



UNIVERSITY *of the*
WESTERN CAPE

RESEARCH POLICY

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of the
UNIVERSITY OF THE WESTERN CAPE

Approved by Senate and Council in November 2009

A place of quality,
a place to grow, from hope
to action through knowledge

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INTRODUCTION

This document presents the new Research Policy of the University, developed in tandem with UWC's Institutional Operating Plan for the period 2010-2014. It has been informed by the significant achievements in the past 10 years and is underpinned by the desire to escalate the research and development enterprise of the University of the Western Cape to higher levels, in so doing to become a major player on the national and international landscape.

The Wider Research Environment

The past ten years have seen a transformation of South African higher education by a number of social and other forces: increased access to higher education and consequent demographic change; government funding policy; higher education research funding policy, etc. This has not only questioned the role of the University in contemporary South Africa, but has also presented different challenges. However, new ideas and intellectual capital still remain the hub of the University. Universities are producers of knowledge and innovation and developers of talent. They do this largely by conducting and openly publishing research and by educating students. Universities that were and still are predominantly teaching-focussed are increasingly evolving into research-oriented institutions. It is within this wider context that the Research Policy of UWC is located.

Research Developments at UWC

UWC is slowly but confidently evolving from a teaching institution into an institution with relatively sophisticated research activities. The types of research performed at UWC have vastly expanded and improved in the past ten years. Teaching is still the core activity but research is increasingly taking centre stage. Thus, the University can be classified as an emergent research institution with increasing staff participation in research and growth in its Masters' and Doctoral programmes.

Types of Research at UWC

Research at the University can be broadly classified as follows:

Basic or Pure Research: Basic or pure research is new, explanatory problem solving. The purpose is to generate new theoretical or experimental knowledge and the process includes thinking in a disciplined manner about why some natural or human phenomena occur. The primary motivation is to increase knowledge for the sake of understanding.

Applied Research: Applied research is considered generally to be original problem-solving activities directed primarily toward a specific utilitarian purpose. It is a combination of thinking and adaptation of research that develops ideas into some useful devices or processes, including patents. Applied research has its input from social utility and academics are involved in solving problems that have direct utility for a vocational field, commercial establishment or for social good. This includes research undertaken to inform policy formulation. It must be noted that the development of patents and prototypes and the commercialisation of University intellectual property are important components of Applied Research.

The Defining Framework

In revising its existing research policy, the University initially paused to consider what it was that UWC wanted to achieve in going forward from where it was presently positioned. This led to the development and acceptance by Senate of the Defining Framework (Section 1), in which the need for eight sub-policies was identified. The latter were developed by eight teams made up of the University's established and promising researchers and are presented in Sections 2 to 10.

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RESEARCH POLICY

SECTION 1: DEFINING FRAMEWORK

Universities by definition are the centres for knowledge production and scholarship. The inherent academic freedom associated with Universities allows the generation of new knowledge through curiosity-driven (or pure) research, applied research or strategic research. However, a University does not function in a manner that is independent of the society within which it is located. As an obligation to society, a University is expected to transfer knowledge for the betterment of the society through the promotion of research for socio-economic development. Therefore, a University not only produces new knowledge but also engages with existing knowledge in applying it towards addressing societal challenges.

A Research Policy for the University of the Western Cape (UWC) must take into consideration UWC's long term goals defined by its vision and mission. However, it must also recognise the reality of the current situation so that it is able to promote and support the research enterprise of the University and respond to the current regional and national challenges in Research & Development (R&D). In such a context a Research Policy is always a dynamic document with shifting goals as time evolves, justifying the need for regular review.

UWC's mission statement emphasises that; "The University of the Western Cape is a national university, alert to its African and international context as it strives to be a place of quality, a place to grow. It is committed to excellence in teaching, learning and research, to nurturing the cultural diversity of South Africa, and to responding in critical and creative ways to the needs of a society in transition". The mission statement therefore gives greater clarity and meaning to what is expected of the University in producing and disseminating knowledge, that is, to strive for excellence in this role. However, it also frames the specific societal context of which UWC is part and thus what shapes the knowledge environment.

The University's response to the current situation is strongly shaped by the Institutional Operating Plan (IOP) which draws attention to areas of significance for the institution's development and outlines its plans for operationalising its strategic objectives. The IOP reasserts UWC's aims to be a significant research and research development university. It makes a strong case for the importance of research in building new knowledge and its role in the enrichment of the curriculum and thus in the quality of the teaching the University has to offer. It also locates the University's research function within the context of UWC's commitment to being an engaged university. To this end, our research should strive to embrace and deepen our understanding of the complexities of contemporary South Africa in a globalised world where the "congruencies and contradictions between transformation and global competitiveness" are central to our societal challenges (IOP, 2004: 22).

Collectively these imperatives demand of the University the need to underpin all research with a focus on excellence through research programmes that are at the very cutting edge of new knowledge production and transfer, nationally, regionally and internationally.

In doing so, the University has to encourage cross-discipline collaboration and the establishment of teams of researchers with the necessary critical mass to ensure sustainability of the research programmes.

A natural consequence of this process is the identification and establishment of research niche areas defined by entities such as research units, centres and institutes.

A major national concern in R&D is the aging profile of the productive South African researchers. In 1990, 20% of the research output in the form of journal articles was produced by persons over the age of 50 years, in the year 2000 the proportion rose to 50%. In response to this challenge of training the next generation of research leaders, the National Research Foundation has introduced a special programme called the "SA PhD Project" to increase the country's doctoral output. This is also a challenge faced by UWC. Presently some 50% of our full-time academic staff do not have doctoral qualifications. This not only has a negative effect on our research outputs in the form of journal articles, chapters in books, books, etc., it also limits UWC's capacity to offer postgraduate programmes at the Masters and Doctoral level. Thereby, the growth in the postgraduate student population which the University would like to advance to the region of 33% from its present figure of 20% of the total student population is hampered.

In addition, despite national positive interventions since 1994, for example, the NRF's Thuthuka programme, South Africa has not adequately addressed the disadvantages previously encountered by Black (African, Coloured and Indian) male and female (irrespective of race) academics in higher education. The challenge of elevating academics from the designated group into research leadership positions is, indeed, a real one. Therefore the need for a mentorship programme in accelerating the development of talented young researchers cannot be overemphasised. Here, the University needs to devise a mechanism to exploit the knowledge and expertise of the relatively large cohort of retired academics with outstanding research profiles in the wider Western Cape region. They can play an invaluable role in the mentoring of young researchers.

Within the staff development strategy, the University must revisit and strengthen its set of criteria for honorary research appointments of persons, external to the University, who are integrally involved in research programmes in the University. Such persons will not only publish in the name of the University but also co-supervise students and mentor younger staff.

Therefore, UWC has to develop a strategic plan for staff development to address the abovementioned issues.

For UWC to become a global player in the research arena, its research programmes have to be at the cutting edge, alongside the leading international research institutions. This can be achieved through carefully selected collaborative partnerships with the leading international institutions in research areas that are identified as our niche areas. Such partnerships will allow for staff and student exchanges, joint teaching and supervision, as well as joint preparation of research proposals for funding, e.g. to the European Union Programmes.

However, just as the University is committed to excellence in knowledge production, it is equally committed to maintaining and fostering the dynamic link between knowledge generation and the transmission of knowledge towards the realisation of society's hopes. Therefore, while promoting curiosity-driven (or pure) and applied research, UWC must continuously emphasise the need for strategic research that leads to national policy development or attempts to solve societal challenges in partnership with the affected sector of our society.

In the South African landscape, Universities do not have a monopoly on knowledge development. Science Councils such as the Council for Industrial Research (CSIR), the

Medical Research Council (MRC) and the Agricultural Research Council (ARC), national research facilities such as iThemba Labs, industrial organisations (e.g. SASOL), para-statal organisations (e.g. ESKOM) and commercial organisations are involved in R&D towards a strong knowledge economy. It is important for UWC to establish close partnerships with these organisations so that it makes a meaningful contribution to national growth and development.

A strategic plan for collaborations of the types discussed above is important for the University.

Many South African universities have introduced a research incentive scheme for staff members in an attempt to enhance their outputs. In this regard UWC is not an exception. However, the University needs to revisit the existing incentive scheme to strengthen it. UWC needs to devise a mechanism to encourage academic staff members to take on the supervision of more doctoral students and graduate them in the shortest time possible without compromising standards, as well as publish research findings jointly with the students. Despite its shortcomings, the NRF rating and evaluation system is the only available mechanism for international peer evaluation of one's standing as a researcher. UWC presently ranks 5th in the country (behind 4 historically advantaged institutions) for the proportion of establishment academic staff members with a rating. The University needs to introduce as part of the incentive scheme a mechanism that will encourage staff members to publish more in high impact journals in their respective disciplines, thereby applying and qualifying for a valid NRF-rating.

Postdoctoral fellows have a huge positive impact on the research output of an institution. For a start, UWC needs to explore the creation of postdoctoral fellowships in its established research niche areas. The interaction with postdoctoral fellows will provide an enriching experience for the cohort of Masters and Doctoral students in these research niche areas.

An overall review of the research incentive scheme is needed to take the University forward.

An institution that desires to be a research-intensive University has to show a genuine commitment to that end by providing support to staff from its own financial budget. To a certain level, UWC presently achieves this through a generous support scheme for conference attendance and small grants for research projects. However, given that research funding is an investment for which the University expects defined outcomes, e.g. completion of doctoral studies or achievement of a valid NRF rating, such internal support must not be seen as "support for life" but as a mechanism to develop the staff member into an independent researcher with an established research niche area. This then makes it necessary for the staff member to move away from a reliance on internal University support to accessing external research grants, e.g. through NRF programmes.

In strengthening the outcomes-focussed internal research grants to younger staff members, in a concomitant manner, the University needs to find innovative and creative ways of supporting those at the other end of the spectrum - at the very cutting edge. Such support mechanisms could include funding for research assistants, seed funds to develop major grant proposals and leverage funding to attract external research grants.

Therefore, it is in the long-term interest of the University to review the internal research funding scheme.

Several of the University's research programmes, especially those that may impact on socio-economic development, use humans or animals as subjects.

Therefore the integrity of the research process has to be beyond reproach. Moreover, plagiarism and similar forms of misconduct by individual researchers (both staff and students) can impact on the integrity of the Institution. The need for a code of ethics is essential. Consequently, it is imperative that UWC's research agenda is underpinned by a well structured research ethics policy, which must be reviewed systematically in response to the changing research landscape. The University has to define an implementation plan so that every person (staff and postgraduate students) engaging in research for the first time is enlightened on the importance of ethics in research at the outset, prior to embarking on the research programme.

Consequently, the University needs to develop a comprehensive research ethics policy.

Recent national developments, e.g. the proposed establishment of the Technology Innovation Agency and the Bill on intellectual property rights from publicly funded research and development, makes it imperative for higher education institutions to address issues relating to protection of intellectual property, commercialisation and spin-off companies. In this regard, UWC has to proactively develop a policy that articulates the University's position on these matters in line with national policies.

The University has to develop a policy document on the protection of intellectual property and the commercialisation thereof.

As indicated above, in defining its research agenda, UWC will benchmark against the highest of international standards. This is so because the University desires to have an impact on the international stage. To achieve this it is essential that UWC aggressively markets its research programmes and outputs. Proper marketing will attract postgraduate students and more international collaborative partnerships, as well as inspire the younger researchers in the University.

Hence, a strategic plan to market the research enterprise at the University is essential.

The above discussion points towards the University's Research Policy articulating strategic plans in the following areas:

- 1. Excellence in Research: Identification of Research Niche Areas; Establishment of Research Units, Centres and Institutes.**
- 2. Research Capacity Development: Attainment of Doctoral Qualification; Black male and woman academics into research leadership; Harnessing the expertise of retired research scholars; Honorary research appointments.**
- 3. Strategic Research Partnerships: Internationalisation; Collaboration with Science Councils, Commerce and Industry; Partnerships for an Engaged University.**
- 4. Research Incentive Scheme: Research Publications, Graduating Doctoral Students; NRF Rating, Postdoctoral Fellowships.**
- 5. Internal Research Funding Scheme: conference attendance; support for research projects, research assistants, seed funding, leverage funding, research equipment.**

6. **Research Ethics Policy: animal experimentation; humanities and social science research; research ethics education.**
7. **Protection of Intellectual Property and Commercialisation thereof.**
8. **Marketing of Research: publications; websites, media.**

These sub-policies will be developed separately. It must be noted that due to different levels of relevant internal and external development, all of the sub-policies will not necessarily be established simultaneously.

It is important to note that the set of policies being developed have to be implemented in an appropriate enabling research environment. This implies effective and efficient services from the support divisions of the University, e.g. Finance Department; Student Administration, etc. The continuous engagement between the support divisions and the academic sector in designing the best way forward will contribute immensely towards taking joint ownership of the research enterprise of UWC.

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SECTION 2: STRATEGIC RESEARCH AREAS (SRAS)

Given its past history as a historically disadvantaged university, UWC is committed to a meaningful research capacity development programme to address the inequities of the past. Hence, support for staff to obtain their doctoral qualifications and establish their postdoctoral research profiles is essential. At the same time, UWC has to acknowledge the enormous enhancement of the University's profile as a research-driven university through the efforts of research teams and individuals who have established research and development niche/strategic areas which are engaged in cutting-edge research of strategic national importance. The University needs to recognise, support and expand these initiatives as it strengthens its national/international profile.

There is strategic advantage to be gained for the University in identifying, maintaining and fostering Strategic Research Areas (SRAs), and that such structures should henceforth be a component of the University's Institutional Operational Plan.

The advantages include:

- Enhancing the capacity of the University to promote its research identity by articulating strengths which accrue to the University community more broadly, and not just to individual achievements such as NRF ratings.
- Assisting the University in strategic research development, including future planning, staff acquisitions and targeted resourcing.
- Enhancing the pool of research skills, postgraduate supervision and mentoring of emerging researchers in a team based environment (as opposed to solely on an individual basis or that which emanates from a specific research entity (e.g. Centre or Institute).
- Increasing publications, student graduates and other outputs.
- Providing a destination for donor funds, awards and other forms of concrete support.

It is proposed that SRAs are defined as over-arching fields of academic (particularly research) activity, rather than as defined specific structures. In so doing, the University will be informed by the opportunities presented by the country's national research and development strategy.

It is further proposed that UWC as an institution, as well as individual academics, Departments and Faculties, should be involved in their identification.

