

DURBAN UNIVERSITY OF TECHNOLOGY
POLICY ON CONFLICT OF INTEREST

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<ul style="list-style-type: none"> (1) Code of Conduct of Council Members (2) Institutional Code of Ethics (3) Disciplinary Policy and Procedures (4) Maximizing and Diversifying 3rd Stream Income Policy 	

CONFLICT OF INTEREST POLICY

1. PURPOSE OF THE POLICY

This policy is to be read in conjunction with other DUT regulations, policies and guidelines relating directly or indirectly to the duty of loyalty to the institution that is owed by members of the DUT community.

Every member of the DUT community becomes involved in situations where their loyalties may be divided or where their personal interest may conflict with their duties. This policy sets a general standard to govern conduct when such situations arise. It serves as one mechanism to improve governance at DUT.

2. APPLICATION

The Conflict of Interest Policy in particular is applicable to staff members affiliated with the DUT as an academic/support staff member, student, member of the management of the university, including DUT council members.

3. CONFLICTS OF INTEREST AND COMMITMENT

3.1 Definitions

3.1.1 **Conflict of Commitment:** A conflict of commitment exists when the non-core activities of members are so substantial or demanding of the staff member's time and attention that it interferes with the individual's responsibilities to the unit/department, to which the individual is assigned, and/or to students, and/or to DUT in general.

3.1.2 **Conflict of Interest:** A conflict of interest arises when a member is in a position to influence either directly or indirectly DUT business, research, innovation or other decisions in ways that could lead to gain for the member, the member's family, or others to the detriment of DUT's integrity and its missions of teaching and learning, research, innovation and public engagement.

3.1.3 **Family:** Family, for the purposes of this Policy, includes spouses, parents, siblings, children, and any other blood relative. Family may also include step-parents and step-children.

An associate of an individual includes any person, trust, organization or enterprise (of a business nature or otherwise) with respect to which the individual or any member of his or her family is a director, member, partner, or trustee, or has a significant financial interest or any other interest which enables him or her to exercise control or significantly influence policy.

3.1.4 **Unit Executive Officer:** The "unit executive officer" means Head of Department, Chair of School; Executive Dean, Administrative Head, or equivalent officer, in whom primary authority resides.

3.2 Examples of Conflict of Interest:

The following are examples of conflict of interest situations that may arise at DUT. The situations enumerated are illustrative only and not exhaustive:

- **Employment, supervision or evaluation:** No member shall participate in the appointment, employment, promotion, supervision or evaluation of members of their family or a person to whom they owe a personal or legal obligation.
- **Acquisition and disposition of assets:** No member shall influence, participate in or authorize the acquisition or disposition by DUT of any asset, including supplies or services from or to an enterprise in which the member has a financial or other interest.
- **Participation in organizations doing business with the University:** No member may influence the decisions of an external enterprise doing business with DUT, whether or not for profit, as it relates to DUT in general and to the member's activities at DUT specifically.

3.3 General Principles

- DUT and its members have ethical and legal obligations to conduct themselves and their DUT activities in accordance with the highest standards of integrity. Although teaching and research are primary functions of DUT, public/community engagement is an inherent responsibility.
- Active participation by members in outside activities that enhance the professional skills of staff members, or constitute a public service activity is encouraged.

However, DUT expects its' staff members to accord a full professional commitment to DUT during the terms of appointment by meeting DUT obligations first and foremost.

3.3.1 Conflict of Commitment Principles

- This policy applies to all members of staff of DUT, including academic, administrative and support staff and constitutes part of the formal relationship between the member/s of staff and the DUT.
- A staff member may not accept external employment or engage in activities which: by virtue of their time commitment, interfere with or prevent the performance of DUT duties; bring the member into a position of divided loyalty between DUT and the external employer or activity. Such arrangements must be aligned with the private works policy and relevant university guidelines to ensure there is no conflict of interest
- Interaction between **academic/support staff members** and external

entities for reasonable periods of time and for personal remuneration is desirable and encouraged when the relationship enhances the professional skills of staff members, or constitutes public engagement and is a benefit to DUT.

- **Administrative staff members may also be granted permission under exceptional circumstances.**
- As a practical guide and subject to prior approval, DUT may approve the equivalent of up to a maximum of 2 hours per day (maximum 4 days), 2 half days or one day per week for **full-time academic staff**.
- Such released time is not an automatic entitlement and requires prior written approval by the unit executive officer.

3.3.2 Conflict of Interest Principles

Careful scrutiny is required when member's financial interests, or administrative responsibilities, appear to be incompatible with the individual's duties and obligations to DUT.

- **Private Consulting:** When consulting privately with external entities, members are acting in their individual capacities and must make it understood that they are not acting on behalf of DUT.
- **DUT Title:** A member should avoid using his/her DUT title when signing reports and letters pertaining to outside work. In cases where the titles are used it must be clear to the recipient that the DUT title is used for identification only.
- **Use of DUT services, equipment and resources:** A member may not use the services of other staff members or make more than inconsequential use of DUT facilities, supplies or resources to serve a personal interest of that member unless authorized to do so.
- **Competition with DUT:** No staff member may compete with the business of DUT, unless such activity has been duly authorized. No member may be associated in any manner with an enterprise that, in any manner, including through its name, publicity or operations, falsely implies that it is associated with or benefits from DUT, unless authorized to do so.

3.4 Specific Responsibilities

- Members are required to report in detail to the unit executive officer, asking for prior written approval for all activities or situations that may involve a conflict of commitment or interest.
- The unit executive officer has the duty and responsibility to evaluate carefully all potential conflict situations reported or known before acting to approve or disapprove the activities.

