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Conflict of Interest



Conflict of Interest

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Validity:	The English version of this regulation is the operative version, and the Afrikaans version is the translation.

¹ Owner: Head(s) of Responsibility Centre(s) in which the rules functions.

² Curator: Administrative head of the division responsible for the implementation and maintenance of the rules

1. Introduction

- 1.1. Conflict of interest and the management thereof is addressed in the Higher Education Act, Act 101 of 1997, and the SU Statute. This Institutional Rule regulating Conflict of Interest will give effect to the relevant provision in the Statute and the Higher Education Act.
- 1.2. The University affirms its commitment to the Constitutional right to academic freedom and freedom of scientific research as set out in section 16(1)(d) of the Constitution of the Republic of South Africa. Nothing in this Institutional Rule is intended to limit or infringe upon these rights. At the same time, the University has a responsibility to ensure good governance, integrity, and public accountability, including the management of actual, potential, or perceived conflicts of interest. This Institutional Rule seeks to balance these imperatives in a manner that is fair, transparent, and consistent with both constitutional values and statutory obligations.
- 1.3. All conflicts of interest, whether they arise within the scope of an individual's duties or outside their formal relationship with the University, must be identified, disclosed, and effectively managed to maintain integrity and transparency
- 1.4. Whenever possible, conflicts of interest must be avoided, unless the activities or interests are approved in terms of this Institutional Rule and supporting processes
- 1.5. Where conflicts of interest cannot be avoided, they must be properly managed. In such cases, the conflict shall be formally assessed for materiality and risk and active management through mitigation strategies must be implemented and monitored.
- 1.6. The University recognises that funders have specific requirements to ensure that the integrity and judgement of stakeholders are not compromised when designing, conducting and reporting their activities. Specific reference to regulations to this effect is incorporated in this Institutional Rule.

2. Application of the Institutional Rule

- 2.1. This Institutional Rule applies to all stakeholders of the University. (See 3.15 below for the definition of 'stakeholder'.) with reference to the standard procedures (Annexure B) and standard conflict of interest disclosure (Annexure C).
- 2.2. Stakeholders involved in U.S. Public Health Services (PHS) 1 grants or agreements must adhere to the additional requirements as stipulated in the relevant U.S. federal funding regulations and subsequent amendments, dealing with Promoting Objectivity in Research (42 CFR Part 50 Subpart F)² and the *Rule: Financial Conflict of Interest for Research Conducted Under United States (US) Public Health Services (PHS) Grants or Agreements*, as approved by Senate, and the procedures disclosed in that Rule.

- 2.3. All office-bearers, Council members, committees, and governance structures shall:
 - 2.3.1. Adhere to the principles of this Institutional Rule;
 - 2.3.2. Ensure their governing documents comply with the Higher Education Act, SU Statute, and other statutory requirements; and
 - 2.3.3. Establish mechanisms for effective disclosure, identification, and management of conflicts of interest arising among their members or within their operations.
- 2.4. This Institutional Rule is intended for internal use only and does not confer any rights or privileges on any third party.

3. **Definitions**

- 3.1. "1st Line Manager": in terms of this Institutional Rule, the 1st line manager will typically be the Head of a Department or a Director in the Support Services. In the case of an office bearer or governance structure or committee, it would be the Chairperson of that governance structure or committee. In the case of an office bearer, the relevant Deputy Registrar would be responsible for governance.
- 3.2. "2nd Line Manager": would be the line above the 1st line manager e.g. Dean, Senior or Chief Director. In the case of a governance structure or committee or office bearer, it would be the Registrar.
- 3.3. "Affected area": Any faculty, department, unit, governance structure or other area within the University that may be affected by this Institutional rule and may need to manage conflicts of interest.
- 3.4. "Chairperson": would be the chairperson of the governance structure (Council, Senate, IF, SRC as stipulated in the SU Statute, as well as their committees) that a conflict, possible or perceived conflict of interest has been reported to. These would typically be cases that involved the members of that governance structure or independent members serving on those structures.
- 3.5. "Conflict of Interest Committees": A Conflict of Interest Committee may be established in an affected area or institutionally. The role of these committee(s) is to assist the 1st line manager and University by reviewing all disclosed interests, identifying possible or perceived conflicts of interest, determining the existence of a conflict, recommending appropriate actions to eliminate, reduce, or manage such conflicts, and monitoring the conflicts of interest management plans and related interests. The 1st and 2nd line managers can request that a committee be established to assist with a specific case, in consultation with the Curator of the Institutional Rule or their delegate.
- 3.6. "Commercial interest": means any direct or indirect financial or fiduciary interest in

¹ The U.S. Public Health Services (PHS) is defined as "the Public Health Service of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority involved may be delegated, including the National Institutes of Health (NIH)". Several non-PHS agencies adopted the PHS regulations.