Background

In the mid to late 1990s, there was a donor-driven drive (mainly instituted by the National Research Foundation) to require the University and faculties to identify research niche areas (RNA), which could then apply for a ring-fenced funding allocation. RNAs were identified across the University, and some, but not all were successful in leveraging funding from the NRF. Since the late 1990's, the RNA-related research programmes have earned UWC approximately R8m per annum.

Nevertheless, the identification of research niche areas did indeed occur at UWC and there is evidence that some such niche/strategic areas expanded and thrived when the clustering was accompanied by broader academic engagement and support, such as that provided by the NRF. However, it remains the case that the process of identification of research niche areas (also termed strategic research areas (SRAs)) has been murky and unclear, and that the decision making and identification process has been left to individual faculties.

The criteria for identifying a SRA have seldom been made explicit, nor, as far as can be ascertained, has there been an inter-faculty attempt to identify potential multidisciplinary SRAs, or to prioritise research thrusts across the University as a whole.

Nevertheless, the identification, formation or recognition of SRAs has in no way detracted from the recognition of the autonomy of individual researchers or academics to pursue whatever research agenda they chose, to choose their own collaborators, and to determine how they wished to contribute to the generation, preservation and dissemination of knowledge.

Definition of a SRA and criteria for assessment

A Strategic Research Area is defined as a 'field of study' which fulfills at least some of the following criteria (in no particular order):

- Has a formally identified status within the University.
- Is an area of current research strength in the University.
- Is of notable national and/or international importance.
- Is identified as a field of such importance that it warrants specific intervention, such as targeted resourcing, by the University.
- May be 'populated' by individuals and/or Research Entities.
- Should preferably incorporate both internal and external (national and international) collaborative linkages.
- Is likely to be interdisciplinary in nature.
- Is capable of engendering research activities which will fulfill the objectives of the University (including research grant income, postgraduate training and graduation, publications and other recognized research outputs).
- Has the potential to attract significant external funding.
- Is an area that has the potential to promote socio-economic development.
- Is an area that will enhance the standing of the University on the international research landscape.

Review of Existing SRAs

The University should establish an interdisciplinary panel (the SRA Panel) to assess and review existing SRAs. Leaders of existing and new RNAs should be invited to submit to the panel a motivation, accompanied by a research plan for the SRA, plans for future projects, conferences, seminars or other forms of academic and research based dissemination of knowledge, evidence of compliance with the above criteria, and abbreviated CVs of the principal member(s). The designation as a SRA should be valid for five years after which time it should be re-evaluated. If the SRA has not developed a structure involving a critical mass of staff, post graduate students and interdisciplinary linkages which can lead to an enhancement of the research activities and imaginative thinking within that period, the SRA designation may be withdrawn.

Establishment of New SRAs

New SRAs should be identified through either of two possible routes. The University SRA Panel should be assigned the responsibility for managing the process of identification and selection of SRAs.

- Proposals for new SRAs should be submitted by existing groupings at the University, provided that the above criteria are met. The structure, detail and format of such submission should be decided by the Panel and communicated to the University academic community.
- The research office/research committee of the University may additionally, of its own accord, proactively identify (and recommend to the Panel) the need for SRAs to be established in a field where the existing capacity does not yet exist. This could occur where:
 - National/global demands dictate that UWC should develop a research identity in this area.
 - there is a gap which other universities in South Africa have not seized but where UWC could play a lead role if this gap were filled.
 - there is donor support and other indications of sustainability which would be well served by the identification of a SRA.
 - socio-political, scientific or other contemporary or emerging developments suggest that UWC's profile would be enhanced by the development of a SRA in a particular sphere.
- Once established as an SRA, the same review/evaluation process should be applied every three years.

Development and Growth of SRAs

While the initial 'population' of a new SRA may comprise those individuals or Research Entities having presented the successful application, a mechanism is required for the addition of new participants within an SRA. Hypothetically, such decisions might be made *ad hoc* by the 'leader' of a SRA, or by a more formal process. In light of the suggestion (below) that the University would invest in SRAs, a more formal membership, possibly managed by the SRA Panel, is recommended.

University Support to SRAs

By recognising a SRA as a node of research excellence (or potential research excellence), the University would undertake to provide support to the individual academics and/or entities which comprise the SRA. This support may include:

- Prioritising the SRA in fundraising activities
- Investing in equipment or infrastructure (offices, laboratories etc)
- Leveraging external funding
- Direct allocation of bursaries and/or staff positions

- Marketing, including recruiting postgraduate students, postdoctoral fellows and contract staff to build capacity
- Assisting with outreach activities including conferences, seminars, distinguished visitors, linkages with partners, and internationalisation
- A more flexible allocation of subsidy accrued from accredited publications to enable the SRA to build capacity (upon negotiation).

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SECTION 3: THE ESTABLISHMENT, MAINTENANCE AND REVIEW OF RESEARCH ENTITIES

1. Preamble

The University mandates the creation and development of specific research and creative entities, as specific and targeted vehicles for the furtherance of the objectives of the institution, as follows:

- 1.1 The generation and reporting of research and creative outputs.
- 1.2 The conversion of knowledge, through the generation of intellectual property and technology transfer, to business and industry, as a contribution to the growing knowledge economy.
- 1.3 Postgraduate training, particularly in the areas of scarce skills.
- 1.4 The elevation of the Institution's national and international status.
- 1.5 The enhancement of engagement with the community and to enhance the public awareness of academia and its activities and outputs.

It is noted that in 2007 the Academic Planning Unit of the University completed a set of *"GUIDELINES AND PROCEDURES FOR THE ESTABLISHMENT OF NEW ACADEMIC STRUCTURES AT UWC"* (Appendix I). These guidelines were subsequently approved by the University Senate and Council.

2. Objectives

A survey of 'research entities' at UWC indicates that there is little consistency across or even within Faculties in the designations and activities of such structures. In addition, other terminologies are also employed (e.g., division, program, collaborating centre, project), sometimes in an equally inconsistent fashion.

The objectives of this document are as follows:

- 2.1 To review the current status of 'research entities' within the University.
- 2.2 To provide a more detailed operational framework for research entities, specifically to complement and strengthen the APU Guidelines.
- 2.3 To highlight specific issues relating to research entities which are not addressed in the APU document.
- 2.4 To present recommendations for action to the University.

3. Definitions, Structures, Compositions

The APU Guidelines document (Appendix I) defines five formal structures that either undertake research or at least contain a research component. These are Departments, Schools, Institutes, Centres and Units. They are broadly differentiated on the basis of activity, size (staff and researchers), interdisciplinarity, performance and impact.

Of these, only Institutes, Centres and Units are fully or largely focussed on research. This document therefore restricts its analysis to these research-orientated structures, in so doing to present a more definitive separation between them.

Each of these structures may be defined by a range of criteria relating to composition, management, activity, income, performance etc, as defined below, and are presented in decreasing hierarchical order:

3.1. An INSTITUTE is a research structure which:

- 3.1.1 Will be active in a field which is closely aligned to the University's strategic research objectives.
- 3.1.2 Will exist in a field of substantial national and/or international interest.
- 3.1.3 Will be led by one or more University academics of considerable national and international academic standing.
- 3.1.4 Will have a clear and executable succession plan, in alignment with its expectation as a long-lived structure.
- 3.1.5 Should be staffed by more than one permanent member of academic staff.
- 3.1.6 Is expected to be active in both interdisciplinary and collaborative research, and to involve researchers from other national and international institutions.
- 3.1.7 Will attract a specified level of University support.
- 3.1.8 May, but is not required to, have an undergraduate teaching commitment.
- 3.1.9 Will engage at a consistently high level in postgraduate supervision, specifically at Masters and Doctorate levels.
- 3.1.10 As evidence of sustainability, must be capable of maintaining a high level of external research grant income.
- 3.1.11 Must be capable of sustaining a high level of productivity, both in terms of research outputs (publications, patents, prototypes, etc.) and postgraduate students.
- 3.1.12 May, though not necessarily, be independent of any Department.
- 3.1.13 Will promote inter-Departmental/Faculty collaboration.

3.2 A CENTRE is a research entity which:

- 3.2.1 Will be active in a relevant field of intellectual and/or applied study.
- 3.2.2 Should preferably be active in a field of national and/or international interest.
- 3.2.3 Will be led by an academic of considerable national/international academic standing.
- 3.2.4 May be staffed by more than one member of permanent academic staff.
- 3.2.5 Is not necessarily required to have a formalised succession plan.
- 3.2.6 Will not have an independent undergraduate teaching commitment.
- 3.2.7 Should engage at a consistently good level in postgraduate supervision, specifically at Masters and Doctoral levels.
- 3.2.8 As evidence of sustainability, must be capable of maintaining a good level of external research grant income.
- 3.2.9 Must be capable of sustaining a good level of productivity, both in terms of research outputs (publications, patents, prototypes, etc.) and postgraduate students.
- 3.2.10 Will be associated with a specific Faculty and/or Department.
- 3.2.11 Will typically be smaller (in most respects) than an Institute.
- 3.2.12 May, though not necessarily, be independent of any Department.

3.3 A UNIT is a research entity which:

- 3.3.1 Will be active in a field of intellectual and/or applied study.
- 3.3.2 Would typically be led by a single member of the academic staff who is an established researcher.
- 3.3.3 Is not required to have a formalised succession plan.
- 3.3.4 Will not have an independent undergraduate teaching commitment.
- 3.3.5 Should engage at a consistently good level in postgraduate supervision, specifically at Masters and Doctoral levels.
- 3.3.6 Must be capable of maintaining a good level of external research grant income.
- 3.3.7 Must be capable of sustaining a good level of productivity, both in terms of research outputs (publications, patents, prototypes, etc.) and postgraduate students.
- 3.3.8 Will be associated with a specific Department and Faculty.

4. Governance

- 4.1. Entities should be financially and otherwise sustainable and subject to general UWC policies.
- 4.2. At the point of formation, Entities will establish a governing structure which will be responsible for the management of the Entity and its activities. The sophistication of the governing structure will reflect the hierarchical level of the Entity. A model constitution for management of an Institute is appended (Appendix II).
- 4.3. Entities will be subject to regular performance reviews.

5. Establishment

- 5.1. Research entities will be established by consideration of a comprehensive 'business plan' by the established administrative structures of the University, typically by a Faculty Planning Committee, Faculty Board, Senate Research Committee, Senate and Council of the University.
- 5.2. The 'business plan' must present a well-argued case for establishment of the entity in terms of the criteria laid out in sections 3.1 to 3.3.
- 5.3. The Director of the newly-established entity will normally be the individual responsible for its establishment, but the appointment is subject to approval from the appropriate Faculty and/or University committees.

6. Maintenance and Support

- 6.1. In general, research entities will be responsible for acquiring the additional resources necessary to maintain the activities of the entity.
- 6.2. The University will endeavour to support, through the respective Faculties if appropriate, a specified number of additional academic and/or technical posts in higher-tier entities (Centres and Institutes), particularly at leadership and senior researcher levels.
- 6.3. Entities may recommend the payment of salary supplements to leadership and senior researcher positions in order to recruit and retain suitably qualified staff, using external funding for this purpose.
- 6.4. Subject to agreement, research entities will be entitled, through the research incentive scheme, to a percentage of the publication subsidy for publications authored by research staff whose posts are supported by external funding.
- 6.5. The University will seek to provide dedicated personnel and expertise to manage contract posts in research entities in an effective and efficient manner.
- 6.6. The University will seek to improve the effectiveness and efficiency of its financial management systems and procedures in relation to externally-funded research projects.

7. Review Processes

- 7.1. All research entities will be subject to a regular review process.
- 7.2. The review process will be undertaken at an interval of 5 years, or as part of a Department/School Review where applicable, or where deemed appropriate by the relevant Faculty or the Senate.
- 7.3. The review process will assess the performance of the entity against the criteria stipulated in sections 3.1 to 3.3.
- 7.4. Subject to these performance criteria, the review panel will make a recommendation for the continuation, or otherwise, of the entity.

8. PRINCIPAL RECOMMENDATIONS

- 8.1. The University should accept the above recommendations for the establishment and maintenance of research entities.
- 8.2. The University should review all existing research entities in order to establish consistency with respect to status.
- 8.3. The University should subject all research entities to regular review to determine continuing, including change of, status.
- 8.4. The University should review the performance of all relevant university administrative structures in their interactions with research entities, with a view to enhancing the level and efficiency of service provision.

Appendix 1. APU Guidelines Document of May 2007

GUIDELINES AND PROCEDURES FOR THE ESTABLISHMENT OF NEW ACADEMIC STRUCTURES AT UWC

1. Naming of Structures

Note: These are guidelines only, and there may be good reasons in certain specific instances for departing from them. Such reasons should be spelled out in the proposal for the new structure (see 2.1).

1.1 Department

'Department' is the normal term used for those academic structures that have the purposes of both teaching and research, excepting for those that have a very specific rationale for being called a school, institute or centre. Thus it is the default term for an academic structure of the University (regardless of whether it offers one or more than one discipline).

1.2 School

Schools within the University tend to be of two distinct types: They are normally (a) postgraduate structures of an interdisciplinary nature, whose purpose is to integrate the postgraduate teaching and research of a particular set of disciplines, or else (b) structures that have as their primary purpose the provision of professional education and training, and which are regulated by one or more professional bodies (unless these are whole faculties in themselves).

1.3 Institute

An institute is a structure that engages primarily in interdisciplinary research and teaching at the postgraduate level. It is typically smaller or more limited in scope than a school.

1.4 Centre

A centre is normally a structure that is focussed primarily on research. It is formed in order to provide co-ordination of research activities in some area and to raise the funds for that research. It is not normally a teaching structure.

1.5 Unit

The term 'unit' normally refers to a university structure that is not primarily a teaching or research structure such as a department or school. Thus it is most appropriate to use this term for university structures that are small and which provide a specialised service to the University, such as planning, outreach, development, advocacy, entrepreneurship, etc.

1.6 Division

The term 'division' is not often used to name university structures at UWC, but when it is its meaning is most similar to that of 'unit'. A division has a crosscutting function in relation to the University as a whole, rather than serving only one part of it. There was once a tendency to subdivide departments into divisions, but this is now discouraged.

1.7 Programme

A programme has been defined at UWC as 'a planned set of learning opportunities that is intended to lead to the award of a specific qualification'. Thus the term should normally only be used for university offerings, not for structures.

2. Procedures for the Establishment of New Structures

The following procedures are mandatory.

2.1 Any Faculty wishing to establish a new organisational structure should consult with the Human Resources Department (HR) to check that the design of the intended structure is in line with university policy and to obtain informed opinion concerning its likely staffing arrangements.

