



Policy for the Prevention of Nepotism

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| Institutional functionary (curator) responsible for this policy | Chief Director: Strategic Initiatives and Human Resources |
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| Approved by | |
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The core of the policy

To prevent unfair preferential treatment, as well as situations that may result in conflicts of interests

1. Scope

This policy applies to all staff members (permanent, temporary, full time and part time) and all students. In the rest of this document, therefore, “staff (members)” also includes students, where applicable.

2. Objective

The objective of this policy is to:

- 2.1 prevent preferential treatment; and
- 2.2 prevent situations that may result in conflicts of interests.

3. Background to this policy

The Stellenbosch University (SU) Council accepted an Employment Equity Plan on 13 December 2000. According to this plan, SU will strive to eliminate unfair labour practices, including unfair discrimination, among other things. Nepotism is regarded as a form of unfair discrimination.

4. Definitions

For the purposes of this policy, the following definitions apply:

- 4.1 **Buyer** refers to any staff member who procures goods or services, or both, on behalf of the University.
- 4.2 **Members** of a household includes all persons who share a staff member’s dwelling-place on a regular basis.
- 4.3 **Close family** refers to a person and their blood and other relations up to the second degree, e.g. a marriage or life partner, child, parent, sibling, grandparent, grandchild and in-laws.
- 4.4 **Close friends** refers to personal relationships that would jeopardise an objective professional relationship and accountability.
- 4.5 **Nepotism** is the unfair preferential treatment of members of a person’s close family, household or close group of friends, as defined in 4.1 to 4.4.

5. Onus

The onus to declare ties of the kind mentioned above rests on the University's employees. In case of uncertainty the Chief Director: Strategic Initiatives and Human Resources must be consulted to ensure consistent conduct with regard to the content and spirit of the policy.

6. Mutual relationship of employment

- 6.1 Staff members may not initiate or participate, either directly or indirectly, in **decisions regarding direct conditions of service** (e.g. initial appointment, promotion, salary, allotment of duties, allocation of research funds and leave) that involve members of their close family, household or close group of friends.
- 6.2 If staff members are considered for employment in or promotion to a post where a member of their close family, household or close group of friends **makes decisions in the normal course of affairs** or plays a significant part in decision-making, the decision-making power or function regarding direct conditions of employment must be allocated to someone else if reasonably possible and in consultation with the Chief Director: Strategic Initiatives and Human Resources. The environmental head must submit a written recommendation on the matter. The Chief Director: Strategic Initiatives and Human Resources must make the final decision regarding such recommendation before any appointment can be made.
- 6.3 If staff members are considered for employment in or promotion to a post where they will be exposed to the **close supervisory authority** of a member of their close family, household or close group of friends, the close supervisory authority must be allocated to someone else within the environment if reasonably possible and in consultation with the Chief Director: Strategic Initiatives and Human Resources. The environmental head must submit a written recommendation on the matter. The Chief Director: Strategic Initiatives and Human Resources must take the final decision regarding such recommendation before any appointment can be made.

7. Supervisors for students

If it cannot be avoided that a staff member act a staff member to act as **supervisor or co-supervisor** for a member of their close family, household or close group of friends, an additional, disinterested supervisor or co-supervisor must also be appointed for the student concerned. The environmental head must submit a written recommendation on the matter. The relevant academic body must make the final decision.

8. Acquisition of goods and services

- 8.1 If members of the close family, household or close group of friends of the buyer or decision maker are involved as suppliers in a transaction for the purchasing of goods or services (or both), the buyer or decision maker regarding the transaction must **declare** the relevant **personal tie** to the Director: Purchasing and Provision Services

before the transaction takes place. Failure to provide such information will be dealt with in accordance with the University's Disciplinary Code. Staff members who approve requisitions must ensure in the case of every requisition that no nepotism occurred or could have occurred.

- 8.2 Once the buyer or decision maker has declared the relevant personal tie with the supplier(s) to the Director: Purchasing and Provision Services, a **disinterested staff member** must **handle** the purchase transaction.
- 8.3 If the procedure as described in 8.2 is **impracticable**, the Director: Purchasing and Provision Services may grant permission for the buyer or decision maker concerned to handle the transaction, provided that the Director has ascertained the following:
 - 8.3.1 No other supplier can provide the goods or services on more beneficial terms.
 - 8.3.2 The same product specifications were submitted to the other potential suppliers.
 - 8.3.3 The supplier concerned must comply with the same conditions of delivery and must provide the same after-sales service as would have been expected of any other independent supplier.
 - 8.3.4 Insider information has played no role in the specific transaction.
- 8.4 In the case of a **closed tender action**, the following procedure must be followed instead of the one set out in 8.1 to 8.3:
 - 8.4.1 The buyer or decision maker declares their personal ties with one or more of the potential suppliers to the adjudicating panel.
 - 8.4.2 The buyer or decision maker withdraws from further participation in the tender process and panel.
 - 8.4.3 Despite the provisions of 8.4.2 the chair of the adjudicating panel may decide that the buyer or decision maker who has declared a personal tie may continue to participate in the process. The chair must determine the nature of such participation.

9. Sale of goods

Should members of the close family, household or close group of friends of the seller or decision maker be involved as suppliers in a transaction for the sale of goods or services (or both), the seller or decision maker regarding the transaction must **declare** the relevant **personal tie** to their dean or environmental head before the transaction takes place.

A disinterested staff member must handle the sales transaction from that point onwards, unless the dean or environmental head concerned grants permission for the seller or decision maker in question to remain in charge of the transaction (extract from the Policy on the Sale of Asset Items).

10. Other situations

Obviously, this policy cannot conceivably provide a complete list of the specific situations in which nepotism could play a role. Where such situations arise, **the principles** that informed the provisions above must be applied mutatis mutandis.

11. Supporting documents

| Item no. | Name of document | Status <i>(e.g. identified, in process or approved)</i> |
|-----------------|-------------------------|---|
| | None | |

12. Related documents

| Item no. | Name of document | Status <i>(e.g. identified, in process or approved)</i> |
|-----------------|--------------------------|---|
| EEP0001 | Employment Equity Plan | Approved |
| EEP0002 | Employment Equity Policy | Approved |
| IR0152 | Disciplinary Code | Approved |
| IR0153 | Grievance Procedure | Approved |