² <https://www.ecfr.gov/current/title-42/chapter-I/subchapter-D/part-50/subpart-F>

partnerships, firms, companies, trusts, or other legal entities where such interest:

- a) Could reasonably be perceived to influence institutional decision-making; or
- b) Provides material personal gain; or
- c) Involves substantive control (e.g., executive directorship, board membership, or comparable authority) or
- d) Constitutes a significant ownership stake (illustratively, >5% equity or equivalent voting rights).
- e) *All examples in (c)-(d) remain subject to the perception test in (a)*

- 3.7. "Conflict of interest"³: refers to any situation where a stakeholder's personal, financial, or other interests—whether actual, potential, or perceived—has the potential to compromise, or appear to compromise, their ability to act with impartiality, integrity, and objectivity in their professional responsibilities, thus leading to a risk of prejudice to the University or providing undue or improper benefits to the stakeholder or others.
- 3.8. "Conflict of Interest advisors": The Curator of this Institutional Rule will be assisted by several internal SU advisors. These advisors may be located in the different responsibility centres that are responsible for governance, research, employee relations, innovation or any other relevant area. . These advisors may be approached for advice by stakeholders, and they will keep the Curator informed of any advice or guidance provided. The Curator may delegate any of their responsibilities in terms of this Institutional Rule to any of the internal SU advisors. Please also see paragraph 7.3.1 below.
- 3.9. "Financial Interest": Anything of non-trivial monetary value, including, but not limited to monetary value, commission, consultancy fees, equity interests, forgiveness of debt, property, royalties, intellectual property rights, gifts, discount, hospitality and services. For purposes of this definition, "non-trivial" is limited to an amount exceeding R650. From a research funding perspective, please study the *Rule: Financial Conflict of Interest for Research Conducted Under United States (US) Public Health Services (PHS) Grants or Agreements* as it contains more details.
- 3.10. "Interest": Includes but is not limited to any
 - 3.10.1. commercial interest
 - 3.10.2. financial interest
 - 3.10.3. non-financial interest or
 - 3.10.4. relationship interest.

³ A Conflict of Interest is distinguished from a "conflict of commitment"; the latter should be addressed in a separate rule governing membership of professional or other external organisations, affiliations, etc.

3.11. "Non-financial interest": This includes, but is not limited to, enhancement of a career, education or professional reputation and access to privileged information or facilities.

3.12. "Relationship interest"

means any association between a stakeholder and:

- a) A relative (including spouse, domestic partner, child, parent, sibling, or any person within three degrees of consanguinity or affinity); or
- b) Any other individual or entity with whom the stakeholder has:
 - (i) A close personal relationship⁴; or
 - (ii) Financial interdependence⁵; or
 - (iii) Substantive professional collaboration;

where such association could reasonably be perceived to compromise the stakeholder's impartiality in institutional decisions.

3.13. "Relative": follows the definition in the Higher Education Act, Act 101 of 1997 (as amended) and means (a) the spouse or partner of that person, (b) anybody related to that person or his or her spouse within the third degree of consanguinity or affinity or (c) any adoptive child of that person.

3.14. "Spouse" means:

- a) a person's partner in a marriage recognised as such in terms of the law of the Republic or a foreign country or concluded in terms of religious rites; and
- b) persons who are not married but who live together in a relationship similar to a marriage

3.15. "Stakeholder": Any office bearer, a University employee, registered students, council members, independent Council committee members, independent persons serving on governance structures, members of tender committees as well as recipients of University bursaries, and any other person engaged in activities on behalf of the University. Stakeholders also include Investigators,

⁴ Close personal relationship: A relationship characterised by emotional intimacy, regular private interaction, or the sharing of personal or confidential matters, which may reasonably be perceived to influence professional judgment or objectivity. This includes, but is not limited to, romantic or long-standing friendships.

