The Impact of the Code of Conduct on the Academic and Non-academic Staff of a University in the Eastern Cape Province, South Africa

Seriki Idowu Ibrahim[1], Agholor Deborah Ewere[2] and Emmanuel O. Adu[3]

University of Fort Hare, South Africa
Telephone; [1]<+27 73 200 0697>, [2]<+27 78 929 7081>, [3]<+27 84 925 1948>
E-mail: [1]<iseriki@ufh.ac.za>, [2]<deborahewere@yahoo.com>, [3]<eadu@ufh.ac.za>

ABSTRACT The code of conduct/ethics is acknowledged as an essential tool in curbing the high rate of corruption in most countries worldwide. Hence, the main purpose of this study is to investigate the impact of the code of conduct on the academic and non-academic staff at a university in the Eastern Cape Province. The study adopts a descriptive survey research design and simple random sampling techniques were used to select 45 (forty-five) respondents. The findings showed that forty-five percent of the academic and non-academic staffs of the university are aware of the use of code of conduct. Since the academic and nonacademic staff are aware of the use of code of conduct, proper discipline should be employed on an employee depending on the rules and regulations stipulated in the code of conduct. In conclusion, the institution can make use of the 'whistleblowing' mechanisms in reporting unethical activities, which leaves the employees protected and unknown.

INTRODUCTION

The failure of large companies in the world such as Enron, Tyco, Global Crossing and World-Com in the United Kingdom in 2002 as a result of fraud, corruption, unethical conduct and other related scandals have created an increase in the level of awareness and importance of ethical standards to be followed by both private and public companies (Boyd 2004: 378). Langseth (1999: 7) identified a code of conduct as an important tool in maintaining ethical behavior in both private and public companies. In South Africa, the importance of the code of conduct in the public service is clearly spelt out in the constitution of the country. Section 15 (1) and Section 15 (2) of the White Paper on the Transformation of the Public Service states that 'the introduction of a code of conduct, for the public service and measures to eliminate corruption should help promote a more professional ethos amongst employees at all levels: and by so doing, contribute towards greater honesty, integrity and efficiency in the public service as a whole' (Government Gazette No. 16838: 1995).

There are various definitions and concepts, which are used to label the concept of code of conduct worldwide. According to the International Federation of Accountants (2007: 5), the concept of code of conduct is labeled as code of ethics, code of business practices, code of values, and or code of behaviors. Kaptein and Schwartz (2008: 112) point out that the existence of numerous definitions and labels for the concept of a code of conduct creates a lot of confusion on what constitutes the code of conduct and its importance. Hence, to avoid confusion, a definition proposed by Sifile (2012: 5) will be used throughout the study. Sifile (2012: 5) defines the code of conduct as 'the principles, values, standards, or rules of behavior that guide the decisions, procedures and systems of an organization in a way that (a) contributes to the welfare of its key stakeholders, and (b) respects the rights of all constituents affected by its operations'. The definition proposed by the International Federation of Accountants shows that a code of conduct stipulates the rules, behavior, accountability and the obligations, which an employee has for the benefit of the organization and other responsible stakeholders.

The procedures referred to in the definition may mean receipting cash received, banking and reporting to the responsible authorities in organizations in order to avoid issues such as theft and fraud. In some countries the code of conduct may be used to discipline employees since all the rules would be stipulated in the code of conduct. In South Africa, the code of conduct to be followed by public organizations was de-

veloped in the King II report. The King II report stipulates the requirements, which both the organization and the employee has to achieve and also has to publish a report pertaining to their commitment to the code of conduct (Nagiah 2012: 21). The Public Service Commission (2002: 9) argues that employees in the public service have the responsibility to comply with the prescribed code of conduct. Thus, every employee in the public service industry has an obligation to be aware and oblige to the contents of the code of conduct.

In most organizations, the concept of a code of conduct and code of ethics are used interchangeably (Gilman 2005: 4). It becomes of paramount importance to define what constitutes ethics. According to Hellriegel et al. (2008: 211), ethics are the code of moral principles and values that direct the behavior of an individual or a group in terms of what is right or wrong. Therefore, a code of ethics may be defined as a document, which constitutes rules/principles and values that direct the behavior of an individual or a group in terms of what is right or wrong.

