



HUMAN RESOURCES DIRECTORATE
POLICY ON THE DECLARATION OF INTERESTS

1. Context

- 1.1. The Higher Education Act, 101 of 1997 has been amended by the Higher Education Laws Amendment Act, 21 of 2011 (“the Amendment Act”). In terms of Sections 34(4) – 34(7) of the Amendment Act, any staff member in a higher education institution is obliged to declare in writing any actual or possible conflict of interest in his or her role at the University.
- 1.2. Recent audits performed by external auditors suggest that the risk pertaining to financial conflicts of interests amongst staff members are prevalent, and must be regulated within the context of the Amendment Act. In addition to these financial interests, there are further interests that have the potential to adversely affect the performance of professional duties by staff, such as special relationships, which the University should also manage.
- 1.3. In regulating conflicts of interest, the University recognises that staff members will or may be engaging with other institutions, individuals and/or organisations for personal and/or professional reasons, which may or may not be beneficial to the University. Similarly, staff members may have business interests, which may present potential or actual conflict of interest for their roles within the University.
- 1.4. In order to regulate any actual or potential conflicts of interest, the University recognises the need to develop a new policy. Accordingly, the Policy on the Declaration of Interests requires all staff members to declare financial and personal interests which may present actual or potential conflict to the discharge of their roles within the University.

2. Definitions¹

Conflict of Interest means a conflict between the private interests (financial, personal or other) and the official responsibilities of a staff member. For purposes of this Policy, conflicts of interest have been categorised as:

- **Perceived conflict of interest:** where it appears that the employee's private interests could improperly influence the performance of his or her duties towards the University;
- **Potential Conflict of Interest:** where an employee has private interests that could conflict with his or her official duties towards the University;
- **Actual Conflict:** where an employee's interest directly interferes with the ability to conduct his or her duties to the University in a proper manner because of their private interests.

Declaration of Interest refers to the process whereby an employee declares all interests that:

- (a) pertain to actual or potential service providers of the University;
- (b) may give rise to or may in future give rise to a conflict of interest between the staff member and the University; and
- (c) result in a staff member personally gaining from providing services of the University beyond his or her employment relationship with the University.

External Institutional Affairs refers to activities performed outside of the University by a staff member in exchange for remuneration, excluding those activities undertaken for purposes of teaching and research.

Fair business practice refers to business practices that will promote fair and appropriate treatment of customers and service providers alike.

Family means members of the immediate family, including spouse, parents, siblings, and children.

Financial Interest includes but is not limited to payments for services rendered (e.g. consulting fees or honoraria); directorships and intellectual property rights (e.g. patents, copyrights and royalties from such rights).

Moonlighting means taking up additional employment, which may require time investment that may impede a staff member in meeting his or her contractual obligation to the University.

Parent means father, mother, whether adoptive or biological, and a person who plays or has played the role of guardian to an employee.

Partner means a person (not necessarily a spouse) with whom the employee cohabits and/or shares an established hetero-sexual or homo-sexual relationship.

Recuse means self-initiated removal of a staff member from further participating in the decision-making process pertaining to a case which gives rise to a conflict of interest.

Remuneration means any benefits received in cash or in kind

Special Relationships may include current and past friendships, relationships of a romantic and/or sexual nature and relationships with a history of serious interpersonal conflict.

Spouse means a marriage partner (husband or wife of the employee).

¹ The definitions provided are a guide to interpreting the policy but are not all embracing.

Staff member means any employee of the University, as recognised in terms of the Conditions of Service of the University, including joint staff.

3. Policy Statement

- 1.1. The University is committed to creating an environment in which conflicts of interest are declared as an ethical behavioural standard for staff members, and as a means to promote fair business practice in the procurement of goods and services.
- 1.2. Staff members are expected to carry out their responsibilities in a manner that advances the interests of the University and are prohibited from participating in decision making processes that will result in the advancement of their personal gain or gains to family members, partners or persons with whom they share special relationships.
- 1.3. A staff member must recuse himself or herself from any process where a decision is made that may result in or give the appearance of improper personal gain.

4. Policy Objective

The policy is intended to enable the University to achieve the following objectives:

- 1.1. to regulate actual and potential conflicts of interests that arise in the course of staff members discharging their contractual and fiduciary obligations to the University;
- 1.2. to manage the beneficial aspects of developing expertise of staff members through their participation in activities of other institutions and/or organisations that may result in conflicts of interest in their roles;
- 1.3. to manage the adverse impact to the contractual obligations of staff members and to the reputation of the University arising from any special relationships between staff members and students; staff members and potential candidates for positions, and staff members and vendors and other corporate actors.