⁵ Financial interdependence: A situation in which the stakeholder and the other person or entity share or pool financial resources, liabilities, or assets to a significant extent, such that the financial decisions of one materially impact the other.

Project Directors (PD), Principal Investigators (PI) and Senior/Key Personnel as defined) or any other person who acts on behalf of the University. Researchers must also consult the *Rule: Financial Conflict of Interest for Research Conducted Under United States (US) Public Health Services (PHS) Grants or Agreements*.

4. Purpose of the Institutional rule

- 4.1. The purpose of this Institutional Rule is to give effect to the relevant provisions of the SU Statute dealing with conflicts of interest and to uphold the credibility and integrity of the University and its stakeholders by avoiding or mitigating real, possible or perceived conflicts of interest, amongst others by:
 - 4.1.1. Helping to identify actual, perceived or possible conflicts of interest ;
 - 4.1.2. Establishing a system for disclosing and reviewing conflicts of interest;
 - 4.1.3. Providing guidelines for determining, managing and monitoring conflicts of interest; and
 - 4.1.4. Assisting in resolving disputes about and managing conflicts of interest.
- 4.2. This Institutional rule further serves to address the requirements of the amendments to the Higher Education Act 1997⁶ and to adhere to principles of good corporate governance as required in terms of the applicable King Code of Corporate Governance .⁷
- 4.3. For SU to fulfil its obligations in terms of United States Regulatory Requirements related to 42 CFR Part 50 Subpart F, and its subsequent amendments and to ensure that the University complies with the legal terms of the research grants and cooperative agreement please consult the *Rule: Financial Conflict of Interest for Research Conducted Under United States (US) Public Health Services (PHS) Grants or Agreements* which specifically deals with these aspects.

5. Principles of this Institutional rule

- 5.1. The University has obligations to its stakeholders:
 - 5.1.1. to deal with conflict of interest issues raised under this Institutional Rule fairly, consistently (where appropriate), objectively, effectively and as transparently as reasonably possible and
 - 5.1.2. not to interfere in their private matters where these have no bearing on the legitimate interests of the University or where SU rules and regulations were followed, e.g. private work.
- 5.2. The stakeholders are under an obligation to act ethically and in the best interests

⁶ Higher Education Act, Act 101 of 1997 (as amended)

⁷ The King Code IV and report on Corporate Governance that was released on 1 November 2016, and includes any subsequent amendments or substitutions that may apply to the University.
King IV – Report on Corporate Governance for South Africa, 2016 <https://www.iodsa.co.za/page/king-iv-report>

of the University at all times by:

- 5.2.1. identifying any perceived, possible or actual conflict of interest;
- 5.2.2. avoiding possible or actual conflicts of interest and, where this is not possible, to report or disclose any conflict of interest to enable the University to mitigate or manage the possible or actual conflict of interest

6. **Identifying a conflict of interest**

- 6.1. When assessing whether a conflict of interest exists, it is essential to determine whether there is a reasonable basis to believe that the stakeholder's interest, or that of their Spouse or Relative, could influence their actions in a manner that might lead to unfair or improper benefit, or result in decisions that are not aligned with the best interests of the University.
- 6.2. All conflicts of interest must be avoided where reasonably possible, consistent with this Rule's core principles. Where avoidance would unreasonably constrain legitimate institutional activities, a conflict may be permitted only if:
 - The activity serves SU's strategic interests;
 - The conflict is unavoidable; and
 - Rigorous mitigation controls are implemented; and
 - Residual risk is demonstrably outweighed by public benefit.
- 6.3. For research-related conflict of interest guidance the stakeholder must consider the *Rule: Financial Conflict of Interest for Research Conducted Under United States (US) Public Health Services (PHS) Grants or Agreements* as its primary source for compliance.
- 6.4. Annexure A contains a list of some of the activities that may constitute possible or actual conflicts of interest. There may be other examples, but the list is not meant to cover all possibilities.
- 6.5. A guiding rule to apply: "When in doubt, disclose".

7. **Principles for disclosing and determining of conflict of interest**

- 7.1. Accountability:
 - 7.1.1. The onus is first and foremost on any stakeholder to avoid any potential conflict of interest. Where a potential conflict of interest is unavoidable, the

stakeholder involved in a conflict of interest must identify and disclose the possible conflict of interest as soon as possible. The process for disclosing a possible conflict of interest is dealt with in the relevant clauses below.