The definitions for code of ethics and code of conduct contain some similar elements such as rules, principles and values that guide the behavior of an individual or organization. These definitions are in line with the arguments raised by Smit and Barrientos (2007) as cited by Fatoki and Chiliya (2012: 15) that ethics affect both individuals and business organizations. In the context of individuals working in the public service industry, ethical challenges may come in the form of accepting bribes, committing fraud and using public funds or resources for personal gain. In the business context, it refers to the principles, which an organization imposes on the employees to manage their behavior and achieve organizational goals of effective and efficient public service delivery.

Gilman (2005: 4) states that if the code of ethics or code of conduct is used as foundational documents, they can provide the framework that public servants, in political and civil service can use to carry out their public responsibilities. Gilman (2005: 4) further points out that code of ethics/conduct can clearly articulate unacceptable behaviors as well as providing a vision for which the government official is striving. Thus, the code of conduct can be used as a legal framework, which can be used to prohibit unethical behaviors such as fraud, theft, and embezzlement of public funds and misuse of public property for personal gains. The code of conduct/ethics is acknowledged as an essential tool in curbing the high rate of corruption in most countries worldwide (Gilman 2005: 4). In other words, organizations may use the code of conduct to safeguard its values. According to Nagiah (2012: 21), values refer to the standards that are used to determine whether an action or behavior is good, not only for oneself, but for others. Therefore, an individual or business should be aware that they would be accountable for any good or bad behavior induced on a fellow individual or business. In South Africa, the King Report II identified seven (7) universal values, which should guide the behavior of organizations, namely discipline, transparency, independence, accountability, responsibility, fairness and social responsibility (King Report II 2002).

Statement of the Problem

According to Nagiah (2012: 3), corruption in the public sector is considered to be the most "important unethical behavior". However, Basopu (2010: 4) points out that the Department of Education in the Eastern Cape encounters a number of challenges such as bribery, fraud, nepotism and systemic corruption. Recently, these challenges have affected most universities in Eastern Cape. The unethical admission of students results in a high failure of students as well as unnecessary protests. In the year 2013, the University was temporarily closed as a result of violent protests. There has been an outcry from the civil society, media and public, in conjunction with a growing demand that the provincial government should prevent this issue from becoming an all-consuming problem. A study of this nature is appropriate, hence no other research has been conducted in this area.

Purpose of Study

The main purpose of this study is to investigate the impact of the code of conduct on the academic and non-academic staff at the university.

Research Objectives

- To investigate whether the staff members observe the code of conduct in performing legitimate duties.

- To identify challenges faced by staff members in following the code of conduct.
- To contribute and provide a more complete understanding of the code of conduct amongst staff members.

Research Questions

- Is there any impact of the code of conduct on the academic and non-academic staff?
- Do the respondents agree to the content of the use of code of conduct?
- Are there any statutory measures taken for employees not following the contents of the code of conduct within a department?

Theories Underpinning the Study

Theory of Consequentialism

The consequentialist ethics theory is based on the notion that decision-making results in favorable outcomes, which benefits a majority of the people in the society and has the least possible harm on the society (McGill 2010: 1). In other words, the theory requires a decision maker to evaluate available options and select the most appropriate option, which may offer the best results to the community or society. For instance, the introduction of the code of conduct to an employee may be done verbally or in writing. However, for the code of conduct to be more effective, it should be presented in writing, since most employees know that something, which is presented in writing, is more binding than something, which has been presented orally. Therefore, to obtain the best results, which will benefit the society, an organization may choose to introduce the code of conduct in writing. Mason (2007: 19) points out that most people are of the view that consequences of actions matter morally but some think that only the consequences matter. However, the consequentialism theory of ethics states that people ought to do what has the best consequences and it does not matter if that involves lying, stealing, or even killing an innocent person. As discussed, the consequentialist theory only takes into account the consequences of the outcome of an action. For instance, a lecturer may make students pass by giving them the examination paper before the examination date. This act is right in the sense that students will pass, but morally unaccept-

able because some students will just pass and proceed to the next level without mastering the concepts in that course.