- The DVCs in the respective ambits have the responsibility for implementing this Policy.
- All parties to the evaluation, management, and approval of conflicts are to make diligent efforts to keep disclosures, remedies, and sanctions confidential to the extent allowed by law.

3.5 Examples of Allowable Income-Generating Activities

The following are offered as examples of external, income-generating activities that are not considered conflicts of interest. They are exempt from reporting requirements, unless they are so extensive in time and effort that they constitute a potential conflict of commitment.

- Receiving honoraria, stipends, and/or royalties for published scholarly works and other writing, creative works, lectures, and/or presentations.
- Participating at professional conferences for the purpose of making scholarly presentations, conducting seminars or workshops.
- Receiving honoraria for serving as a special reviewer or on a review panel for academic, governmental, or not-for-profit organizations.
- Participating in a clinical practice plan approved by DUT Council, for example offering professional medical services in one of the DUT clinics under private medical practitioner number.
- Receiving royalties under DUT's or another academic institution's royalty distribution policy's.
- Preparing books, articles, software and other creative works relevant to DUT duties.
- Approved third income stream generating activities, in terms of the stipulations of the DUT Policy on Maximizing and Diversifying Income Streams: A focus on 3rd Stream Income as well as the associated agreed upon income sharing model.

3.6 Examples of Non-permissible activities or those Requiring Prior Approval and Potential Management

The following activities represent examples of potential or actual conflicts of commitment or interest. The list is **not all-inclusive** and is intended to provide guidance.

- Failing to fully meet DUT responsibilities (e.g., conducting classes, assisting students outside of class, conducting research, serving on committees) due to involvement in external activities.
- Using DUT resources to conduct research that is sponsored by an entity in which the academic staff member or his/her family member holds a substantial financial interest without any DUT approval and sharing of income.
- Using DUT equipment or software resources to conduct Private Consulting work without an appropriate payment to the departmental equipment cost code or

university third stream income account.

- ❑ Serving in an executive or managerial capacity or holding significant financial interests in for-profit or not-for-profit entities doing business with DUT.
- ❑ Serving on the board of directors or major advisory committee of an external entity, which sponsors the academic staff member's research or provides donation funds for the use of the academic staff member or his/her department.
- ❑ Utilizing DUT students or employees in an unpaid capacity and un-negotiated basis in consulting activities supported by donation funds, and/or research sponsored by an entity in which the academic staff member has financial interests.
- ❑ Conducting testing or clinical trials of products, devices, or services owned or controlled by a business in which the academic staff member or a member of his/her family has a financial interest or receives remuneration.
- ❑ Diverting research, innovation opportunities from DUT to another academic institution, other laboratories, business, or consulting entity.
- ❑ Directing purchasing opportunities to a family-owned company or an associated entity.
- ❑ Making professional referrals to a business in which an academic staff member or a member of his/her family has a financial interest, while acting in the context of his/her DUT duties.
- ❑ Conducting business activities involving students or staff without appropriate approvals or authorisation.

4. PROCEDURES FOR DISCLOSURES/REMEDIES/SANCTIONS ETC.

4.1 Disclosure of Non-DUT Activities

Each staff member of DUT is required to obtain prior written approval from DUT before undertaking, contracting for, or accepting anything of value in return for consulting or research from any external person or organization.

It is mandatory that all staff complete the online declaration

DUT members must disclose external activities that constitute actual or potential conflicts of commitment or interest. These include:

- ❑ Consulting or other financial relationships with a sponsor of one's research, innovation and teaching and learning projects;
- ❑ Managerial role or significant financial relationship with a company in one's field of research or a company that does business with DUT;
- ❑ External activities or business that involve DUT students or employees;
- ❑ External activities or business that involve DUT equipment or resources;
- ❑ Relationships, commitments, or activities on the part of the member or his/her family

that might present or appear to present a conflict of commitment or interest with regard to one's DUT appointment.

4.2 Role of the Unit Executive Officer

- The unit executive officer reviews submitted reports, evaluates the nature and extent of actual or potential conflicts, and works with each member having such conflicts to manage or eliminate them.
- Further, the unit executive officer may initiate an inquiry of a member when he/she believes that a conflict of commitment or interest may exist.

4.3 Management of Non-DUT Activities (Remedies)

- It is incumbent upon members and the unit executive officer to manage or resolve real or apparent conflicts.
- Remedies may include modifying the research plan, appointing an oversight panel or person to monitor research.
- Remedies may also include entering into a written agreement with the Line Manager/Director to pay for the use of DUT equipment for private use.
- Arrangements agreed upon to minimize or manage the conflict must be reduced to writing by the unit executive officer, signed by the member and attached to that member's Report of Non-DUT Activity.
- The member will be afforded the opportunity to respond before the proposed remedy is transmitted to the next administrative level.

4.4 Approval/Denial of Non-DUT Activities

- The Vice-Chancellor and Principal and his/her designees have final responsibility in all matters concerning conflicts of commitment or interest.

4.5 Sanctions for Violation of This Policy

- Sanctions are warranted for failure to report potential conflicts or to abide by a remedy.
- DUT has the right to impose sanctions consistent with the rights of members under DUT Statutes, rules and regulations.
- Severity of sanctions depends on the extent of the violations of the Policy. Inadvertent, unintentional, and minor breaches require lesser sanctions, whereas knowing, deliberate, and major violations demand the severest sanction.