- 7.1.2. It is the stakeholders' responsibility to familiarise themselves with this Institutional Rule and the procedures set out herein. 3.1 In the case of research, the stakeholder must also adhere to the *Rule: Financial Conflict of Interest for Research Conducted Under United States (US) Public Health Services (PHS) Grants or Agreements*.
- 7.1.3. Human Resources in the form of Sun-e-HR or any other relevant technology provides a platform that must be used by employees for all disclosures of possible conflicts of interest. The platform also keeps a record of all University employees' conflicts of interest. It is available as a tool to assist 1st and 2nd line managers and stakeholders in disclosing and managing conflicts of interest.
- 7.1.4. Members serving on governance structures must annually declare possible or actual conflicts of interest to the secretariat of the structure. Members will also be expected to declare any conflicts of interest at the start of a meeting or as soon as they become aware of the conflict during a meeting.

7.2. Procedural principles:

- 7.2.1. Transparency forms the foundation of all conflict-of-interest resolution processes. This necessitates rigorous disclosure of interests, unwavering adherence to established procedures, and meticulous documentation of both proceedings and the rationale for decisions. Potential or actual conflicts must be addressed through resolution, mitigation, or active management without undue delay to uphold institutional accountability and trust. In terms of the Higher Education Act⁸ an employee may not conduct business directly or indirectly with the public higher education institution at which they are employed that entails or may entail a conflict of interest with the University unless Council of the University is of the opinion, and takes a decision, that—
- the goods, product or service in question are unique;
 - the supplier is a sole provider; and
 - it is in the best interest of the institution.

Council delegates this mandate, authority and ultimate decision to the Rectorate.

⁸ Section 34(5) of the Higher Education Act, Act 101 of 1997 (as amended)

- 7.2.2. An employee may not on behalf of the University contract with themselves or their relatives or any entity in which the employee or any relative has a direct or indirect financial, personal, fiduciary or other interest. Contracting in this instance refers to conduct that is aimed at receiving any direct or indirect financial, personal, fiduciary or other gain that does not form part of the employment relationship.

7.3. Roles and Responsibilities

- 7.3.1. The Owner and Curator of this Institutional rule are assisted by the conflict of interest advisors. The disclosure of conflicts or possible conflicts of interest within the University is dealt with in different responsibility areas. The following areas will assist the Owner and Curator:

- office bearers, governance structures or students: Office of the Registrar
- employment: Human Resources
- research: Research Development
- spin-out companies or other intellectual property: Innovation and Commercialisation, and Research Development where research collaboration applies,
- any other matter can be referred to the Curator that will involve the relevant responsibility area as needed.

- 7.3.2. The University's Finance Division is mandated to implement its own policies/guidelines regulating how it will manage and mitigate any conflicts of interest arising from any procurement process.

8. **Procurement of products and services:**

Conflicts of interest in procurement must be avoided wherever possible. No stakeholder may participate in supplier selection or payment approval where a commercial or relationship interest exists, unless the provisions of 7.2.1 have been complied with.

9. **Conflict of interest in Governance Structures.**

- 9.1. In terms of the Higher Education Act, a member of the Council or member of a committee of the Council or a person with delegated functions (including all office bearers and any students serving on governance structures) must:

- 9.1.1. before they assume office and annually, for as long as they continue to hold office, declare any business, commercial or financial activities undertaken for financial gain that may raise a conflict of interest or a possible conflict

of interest with the University.⁹ This declaration will be facilitated and managed by the Office of the Registrar, and should include declarations of relationship interests.

- 9.1.2. not place themselves under any financial or other obligation to any individual or organisation that might seek to influence the performance of any function.¹⁰
- 9.1.3. not have a conflict of interest with the public higher education institution concerned.¹¹
- 9.1.4. not have a direct or indirect financial, personal, or other interest in any matter to be discussed at a meeting or in regard to which they are to make a decision in terms of a delegated function, and which entails or may entail a conflict or possible conflict of interest with the University.¹²
- 9.1.5. before the meeting of the council or the committee concerned and in writing, inform the chairperson of that meeting, via the secretariat, of the existence of a conflict or possible conflict of interest.¹³
- 9.1.6. be aware that any person may, in writing, inform the chairperson of a meeting of the Council or a committee of the Council concerned, before that meeting, of a conflict or possible conflict of interest of a member of the council or of a committee of the council of the University of which such person may be aware.¹⁴
- 9.1.7. recuse themselves from the meeting during the discussion of the specific matter and the voting thereon.¹⁵
- 9.1.8. be aware that in the event that any stakeholder with delegated functions in terms of the Higher Education Act has a conflict or possible conflict of interest in respect of a matter to be considered, the stakeholder concerned may not take part in any consideration or a decision on the matter but must refer the matter for decision by council, having noted the stakeholder's interest in the matter¹⁶