5. Policy Principles

5.1 Vendor registration, Procurement and Appointments

- 5.1.1 Staff members are prohibited from registering their companies as vendors on databases of the University and its entities.
- 5.1.2 In the event that a staff member's family, partner or spouse has a company in which he or she is a Director, staff members are obliged to recuse themselves from any processes intended to appoint or register a spouse's companies on the University's Vendor database.

5.1.3 A staff member may not perform any of the following activities pertaining to procurement of goods and services for the University:

- 5.1.3.1 take into account a material benefit for himself or herself personally, or his or her family, friend or associates when making a decision in his or her capacity as an employee;
- 5.1.3.2 enter into a transaction or otherwise act in a way that conflicts with or infringes upon the execution of his or her official duties and responsibilities, or appears to do so;
- 5.1.3.3 enter into a financial or other obligation to a private individual or organization that may influence the performance of his or her duties, or give the appearance that it may influence such performance;
- 5.1.3.4 use, conceal or disclose information received in his or her capacity as an employee in a way that unfairly discriminates in favour of himself or herself or a particular individual or entity in which he or she has an interest;
- 5.1.3.5 cause, try to cause or help another employee to do anything that would violate any provision of this policy;
- 5.1.3.6 knowingly request or accept any interest, employment, or reward which would breach this policy; and
- 5.1.3.7 conduct any work relating to his or her personal interest during times when he or she is required to do work for the University, excluding activities stipulated in the University's Externally Funded Work Policy.

5.2 Special Relationships

5.2.1 Recognising the sensitivity and implications of special relationships for a collegial system within higher education institutions, the University obliges staff members to adhere to the following principles in that regard:

- 5.2.1.1 Existing or past special relationships with students must be disclosed as and when these arise, subject to provisions of paragraph 5.2.1.3 of this Policy.
- 5.2.1.2 No member of staff may supervise the research of a student with whom he or she is in a special relationship. It is therefore required that staff members should declare these special relationships on the Declaration of Interest Form provided and recuse themselves from any supervision or decision-making processes pertaining to the student's scholarly endeavours.
- 5.2.1.3 The recusal requirements involving any special relationship shall apply for at least a period of twelve months after any special relationship comes to an end, in order to avoid the potential of staff members inflicting retribution upon the students concerned.
- 5.2.1.4 Should a special relationship with a student lead to an accusation of bias or sexual harassment against a staff member or allegations of abuse of power in contravention of the relevant recusal provisions, the University is obliged to investigate the grievance in accordance with its Disciplinary Procedure and Sexual Harassment Policy, respectively.
- 5.2.2 Cognizant of the potential for an adverse impact on the reputation of the University, it is also obligatory for staff members to disclose any existing or past special relationships with a service providers/vendors.

5.3 *Declarations of interest*

- 5.3.1 All conflicts of interest must be declared as per the procedure specified in paragraph 7 of this policy document.
- 5.3.2 All University meetings during which decisions to appoint a vendor and/or an employee shall have a standing item on declaration of interest, which will make it mandatory for all staff members to declare their interests, business or otherwise, with consequences for non-compliance.
- 5.3.3 Staff members must declare all interests that (a) pertain to actual or potential service providers to the University (b) may give rise to or may in future give rise to a conflict of interest between them and the University and (c) result in them deriving personal gain from providing services to the University, beyond their employment relationship with the University.

5.4 *External Involvements*

- 5.4.1 Save for activities performed in accordance with the Externally Funded Work Policy of the University, any involvement in any external institutional affairs, including moonlighting, must be approved by the Vice-Chancellor's Office.

6. *Policy Scope*

- 6.1 The policy applies to:
 - (a) All staff members of the University; and
 - (b) Joint staff
- 6.2 The policy extends to the following activities or interests of staff members, including but not limited to:
 - i. Shares and other financial interests in private or public companies and other corporate entities recognised by law. This requirement is only applicable to staff members who serve on Board of Trustees for the Retirement Fund and/or the Medical Aid of the University, and those who are appointed to finance positions to make financial and investments decisions for the University;
 - ii. Directorships or partnerships;
 - iii. Remunerated work outside the employee's engagement with the University;
 - iv. Consultancies and retainerships;
 - v. Sponsorships;

- vi. Gifts and hospitality from a source other than a family member and friends, which are above the rand value determined by the Senior Executive Team (SET)² on an annual basis.