The consequentialism theory is broken down in two categories, namely the act utilitarianism and rule utilitarianism. These two categories help in determining what constitutes right or wrong under the consequentialism theory. The act utilitarianism theory is based on the ability of the decision maker to predict the results or consequences of the action (Cammi and Derr 2012: 3). According to the act utilitarianism theory, the choice that yields the greatest benefit to most people is the choice that is ethically correct. Under this theory, the decision maker may compare predicted options and use a scale to decide on a possible selection, which has a better benefit for the majority of people in the society. The most important point about this theory is that logical and rational argument for each decision is made and also allows a person to use it in a case-by-case context (Cammi and Derr 2002: 2). For instance, in the University context, lecturers may treat all the students fairly with or without the code of conduct.

The rule utilitarianism theory is completely opposite of the act utilitarianism theory. The rule utilitarianism theory takes into account the importance of law and fairness in decision-making. However, both the act and rule utilitarianism contain a number of loopholes or flaws. The major flaw observed being in predicting the future. Under the above-mentioned theories, decision makers rely mainly on their past experiences in deciding and predicting the future outcome. However, a judgment based on personal experiences may distort in the future and render the results false. Basically, people are living in an ever-changing environment characterized by uncertainty. Uncertainty refers to the inability to attach potential probability on the potential outcome. The existence of uncertainty in the environment may also lead to failure to meet expected results. If such a scenario occurs, the utilitarian theorist maybe viewed as unethical and results will not benefit the society at large.

Theory of Deontology

According to Cammi and Derr (2002: 2), the deontological theory stipulates that people should adhere to their obligations and duties when analyzing an ethical dilemma. Thus, in case

of lecturers at universities, they have to follow certain obligations expected from the society and the institution since under the deontology theory, safeguarding one's duty is what is considered ethically correct. McGill (2010: 2) argues that the deontological theory is a duty-based approach, which on focuses the individual's ethical decisions on duty to others.

Theory of Virtue Ethics

Cammi and Derr (2002: 4) points out that under the virtue theory, a person is judged by his character rather than by an action that may deviate from his normal behavior. It takes the person's morals, reputation and motivation into account when rating an unusual and irregular behavior that is considered unethical. Of the three theories, virtue ethics focuses on the individual's moral stature rather than the morality of the act itself. A moral actor will base his or her decisions on ingrained values rather than consequences or duties (McGill 2010: 2). However, the individual is a part of the community and the virtue valued by the community affects the individual's decision-making thought process.

Nature and Use of the Code of Conduct

In the above discussion it has been established that code of conducts are viewed as a vital tool in instilling ethical behavior in individuals and businesses. The ethical behavior is reflected in different ways, such as compliance to rules and laws, desisting from issues such as fraud, theft, corruption, inappropriate use of public property for personal benefits and other related cases. It should be noted that the code of conduct is drawn for a bad person only but it is also drawn for people with good behavior so that they maintain or improve their behavior. Fatoki and Chiliya (2012: 16) point out that the behavior of individuals is shaped by the environment in which they operate. Therefore, the code of conduct shapes the behavior of individuals despite the unethical environment in which they are operating. Johnson and McAndrew (1993: 94) agree that the code of conduct draws attention to pitfalls that can be avoided and suggest how every employee should behave in the interests of the organization and the interested stakeholders. Thus, a code of conduct should clearly specify the values, behavior, principles

and standards, which should be followed by every employee (Rossouw and Van Vuren 2006: 182).

Rossouw and Van Vuren (2006: 182) point out that an organization should prepare a code of conduct that is acceptable by all employees and also credible in terms of international and local standards. In order for the code of conduct to be effective, a consensus agreement should be reached. In most business organizations, agreements are reached through signing. Thus, for code of conduct to be valid, it should be included in the contract of employment and should be signed by every employee (Nagiah 2012: 20). The most important aspects of the code of conduct should also be clearly explained to the employees in order to avoid all areas, which may cause ignorance of regulations and laws. After explaining the contents of the code of conduct, the two parties have to sign the code to create a legal binding. Nagiah (2012: 20) highlights that the most important objectives of the code of conduct are to prevent dishonest, corruption, unethical behavior, abuse of information and equipment, conflict of interest, and bias. Some of the objectives of the code of conduct are discussed briefly below.