10. Annual declaration process for Employees

- 10.1. On an annual basis, every employee is required to complete a conflict of interest declaration via the Sun-e-HR platform or any other platform provided for this purpose.¹⁷
- 10.2. The Human Resources Division will, on an annual basis, send out a general

⁹ Section 27(7)(c) of the Higher Education Act, Act 101 of 1997

¹⁰ Section 27(7)(d) of the Higher Education Act, Act 101 of 1997

¹¹ Section 27(7)(e)(i) of the Higher Education Act, Act 101 of 1997

¹² Section 27(7)(e)(ii) of the Higher Education Act, Act 101 of 1997

¹³ Section 27(7)(e)(iii) of the Higher Education Act, Act 101 of 1997

¹⁴ Section 27(7A) of the Higher Education Act, Act 101 of 1997

¹⁵ Section 27(7B) of the Higher Education Act, Act 101 of 1997

¹⁶ Section 27(7C) of the Higher Education Act, Act 101 of 1997

¹⁷ <https://sun-e-hr.sun.ac.za/>

communicate to all employees advising them to complete their annual declaration for the current calendar year.

- 10.3. The Human Resources Division is aware that certain employees, owing to the nature of their work, do not have access to a computer or the Sun-e-HR platform. In respect of this limited category of employees, the Human Resources Division will initiate a process that enables these employees to complete a manual declaration form.
- 10.4. Other than the employees identified in paragraph 10.3 above, no manual declaration forms will be permitted.

11. Students

- 11.1. Students must also be mindful of their actual or perceived conflict of interest.
- 11.2. Should a student become aware of a conflict, possible conflict or perceived conflict they must declare with the Office of the Registrar.

12. Reporting Obligations

- 12.1. As soon as a stakeholder becomes aware of a possible or actual conflict of interest, they should immediately report the possible conflict of interest via the Sun-e-HR platform, or, where applicable, to the secretariat of the committee or the Office of the Registrar and withdraw from any involvement in the situation or suspend activities pending a final decision, as per Annexure B.
- 12.2. The possible or actual conflict of interest must be reported within the time periods and terms of the procedures outlined in Annexure B. The procedures require full disclosure and allow for the separation of responsibilities and decision-making. Annexure C outlines the format of such disclosure, which is available on the Sun-e-HR platform or the Office of the Registrar.
- 12.3. The standard procedures in Annexure B apply to all affected areas. However, a particular department or faculty or governance structure may amend the standard procedure to cater for its specific requirements and circumstances, in which case the revised procedure shall apply. Any revised procedure must materially comply with the procedural requirements of the standard procedure, as provided in the Institutional Rule.
- 12.4. Should a conflict of interest involve any particular functional, governance document or governance issue, e.g. intellectual property, procurement, etc., the 1st Line Manager or Chairperson or secretariat shall advise the relevant responsible function or governance structure immediately, and those responsible for that function or governance structure may be involved in all decision-making in the handling of the possible or actual conflict of interest.

- 12.5. The owner of this Institutional Rule, in conjunction with and supported by 1st and 2nd line managers, chairperson of a governance structure, the Registrar or the relevant Conflict of Interest Advisor, is responsible for managing and monitoring the implementation of this Institutional Rule, breaches of this Institutional Rule and decisions on reported instances of possible or actual conflict of interest, and for regular reporting hereon at an institutional level.

13. Resolution of dispute

- 13.1. If a conflict of interest is considered to exist following disclosure, the responsible management of the affected area or secretariat or chairperson of the governance structure, with the assistance of the conflict of interest advisors, should provide guidance and assistance in resolving, mitigating and/or managing the conflict of interest. The steps below must be considered in all instances and applied as required:
- 13.1.1. the conflict of interest must be disclosed to all affected parties subject to confidentiality obligations.
 - 13.1.2. suspending, ending or amending the stakeholder's involvement in a decision-making process or in the execution of their University responsibilities;
 - 13.1.3. the stakeholder's involvement in a project or discussion and decision must be suspended, terminated or amended as appropriate.
 - 13.1.4. the process, project or decision must be re-initiated, amended and/or cancelled as appropriate under the circumstances.
 - 13.1.5. any benefits already accrued by the stakeholder must be abandoned and restitution made where necessary.
 - 13.1.6. the stakeholders' concessions to take part in extracurricular activities must be amended, suspended or terminated.