2.2 A proposal is recommended to the Senate Academic Planning Committee (SAP) from the Faculty's Academic Planning Committee via the offices of the Academic Planning Unit (APU). A proposal should include an academic rationale for the new structure, as well as its envisaged staffing and managerial arrangements, and it should be accompanied by draft standing orders if it is a School, Institute or Centre.

2.3 SAP makes recommendations based on the academic merit of the proposal. Proposals that are found to be academically meritorious are referred by SAP to HR for:

- (a) costing of the envisaged staff positions, and
- (b) comment on the appropriateness of the job titles and the roles associated with them, particularly their conformity with, or equivalence to, existing job titles within the University, and the lines of reporting and authority that they imply.

2.4 HR submits the documentation of 2.3 (a) and (b) to the APU, which will check that the required information is complete.

2.5 Having checked the documentation from HR, the APU will forward it to the Faculty Board for one of the following courses of action:

- (a) If the new structure is affordable within the faculty budget, the Faculty Board may decide to recommend the proposal, in either its original or in a revised form, and accompanied by the HR documentation, to the Senate Executive Committee (SEC) for approval.
- (b) If the new structure is not affordable within the budget of the faculty, the Faculty Board may decide to forward the proposal, again with or without revision, and with the HR documentation, to the Executive Management of the University for approval.

2.6 SEC recommends those proposals that have reached it through steps 2.1-2.5 to Senate for ratification.

3. Requirements for standing orders

Each new School, Institute or Centre of the University must have standing orders, which would normally include the following:

- Name and Status
- Aims and Objectives
- Management / Supervision*
- Advisory Board**
- Staffing and Appointments

- Financial Administration
- Annual Report
- Quality

A copy of the approved constitution should be submitted to the Office of the Registrar for record keeping

Notes:

* This section should spell out the role, functions and accountability of the Director, Chairperson or Head, as well as those of a Management Committee, if the latter should be required.

** If applicable. Note that academic structures should *not* in most instances require an Advisory Board, since they are normally governed by the faculty in which they are located.

APU

11.05.07

Appendix II.
Example of Institute Constitution

1. Name

The Institute will be called the Institute for <name> (hereinafter referred to as <name>).

2. Mission

The Mission of the Institute will be:

- 2.1 To provide high quality, internationally accepted research training in the field or 'subject';
- 2.2 To provide human resource development in the area or 'subject';
- 2.3 To perform cutting edge research in the area or 'subject'; and
- 2.4 To enhance the status of UWC and South African research through the above.

3. Objectives

The Objectives of the Institute will be:

- 3.1 To satisfy the stated mission of the Institute;
- 3.2 To establish sources of renewable funding;
- 3.3 To build national and international recognition for the Institute;
- 3.4 To contribute to the national academic community;
- 3.5 To contribute to the national objectives of human resource development through the training of candidates from historically disadvantaged groups; and
- 3.6 To broaden national and international collaborative linkages.

4. Finance

- 4.1 All monies received by, on behalf of, or as a result of, the activities of the Institute shall be deposited in the University of Western Cape (hereafter known as 'the University') account designated for 'The Institute'.
- 4.2 The University will be the direct beneficiary of the funds contemplated in 4.1 above.
- 4.3 The University procedures for the processing of financial disclosure, auditing and accountability will be followed.

5. Funding

- 5.1 The Director of the Institute will be responsible for seeking funding for the facility from research funding agencies, commercial and other sources as the Director sees fit, and all such all sources of funding will be disclosed *via* publication of the budget presented to the Management Board.
- 5.2 Funds will be utilised by 'The Institute's' grant holder(s) according to the procedures required by the funding body as outlined in any grant agreement made between 'The Institute', the University and the granting body; grant holders will be defined as the persons to whom responsibility is assigned for grants made to 'The Institute'; funds will be utilised using the entity number system provided by the University; and no grant will be negotiated on behalf of 'The Institute' without the full knowledge and/or participation of the Director of 'The Institute'.
- 5.3 Planning and justification of purchases and budget will be presented in writing to the Management Board as outlined below.
- 5.4 'The Institute' will be a 'not-for-profit' Institute attached to the Faculty of <name> at the University of the Western Cape.

6. Status

'The Institute' will be a University Institution as part of the Faculty of <name>, and will be accorded all the rights and privileges by the University of the Western Cape and the Faculty as befit its status.

7. Personnel

Except where specifically approved by the Dean of the Faculty of <name>, all employees at 'The Institute' will be funded at full cost by funds raised by the Director, will be employees of the University and will be entitled to employment contracts and benefits negotiated with the University.

8. Management

- 8.1 Day-to-day management of 'The Institute' will be performed by a Management Team, comprising the Director (as Chief Executive), the Senior Administrator, the Deputy Director (when appointed) and a representative of the Senior Research staff of the Institute.
- 8.2 The Institute will be overseen by a Management Board.
- 8.3 The role of the Management Board will be to provide overall guidance, advice and direction to the Institute.
- 8.4 The Management Board will be composed as follows:
 - 8.4.1 The Rector of the University or his/her representative;

- 8.4.2 The Executive Director of Finance or his/her representative;
- 8.4.3 The Dean of the Faculty of <name> or his/her representative;
- 8.4.4 The Chairperson of the Department of <name>;
- 8.4.5 Two members from the Board of the Faculty of <name> designated annually by such board;
- 8.4.6 A maximum of four persons who are members of the international and South African professional community, bi-annually designated by the Management Board;
- 8.4.7 The Director of 'The Institute'; and
- 8.4.8 One of the persons contemplated in 7. above, designated annually by such persons.
- 8.5 At its first Management Board meeting, the Management Board will elect a Chairperson.
- 8.6 The term of office for the chairperson will be 3 years and he/she will be eligible for re-election.
- 8.7 All members of the Management Board shall have equal voting rights, however ties in voting will be decided by the casting vote of the Chairperson.
- 8.8 Authority for approval of policy and acceptance of reports will be vested in the Management Board.
- 8.9 The Management Board will meet at least once every calendar year, provided that members of the Management Board will be deemed to be present and able to vote if they are not present *via* electronic/ telephonic means and are able to make real time responses and input into the meeting.
- 8.10 A quorum at meetings of the Management Board will be constituted by 50% plus 1 of its members.

9. **Staffing Appointments**

- 9.1 Non-academic staffing appointments will be made by selection and approval of 'The Institute' Management Team and ratified, where necessary, by the Faculty Appointments Committee.
- 9.2 Academic staffing appointment candidates will be chosen by a candidate approval committee made up of the Management Team of 'The Institute', a selection of members of the Management Board (designated by the Board), and other University representatives as may be required for appointment processes, provided always that all recommendations by the candidate approval committee must be made to the University *via* the Faculty Appointments Committee.

9.3 A suitably qualified and experienced person will be appointed by the University as Director of the Institute after the Management Board has submitted its recommendations to the Appointments Committee of the Faculty of <name> who, in turn will submit its recommendations to the Joint Appointment Committee of Senate and Council.

10. **Post-graduate Students**

All post-graduate students in the Institute will be registered through the Department of <name> and the formal processes of registration, progress reporting, examining and submission will be *via* the Departmental Higher Degrees Committee and thence the Faculty Higher Degrees Committee.

11. **Responsibilities of Director**

11.1 The Director will be responsible for achieving the objectives as defined in this Constitution.

11.2 Staff appointed to the Institute will report to the Director.

11.3 The Director will report on the operation of the Institute to the Dean of the Faculty of <name>.

12. **Amendment**

This Constitution may only be changed, amended or repealed by a resolution passed at any meeting of the Board, provided no such resolution shall be deemed to have been passed or have any force and effect unless it:

12.1 Has been carried by more than 66% of the members of the Board present and voting at the meeting; and

12.2 The resolution is subsequently approved by the University Senate and Council.

UNIVERSITY of the WESTERN CAPE

RESEARCH POLICY

SECTION 4: INTERNATIONAL/NATIONAL RESEARCH PARTNERSHIPS

International research partnerships are at the core of the functioning of the modern university. The growth in international research collaboration is significantly enabled by the enlargement of the sphere of technology in education. While there is a need for encouraging and supporting research collaboration across the institution, it is also imperative to take cognisance of the University's priorities in this broader sphere of knowledge production. The balance is crucial to UWC if it is to support and enable further research partnerships in keeping with the University's strategic vision of building a post-apartheid society, while simultaneously becoming a world leader in identified niche areas.

UWC's approach to fostering effective international partnerships is shaped by our understanding of internationalisation of research. To encourage international research partnerships, the University undertakes to create enabling conditions in which such partnerships will flourish. Our point of departure is the changing context in which the modern university functions.

The rapid introduction of technology in education has facilitated an increasing global exchange of ideas. It has also provided opportunities for re-envisioning research applicable to our specific contexts. The current practice of symbolic inter-institutional partnerships with Universities needs to be developed in the direction of promoting new forms of scholarly exchange that would contribute to our mission as an institution that re-imagines our world anew. UWC will strive to build meaningful partnerships that deepen our commitments to comprehending and responding to South African and African contexts. As a University responsive to building a post-apartheid future, UWC envisages international research partnerships that seek to harness the best traditions of scholarly exchange while averting the risks of dependence that often follows from historically entrenched structural inequities between institutions in the north and south. In the spirit of scholarly exchange, UWC will strive to forge new models for critical exchange by extending our current relations to include institutions in Asia, Latin America and the African continent.

Forging new critical models for scholarly exchange requires an ongoing elaboration of research ethics and principles, especially in our approaches to human subject research and community and public engagements. In these respective endeavours, the University encourages the exchange of ideas rather than the more alienating structures of knowledge built upon earlier practices of extraction, expropriation and narrowly defined notions of academic expertise. These ethical considerations should be at the core of decisions about research partnerships.

International research partnerships should mostly be organic in their constitution and programming. To this end the University encourages individual research initiatives as well as other institutional partnerships involving Centres and Institutes in establishing international research networks.

At the same time, the need to support research partnerships at an institutional level has to be coordinated and monitored in keeping with the University's strategic plans. For a greater organisation of research partnerships at the institutional level, the following steps are suggested:

- An audit of all existing international research initiatives, including a proper database of current income, costs to the University, research output and growth of the project.
- Recording of major lectures by guest lecturers from partner institutions for the purposes of building the UWC Collection in conjunction with the UWC archivist.
- Ethics approval for international research projects through appropriate University structures.
- The incorporation of international research projects in the internal review processes of departments/schools.
- Prior notification to the Research Office of funding proposals for international research initiatives.
- A consolidation of research initiatives through the establishment of a partnership database.

International research partnerships are crucial for UWC's emergence as a major research institution in Africa. Building on an ever-expanding base of existing international research partnerships, the immediate goal is to facilitate institutional recognition and the strengthening of this all-important sphere of research.

International research partnerships offer avenues for research capacity development, the dissemination of research findings and for producing new research platforms upon which we might grow new visions and chart new directions for our society and the world more broadly. Hence, it is necessary that the University creates an enabling environment to foster such partnerships.

While growing as a global research institution, it is important that UWC strengthens its impact on a national level. Partnerships with South African Higher Education Institutions, Science Councils, National Research Facilities and Industry will enhance the University's capacity to undertake research and development through shared costs, joint funding proposals, external funding, endowed chairs, joint postgraduate supervision, etc. Hence, such national partnerships must be established as and when opportunities arise.

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RESEARCH POLICY

SECTION 5: RESEARCH CAPACITY DEVELOPMENT

The University is committed to developing and to increasing the research competence and expertise of its staff, particularly among those previously disadvantaged and women, by providing opportunities for new and inexperienced researchers to develop their research and publication skills. UWC has produced a significant number of black and female academics and intellectual leaders, but it has lost many of these people to government, business and other universities. The University nonetheless remains committed to promoting the development of staff members that do not have doctoral qualifications or who are not actively doing research and publishing.

Support for Staff for Attainment of Doctoral Qualification

Faculties of the University are at varying stages of development in their research programmes, and not all departments have an active tradition of research, innovation or publication. The University's strategy is to vigorously expand participation in research by all academic staff. It will pursue a "grow-our-own-timber" approach to developing people of the designated groups. Of our fulltime academic staff, the proportion having a doctoral qualification is presently just under 50%. While aiming to increase this to 75% by 2014, UWC's diversity and equity strategy should ensure that staff members are afforded the opportunity for staff development and completion of their higher degrees. This should include a planned schedule of leave and support in research active teams at the level of departments, schools, centres or institutes.

UWC will explore links with other foreign universities which offer opportunities for split-site doctoral studies. This model matches research expertise and supervision skills established at UWC with the requisite expertise elsewhere, based on the notion of partnership and collaboration. Strategic funds should be provided by the University to promote visits by staff registered for doctoral degrees to such foreign partnership institutions.

Post-doctoral Support for Staff

The University needs to create the environment for staff with recent doctoral qualifications to develop further into independent researchers with the ability to successfully compete for external research grants, take on and supervise Masters and Doctoral students, establish national/international research networks, etc. Support for such staff members includes time off and support, including sabbatical leave, to undertake research at leading national/international institutions in their respective research areas, developmental workshops on successful research grant writing and research supervision. Moreover, such staff members must be provided appropriate mentorship and assistance in disseminating their research findings, e.g. in the form of conference presentations and publications.

It is important that a five-year developmental trajectory be agreed upon and monitored for each qualifying staff member. Such support programmes should be developed in partnerships with the Science Councils (e.g. CSIR, MRC) and the NRF (e.g. its Thuthuka Programme).

Enhancement of Postgraduate Education

A crucial component of research capacity development is the strengthening of postgraduate education at the University. Central to growing the University's cohort of Masters' and Doctoral (M & D) students is widening the supervisory skills of our staff members (apart from improving their own qualifications). This is coupled to a vigorous marketing of our M & D Programmes. Noting fully that the DOE subsidy for postgraduate studies is based primarily on graduating students, the University needs to implement a series of developmental workshops (e.g. introduction to qualitative and quantitative research, proposal writing, etc) for postgraduate students in order to expedite completion or time to degree.

Issues to be addressed include:

- i) Addressing the needs of students and supervisors.
- ii) Streamlining of management of postgraduate studies in partnership with faculties and the student administration division.
- iii) Marketing of postgraduate programmes.
- iv) Expanding the scholarship database.

In this regard, the Division of Postgraduate Studies will nurture and develop a postgraduate research culture by, among others:

- i) Establishing developmental programmes (workshops, seminars, etc) for postgraduate students and supervisors to strengthen student-supervisor relationship across the University. This will serve to support the successful participation of postgraduate students in the research niche areas and to improve completion rates.
- ii) Developing a monitoring scheme for the study programme of each student in order to expedite time to degree (completion).
- iii) Reviewing together with the Senate Higher Degrees Committee all relevant policies to promote Quality enhancement.
- iv) Working with other stakeholders in the University in streamlining administrative procedures and offering an integrated service to postgraduate students. Documents relating to processes and procedures governing postgraduate education should be made readily accessible.