Bribery

Bribery is an act of giving a gift or money to someone to alter his behavior in favour of something (Nagiah 2012: 30). A number of people are of the view that bribery refers to the payment of money only. However, bribery takes a number of forms such as, gifts, lunch, and entertainment or offsetting loans. Thus, the code of conduct should clearly specify on the boundaries of fraud and also on how to respond if faced with bribery challenges.

Conflict of Interest

Nagiah (2012; 30) states that conflict of interest is when an employee, manager or executive of an organization has a hidden or financial interest in a matter, which is detrimental to the operation of a business. This may come in the form of the manager or executive holding shares in another company and always offering tenders to that company even though it does not deserve the offer. It should be noted that this is different from fraud because the employee is only

pursuing his personal interests. However, if the employee discloses his interest in a certain organization or individual, then the case ceases to be a conflict of interest (Singleton and Singleton 2010: 83). The code of conduct clearly spells out what constitutes a conflict of interest.

Corruption

Corruption and bribery are mostly used interchangeably. According to the Corruption Watch (2013), corruption is the abuse of public resources to enrich or give unfair advantage to individuals, their family or their friends. In the university scenario, corruption may come in form of enrolling students with poor symbols for graduate programs in exchange of money or employing the executive's relatives only. In 2012, a number of staff members at University of Fort Hare were suspended as a result of corruption (Sifile 2012).

RESEARCH METHODOLOGY

Research Design

The study adopted a descriptive survey research design to investigate the impact of the code of conduct on the academic and non-academic staff at the university in the Eastern Cape Province.

Population Sample

The study covers the academic and non-academic staff of the university. The simple random sampling technique was used to select 45 (forty-five) participants.

Validity and Reliability of Research Instrument

A structured questionnaire was used to elicit information from the respondents. The instrument was validated by the experts in the same field and the Cronbach's alpha was used to measure its reliability. The reliability coefficient is r=0.81.

Data Administration and Analyses

The instrument was administered to the respondents with the support of research assis-

tants. The data collected was analyzed using descriptive statistics.

RESULTS AND DISCUSSION

The results presented in this section will follow a logical sequence as presented on the questionnaire.

General Information

Section A of the questionnaire referred to the general information of the respondent and business information. The information, which was sought in this section, comprised of the gender of the respondent, educational qualifications, department and position of the respondent.

Gender of Respondent

This questionnaire allowed the researcher to make general inferences on the gender of respondents whether they were males of females. This also allowed the researcher to determine the gender balance of the respondents. The results on the gender of responders are depicted in Table 1.

Table 1: Respondents according to gender

Gender of respondents	Percentage
Male	57.8
Female	42.2

The results show that 57.8 percent of the respondents who participated in the study were males and 42.2 percent were females. This shows that males dominated in the academia. The results are consistent with proposition by Barkhuizen and Rothmann (2008: 324) who pointed out that male dominated in the institutions of higher education.

Educational Qualifications of the Respondent

This question sought to assess the highest educational qualification of the respondents. The educational qualification assisted in understanding the respondent's level of awareness of the code of conduct. The results obtained are displayed in Table 2.

Table 2: Respondent's educational qualification

Educational qualification	Frequency	Percentage (%)
PhD and above	11	24.4
Masters	14	31.1
Honours	3	6.7
Bachelor's	8	17.8
Diploma	6	13.3
Matric and below	3	6.7
Total	45	100

Table 2 depicts that respondents with a master's qualification were the highest with 14 (31.1%) respondents, followed by PhD and above with 11 (24.4%) and the least was Matric with 3 (6.7%) respondents. Thus, the results show that the majority of the respondents 42 (93.3%) had qualifications equivalent to a Matric certificate and above. The results are consistent with the results of a study conducted by Barkhuizen and Rothmann (2008: 324) who found out that the majority of the respondents had a qualification grade 12 certificate and above.

Respective Faculty or Department of the Respondent

This question was asked to evaluate whether each faculty/department was represented in the survey. The results are presented in Table 3.