14. Institutional rule governance

- 14.1. The owner is the Deputy Vice Chancellor for Transformation, Social Impact and Personnel. The owner oversees the development of the Institutional rule and consultation and recommendation to Council. The owner is responsible for ensuring that the necessary supporting documents exist, that the curator functions effectively; and appoints a task team for the periodic revision of the Institutional rule, as required.
- 14.2. The Curator of the Institutional Rule is responsible for the Institutional Rule formulation, approval, review, communication, training, availability and monitoring. The Curator of the Institutional Rule is also responsible for interpretation and guidance with respect to the implementation of the Institutional rule. The Curator is assisted by conflict of interest advisors as and when appropriate.

15. **Approval and Implementation of the Institutional Rule**

- 15.1. Management of the affected areas, the chairperson, the secretariat of the governance structure or the Office of the Registrar in the case of students is responsible for the implementation of this Institutional rule and specific control in their own areas.
- 15.2. Any amendments to the Institutional Rule and Rule must be approved by the Council.
- 15.3. The annexures to this Institutional Rule are considered part of the operational implementation of the Institutional Rule. Any amendment to the annexures must be approved by the Rectorate and shared with Council for noting.

16. **Management process**

- 16.1. Management of the affected area, chairperson of the relevant governance structure or the Office of the Registrar in the case of students, is responsible for the following procedures within their respective areas:
 - 16.1.1. providing mechanisms for identifying and disclosing conflicts of interest;
 - 16.1.2. disclosing conflicts of interest; and
 - 16.1.3. avoiding or managing conflicts of interest.
- 16.2. The disclosure, decisions, controls and related records of conflicts of interest in an affected area or governance structure must be retained for a period of 5 years, or as may otherwise be required.

17. **Reporting of breaches**

- 17.1. Any breaches of this Institutional Rule must be reported to the Owner of the Institutional rule and the Curator, who may notify the relevant conflict of interest advisor.
- 17.2. Any breaches of the compliance requirements for research will be dealt with in terms of the Rule for Conflict of Interest in Research.

18. **Actions for non-compliance**

- 18.1. Any stakeholder who:
 - 18.1.1. Fails to disclose a conflict they reasonably should have foreseen; or

18.1.2. Knowingly submits incomplete/misleading disclosure;

shall be subject to disciplinary action under applicable University codes.

18.2. Failure to adhere to conflict of interest management decisions or comply with this Rule's requirements constitutes misconduct and may, depending on who the stakeholder is, result in:

18.2.1. Suspension, warnings or dismissal in the case of employees; or

18.2.2. Removal or censure in the case of members of governance structures; or

18.2.3. Suspension, removal from structures in the case of students.

Supporting documentation

This Institutional rule on Conflicts of Interest is supported by:

Annexure A	Examples of conflicts of interest
Annexure B	Standard Procedure for disclosing instances of conflicts of interest, decisions and appeals
Annexure C	Standard Conflict of Interest Disclosure form – for stakeholders that do not have access to the Sun-e-HR webpage only.

19. Related and supporting documentation¹⁸

Significant related documents include:

Item #	Name	Status	Policy owner
	SU Statute 2019	Approved	Council
	Code 2040: SU's Integrated Ethics Code	Approved	Council
	Code of Conduct of relevant governance structures	Approved	Relevant Structure
	Higher Education Act, Act 101 of 1997		Minister of Higher Education
	SU Framework Policy for the Assurance and Promotion of Ethically Accountable Research	Approved	Division for Research Development
	SU Research Contracts Management Policy	Approved	Division for Research Development
	SU Risk Management Committee Regulations	Approved	Risk and Security Services
	SU Financial Policy	Approved	Division of Finance
	SU Remuneration and Performance Management Policy	Approved	Human Resources
	SU General Procedure for Private Work by Lecturing Staff & SU General Procedure for Private Work by Support Service Staff	Approved	Human Resources
	SU Policy in Respect of Exploitation of	Approved	InnovUS

¹⁸ These would include the most significant related documents, and would need to be collated with other policies and processes to ensure alignment and coloration. Documents marked in square brackets indicate either policies in process or to be considered.

