: Employee Relations.
- 8.3.3 The Director: Employee Relations must mediate the matter and consult the affected staff member and/or student(s), noting that should a student be involved in the relationship of interest, the relevant Campus Director: Student Life must also be involved in this process.
- 8.3.4 Based upon the mediation and consultation described in paragraph 8.3.3 above, the Director: Employee Relations must determine the final reasonable and justifiable measures to be implemented in the management of the relationship of interest. Should a student be involved in the relationship of interest, the determination of the final reasonable and justifiable measures by the Director: Employee Relations, must be done in collaboration with the relevant Campus Director: Student Life.
- 8.3.5 The final justifiable measures described in 8.3.4 above must be approved by the relevant UMC member and line manager prior to implementation.

8.4 Non-compliance to the CoC

Staff members and students who fail to declare a relationship of interest to which they are directly involved in accordance with this CoC remain subject to the relevant disciplinary processes as provided by the NWU Statute and NWU Behavioural Manual.

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