

MEMORANDUM

TO: All WSU staff

FROM : Prof Rob Midgley
Vice-Chancellor and Principal

DATE: 17 March 2017

SUBJECT: Conflict of Interest

Dear Colleagues,

In recent months more and more reports have surfaced of employees engaging in activities that appear directly or indirectly to create a conflict between their private interests and the University's interests. Such activity may be in contravention of provisions in the Higher Education Act 101 of 1997 (as amended), section 73 of the University Statute (Government Notice 37235, 17 January 2014), and clauses 6 and 7 of the University's Code of Conduct (2008, effective from 1 April 2010).

I am hereby inviting any staff member who believes that he or she has entered into transactions or received gifts that might have placed him or her in a conflict of interest position (at present or in the past) to declare such transactions to the Registrar at kmaphinda@wsu.ac.za. A sample declaration can be found as an annexure to this communique. A committee consisting of the Vice-Chancellor, the Deputy Vice-Chancellor and the Registrar will then assess the declarations and decide on appropriate further action, if required. The Committee may also request further information. To ensure fairness, the Committee's decisions will be referred to the Audit, Risk and Compliance Committee of Council.

Some conflict of interest transactions may be sufficiently minor to be condoned; others may be serious enough to warrant disciplinary action. Either way, the University Council and Management are determined to stamp out this form of unacceptable behaviour.

PLEASE NOTE that this is not an amnesty process, but a process to create transparency; and if there is full disclosure, possible clemency in less serious instances. In some cases a declaration may not prevent disciplinary action, but in all such instances a declaration will certainly constitute a mitigating factor.

The deadline for declarations that qualify for clemency consideration is **30 April 2017**. Any new situations arising after that date must be declared immediately as and when they arise. **A failure to declare may result in disciplinary action.**

Conflict of interest activities take a variety of forms, for example:

- business relationships with the University;
- family member/s in a business relationship with the University;
- business activities with others that create a conflict with staff members' obligations towards the University;
- secondary employment contracts; or
- receiving gifts from suppliers.

I quote further examples below. **It is also important to note that transactions which involve family, relatives and/or close friends may equally be relevant.**

I trust that staff will buy into this process for creating a clean slate towards asserting the University's core values.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rob Midgley', written in a cursive style.

Professor J R Midgley
Vice-Chancellor and Principal

Section 34 of the Higher Education Act 101 of 1997 (as amended) and section 73 of the University Statute (Government Notice 37235, 17 January 2014) contain similar provisions:

- (4) An employee must in writing-
 - (a) before he or she assumes office, declare any business that may raise a conflict or possible conflict of interest with the public higher education institution concerned; and
 - (b) notify the public higher education institution concerned of any conflict or possible conflict of interest before such public higher education institution procures any goods or services from the employee or an organisation within which the employee holds an interest.
- (5) An employee may not conduct business directly or indirectly with the public higher education institution at which he or she is employed that entails or may entail a conflict of interest with the public higher education institution unless the council of such public higher education institution is of the opinion that-
 - (a) the goods, product or service in question are unique;
 - (b) the supplier is a sole provider; and
 - (c) it is in the best interest of the institution.
- (6) An employee may not on behalf of that public higher education institution contract with himself or herself or any entity in which he or she has a direct or indirect financial or personal interest.
- (7) Contracting referred in subsection (6) relates to conduct that is aimed at receiving any direct or indirect personal gain that does not form part of the employment relationship contemplated in subsection (1).

The University's Code of Conduct (2008, effective from 1 April 2010):

6. Conflict of Interest

- 6.1 Conflict of interest arises when an employee has a personal interest in an activity or transaction or organisation that could be reasonably seen to have a potential to impair their objectivity in the performance of their duties, or the exercising of their judgement on behalf of the university. Conflict of interest may also arise where a university employee has no direct interest or involvement, but family members of the employee are involved.
- 6.2 Conflicts of interest must be fully disclosed in writing, in advance, and approved in writing by a responsible official of the university. Activities that may create the appearance of a conflict of interest should also be fully disclosed. All actual or potential conflicts of interest should be declared by university employees as soon as they become aware of such actual or potential conflicts of interest.
- 6.3 Activities that could be construed to create a conflict of interest include:
 - 6.3.1 Performing outside work in areas similar to those in which the university is involved;
 - 6.3.2 Holding a financial or other interest in a business concern that transacts (or seeks to transact) with the university, where the employee can influence a decision in favour of such a business concern;
 - 6.3.3 Acting as an officer or holding office, whether as a director, partner, agent, consultant or employee of a supplier or competitor of the university or any

- business concern that is involved in business or academic activities similar to that of the university;
- 6.3.4 Serving on a university panel whose decisions may benefit one's relatives or associates.

7. Bribery and Gifts

7.1 Receipt of gifts and bribes

- 7.1.1 Employees are prohibited from participating or attempting to participate in any form of bribery;
- 7.1.2 If it appears from the nature of an invitation or a gift that a conflict of interest may arise, such invitation or gift must be declined, or be disclosed in writing to the relevant line manager for written approval.
- 7.1.3 Employees must, within five working days of receipt, declare all gifts from actual or potential business partners of the university in a register provided by the Office of the Registrar.

7.2 Giving Gifts

- 7.2.1 Corporate gifts may be given to promote the image of the university amongst identified target audiences;
- 7.2.2 The design and production of corporate gifts is the responsibility of the Directorate Marketing, Communication and Advancement (MCA);
- 7.2.3 Employees wishing to use corporate gifts to promote the university must request them from the MCA.

Annexure A: CONFLICT OF INTEREST DECLARATION

Staff member's name: _____

Staff number: _____

Have you or a family member, relative or friend have or have had any financial or other interest in a transaction that involved or still involves the University which may be considered as constituting a real, potential or apparent conflict of interest?

Yes	
No	

(Please tick. If yes, please give details in the box below.)

Do you have, or have you had an employment or other professional or service-rendering relationship with any entity while employed at the University?

Yes	
No	

(Please tick. If yes, please give details in the box below.)

Name of business entity	Association <i>(provide name and relationship)</i>	Nature of possible conflict of interest

Further relevant detail *(if necessary, use additional pages, or provide annexures)*

By signing below, I declare that I have made a full and frank disclosure of all matters that may have put me in a conflict of interest situation.

Signature: Date