

Code of Conduct

As a member of *South African Private Higher Education (SAPHE)*, we commit ourselves to the following code of conduct, as per the Constitution of SAPHE (section 1.6.3).

The Association and its Members (and Members' employees) must, at all times, comply with the Constitution of the Association as well as all applicable laws and regulations as set out in the Constitution of the Republic of South Africa. Members' dealings with all of its stakeholders must stand the closest possible public scrutiny and therefore all institutional conduct should be above the minimum standards required by law or required by sectoral bodies and the broadest cross-section of higher education stakeholders.

Accordingly, Members must ensure that their actions cannot be interpreted as being, in any way, in contravention of the Association's objectives, values and operations as recorded in the Constitution of the Association and in this code of conduct nor of the laws and regulations as set out in the Constitution of the Republic of South Africa.

Members (or candidate members) uncertain about the application or interpretation of any ordinary, ethical or legal requirement of the Association should refer the matter to the Association's Board for advice and comment.

The Association, its Board of Directors and Members agree to:

1. Promote the standing of private higher education in South Africa through facilitating collaboration amongst higher education institutions;
2. Carry out advocacy tasks in order to promote the standing of private higher education in South Africa;
3. Collaborate on issues of regulation and quality assurance;
4. Provide value added services such as capacity building to its Members in order to promote the standing of private higher education in South Africa;
5. Facilitate effective dialogue amongst and between institutions, regulators and civil society on issues affecting higher education in South Africa;
6. Influence and contribute to policy positions and discussions in order to promote the standing of higher education in South Africa and uphold standards of quality and integrity in the provision of higher education in South Africa;

7. Commission research as may be appropriate from time to time to support the objectives of the Association and the promotion of values, principles, ethics and practices commensurate with the delivery of quality higher education in South Africa.
8. Uphold the following principles of the Association in order to realise the objectives of the institution:
 - 8.1 Members must offer education that explicitly and demonstrably supports the values (human dignity, achievement of equality, advancement of human rights and freedoms, non-racialism and non-sexism) of the SA Constitution including the specific requirements of Section 29 of the Constitution.
 - 8.2 Members must recognise the supremacy of the South African Constitution and the rule of law.
 - 8.3 Members should not act in a manner that can be seen to be divisive or discriminatory and should thus adhere to policies that are inclusive and ethical in all of their dealings with fellow members of the association, employees, students and stakeholders.
 - 8.4 Members should not be aligned to any civic, religious or political organisation practising or espousing discriminatory positions or conduct.
 - 8.5 Members must be committed to ethical conduct in education and business matters and should conduct themselves in a manner synonymous with integrity and respect, including but not limited to Section 29 of the Constitution of South Africa, which includes that:
 - I. Everyone has the right -
 - (a) to a basic education, including adult basic education; and
 - (b) to further education, which the state, through reasonable measures, must make progressively available and accessible.
 - II. Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account -
 - (a) equity;
 - (b) practicability; and
 - (c) the need to redress the results of past racially discriminatory laws and practices.
 - III. Everyone has the right to establish and maintain, at their own expense, independent educational institutions that -
 - (a) do not discriminate on the basis of race;
 - (b) are registered with the state; and
 - (c) maintain standards that are not inferior to standards at comparable public educational institutions.