Infrastructure Support

Strategies to improve staff qualifications and participation in research and enrolment of postgraduate students necessarily demand a strengthening of the University's supporting infrastructure in the form of computing facilities, library holdings, equipped research laboratories, etc. Moreover, the "one-stop-shop" for postgraduate students envisioned for the division under the Director of Postgraduate Studies will have to be appropriately resourced.

UNIVERSITY of the WESTERN CAPE

RESEARCH POLICY

SECTION 6: INTERNAL RESEARCH FUNDING

1. Introduction

The following undertakings formed the background on which the proposals for internal research funding are based:

- An examination of current internal research funding – the mechanism and process within the context of the research vision/strategy of the University.
- An examination of research funding relative to total budget – the objective is to establish a broader perspective of funding leverage.
- An examination of how UWC leverages advantage from its funding – specifically academic departments' purchase of research equipment and staff development.
- An examination of niche areas with the objective of identifying best use of money allocated.
- An examination of models that encourage research culture other than state agency (NRF, MRC) models.
- An examination of productivity-increasing activities.

2. The Status Quo at UWC

In the past 5 years:

- Research active academics (with output resulting in peer-reviewed journals) constituted 39.8% of all fulltime academic staff.
- Research active academics (peer-reviewed journals plus commissioned research reports) constituted 48.5% of all fulltime academic staff.
- Research active academics (peer-review journals, commissioned research, engaged in doctoral studies) constituted 60.4% of fulltime academic staff.

2.1 Research/Academic Types

Presently, research active academics in the University may be broadly placed into one of the following categories:

Academic Type 1	Academic Type 2	Academic Type 3	Academic Type 4
Early-career researcher	Mid-level researcher	Established Researcher	Senior Researcher

Academic Type 1: Early-career Researcher

This type engages in research but is not active enough at a level to generate measurable output in the form of peer-reviewed publications. Some are registered for doctorates, which are their primary research work, but they are also involved in other research projects. A few have doctoral degrees. Funding for research is mostly from the University.

Academic Type 2: Mid-level Researcher

This type is research active and publishes sporadically in a period of five years. In most cases, they receive state (NRF/MRC) research grants, supplemented by University funds of which they are regular recipients. The bulk of research active academics who are not necessarily 'young blood', fall into this category.

Academic Type 3: Established Researcher

This type has a track record of accessing research grants and consistently produces peer-reviewed publications each year. This type also receives a University research grant on a regular basis. It is estimated that 35% of their research funds are non-state grants. A few have well over 70% of their research funds from funding agencies other than the state.

Academic Type 4: Senior Researcher

This type is an established researcher with a good track record. What differentiates this type from Type 3 is the fact that he/she leads a team of researchers and also that the bulk of the research fund is non-statutory and he/she is less dependent on internal research funding. The volume of output in the form of peer-reviewed publications is consistently high.

2.2 Sources of Research Funding

A study of the current state of research funding in the University reveals the following:

- The bulk of research funding in the University is by the state (NRF). This accounts for almost 65% statistically in head count and 50% in grant value.
- The University's 'seed' grant of a maximum of 30,000 rand per research project accounts for about 20% in head count and others such as SANPAD, Mellon, Kellogg, VLIR etc, account for the rest. In grant value, the latter account for almost 30%.
- Approximately 150 academics per year, on average, received the 'seed' grant in the past three years.
- Of the 150 academics, about 68% received the full amount of 30,000 rands, 14% received about 25,000 rands and above and the rest less than 20,000 rands.
- Of the total number of recipients of the fund in the past three years, almost 80% are regular recipients. The remaining 20% are first-time recipients.

- The University research funding is available equally to all. Expenditure reports indicate that the funds are exhausted before the end of the academic year. It is estimated that over 65% of the available funds is spent in the first half of the year. This state of affairs is likely to lead to ossification and reduce the dynamism of research.

2.3 PhD research funding and supervision

With regard to funding for doctoral studies (PhD) in the University, the following is highlighted:

- PhD research is not part of the direct university internal funding scheme. However, the University does fund PhD research indirectly in the form of ‘staff discount’ fees for those members of the academic staff registered for PhD.
- The University supports PhD studies by staff, in partnership with the NRF, through the Thuthuka programme.
- Approximately 10% of PhD research is funded as part of larger externally-funded research, for example, the University-wide Belgian VLIR Project.
- There is a relaxed monitoring of PhD supervision which tends to undermine attention to completion within time and as such negates the critical importance of PhD supervision as an important source of income that can be ploughed back into research funds.
- There is little support for PhD supervision and the relationship between a supervisor and a supervisee remains what has been referred to as “an essentially privatised and personalised” one (Lee and Green, 1998: 5) conducted behind closed doors. Doctoral supervision tends to rest primarily at the level of training, which is, ensuring that students complete the thesis according to scholastic conventions – students are shepherded more towards structuring the thesis than towards the publishable phase.

2.4. Internal funding categories and principles

By most reasonable standards, the University has a generous system of research funding compared to many other institutions in the country. The individual research grant is small but the mechanism for its award is generous; so also is the distribution in terms of categories. In addition, the budget for the research incentive scheme has trebled in the past three years, while additional funds have been made available for strategic research initiatives.

Conference and travel grants are made in accordance with a multi-criteria decision-making model, which is very generous. An analysis of 2007 and 2008 grant recipients’ outputs in the previous three years revealed that some 40% of awardees had no DOE accredited publications to their credit.

3. The Way Forward

3.1 Research Funding

Researchers: Emphasis has to be placed on developing effective research resources for active researchers. Funding of research should recognise training needs both for the training of researchers and research supervisors.

Research impact: This is an area that is hardly considered in the allocation of research funding, which in general is good because it does avoid selectivity in funding research. However, the University should consider a reward system for those whose research makes an impact. Such an impact can be established with acknowledged international indicators (for example, discipline-specific high-impact journals) and locally when research contributes to the enhancement of social livelihood through the adoption of findings in policy and practice.

3.2 Postgraduate programmes

Over the years, it has become evident that one of the hallmarks of a research-focussed university is its number of graduate students as a proportion of total enrolment. There has been a slow growth in the number of postgraduate students (Masters and PhDs) especially in the past three years, but more effort is needed in this regard. Such an effort ultimately will require increased research funding. The institutionalisation of PhD studentship in the University and a designated fund for the scheme is worthy of consideration; in the main, in accordance with the niche areas.

The new Division of Postgraduate Studies should be well-resourced in order to provide an optimal environment in which to adequately resource, strengthen and further develop postgraduate research, Postgraduate supervision should be systematically supported with the necessary infrastructure and funding.

A standardised framework should be introduced for the management and monitoring of postgraduate research and supervision to enable completion within a reasonable time.

3.3 A sustainable approach

It does not seem necessary to add to what has already been said about the importance of investment in research or to develop the case for continuing and increasing University support for research. An institution advancing as impressively as UWC has done over the past 10 years has to recognise the need for additional funds to support a growing staff development programme and an expanding research infrastructure.

The University is committed to supporting research activities as evidenced by the generous funding from its own budget for conference attendance and small research grants.

However, the current practices suggest an approach that can be characterised as 'life support' rather than a long-term sustainable one in which academic staff develop into independent and active researchers with their own niche areas. The assumption here is that a sustainable approach, framed in terms of significant outputs, provides an opportunity for researchers to use the funding from the University to leverage other forms of funding. Accessing the latter means that researchers have resources to build a strong research infrastructural base.

This supports scientific development within an area, providing a platform for the development of new and high-quality grant applications and a process for the management of research outputs. From here flows the basis for developing a research culture based on quality, excellence, innovation, peer review, structural (i.e. institutional) embeddedness and ultimately public confidence and showcasing of research accomplishments.

In order to facilitate research activities and academics' efforts to meet the above purposes, a framework based on long-term sustainability should be guided by two conceptual elements, namely, a capacity building component and the promotion of new knowledge areas.

The proposal is that the distribution of funding and resource allocation be matched according to individual research capacity (where, for example, an established researcher reaches into a new knowledge area) as well as meet the development (capacity-building) needs of 'young' researchers. The implication here is that funding for the diverse categories (that fall within the full suite of research activity) will be differentially distributed, taking as its cue the University's long-term strategic research plans.

The aforementioned proposal necessitates a closer examination of the individual attributes that academics exhibit in terms of research activity and development. Academics on their part must deliver.

Depending on the level of development of the staff member, the University should consider support in the following areas:

- research grants
- conference funding
- research assistants
- postdoctoral grants
- minor research equipment
- leverage funds for major research equipment
- start-up grants for new staff
- strategic funds for consolidating existing niche areas
- matching funds for external (e.g. NRF) grants
- strategic funds for the development of new research niche areas;
- seed funding for major external grants

In addition, the University has to explore support for postgraduate students in the form of bursaries and research costs.

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SECTION 7: RESEARCH INCENTIVE GRANT SCHEME

Introduction

In revising the Research Incentive Grant schemes (RIGS) the following points are noted:

- i) In the past two years the University has made significant improvements to the RIGS for the benefit of researchers. Apart from an enhancement of the funding per Department of Education (DOE) accredited unit, in addition to publication outputs, units are allocated for supervision of graduating doctoral students and attainment/retention/improvement of NRF rating.
- ii) Presently the University does not achieve its DOE stipulated research output target of 1.25 units per fulltime staff member. Consequently it receives a substantial amount of subsidy funding as a research development grant, which the DOE has indicated may not be sustained in the future.
- iii) The University's Institutional Operating Plan (IOP): 2010 – 2014 projects an increase in the proportion of staff with doctoral qualifications and a significant growth in the enrolment of postgraduate students. It is, therefore, important that the RIGS is in synergy with these strategies. Consequently, it is suggested that the RIGS be extended to include credit for graduating full dissertation Masters students.
- iv) The RIGS is based solely on research output. Therefore, it will serve as the major source of research funding for established researchers at the University. Given the needs of the developing researchers on the staff of the University as well as new staff members, the RIGS must be implemented in parallel with other research funding schemes in the University.

The table on the next page shows the existing RIGS in the middle column and the proposed scheme in the right hand column.

Proposed Research Incentive Scheme – July 2009

Research Outputs	Allocation of Units	
	Existing Scheme (Approved 2008)	New Scheme (Proposal)
Sole authored DOE accredited journal article	1.0	1.0
DOE accredited journal article co-written with Postgraduate students (To be shared by all UWC Staff co-authors)	1.0	1.0
Successful supervision of a graduating Doctoral Student. (To be shared by all UWC Supervisors)	1.0	1.0
Successful supervision of a graduating Masters (Full Thesis) Student (To be shared by all UWC Supervisors)	Nil	0.25
Staff member receiving a Y or C NRF-rating for the first time	2.0	2.0
Staff member receiving a B NRF-rating	3.0	3.0
Staff member receiving an A or a P NRF-rating	5.0	5.0
Improvement of NRF-rating from one category to another (e.g. C1 to B2)	2.0	2.5
Improvement of NRF-rating in the same category (e.g. C3 to C1.)	1.5	2.0
Staff member retains an NRF-rating at the same or lower level	1.0	1.0
<p><i>The units for Books, Chapters in Books and Conference Proceedings are presently the subject for discussion between the University and the DoE.</i></p>		
<p>Note: Finally, when the research output of the University increases beyond its DOE stipulated target, consideration should be given to awarding staff members with significant individual outputs a salary bonus.</p>		

UNIVERSITY of the WESTERN CAPE

RESEARCH POLICY

SECTION 8: MARKETING OF UNIVERSITY RESEARCH

1. INTRODUCTION

The term 'marketing of research' is understood to include a range of initiatives that are undertaken in order to draw attention to UWC's research and development activities and outputs. On the one hand, these outputs may be actual patents that require investment in order to be brought to commercialisation. On the other, UWC's premier research activities will be showcased in order to demonstrate potential for research-based services that may be provided to public authorities, corporate and non-profit organisations. When promoting departmental research to the general public, the aim is to demonstrate the high level of knowledge production and application by the teaching staff in order to enhance the external image of the Institution. In this way, it is possible to influence student choice for postgraduate studies.

In short, the beneficial outcomes of marketing of research may be any of the following: increased levels of financial support in the form of grants, contracts, endowments; improved opportunities for partnerships, research collaboration or other forms of cooperation; attracting talented human resources such as leading researchers or promising students to the institution; and investment in technology transfer. In most cases, the marketing activity will focus on existing expertise or research strengths to persuade targeted groups to enter into a mutually rewarding relationship with the University.

Enhancement of prestige is the pervasive outcome; income generation may be direct or indirect. Consequently, there is a need to diversify the marketing approach for different constituencies. Communications and overtures to industry will have a different orientation and employ different languages to those used in an approach to a philanthropic foundation or a funder with a specific target. On the other hand, a marketing plan should also create platforms that permit a comprehensive overview of all of the institution's research developments and successes.

The following sections present different types of marketing strategies.

2. MARKETING FOR STRATEGIC FUNDING

Outside of business marketing, and beyond the fields that generate patentable IP (E.g. biotechnology, physics, computer science, etc.), the University may be able to attract material support for research projects that are producing high quality research and that deserve injections of investment.

This is particularly the case where there is demonstrable overlap with strategic national imperatives – science and mathematics education or public health, for example. Government, funding agencies, and international networks are key targets for this marketing campaign. Again, pursuing the avenue of graduate student training might be a promising lever to attract grants or contracts, since public authorities need to be seen to be growing expertise.

The best way to showcase high performing research areas is to produce print material and e-communications that may be distributed to key agencies. This must be accompanied by an aggressive marketing of our postgraduate programmes.

3. PRINT MARKETING CAMPAIGNS

Even in the age of electronic media, print is still a powerful medium to advertise one's 'product'. University publications have a crucial role to play in publicising and marketing the innovative, high quality and unique research projects our staff are engaged in on campus.

Most universities have a variety of publications and printed materials reaching a range of audiences. Potential donors could be anywhere: an alumnus now part of a major corporation; a government agency or funding organisation representative may receive a magazine through the mailbox; or the materials can be picked up at national/international conferences/workshops.

Scholarly publication in research journals:

These remain the primary route for promoting UWC research within a disciplinary community and can lead to collaborative national/international partnerships. The specialised readership of these excludes them as an avenue for popular reach, however. Despite the limited direct marketing role of scholarly articles as far as attracting donors is concerned, evidence of a steady stream of scholarly publications, such as publications lists, engenders confidence on the part of potential funders.