	Intellectual Property		
	Communication Regulation	Approved	Communication and Marketing Division
	University Consultation Work Policy	Approved	Division for Research Development

ANNEXURE A

Examples of conflict of interest

Below is a list of examples of activities that may constitute a conflict of interest.

This list is not exhaustive.

1. Ownership of Intellectual Property: The stakeholder conducts research on a technology owned by or obligated to the stakeholder or a business in which the stakeholder has an interest.
2. Confidentiality: The stakeholder uses the University's confidential information for their benefit or the benefit of a relative.
3. Interest in a contract: The stakeholder uses their position at the University or a governance structure to influence the award or conclusion of a contract between the University and another stakeholder or company or firm with which they are associated; for example, the stakeholder is a Director or has 5% or more control in the subcontracting company.
4. Relatives' or friends' involvement: The stakeholders relatives or friends have a financial or non-financial interest in any activity involving the stakeholders responsibilities or governance function at the University.
5. Academic integrity: The stakeholder compromises research independence in return for financial or non -financial benefits for themselves, relatives or friends.
6. Use of the University's facilities: The stakeholder, or entity in which the stakeholder has an interest, uses the University's space/ facilities/ equipment for private business purposes. (The stakeholder may be required to enter into a rental agreement with the University.)
7. Consortium vs sub-contract: The stakeholder uses their position at the University or on a governance structure to influence the type of contract concluded specifically to avoid the indirect cost recovery, for example, concluding a consortium agreement instead of a sub-contract.

8. Flow through of funds: Where the stakeholder has an interest in an external organisation which act as a collaborator or sub-contractor to the University and funds will flows through to the collaborator or sub-contractor. This also applies to University spin-outs.
9. Using the University's name, trademark, or logo in connection with services rendered in a private capacity or for personal financial gain. This may create the appearance that the University endorses or is affiliated with the individual's private activities, which can mislead third parties and improperly leverage the University's reputation for personal benefit.

ANNEXURE B

Standard Procedure for disclosing conflicts of interest

1. As soon as a stakeholder becomes aware of a possible or actual conflict of interest, they are obligated to complete a declaration via the Sun-e-HR platform, or via the secretariat of the relevant governance structure or the Office of the Registrar in the case of a student or office bearer.
2. In the case of a governance structure or their committees, the relevant chairperson, with the assistance of the secretariat and in consultation with the Office of the Registrar, shall assess the possible or actual conflict of interest in terms of the relevant code of conduct or fair process.
3. In the case of a student the Office of the Registrar shall assess the possible or actual conflict of interest in terms of the relevant code of conduct or fair process.
4. In the case of an employee, the Human Resources Division will review the disclosure and make a provisional assessment of whether a conflict of interest exists. If the Human Resources Division determines that that no conflict of interest exists, then subject to ratification of the provisional assessment by the Chief Director: Human Resources, no further action will be taken.
5. If the Human Resources Division determines, on the face of it, that the disclosure may constitute a conflict of interest, the 1st Line Manager, via the Sun-e-HR platform, will be notified about the possible conflict and required to assess the conflict and submit their recommendations on how to handle the possible conflict of interest via the Sun-e-HR platform.
6. The 1st Line Manager may, via the Sun-e-HR platform, make the following recommendations:
 - 6.1 That there is no conflict of interest. The 1st Line Manager is required to capture, via the Sun-e-HR platform, their reasons for concluding that no conflict of interest exists. The Chief Director: Human Resources will be the final arbiter of the issue.