9. Be subject to the principle that Membership will/may be terminated under the following conditions:
 - 9.1 A member fails to act in the best interest of the Association;
 - 9.2 A Member fails to comply with the Constitution of the Association or that of the Republic of South Africa;
 - 9.3 A member Fails to comply with any rules and regulations of the Association;
 - 9.4 A Member fails to comply with any resolutions adopted and rulings made by the Association or its Board;
 - 9.5 A Member acts contrary to the objectives of the Association; or
 - 9.6 A member acts in a manner detrimental to the best interests of the Association.
10. Promote the positive general conduct of its Members (and their employees) including that Members and Officers of the Association perform their duties conscientiously, honestly, and in accordance with the best interests of the Association.
11. Ensure that Members and Officers of the Association not use their positions or the knowledge gained as a result of their positions for private or personal advantage.
12. Ensure that Members and Officers of the Association share a serious responsibility for the Association's good public relations and that this includes but is not limited to ensuring that the reputation of the Association is not negatively impacted by their conduct.
13. Ensure that Members and Officers of the Association avoid investing in or acquiring a financial interest for their own accounts in any business organization that has a contractual relationship with the Association, or that provides goods or services, or both, to the Association if such investment or interest could influence or create the impression of influencing their decisions in the performance of their duties on behalf of the Association.
14. Ensure that Members and Officers of the Association not accept entertainment, gifts, or personal favours that could, in any way, influence, or appear to influence, decisions in favour of any person or organization with whom or with which the Association has, or is likely to have, business dealings.
15. Ensure that Members and Officers of the Association not accept any other preferential treatment under any circumstances because their positions with the Association might be inclined to, or be perceived to, place them under obligation to return the preferential treatment.
16. Ensure that Members and Officers of the Association not receive payment or compensation of any kind, except as authorized under the Association's policies. In particular, the Association strictly prohibits the acceptance of kickbacks and secret commissions of any nature. Any breach of this rule will result in immediate termination.
17. Ensure that Members and Officers of the Association who have access to Association's funds in any form follow the prescribed procedures for recording, handling, and

protecting money as detailed in the Association's policies and procedures or other explanatory materials, or both.

18. Ensure that Members and Officers of the Association impose strict standards to prevent fraud and dishonesty in relation to the conduct of the affairs of the Association.
19. Ensure that Members and Officers of the Association maintain accurate and reliable records of many kinds as are necessary to meet the Association's legal and financial obligations (as may be relevant) and to manage the affairs of the Association. The Association's books and records must reflect in an accurate and timely manner all business transactions. The Officers of the Association responsible for accounting and recordkeeping must fully disclose and record all assets, liabilities, or both, and must exercise diligence in enforcing these requirements.
20. Ensure that Members and Officers of the Association take care to separate their personal or ordinary professional roles from their Association positions including ordinary membership when communicating on matters involving or not involving Association business.
21. Ensure that Members and Officers of the Association communicating publicly on matters that involve Association business, do not presume to speak for the Association on any topic, unless they are certain that the views they express are those of the Association, and it is the Association's desire that such views be publicly disseminated.
22. Ensure that Members and Officers of the Association dealing with anyone outside the Association, including public officials, take care not to compromise the integrity or damage the reputation of either the Association, or any outside individual, business, or government body. This includes but is not limited to violating the privacy and confidentiality of discussions between members.
23. Ensure that Members and Officers of the Association promote prompt communications in all matters relevant to customers, suppliers, government authorities, the public and others in the Association and further make every effort to achieve complete, accurate, and timely communications - responding promptly and courteously to all proper requests for information and to all complaints.
24. Ensure that Members and Officers of the Association uphold the principles of privacy and confidentiality when handling all information including but not limited to financial, professional, organisational or personal information about Members or others with whom the Association has dealings, observing at all times the following principles:
 - 24.1 Collect, use, and retain only the information necessary for the Association's business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
 - 24.2 Retain information only for as long as necessary or as required by law and protect the physical security of this information.
 - 24.3 Limit internal access to information to those with a legitimate reason for seeking that information. Use only information for the purposes for which it was originally

obtained. Obtain the consent of the person or organisation concerned before externally disclosing any personal or organisational information, unless legal process or contractual obligation provides otherwise.

25. Respect the confidentiality of all discussions between members and not share that information inappropriately or in a manner that can identify an individual member or bring a member or his or her institution in to conflict or disrepute with any other party.

In addition, candidate members and applicants are required to confirm that:

1. They are registered, or provisionally registered, with the Department of Higher Education and Training as a private higher education provider and that they have been registered as such for at least two calendar years prior to applying to be a Full Member;
2. The institution satisfies the eligibility criteria set out in the Constitution of the Association;
3. They are compliant with the regulatory requirements for accreditation and registration including any conditions that may have been set as part of these processes;
4. They accept that these are minimum requirements and therefore membership is contingent on shared values which are determined from time to time by the membership. As this is a voluntary association of members the membership takes on itself full authority to determine the values that must inform the practise of all its members.
5. They accept that the termination of membership may be a more complex issue and has high potential for conflict and discord and thus the Members and the Board of the Association have agreed, and will, exercise their minds carefully before accepting candidate Members and may decline membership to any institution that could place the objectives of the Association at risk either directly or as a result of reputational association.

March 2017