University newsletters:

While these have traditionally been aimed at internal readers, the audience has been expanded to include a range of external readership, such as alumni, foreign embassies, government agencies and donors. They are published more frequently than other publications, celebrate the achievements of university staff and students and are written simply in a layperson's style. They also give the reader a sense of the achievements of the University's research projects, while also identifying those who are already investing in UWC. Faculty newsletters play the same role.

Annual Reports:

The publication of the Institution's annual report is mainly the general business of the University, and also forms part of its regulatory compliance. The document also serves as an important marketing tool.

Specialised publications:

Field-specific reviews or innovation reports are very effective. They can be published more regularly, go into more detail about the projects and text and images are chosen to persuade potential investors.

University Research Report:

This is a focussed document for the national/international audience highlighting 'excellence' at UWC, therefore it will showcase our research niche areas and outstanding individual researchers, as well as emerging areas and future research leaders.

4. THE ROLE OF E-COMMUNICATIONS

The role of communications within an enterprise such as UWC is ultimately a very important one. The web and email are largely viewed as the traditional methods of communication using electronic formats.

This is somewhat narrow, as the scope of so-called e-Communication is much wider. Structured campaigns on SMS, Mxit and other mobile platforms will become increasingly important in the next few years. Fortunately, UWC has been at the forefront of this type of communication for a number of years already.

The University Website:

It is extremely important that the website remains up to date and relevant at all times. This can be accomplished in a number of ways, including social media streams such as Twitter and Chisimba microblogging, desktop applications that aggregate content and updates, and various automata that can act independently to source and aggregate content on a constant basis.

The Research section of the UWC website is a primary tool for marketing the Institution's research and postgraduate programmes. The structure of the website must centrally display our research niche areas and emerging areas, as well as our leading research institutes and centres, with links to faculty specific web pages for further details and information on researchers of national/international standing and emerging leaders of the future.

It should be noted that data that is used and added to the web presence should at all times be both textual and semantic in nature, so as to make access to the widest possible audience readily available. Semantic data can be read and consumed by other machines, and greatly increases so called Search Engine Optimisation, amongst others.

Modern e-Communication is not simply a read only interaction with a static website, but a read/write relationship that every single person is responsible for, by making use of blogging tools, wikis, robots and more.

5. MARKETING FOR COMMERCIALISATION

In order to give force to UWC's identity as an 'Engaged University', the University should gradually strengthen its activities aimed at the development of new knowledge-based products and services which will ultimately result in the advancement of the local manufacturing base. There exists significant potential for the University to bring about breakthroughs in several nascent science and technology fields in South Africa. Where these advances are marketed in a clear and unambiguous way, this activity can also result in enhanced income generation which can be used to further develop UWC as a leading institution for human resource development, knowledge production and technology development in South Africa.

Product development research carries good prospects for wealth creation in the longer term perspective, but it requires a significant investment base which is generally unavailable in South Africa.

With the introduction of the new Intellectual Property (IP) legislation, universities will be required to take IP commercialisation seriously, but this will be impeded by the same factor, namely the absence of investment capital to support manufacturing development in spin-off companies. Against this background, the role of marketing becomes paramount to attract third stream income – to support R&D work and commercialisation activities, either through partner enterprises or institutional spin-offs.

Therefore, through the avenues outlined earlier, UWC must develop comprehensive strategies to market the University's:

- Protected IP (including Patents)
- Internally-developed Commercial Concepts
- High Impact Scholarly Publications
- Postgraduate Programmes

6. PUBLIC ENGAGEMENT BY UWC EXPERTS

Increasing the level of public engagement by UWC experts is a significant way to project UWC's image as an engaged, research-driven university. Examples include participation in panel discussions on radio and television, textual contributions to current debates, or blogs relating to teaching or research.

Within disciplinary communities, faculty may advance UWC's reputation through seminars or workshops, guest lecturing, keynote/plenary addresses at conferences/workshops, or service to professional forums or learned societies, for example, developing national or regional capacity within the research/teaching field. To some extent these activities are already taking place and the University needs only to find mechanisms for reporting and evaluating faculty involvement.

7. VISIBILITY OF UWC RESEARCH OUTPUT

In order to exploit UWC's existing expertise and its orientation towards openness, it is proposed that one of the strategies to market the University's research is the establishment of an institutional repository (IR) for research content in all its forms. The peer review status of each item in the archive will be clearly indicated.

The institutional repository enables secure deposit, management, retrieval and dissemination of the institutional research content over time. Based upon Open Archives Initiatives standards, content within the IR is discoverable by *Google* and *Google Scholar* and other mega-search engines. Since the repository records are automatically harvested by other engines, this secures the widest possible readership and promotion for UWC research findings.

The benefits of such a platform are many: ready evidence and promotion of institutional research output; increased downloads, citations and opportunities for collaboration; profiling of individual researchers or their units/departments; production of the annual research report; integration of local research into the Library's catalogue; insertion of local research within teaching and learning on campus and elsewhere; modeling behaviour for emerging UWC researchers; growing African web content. In addition, since the repository also secures the preservation of selected file types, the repository provides evidence of strong institutional stewardship of outputs from publicly-funded research.

UNIVERSITY of the WESTERN CAPE

RESEARCH POLICY

SECTION 9: RESEARCH ETHICS POLICY

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SECTION 9: RESEARCH ETHICS POLICY

1. Preamble

The University of the Western Cape is concerned with protecting the rights, dignity, safety and privacy of research subjects, the welfare of animals and the integrity of the environment. It is also concerned with protecting the health, safety, rights, and academic freedom of researchers and the reputation of the University as a centre for high-quality research. With this in mind, the University has developed a Research Ethics Policy that aims to govern the ethics of research across the University, and to promote awareness of the highest ethical standards, principles and issues in the conduct of research activities thereby clarifying for researchers their ethical obligations. The vision, principles and core values of the University are based on its commitment to the principles and values enshrined in the Constitution of South Africa.

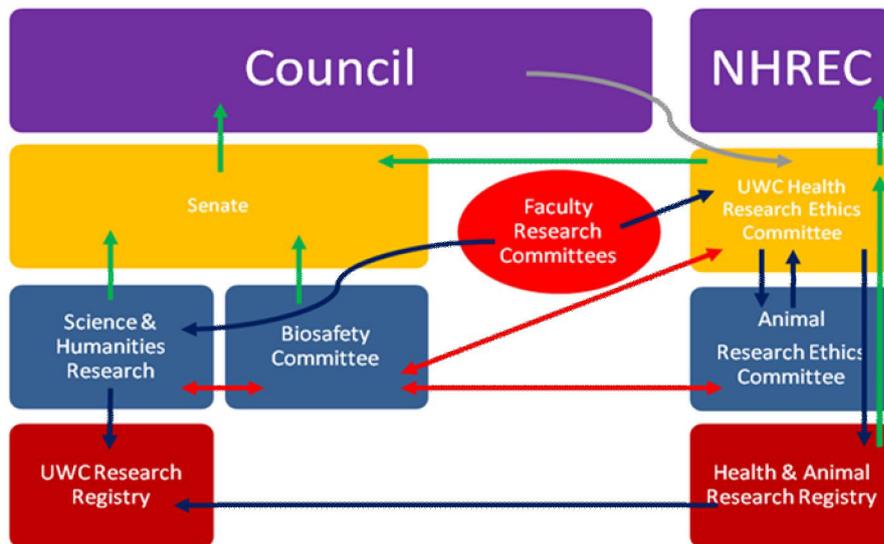
Against this context therefore, this Research Ethics Policy has been developed as the ethical framework for the University community to be considered as part of the research process at all levels of research activity by undergraduate, postgraduate and postdoctoral students and members of staff across the University.

All research will have ethical implications, however there are some areas of research where the ethical implications will be particularly important. The following is not an exhaustive list, however some examples of such areas of research are: where it involves human subjects (particularly children and vulnerable adults); where it uses human data or human material; where there are serious health and safety implications; where animal experiments are involved; where there is a risk of damage to the environment; where the impact of the research may be emotionally damaging; where the research is politically or socially sensitive; where the source of funding for the research has the potential to compromise the University's position as a publicly- funded charitable body.

2. Who are the Researchers?

This Policy on Research Ethics applies, but is not limited to, all members of staff, visiting researchers, those with honorary posts, and postdoctoral, graduate and undergraduate students who are involved in research on or off the campuses of UWC. In addition, any person not affiliated with UWC who wishes to conduct research with UWC students and/or staff is bound by the same Research Ethics Policy. Each member of the University community is responsible for the implementation of this Policy in relation to scholarly work with which she or he is associated and to avoid any activity which might be considered to be in violation of this Policy.

3. Structure and Governance of Research Committees



Research Ethics Flowchart and Committee Structures



3.1 Research falls into the portfolio of the DVC (Academic), and she/he as such will be responsible for developing, operating and reviewing policies and guidelines which prevent unethical practices, and which are consistent with recognised standards and best practice.

3.2 Three specialist research ethics committees will be created. These are the Animal Research Ethics Committee (AREC), the Science and Humanities Research Ethics Committee (SHREC) and the Health Research Ethics Committee (HREC). They are responsible for effecting ethics approval and certification of research proposals. HREC is primarily responsible to the National Health Research Ethics Council (NHREC) statutory body, but will report to Council via the DVC (Academic). Appointment onto HREC will be done by Council. AREC will operate as a sub-committee of HREC. The SHREC will report to Senate and the DVC (Academic).

3.3 Review of research proposals takes into account academic freedom and its responsibilities while providing accountability and quality assurance to scholars and society in general. Such review also provides assurance that, where relevant, the environment will not be damaged and indeed be protected and maintained to the best of the researcher's ability. Research-related documents will be treated in the strictest of confidence. Any requests for review of these documents outside the respective Committees will have to be forwarded to the appropriate Committee Chair for authorisation. Each specialist Research Ethics Committee functions in accordance with Terms of Reference and comprehensive Standard Operating Procedures that have been approved by the Senate Research Committee, which in turn is accountable to Council.

3.4 Research where the biological, clinical, psychological and social processes in human beings and animals are studied and/or where harm or damage to the environment is a possibility, requires ethics review and clearance prior to commencement of the project and in particular prior to field work and/or data collection. The researcher is responsible for consulting with the appropriate Committee(s) to ascertain whether the proposed research requires ethical clearance or not.

3.5 All students, members of staff and other persons who, although not affiliated to the University but are involved in research at/or in association with the University, must familiarise themselves with and sign an undertaking to comply with the University's 'Code of Conduct for Research' (Appendix A).

4. Institutional Bio-safety Committee (IBC)

An Institutional Bio-safety Committee (IBC) will be formally constituted to monitor the bio-safety in research. This is not only mandatory for institutions seeking National Institute of Health (NIH) funding but it is also critical to the safe conduct of research involving recombinant DNA molecules and to the fulfillment of an institutional commitment to the protection of staff, the environment, and public health.

5. The Administrative Responsibility of the University

The University will facilitate the ethical conduct of scholarly research by developing and providing capacity-building programs in research ethics for researchers and members of the Research Ethics Committees.

Formal ethics certification is required of all researchers conducting research at or in association with the University, through a process of research ethics education, testing and certification. The DVC (Academic) will ensure that development and implementation of the training programs and the certification process proceeds.

The University takes responsibility to ensure that all laboratories and other physical resources for research are maintained and meet all necessary accreditation requirements to allow for ethical and effective research.

The necessary administrative support to the research committees for the implementation of policies and procedures will be provided via the Research Office. A separate implementation document (yet to be drafted) will contain detailed information in this regard. The Research Office will oversee and manage the administrative aspects of the research portfolio. It is the responsibility of the DVC (Academic) to ensure adequate administrative infrastructure to provide support to the following Ethics Committees and the Institutional Bio-safety Committee:

- Animal Research Ethics Committee
- Science and Humanities Ethics Committee
- Health Research Ethics Committee (HREC)
- And any other specialist university-wide sub-committees established in terms of the constitution by the DVC (Academic).

Applications for ethical approval are to be forwarded for processing to the Research Office.

6. Legal and Ethical Issues

In cases where an approved, registered UWC research proposal or project is legally challenged, the University must provide the following support based on the Wigmore criteria:

'The researchers will do everything possible to maintain the confidentiality of information obtained during the study and the anonymity of the sources. If an order is made by a court that the researchers provide information or reveal the identity of their sources, the University will provide legal representation until all available court processes have been exhausted to assist the researchers to maintain confidentiality of information and sources. Even then, the researchers will not reveal any confidential information and will never do so unless they believe it ethically proper, considering the circumstances, to reveal the information.'

7. The Selection and Conduct of Research

7.1 The choice of a research topic and the conduct of research in accordance with University policy is the responsibility of the individual researcher. In addition to this policy, other UWC policies, regulations or guidelines and other professional codes may apply.

7.2 Where collaborative or team research is being conducted, the Principal Investigator is obliged to ensure that all members of the research team are aware of the contents of this Policy and of other applicable ethical norms governing the conduct of research. The Principal Investigator should take all possible steps to ensure that the provisions of this Policy are complied with by the research team.

7.3 Where research is to be conducted by students for academic credit, the supervisor will inform the student of her/his obligations in respect of the ethical conduct of research. In addition, the supervisor will ensure that the student understands her/his obligations in accordance with the University Research Ethics Policy and will take all possible measures to ensure that the student's research is conducted in accordance with the provisions of this Policy, and with other applicable ethical norms, and that the student has signed the Code of Conduct for Research (**Appendix A – Section 8**).

7.4 The supervisor will maintain a record of all research projects undertaken, together with the appropriate ethical approval.

8. Guiding Principles

Research should be undertaken in accordance with commonly agreed standards of good practice, such as those laid down in the Declaration of Helsinki, as follows:

- Beneficence - 'do positive good'
- Non-Maleficence - 'do no harm'
- Informed consent
- Confidentiality/Anonymity
- Veracity- 'truth telling'

8.1 Beneficence and Non-Maleficence

- 8.1.1 Concerns risk(s), harm and hazards, and includes emotional and mental distress, damage to financial and social standing as well as physical harm.
- 8.1.2 The research should be scientifically sound and the purpose should be to contribute to knowledge.
- 8.1.3 The research should be undertaken and supervised by those who are appropriately qualified and experienced.
- 8.1.4 The importance of the objective should be in proportion to the inherent risk to the participants. Concern for the interests of the participants must always prevail over the interests of science and society.
- 8.1.5 The research should be preceded by careful assessment of predictable risks in comparison with foreseeable benefits to the participants or to others.
- 8.1.6 Research should not be undertaken where the hazards involved are not believed to be predictable.
- 8.1.7 Adequate facilities and procedures should be in place to deal with any potential hazards.