Table 3: Respondent's faculty/department

Department	Frequency	Percentage (%)
Administration	14	31.1
Education	7	15.6
Faculty of Law	1	2.2
Management and Commerce	12	26.7
Faculty of Agriculture	4	8.9
Social Sciences and Humanities	4	8.9
Transport Department	3	6.7
Total	45	100

The results in Table 2 show that 31.1 percent of the respondents were from the Administration department, 15.6 percent from the Faculty of Education, 2.2 percent from Faculty of Law, 26.7 percent from Faculty of Management and Commerce, 8.9 percent from Faculty of Agriculture, 8.9 percent from the Faculty of Social Sciences and Humanities and the Transport Department each. In addition, the results show that the majority of respondents (31.1%) came from the Administration department.

Respondents' Position in the Department

The results showing the respondents' position in the department are shown in Table 4.

Table 4: Respondents position in the department

Position	Frequency	Frequency percent	Cumulative percent
Lecturer	22	48.9	48.9
Administrators	18	40.0	88.9
Other	5	11.1	100.0
Total	45	100.0	

Source; Data Analysis

The results in Table 4 reveal that 48.9 percent of the respondents were lecturers, 40 percent were administrators and 11.1 percent came from other departments (for example, drivers from the transport department). The results show that lecturers dominate the number of respondents who participated in the survey. This is mainly because the sole objective of the University is to impart knowledge to students hence there should be a lot of lecturers.

Research Question 1: Is there any impact of the code of conduct on the academic and non-academic staff?

Table 5: Impact of the use of code of conduct

Respondents view	Percentages
Yes	82
No	19
Total	100

Respondents when asked if the use of code of conduct has made any impact on their legitimate duties. Eighty-two percent of the respondents agreed to the use of code of conduct having an impact and out of these, the majorities were academic staffs while fewer numbers of the non-academic staff supported (Table 5).

Research Question 2: Do the respondents agree to the content of the use of code of conduct?

The results in the Table 6 show that 'The code of conduct is understood by every employee' had the highest mean of 3.80, followed by 'Employees in your department adhere to the code of conduct policies and procedures always' with a mean of 3.73 and the least being 'The written code of conduct manual is accessible by

Table 6: Respondents agreement on contents of the code of conduct

Statements	Mean	Std dev
The code of conduct is understood by every employee.	3.80	0.625
The contents of code of conduct are explained to every employee.	2.89	0.910
The written code of conduct manual is accessible by every employee.	2.84	0.737
Employees in your department adhere to the code of conduct policies and procedures always.	3.73	0.618
There are mechanisms used to assess the compliance to the code of conduct.	3.67	0.707
Management makes a follow up on non-compliance of the code of conduct.	3.11	0.859

every employee' with a mean of 2.84. Basically, the results show that for the responses with a mean above the neutral point (3), the respondents were in agreement with the statements, whereas below the neutral point were in disagreement. For instance, the respondents were in disagreement that the written code of conduct manual is accessible by every employee.

Research Question 3: Are there any statutory measures taken for employees not following the contents of code of conduct within your department?

This question was aimed to assess whether there are any statutory measures taken against employees who infringe the contents of the code of conduct. The results are displayed in the Table 7.

Table 7: Statutory measures

Measures instituted	Frequency	Per cent
Yes	45	100.0

Table 7 shows that all the respondents (100%) responded that there are measures, which are instituted for employees not following the contents of the code of conduct. Again, the results obtained in this study are in line with the purpose of the University's code of conduct and according to Fatoki and Chiliya (2012), every organization has penalties for any employee that violates the code of conduct and this always serves as a deterrent for others.

CONCLUSION

The code of conduct clearly shows the boundaries, which the employee has to reach in terms of its scope. Thus, if properly employed, the institution can use the code of conduct to discipline the employees depending on the rules and regulations stipulated in the code of conduct. In addition, the code of conduct may be used as a tool to guide the behavior of employees in deciding what constitutes the right or wrong conduct.

RECOMMENDATIONS

The descriptive statistics showed that the majority of the respondents were against the statement that 'the written code of conduct manual is accessible by every employee in the department'. Thus, the institution should ensure that a copy of the code of conduct should be printed and placed in all the departments where every employee can access it. It is recommended that departments should conduct meetings frequently on the importance of the code of conduct.

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