- 6.2 That there is a conflict of interest, but they have established a plan, that will address the conflict or mitigate the risks associated with the conflict. In this instance, the proposed mitigation plan must be uploaded to the Sun-e-HR platform and approved the Chief Director: Human Resources;
- 6.3 That they are unable to establish a plan that can mitigate the risk associated with the conflict of interest.
7. Where the 1st Line Manager takes a decision following a disclosure, the decision must be ratified by the 2nd Line Manager. The process of escalation to the 2nd Line Manager will occur automatically via the Sun-e-HR platform.
8. The 2nd Line Manager, after reviewing the recommendations from the 1st Line Manager, may:
 - 8.1. Endorse the 1st Line Manager's recommendations;
 - 8.2. Disagree with the 1st Line Manager's assessment and recommendations and indicate such to the Chief Director: Human Resources via the Sun-e-HR platform.
 - 8.3. Where a mitigation plan is required, revise the mitigation plan as they deem appropriate and refer the matter for endorsement to the Chief Director: Human Resources (via the Sun-e-HR platform).
 - 8.4. Alternatively, if the 2nd Line Manager is unable to establish a plan to address the conflict of interest, the 2nd Line Manager may refer the matter for a decision to the Curator of the Institutional Rule, who may also involve the relevant conflict of interest advisor, who shall convene a Conflict of Interest Committee within 14 (fourteen) working days. The Committee shall consist of at least 3 (three) persons. The Conflict of Interest Committee shall be requested to address the matter and advise the owner and curator of the Institutional rule.
9. The Conflict of Interest Committee may make the following recommendations to the Chief Director: Human Resources:
 - 9.1. To suspend, terminate or amend the employee's involvement in a decision-making process or the execution of their University responsibilities;
 - 9.2. To determine that the process or project or decision constituting the conflict of interest must be re-initiated, amended and/or cancelled.
 - 9.3. That any benefits already accrued by the employee must be abandoned and restitution made where necessary.
 - 9.4. To amend, suspend or terminate the employee's concessions, provide outside work or consultation if the conflict of interest relates to this.

10. Before any final decision is taken, the employee must be given an opportunity to be heard. This will take the form of a notice and comment procedure.

ANNEXURE C

Standard Conflict of Interest Disclosure form

DISCLOSURE OF CONFLICT OF INTEREST

This form is to be completed by any employee who does not have access to the Sun-e-HR system and has an actual or possible conflict of interest in undertaking their university obligations.

If a student needs to declare a conflict of interest with the University, they may also use this form.

The completed, signed form must be appropriately stored.

The employee conflict of interest management plan, if applicable, should be reviewed annually at the time of performance appraisal.

SECTION A: MEMBERS DISCLOSURE

Please complete your answers in block letters. I, (Insert full name)

UT number:

of (Insert division)

hereby declare:

AN ACTUAL ☐ A POSSIBLE ☐ NO POSSIBLE/ACTUAL ☐

Conflict of Interest

Note: Tick applicable box

Please provide a brief outline of the nature of the conflict where you indicated an actual or possible or perceived conflict of interest.

Please detail the arrangements proposed to resolve/mitigate/manage/ the conflict (attach separately if necessary).

I, (insert full name)

hereby agree to:

- ☐ update this disclosure annually throughout the period of my employment at the University or until such time as the conflict ceases to exist.
- ☐ co-operate in the formulation of a conflict of interest management plan, if required.
- ☐ comply with any conditions or restrictions imposed by the University to manage, mitigate or eliminate any actual, possible or perceived conflict of interest.

Signed:

Date:

SECTION B: ENDORSEMENT BY 1st LINE MANAGER / OFFICE OF THE REGISTRAR

I, (insert full name and capacity)

have

reviewed the disclosure (and plan, where applicable) and:

(*tick as appropriate)

- ☐ believe that a plan to manage the conflict of interest is not required and that no further action is necessary.
- ☐ believe that the plan outlined in the disclosure will mitigate, manage or remove the conflict of interest (Please provide details below) and will continue to monitor the situation.
- ☐ do not believe that the plan outlined in the disclosure will mitigate, manage or remove the conflict of interest and have taken the following action:
- ☐ cannot adequately resolve the conflict of interest with the member concerned and have referred the matter to the 2nd Line Manager or Registrar for resolution with my report (Please detail below).
- ☐ am of the opinion that the transaction should be continued despite the conflict of interest, and have referred the matter to the 2nd Line Manager or Registrar for resolution together with my recommendation

Signature: _____

Date:

SECTION C: REVIEW BY 2nd LINE MANAGER / REGISTRAR

I, (insert full name and capacity)..... have reviewed the conflict of interest disclosure (and plan where applicable) and have taken the following decision:

- ☐ I have referred the matter to the Chief Director: Human Resources for a decision. (Please provide reasons)

- ☐ the transaction or conflict of interest should be continued, despite the conflict of interest. (Please provide reasons) subject to Council approval, with a request to the Chief: Director: Human Resources to assist with obtaining Council approval

Signature:

Date:.....