8.2 Informed Consent

Ethically, informed consent is part of the principle of respect for autonomy. Rights of self-determination and “not to be harmed” are implicit in the South African Constitution. Furthermore, the Department of Health makes clear that the primary consideration in any research within health and social care is preserving the dignity, rights, safety and well-being of participants and that informed consent is at the heart of ethical research (DOH *Ethics in Health Research*, 2004).

- 8.2.1 Each potential subject must be adequately informed of the aims, methods, anticipated benefits and potential hazards of the research and any discomfort participation may entail.
- 8.2.2 Any documentation given to potential participants should be comprehensible and there should be an opportunity for them to raise any issues of concern.
- 8.2.3 Consent should be required in writing and records of consent should be maintained.
- 8.2.4 Potential participants must be informed that they are free to withdraw consent to participation at any time.
- 8.2.5 There should be a procedure for making complaints and participants should be made aware of this.
- 8.2.6 All participants should be volunteers. Considerable care should be taken where consent is sought from those in a dependent position and it should be made clear that refusal to participate will not lead to any adverse consequences. For example, students must be assured that any decision not to participate will not prejudice, in any way, their academic progress.

- 8.2.7 Any inducement offered to participants should be declared and should be in accordance with appropriate guidelines.
- 8.2.8 Specialist advice and appropriate Research Ethics Committee (REC) approval should be sought where consent cannot be obtained.

8.3 Confidentiality

- 8.3.1 When personal identifiers are used in a study, researchers should explain why this is necessary and how confidentiality would be protected.
- 8.3.2 Procedures for protecting the confidentiality of participants should be followed and include:
- Securing individual confidentiality statements from all research personnel;
 - Coding data with numbers instead of names to protect the identity of participants;
 - Using codes for identification of participants when transcribing audiotapes, and destroying the tapes on completion of transcription;
 - Storing data with any identifying information in a locked file to which only one or two persons have access;
 - Using pseudonyms for participants, agencies and geographical settings in the publishing of reports;
 - Disposing of information that can reveal the identity of participants or places carefully.

9. The Duty of Honesty and Integrity (Appendix A – sections 4, 5, 6)

- 9.1 Researchers must possess the knowledge and skills compatible with the demands of the investigation to be undertaken and must recognise and not overstep the boundaries of their research competence. Researchers should not accept work they are not qualified to carry out or supervise
- 9.2 Researchers are expected to maintain the highest standards of honesty and integrity. Any form of academic dishonesty, including but not limited to the following, is a serious offence:
- (a) Falsification of Data, Plagiarism, Fabrication
 - (b) Non-declaration of Conflict(s) of Interest
 - (c) Misuse of Research Funds
 - (d) Any other form of dishonesty in research that undermines the integrity of the research and which may bring the University into disrepute
- 9.3 This Policy is not intended to censure the actions of the individual who has made an honest error, or who exercises *bona fide* judgment, or interprets data or designs experiments in a way that may reasonably be the subject of an honest difference of opinion.

10. Experimental therapies*

- 10.1 Clinicians and researchers should understand the ethical issues involved in using innovative experimental therapies and should assist patients to make decisions concerning experimental therapy that are in their best interest, by facilitating and enhancing their capacity for decision making in accordance with their perspectives, culture and values (**Appendix B**).
- 10.2 Experimental therapies carried out in the University require a standardised process of evaluation and approval. This includes the consent format, indications, limitations and reporting procedures.
- 10.3 Informed consent must state the nature of the experimentation and must provide the best available information, including the consensus of expertise at the institution and/or national level concerning the use of the experimental therapy, and whether alternative therapies may be available.
- 10.4 Review, analysis and reporting of experimental therapy must be carried out at the earliest possible time when data are judged to be meaningful. This includes adequate numbers (ie, three patients or more). The conclusion should be anonymously available for current or future patients treated with the experimental therapy and should be reported to the UWC HREC.

*The use of the word 'therapy' is synonymous for a drug, a device or a procedure.

11. Photography for Research Purposes

- 11.1 Photography guidelines are required to prevent breach of privacy and exploitation of research subjects (**Appendix C**).
- 11.2 Most scientific journals require authors to obtain informed consent (**Appendix D & E**) from participants in order to publish their photographs. Due to varying levels of literacy and oral cultural norms, non-written consent methods (like audiovisual documentation of oral consent) may need to be used.
- 11.3 Researchers, teachers and publishers should aim to show only those aspects of a photograph that are not identifiable, even if consent has been given and explore avenues of digital editing where digital images can be altered in a way that disguises the identity of the subject beyond recognition.
- 11.4 Researchers should act as gate-keepers and protect the rights of patients in their care, and inform them and photographers of the subject's rights to refuse and the photographer's obligation to obtain consent, so that over time, patients will learn that they have choices, and to demand that their rights are respected.

12. Data Protection Policy

- 12.1 The collection and storage of research data by researchers must comply with the Data Protection Act of 1998.

- 12.2 Researchers should be aware of the risks to anonymity, privacy and confidentiality posed by all kinds of personal information storage and processing, including computer and paper files, e-mail records, audio and videotapes, or any other information which directly identifies an individual.
- 12.3 Participants must be informed of the kinds of personal information which will be collected, what will be done with it, and to whom it will be disclosed. 'Consent to process' may need to be obtained where information collected from individuals is to be used later for research purposes.
- 12.4 Measures to prevent accidental breaches of confidentiality should be taken (see Informed Consent section 9.2) and in cases where confidentiality is threatened, relevant records should be destroyed.
- 12.5 Provisions for data security at the end of a project must be made. Where the researcher leaves the University, this responsibility should usually rest with the relevant Faculty.
- 12.6 Current practice is that research data, research transcripts, videos and other related electronic data – tapes and videos should be kept for a *two year* period after completion of the research study and hard copies of data capture sheets, questionnaires, informed consent forms, transcripts and analysis for a period of *five years*.

13. Environment

All research must be conducted taking into account Section 24 of the Bill of Rights of the Constitution of South Africa which requires that research should not result in an environment that could lead to harm to health or well-being. The environment must be protected, for the benefit of present and future generations. Pollution and ecological degradation must be avoided in order to:

- i. Promote conservation; and
- ii. Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

14. Biohazards

Personnel working in research laboratories at UWC must be protected from possible harm resulting from exposure to hazardous biological or chemical materials. Personnel must comply with the Hazardous Biological Agents Regulations of the Occupational Health and Safety Act No. 85 of 1993. Personnel must be appropriately trained to work with hazardous biological or chemical materials and be accredited as such. Managers of laboratories where hazardous biological or chemical material is used will need to inform the Occupational Health and Safety Practitioners on their campuses. Appropriate safety measures must be established for the use of hazardous materials in each laboratory.

15. Acknowledgement of University and Other Support of Research

Research support by the University or any other body must be appropriately acknowledged in any publication resulting from the research. **(Appendix A – section 4.4)**

16. Disputes between Co-researchers

Disputes between co-researchers must be resolved in accordance with existing University policies on dispute resolution. Alternative dispute resolution mechanisms such as mediation and arbitration must be resorted to prior to any litigation. The University Human Resources Department may be contacted in this regard.

17. Disciplinary Action

In the event of a researcher contravening the research ethics principles and practices as espoused in this Policy any necessary disciplinary action will be dealt with by the University's existing disciplinary structures. The Senate Research Committee will recommend appropriate penalties such as loss of ethical certification or eligibility for funding.

APPENDIX A: CODE OF CONDUCT FOR RESEARCH

1. General

1.1 Guiding principles

The pursuit of knowledge is the pursuit of truth. It is to be carried out with:

- Honesty and integrity
- Safe and responsible methods
- Fairness and equity for the participants

1.2 Requirements for observance

This code applies to all individuals participating in research under the auspices of the University. This includes:

- Academic Staff
- Staff providing technical or administrative support for research activity
- Staff employed through research grants or contracts administered by the University
- Staff of research Centres and Units
- Graduate or undergraduate students participating in research
- Any other individuals, such as honorary appointees and visiting researchers making use of any University resource

All researchers working at UWC must complete a statement confirming that they are familiar with the Code and undertake to observe it.

Contracts of affiliation between the University and independent research institutes should ensure that the independent institutes adhere to a comparable code of ethics.

Where appropriate, the Code specifies formal procedures and regulations. Nevertheless, it recognises that, in ethical questions, it is not possible to legislate for every eventuality. The over-riding principle is an expectation of all researchers that they are expected to act with integrity in the interests of the University and to be scrupulous in conducting their affairs.

1.3 Breaches of the code

Failure to observe the requirements of the Code may be grounds for disciplinary action under the Code of Conduct applying to University employees or under the Student Disciplinary Rules as appropriate.

1.4 Advice and help

Advice and help in interpreting the Code may be obtained from the Chairpersons of the current specialist research ethics committees:

- Health Research Ethics Committee
- Animal Research Ethics Committee
- Science and Humanities Research Ethics Committee
- Institutional Bio-safety Committee

2. DVC (Academic) Research Office

The DVC (Academic) delegates responsibility for developing, monitoring, and maintaining all University ethics policies and procedures, including research ethics. In particular, specialist committees (listed above) are charged with the responsibility of approving and monitoring research proposals and programmes that require specific ethical clearance.

2.1 Health Research Ethics Committee

All health related research involving human subjects requires prior ethical clearance. Application must be made on the appropriate form to the Health Research Ethics Committee.

2.2 Anima; Research Ethics Committee

University staff intending to make any use whatsoever of animals in their work, whether in research or for teaching purposes, are required to apply to the Animal Ethics Committee for ethical clearance by submitting an application on the appropriate form.

2.3 Science and Humanities Research Ethics Committee (non-Biomedical/Health)

Research involving human subjects, which is non-biomedical/health-related, requires ethical clearance from the Science and Humanities Research Ethics Committee. Application is to be made on the appropriate application form.

2.4 Institutional Bio-safety Committee

Projects involving hazardous biological or chemical materials will be reviewed by the Institutional Bio-safety Committee in addition to the usual ethical review.

3. Management of research data and records

The University is committed to openness in research. The data on which published research is based must be available for evaluation by the broader research community. There will be two database registries: one for Health Research and this will be required for annual audit by the Department of Health (NHREC) and the other for all research being carried out in the University. Agreements, under which data is kept confidential for a period in order to protect intellectual property rights, must conform with this Code.

3.1 Data storage and maintenance

- It is the responsibility of the researcher to arrange for safe storage of all data and specimens on which research is based. Costs of such storage should be included in the budgets of research programmes.
- Electronic data sets should have adequate arrangements for back-up. Ensuring this is the responsibility of the researcher.
- The primary data should be stored in the Faculty/School in which the project is based. The intention of this is to ensure safety and integrity of the data set. The overall responsibility for this rests with the Dean/Head of School.
- Data on which any research publication is based should be retained in the Faculty/School for at least five years after publication.

- If a researcher leaves the University, the University and the researcher are jointly responsible for ensuring that satisfactory arrangements are made for maintenance of the data set. If there is no contractual arrangement to determine what is to be done with the data, then possible arrangements are:
 - I. The data set is retained in the University. The researcher has access to the original data set and may keep copies.
 - II. The data set is transferred to the research institution to which the researcher is moving, provided that adequate facilities are available for conservation and storage.
 - III. If no publications based on the data set have appeared within the last five years it may be destroyed.

3.2 Confidentiality of data

- Researchers are entitled to keep data sets confidential before publication.
- After publication, when the research is in the public domain, the data should, upon request, be available to other researchers by the Principal Investigator. It is recognised that there may be technical or cost problems which prevent it being freely available, but the principle is that there should be the opportunity for checking any data on which material in the public domain is based.
- In no way do the requirements for data availability override the right to confidentiality and privacy of individuals or organisations who are the subjects of research.

4. Publication

4.1. General

The University encourages the widest dissemination of research results by appropriate publication. Pressure to publish is a modern fact of academic life with a strong bearing on the career and standing of the researcher. It is important that this pressure does not lead to ethical problems. Such problems are generally related to one of three causes:

- Failure to give appropriate credit to the work of others.
- Taking more personal credit for collaborative work than is justified by one's contribution.
- Overuse of a limited body of work to provide more publication credit than is justified.

The guidelines that follow cover many aspects of publication but cannot cover every eventuality. Researchers should always satisfy themselves that (i) they have given full credit to the work of others, whether by citation, acknowledgement, or co-authorship, (ii) that they are prepared to take responsibility for all aspects of collaborative work, and (iii) that the work that they are submitting for publication is original and worthy of publication.

4.2. Authorship

The principles in this section of the code are based on part of the Vancouver Protocol, originally developed at a meeting in Vancouver by a group of editors of medical journals. Many of the principles of the Vancouver protocol are of wider application.

- I. Each author should have participated sufficiently in the work to take public responsibility for appropriate portions of the content.
- II. One or more of the authors, as corresponding author, should take responsibility for the integrity of the work as a whole.
- III. Credit as an author should be based only on participation in each of the following aspects of the work:
 - Substantial contribution to conception and design, or acquisition of data, or analysis and interpretation of data.
 - Either drafting the article or commenting critically on the draft.
 - Approving the final version, to the extent that each author is prepared to take joint responsibility for it.
- IV. The acquisition of funding, the collection of data, or the general supervision of the research group, do not, by themselves, justify authorship. Such contributions should be listed in the acknowledgements.
- V. The order of authorship should be a joint decision of the authors, decided at an early stage of drafting the paper.
 - In most fields of research the first author is recognised as having made the most significant contribution. This is the preferred style unless the conventions of the field of research require another ordering.
 - In joint publications of a graduate student and his or her supervisor, the graduate student should be first author unless the supervisor's contribution goes well beyond material on which the graduate student has worked.

4.3. Citation and acknowledgement

It is important in all publications, including such documents as research proposals, to cite all sources properly. The form of citation is usually specified by the journal in which the article is published. In the absence of such specification, for University publications, the Harvard system is preferred.

Citations serve two purposes

- To direct the reader to further information.
- To give due credit to the source of ideas, quotations, or data.

Any of the following require appropriate citation of the source:

- Direct quotations of published material – longer quotations may require a release from the copyright holder.
- The description, summarising, or paraphrasing of any previous work.
- Use of previously published data, presented in any form, such as graphs, calculations, or tables. Use of such data also requires permission in the form of clearance from the holder of the copyright.
- Ideas that originate from other published or unpublished sources

4.4 Acknowledgement of financial support

The University gives a substantial amount of support to research, indirectly by paying the salaries of researchers, and providing an infrastructure for research, and directly by grants or awards. Outside bodies provide substantial direct research support. Collaborations between researchers may lead to indirect support for a research publication from several different institutions.