7. Procedure for Declaration of Interests

- 7.1 The declaration of interests shall be carried out in accordance with the process set out below:
 - 7.1.1 All staff members in grades 1-6 and all those who are involved with the procurement function of the University are required to update their Declaration of Interest form annually, by the 28th of February of each year.
 - 7.1.2 All staff member in grades 7 – 14 must submit a completed Declaration of Interest form every three years. Such form must be submitted to the relevant Human Resources Manager by the 28th of February of that specific year.
 - 7.1.3 Staff members are required to:
 - 7.1.3.1 update the form to reflect any changes that may have occurred during the course of the preceding year. A copy of the revised form must be filed in the staff member’s personnel file; and
 - 7.1.3.2 in the event that the content of the declaration form remains unaltered, the staff member must indicate in the appropriate section of the form that there is nothing to declare. A copy of such an acknowledgement must be kept in the personnel file of the staff member.
 - 7.1.4 Any interests that become apparent during a decision making process where such interests may potentially result in a conflict of roles must be declared to the Chairperson of the meeting immediately and prior to the conclusion of the decision in question being taken. In such instances the staff member in question must recuse himself or herself from further participating in the decision making process.
 - 7.1.5 A staff member who has or had a special relationship with a student or service provider or vendor with whom he or she has a work-related interaction must disclose the relationship to the Head of school or/department. A written record of such a disclosure must be kept by the Head of the relevant school or/ department and recorded in the staff member’s personnel file kept in the Human Resources Department.

7.2 Declaration of Interest Procedure to be followed for new appointments

- 7.2.1 All staff members appointed after the approval of this policy shall be bound by the policy from the date of their appointment.
- 7.2.2 The completed Declaration of Interest form must be submitted to the relevant Human Resources Manager for consideration by the Vice Chancellor’s Office (“VCO”).

² It is suggested that a base limit of R 500 should be considered for these purposes

- 7.2.3 Where a declared conflict of interest is received from the Human Resources Department, the VCO shall have the discretion to:
- Note and approve the declaration of a conflict of interest
 - Direct that the staff member involved recuse him/herself from any decision-making process that may result in an actual conflict of interest;
 - Where an actual or perceived conflict of interest has already taken place, the VCO may direct that any decision taken in contravention of this policy be declared null and void.
- 7.2.4 The original completed and signed Declaration of Interest form must be kept in the personnel file of the staff member.
- 7.2.5 The Human Resources manager is required to provide reports on the Declaration of Interest forms he or she has received to the VCO on a quarterly basis.
- 7.2.6 In the event that there is a material change in the association of the staff member and persons falling within the classification of a Special Relationship or the staff member's family status, the staff member in question must submit a revised Declaration of Interest form, reflecting the relevant change. The staff member is required to revise his or her Declaration of Interest form within 30 (thirty) days of becoming aware of the change.

8. Disclosure

Contents of the Declaration of Interest forms may only be disclosed to relevant parties on a need-to-know basis. Disclosures made in terms of this policy shall not be subjected to the provision of the consent of the staff member in question.

9. Sanction for Infringement of the Policy

- 9.1 Failure to declare any conflicts of interest mentioned in this policy and subsequent contravention of the recusal provisions stated herein will be considered an omission warranting disciplinary action.
- 9.2 Staff members found to be in breach of any of the terms of this policy may be subjected to disciplinary processes in terms of the Disciplinary Code of the University, and based on the gravity of the offence, the outcome may result in:
- The dismissal of the staff member in question and /or;
 - The nullification of a decision taken by the staff member.

10. Review of the Policy

The policy will be reviewed every three (3) years, or as and when necessary, whichever is applicable.

DECLARATION OF INTERESTS FORM

I, (Name), Staff number: as(Title) set out below, declare my interests in accordance with the University of the Witwatersrand's Declaration of Interest Policy. These interests include any financial or other interests held or accruing to me which might give rise to an actual or perceived conflict of interest.

Category	Please give details of the interest
Shares and other financial interests in private or public companies (only for staff serving on Boards of Trustees for the Retirement and/or Medical Aid of the University and those appointed to finance positions to make financial and investments decisions for the University)	
Directorships and/or Partnerships	
Remunerated work outside the employee's engagement with the University	
Consultancies and retainerships	
Sponsorships	
A special relationship with a student or service provider or vendor with whom there is a work-related interaction.	
Gifts and hospitality from sources other than family members and friends	
Nothing to declare (Indicate with an X)	

DECLARATION

I certify that the information outlined above is true and correct and declare, to the best of my knowledge, none of these private or personal interests conflict with any of my official duties at the University of the Witwatersrand. I also undertake to immediately notify my manager, in writing if a conflict or potential conflict of interest arises in the future and to not be involved in any decision making process in which I may be compromised.

I acknowledge that a failure to disclose any relevant information may result in disciplinary action by the University.

..... (Signature) /...../..... (Date)

AUTHORISATION

I have noted the information contained in this Declaration.

..... (Signature) /...../..... (Date)

Title:

Please ensure that the **ORIGINAL** form is filed with Human Resources for record keeping purposes by 28 February of a specific year.