It is important that all such support is appropriately acknowledged:

4.4.1 Direct acknowledgement of the University's indirect support through salary or basic infrastructure is not necessary but any papers resulting from such support must give the University's address as the author address

- The author address shall be the University address for work done entirely while an author is at the University. This applies even if the paper has been published after the author has left the University.
- If the work has been done at more than one institution then the addresses of each institution should be used as the author address, either as alternate addresses, or with the main address being that of the institution at which most work was done and a footnote for the addresses of other institutions.
- University staff are paid and get other benefits during sabbatical leave. The author address for work done while on sabbatical leave should include the University address.

4.4.2 Direct support for research in the form of grants should be acknowledged at the end of the paper in the form required by the grant-giving body.

- University productivity awards and similar university funding need not be acknowledged specifically.

4.5 Peer review

The world of academic publishing is dependent on the willingness of researchers to give freely of their time to referee papers submitted to journals and to recommend on their publication. The University encourages its members to participate in this process. Such refereeing is done under conditions of confidentiality and is privileged. Referees should be meticulous about all the following:

- I. Referees undertake to complete their work expeditiously. If they cannot complete the review in a reasonable time they should ask the editor to select another referee.
- II. No use should be made of any of the ideas or results in the work under review until it has been published.
- III. Care should be taken to avoid a conflict of interest. If the referee is following a very similar line in his/her own work the work under review should in no circumstances be held up. If the referee is in any doubt of his/her impartiality, the work should be returned to the editor with the request that another referee be found.

- IV. It is acceptable to consult a colleague for technical advice, provided that there is agreement that this is done on the same basis of confidentiality as is required of the referee. Such consultation should be disclosed to the editor.

4.6 Redundant publication

Redundant publication is the unnecessary publication of similar material in different places:

- I. Publication of the same, or substantially the same, article in different places is not acceptable. This does not prevent the later reprinting of an article for a different readership or in an edited compilation by agreement with the editor(s) or publisher(s) involved.
- II. Researchers should consider carefully the most effective way to publish a particular research result or set of research results. This should be done with regard to the best way to communicate the results and not to maximise the publication count.
- III. The release to the media of research results that have not been peer reviewed is not acceptable. Generally, research results should always be published in a peer-reviewed journal before being released to the news media. In the case of very important results, and with the concurrence of the editor of the journal in which they are to be published, such results may be released to the press in advance. This does not prevent the publication of news items about ongoing research, or about problems that are being investigated, provided that these are not used as the medium for the release of new findings that have not been peer reviewed.

4.7 Plagiarism

Plagiarism is the unattributed and uncredited use of the ideas and work of others, whether this is in published work or in unpublished documents. It is not just the word-for-word reproduction of the work of another without attribution. Such reproduction certainly constitutes plagiarism and may also be an illegal breach of copyright, but plagiarism is also the use in any form of another's original ideas without attribution. There is a range of culpability. As ideas become absorbed into common knowledge, it may become difficult to determine their source. For this reason the highly publicised cases tend to be concerned with the direct reproduction of another's work as one's own. Nonetheless, researchers must continually be alert to the possibility that they may be unconsciously using the ideas of others. Care must be taken therefore to acknowledge all sources.

5. Research misconduct

5.1 Definition of research misconduct

The following definition of research misconduct is from the Federal Policy on Research Misconduct issued by the Office of Science and Technology Policy of the Government of the United States of America. The University of the Western Cape subscribes to this definition.

Research Misconduct Defined

Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

- *Fabrication* is making up data or results and recording or reporting them.
- *Falsification* is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- *Plagiarism* is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

Research misconduct does not include honest error or differences of opinion.

Findings of Research Misconduct

A finding of research misconduct requires that:

- There be a significant departure from accepted practices of the relevant research community;
- The misconduct be committed intentionally, or knowingly, or recklessly; and
- The allegation be proven by a preponderance of evidence

Notes:

1. Research, as used herein, includes all basic, applied, product-related and demonstration research in all fields of research. This includes, but is not limited to, research in economics, linguistics, medicine, psychology, social sciences, statistics, and research involving human subjects or animals.

2. The research record is the record of data or results that embody the facts resulting from scientific enquiry, and includes, but is not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, and journal articles.

Research misconduct as so defined is a serious disciplinary offence. It is classified as misconduct under the Code of Conduct applying to UWC employees and under the Student Disciplinary Rules. In cases where investigation leads to a recommendation for disciplinary action, this will be taken under the provisions of whichever of these codes is applicable.

5.2 Dealing with research misconduct

Research misconduct is rare. Most researchers operate according to the highest standards, and, as a consequence, there is generally a high level of trust between them. Individuals are naturally reluctant to entertain any suspicion about the activities of a colleague. A serious case of research misconduct may lead to the end of a research career, and may reflect badly on colleagues and on the University. If suspicion does arise it can lead to considerable agony of mind on the part of a potential whistleblower in deciding how to proceed.

It is important, therefore, to emphasise that the University is committed to the following principles:

- Any allegation of research misconduct must be dealt with expeditiously. If such misconduct is established there is an absolute responsibility to expose it.
- A finding that research misconduct has occurred will be dealt with openly, and all steps to correct its effects will be taken.
- The rights of any researcher accused of misconduct must be protected.
- The rights of any individual reporting suspicions of such misconduct in good faith must be protected.

An individual who suspects that research misconduct may have occurred is strongly encouraged to discuss the problem in confidence, with the chairperson of the appropriate specialist ethics committee: Health Research Ethics Committee, Animal Research Ethics Committee or the Science and Humanities Research Ethics Committee, who will confidentially provide counseling to determine whether the concerns fall within the definition of research misconduct.

Because the consequences of research misconduct are so severe, there are several stages in the process for investigating it:

- I. Should an individual believe that research misconduct may have occurred the facts should be reported to the Deputy Vice-Chancellor responsible for research ethics.
- II. In consultation with the Human Resources Department and the University Proctor, as appropriate, the Deputy Vice-Chancellor (Academic) shall, without delay, appoint a committee of investigation to establish the facts of the matter and to recommend whether there is a *prima facie* case to be answered. The committee shall:
 - Inform, in confidence, those directly affected by the investigation of its nature. This will include the appropriate line manager, or supervisor of the individual involved.
 - Conduct an investigation to establish the facts.
 - Report to the Deputy Vice-Chancellor (Academic) within one month of establishment of the committee. This should either be a final report or a motivation to extend the investigation for a limited period.
 - The final report shall recommend:
 - Whether there is a *prima facie* case for disciplinary action.
 - What immediate action, if any, must be taken to rectify any irregularity. Full details of such action shall be made available to all interested parties inside and outside the University, either immediately, or, if necessary, after the completion of a disciplinary case.
- III. On receiving the report, the Deputy Vice-Chancellor (Academic) will, without delay, take appropriate action, based on the recommendations of the committee, referring the matter for disciplinary action, if necessary.

- IV. After the completion of any disciplinary case a full report of the facts of the case and the actions that have been taken to rectify the situation will be documented. The decision to make these findings public will rest with the Deputy Vice-Chancellor responsible for research ethics.
- V. All steps will be taken to protect the interest of *bona fide* individuals reporting misconduct.

6 Conflict of interest and conflict of commitment

The University encourages its members to interact with the wider community, by undertaking sponsored research, consulting, and engaging in other activities, which may benefit the University, the public, or the individual. Such activities must be consistent with principles of openness, trust, and free enquiry. In such activities it is sometimes difficult to reconcile the responsibility of the individual to the University and to the external organisation. The guiding principle is that each member of the University has a commitment to act in the best interests of the University, and must not allow external activities or financial interests to interfere with that commitment.

6.1 Conflict of Interest

A conflict of interest occurs when a member of the University has an opportunity, whether real, potential, or perceived, to place his or her personal interests, or the interests of external organisations, ahead of the interests of the University.

In the academic environment there are many opportunities for conflicts of interest to occur. Not all can be covered by formal procedures. All members of the University are expected to conduct their affairs in such a way that they can stand close scrutiny and are in accordance with scrupulous ethical and moral standards. In cases of doubt, advice should be sought before proceeding. If a member of the University has any reason to believe that some activity constitutes, or has the possibility of constituting, a conflict of interest involving research, it is required that a disclosure statement be lodged in the Research Office. The disclosure statement (Appendix F) involves:

- A statement of the nature of the conflict
- A proposal from the staff member of how the conflict of interest is to be managed
- A procedure for the management or elimination of the conflict agreed with the Head of School, Dean, or line manager as appropriate. This procedure may demand public disclosure, varying levels of oversight, and may include prohibition of the activity.

To assist members of the University in the process for disclosure, a Disclosure Form is provided, which will also contains a check list to help establish the nature of the conflict. Failure to disclose the existence of a conflict of interest may constitute dishonesty in terms of the University's disciplinary code and may lead to disciplinary action. The emphasis is on self-regulation.

6.2 Conflict of Commitment

A conflict of commitment takes place when the commitment of a member of the University to external activities affects his/her ability to meet his/her University commitments.

Generally, University researchers have commitments to their teaching, their research programmes, their research supervisions, and their administrative duties. It is expected that these commitments will be fully met, not just in the formal requirements of university policies and practices, but also in the spirit of the University’s vision of excellence. In undertaking external activities, members of the University should take into account the possibility of conflict of commitment.

Members of the University are further required to abide by the University policy governing private remunerative work.

7 Safety

The University, in common with all other organisations in South Africa, is subject to the provisions of the Occupational Health and Safety Act No. 85 of 1993 . All questions relating to this Act and its application should be directed to the Occupational Health and Safety Manager, Risk Management Services, ext 2818.

8. RESEARCH ETHICS POLICY UNDERTAKING

I, hereby acknowledge that I am familiar with the provisions of the University of the Western Cape Code of Conduct for Research and undertake to comply with its requirements.	
..... Signature Date
Staff / Student Number:	

Appendix B: Guidelines for Experimental Therapies

Recommendations and Guidelines for University of the Western Cape Health Research Ethics Committee

Clinicians and researchers should not contemplate experimental therapy and the UWC Health Research Ethics Committee (HREC) will not approve any protocols unless an affirmative response can be given to all of the following questions.

1. Does the applicant(s) have sufficient technical skill and experience to optimise the chances of success of the experimental therapy? The applicant should be able to demonstrate a comprehensive understanding of the scope of the procedure and its implications based upon research and publications.
2. Does an institutional structure exist within the host centre for integrated clinical care between teams and other clinicians required to optimise short- and long-term care? For example, all units required for optimal pre- and post-operative patient care must possess appropriate professional expertise and explicitly agree to co-operate in the provision of ongoing support for participating patients.
3. Does a comprehensive and coherent protocol exist for the selection of suitable patients for the experimental therapy? "Suitability" will address the physical, psychological and social attributes of the recipient, which will not only optimise the chance of success, but also optimise the potential for giving valid informed consent for the procedure and all aspects of its outcome.
4. Does the REC protocol provide potential patients with adequate information on the basis of which valid informed consent can be given? Methods must be in place to accurately confirm understanding of the information and the sustained character of a choice to proceed. It is of particular importance that this information should include comprehensive explanations of any known risks. It must be demonstrable that the patient understands what would be involved, both physically and psychologically in the event of failure of the therapy.
5. Does the REC protocol provide adequate information for potential patients about how little is known about some of the risks associated with the experimental therapy? This will be of particular importance for the moral and legal acceptability of any consent that is given to proceed.
6. If required, does the clinician/researcher have integrated links with a team with appropriate psychological expertise (including psychiatrists and psychologists) to provide support adequate to ensuring that prospective patients can give valid informed consent to experimental therapy? For example, the team should determine that the distress of the patient about their condition will not be an impediment to their being able to understand and to weigh up the pros and cons of the experimental procedure thus to their being able to make a competent choice.
7. In addition to the clinician or researcher obtaining consent to the experimental procedure, are there others involved in the process of acquiring informed consent and checking understanding who are sufficiently independent from the team itself to ensure that they are not explicitly or implicitly influenced by any factors other than respect for and protection of the patient?

For example, given the understandable enthusiasm of research teams to achieve innovative success with experimental therapy, it is essential that risks and benefits are also presented by others with demonstrable independence. Provision should be made for a dedicated program of education and assessment of understanding that is presented in the protocol and which can be tailored to the needs of individual patients.

8. How will the psychological team provide long-term therapeutic support to the patient after success or potential and/or actual failure of the experimental therapy? Is there sufficient evidence of expertise across the team for this to be done effectively? The protocol should indicate a clear schedule of long-term care linked to the management of potential problems, observation of patients and for the maintenance and security of records (DOH, 2004).
9. Can the clinical/research team, the psychological team and the host facility guarantee the long-term funding required to ensure that all patients will continue to receive the care and support specifically outlined in the protocol approved by the REC whether the experimental therapy has been successful or unsuccessful? These patients are participants in research and not conventional medical care. For this reason, long-term follow-up is essential to protect their best interests, but also to ensure that optimal empirical evidence about the outcome of the experimental therapy is properly collected and assessed. This follow-up care and research must therefore be dedicated, complex, lifelong and inevitably expensive. Unless the financial resources sufficient for such protection and support are identified and accepted as appropriated by the REC, the experimental therapy should not proceed.
10. The composition of the UWC HREC that considers an application for experimental therapies, to ensure appropriate and representative expertise, should include experts in all areas of care including any representative organisations who provide support for such patients. These individuals should be demonstrably independent from the applicants proposing the experimental therapy.
11. In their deliberations about specific protocols, members of the REC should be sure that they remain independent from the interests of the institution where the experimental therapy may occur. They should equally ensure that their final decision is consistent with Paragraph 6 of the Helsinki declaration, "in medical research involving human subjects, the well-being of the individual research subject must take precedence over all other interests" (WMA, 2008).

References

World Medical Association, Declaration of Helsinki: Ethical principles for medical research involving human subjects. <http://www.wma.net/e/policy/c8.htm>. Last accessed 22 June 2009.

Ethics in Health Research: Principles, Structures and Processes. Research Ethics Guidelines. Department of Health, 2004.

Guidelines adapted from: Morris P, Bradley A, Doyal L, Earley M, Hagen P, Milling M, Rumsey N. Face transplantation: a review of the technical, immunological, psychological and clinical issues with recommendations for good practice. *Transplantation* 2007; 83(2):109-28.

Appendix C: Guidelines for Clinical Photography in Research and Teaching at the University of the Western Cape

Background

Ethical photography demands that persons taking photographs of patients or subjects whether for research, clinical or teaching purposes (i) protect patient autonomy and rights (ii) protect patient data and confidentiality and (iii) preserve the integrity of patient records. These demands comply with the requirements of the Health Professions Council of South Africa for good record-keeping. They are a demonstration of professionalism because they are virtuous aspects of clinical photographic practice, and because primarily the resultant image is a medical record, and any other use is subsidiary.

Scope of this guidance

This guidance covers all types of audio and visual recordings of patients, carried out for research, clinical, teaching or other purposes. 'Recording' in this guidance means originals or copies of video and audio recordings, photographs and other visual images of patients. A 'recording' does not include pathology slides containing human tissue (as opposed to an image of such a slide).

1. Basic principles

When making recordings you must take particular care to respect patients' autonomy and privacy since individuals may be identifiable, to those who know them, from minor details that you may overlook. The following general principles apply to most recordings although there are some exceptions, which are explained later in this guidance.

- Seek permission to make the recording and get consent for any use or disclosure.
- Give patients adequate information about the purpose of the recording when seeking their permission.
- Ensure that patients are under no pressure to give their permission for the recording to be made.
- Stop the recording if the patient asks you to, or if it is having an adverse effect on the consultation or treatment.
- Do not participate in any recording made against a patient's wishes.
- Ensure that the recording does not compromise patients' privacy and dignity.
- Do not use recordings for purposes outside the scope of the original consent for use, without obtaining further consent.
- Make appropriate secure arrangements for storage of recordings.

Where children who lack the understanding to give their permission are to be recorded, you must get permission to record from a parent or guardian.

When a mental disability or mental or physical illness prevents patients giving their permission, you must get agreement to record from a close relative, guardian or carer.

2. Recordings for which permission is not required

You do not need to seek separate permission to make the recordings listed below. Nor do you need consent to use them for any purpose, provided that, before use, the recordings are

effectively anonymised by the removal of any identifying marks (writing in the margins of an x-ray, for example):

- Images taken from pathology slides
- X-rays
- Laparoscopic images
- Images of internal organs
- Ultrasound images

Such recordings are unlikely to raise issues about autonomy and will not identify the patient. It may nonetheless be appropriate to explain to the patient, as part of the process of obtaining consent to the treatment or assessment procedure, that a recording will be made.

3. Recordings for which permission is required

3.1 Recordings made for the training or assessment of students, audit, research or medico-legal reasons

You must obtain permission to make and consent to use any recording made for reasons other than the patient's treatment or assessment.

3.1.1. Before the recording, you must ensure that patients:

- I. Understand the purpose of the recording, who will be allowed to see it - including names if they are known - the circumstances in which it will be shown, whether copies will be made, arrangements for storage and how long the recording will be kept.
- II. Understand that withholding permission for the recording to be made, or withdrawing permission during the recording, will not affect the quality of care they receive.
- III. Are given time to read explanatory material and to consider the implications of giving their written permission. Forms and explanatory material should not imply that permission is expected. They should be written in language that is easily understood. If necessary, translations should be provided.

3.1.2 After the recording, you must ensure that:

- I. Participants are asked if they want to vary or withdraw their consent to the use of the recording.
- II. Recordings are used only for the purpose for which participants have given consent.
- III. Participants are given the chance, if they wish, to see the recording in the form in which it will be shown.
- IV. Recordings are given the same level of protection as health records against improper disclosure.
- V. If a participant withdraws or fails to confirm consent for the use of the recording, the recording is not used and is erased as soon as possible.

4. Existing collections used for teaching purposes

Some researchers may have existing collections of recordings which they use solely for teaching purposes within an academic/teaching setting. This guidance requires that permission is obtained to make any recording which is not part of the participant's assessment or treatment, regardless of whether the participant may be identifiable. However, recordings may have been made for teaching purposes prior to 2009 without it being recorded whether or not permission had been obtained. Such collections may have a significant value for teaching purposes.

You may continue to use recordings from which the participant is not identifiable, and which were made for teaching purposes prior to 2009. You should, however, seek to replace such recordings at the earliest opportunity with similar recordings for which permission can be shown to have been obtained. You may also continue to use effectively anonymised recordings that were originally made for assessment purposes. However, you should not use any recording, from which a participant may be identifiable, for teaching purposes if you cannot demonstrate that consent has been obtained for that use.

5. Recordings for use in public media (television, radio, internet, print)

In general, the considerations set out above also apply to recordings for use in public media. There are, however, some issues that are specific to recordings to which the public will have access:

- I. You must not make recordings for use in publicly accessible media without written permission, whether or not you consider the participant to be identifiable. 'Publicly accessible media' includes scientific journals.
- II. Before making any arrangements for external individuals or organisations to film participants in a health care or other University setting, you must inform the University.
- III. If you are involved in any way with recording patients for television or other public media, you should satisfy yourself that participants' permission has been properly obtained, even if you are not responsible for obtaining that permission or do not have control of the recording process.
- IV. In addition, you should make sure that participants understand that, once they have agreed to the recording, they may not be able to withhold their consent for its subsequent use. If participants wish to restrict the use of material, they should get agreement in writing from the owners of the recording, before recording begins.
- V. You should be particularly vigilant in recordings of those who are unable to give permission themselves. You should consider whether participants' interests and well-being, and in particular their privacy and dignity, are likely to be compromised by the recording, and whether sufficient account has been taken of these issues by the programme makers. If you believe that the recording is unduly intrusive or damaging to participants' interests, you should raise the issue with the programme makers. If you remain concerned, you should do your best to stop the recording, for example by halting a consultation, and withdraw your co-operation.

6. Data and Dissemination

Special consent for electronic publishing: Participants must be made aware of possible forms of publication now in existence and the lack of control that it is possible to exercise over who will see these images.

Appendix D:
Proposed procedure for obtaining consent for Clinical Photography in Research and Teaching at the University of the Western Cape

The clinical photographer must be trained in asking consent from the patient using a uniform consent form.

1. The patient is asked to read through the consent form.
2. The photographer explicitly discusses each of the sections of the consent form with the patient or subject and invites questions.
3. The patient or subject is informed precisely about the nature of the image to be taken and whether they will be recognisable.
4. Patients who give consent and who may be identified from the images are given two weeks from the date of photography, allowing them time to reflect, and during which time they can withdraw consent, before the photographs are available for publication.
5. Three categories of consent may be presented to the patient or subject: (i) use of their images in confidential notes for teaching and publication, (ii) use restricted to patient notes and medical teaching and (iii) use limited to confidential patient notes alone.
6. The patient must be informed about the possibility that the images may be used in electronic publications.
7. The patient may view the images at any time and can withdraw consent, in which case the image is deleted permanently from the database. However, it is emphasised at the time of consent that full recovery of the image may not be possible once it has been made available for publication.
8. It must be made clear that refusal to give consent for the image to be made, or to be used in a specific way, will not affect the patient's medical or dental care in any way.
9. If the patient is under 16, consent must be requested from the parent or guardian. However, the views of competent minors can be taken into account, and if they refuse to give consent, no images should be taken.
10. After a video image has been taken, the patient or subject is asked to confirm the initial consent.

Appendix E: Example of a Consent Form

UNIVERSITY OF THE WESTERN CAPE

Patient Consent to Clinical Photography and Video Recordings	Surname: _____ Name: _____ Date of Birth: _____ Gender: _____
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I, consent to photographs or video recordings being taken of me/my child as requested, I understand that these photographs and recordings will be treated with the utmost confidentiality and be part of my health record. I hereby give consent for the images or recordings to be used for:

- Education and training purposes
- Approved research purposes
- Open publication in journals, text books or conference material

- I understand that all efforts will be made to conceal my identity but that full confidentiality cannot be guaranteed.
- I understand that my consent or refusal will in no way affect my dental care.

Patient Signature: Date.....

Parent/Guardian (if patient under 16 years) Name:

Signature.....

Witness Name Signature.....

Requesting Clinician Name (print):
Date:
Department: Phone:
Patient Name (print):
Views required
Required for: Records Teaching/Lectures Research Publication
Images taken by: Date.....
Location where copies stored:

Appendix F: Conflict of Interest Disclosure Form

Conflict of Interest regarding research

Any member of the University staff, including staff employed in posts funded by outside bodies, is required to disclose to the Dean/Head of School, or other appropriate line manager, any actual or perceived conflict of interest that may arise in the course of his or her research work. Such disclosure may be made on this form or as an equivalent written submission. After completion, the disclosure must be lodged in the Research Office.

Failure to disclose a conflict of interest may lead to disciplinary action.

Name of staff member making disclosure	
Staff number	
School/Faculty	
Name of staff member to whom disclosure is being made	

Check list:

Circle "Yes" or "No" for each question. Benefits marked with an asterisk are prohibited.

Financial Interest:

Do you or a close member of your family have any financial interest in or affiliation with an institution, company, or individual that:

Funds or sponsors your research?	Yes	No
May benefit directly or indirectly from access to or use of University resources?	Yes	No
May benefit directly or indirectly from the purchase of major equipment by the University for this project?	Yes	No
May benefit directly or indirectly by inappropriate delays or controls on the dissemination of the results of the research?	Yes	No

Will you or a close member of your family receive any:

<p>* Discounts or concessions or other financial benefits from a company or individual with which an order is placed? <i>(The award of air miles associated with the purchase of air tickets and other travel expenses is permitted and does not require disclosure, provided that mechanisms are in place to ensure that itineraries and fares are appropriate to the travel requirements. The normal mechanism would be a counter-signature on the order by the line manager.)</i></p>	Yes	No
<p>* Discounts or concessions or other financial benefits from a company or individual that is awarded a contract?</p>	Yes	No

Perception of Nepotism:

<p>Will any close member of your family be employed from funds under your control?</p>	Yes	No
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Clinical Trials:

<p>Does the research involve a clinical trial being conducted by an individual, company, or organisation that has a significant financial interest in the results of the trial?</p>	Yes	No
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If the answer to any of the above is “Yes” then:

1. **Outline the nature of the conflict.**
2. **Describe the sense in which the situation is of benefit to the University and the research programme.**
3. **Propose a mechanism for the management of the conflict.**

Agreed Procedure for the Management of the Conflict:

To be completed by the Dean/Head of School or other appropriate line manager:

Certification:

I certify that I have disclosed everything relevant to the Dean/Head of School/line manager. I undertake to act according to the Management Plan above.

Signature of Researcher:

Date:.....

I have applied my mind to the situation described above and will monitor compliance with the Management Plan.

Signature of Head of School/Dean:.....

Date:

Useful additional material

These links are listed to provide additional reading. The responsibility for content is the responsibility of the organisations maintaining the sites.

- *On being a scientist – Responsible conduct in research*, National Academy Press, Washington DC 1995.
- *Joint NHMRC/AV-CC statement and guidelines on research practice*, Australian Vice Chancellors' Committee.
- *A Guide to Research Ethics for Staff and Students*, compiled by the Unilever Ethics Centre, University of KwaZulu-Natal.
- *Online Ethics Center for Engineering and Science* at Case Western Reserve University.
- *Office of Research Integrity* US Department of Health and Human Services
- *Bill of Rights of the Constitution of South Africa Act 106 of 1996*
<http://www.crisa.org.za/downloads/billofrights.pdf>.
- *National Statement on Ethical Conduct in Research Involving Humans- Preamble* National Health and Medical Research Council.
<http://www.health.gov.au/nhmrc/publications/humans/preamble.htm>
- *Report of the Review of the Role and Functioning of Institutional Ethics Committees*. A Report to the Minister of Health and Family Services, March 1996, Commonwealth of Australia, Canberra.
- *The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research*. The National Commission for the Protection of Human Subjects of Biomedical and Behavioural Research, Department of Health, Education and Welfare Publication No (OS) 78-0012, US Government Printing Office Washington, 1978.
- *International Ethical Guidelines for Biomedical Research Involving Human Subjects, CIOMS, Geneva, 1993, p.11*. Council for International Organizations of Medical Sciences (CIOMS) in collaboration with the World Health Organisation (WHO).
- *Large Research Grants Scheme: Guidelines for the year 2000 Grants*, Australian Research Council, 1999, p.4. Department of Education, Training and Youth Affairs,
- *Guidelines and Policies*, University of Waterloo.
<http://www.research.uwaterloo.ca/ethics/human/guidelines.asp>
- *Integrity in Research Administrative Guidelines*, University of Waterloo.
http://www.research.uwaterloo.ca/ethics/misconduct/guidelines/misconduct_guidelines.html 8/26/2004
- *Ethical Behaviour Policy 33*. University of Waterloo.
<http://www.research.uwaterloo.ca/ethics/misconduct/guidelines/policy33.htm>
- *McGill University policy on research ethics*. McGill Research at Mc Gill
<http://www.mcgill.ca/researchoffice/policies/sponsored/policies/ethics>

- *Regulations governing conflicts of interest in proprietary research* McGill Research at Mc Gill. <http://www.mcgill.ca/researchoffice/policies/sponsored/policies/proprietary>
- *Laboratory Biohazards Policy for Research Facilities and Personnel* Texas Tech University Health Sciences Centre.
- *Policy and procedures on Ethics in Research.* The University of North Carolina at Chapel Hill, August 1994.
- *Human Research Ethics Committee* Central Queensland University. <http://www/cqu.edu.au/ppmanual/committees/humanresearch.pdf>
- *Ethics Review of Research Involving Human Subjects* Simon Fraser University. <http://www2.sfu.ca/policies/research/r20-01.htm>
- *About Ethics at CDU.* Charles Darwin University. http://www/cdu.edu.au/research/ethics/ethics_about.html
- *Current Students –Postgraduate Research.* The University of New South Wales <http://www.unsw.edu.au/currentStudents/postgradResearch/res/cspgrpolicyproc.html>
- *Joint NHMRC/AV-CC Statement and Guidelines on Research Practice.* Australian Vice-Chancellors' Committee. http://www.avcc.edu.au/news/public_statements/publications/grespra.htm
- *Ethics Policy* St Edwards University, Course Policies. <http://www.stedwards.edu/educ/minus/read1323/gethicteach.htm>

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1. DEFINITIONS

1.1.1. Usual Meaning

Words and expressions used in this Intellectual Property Policy (the Policy) shall generally keep their usual dictionary definition.

1.2. Other UWC Documents

Words and expressions used in this Intellectual Property Policy that are defined in other UWC documents (e.g. Copyright and Private Work Policies) shall be ascribed the definitions set out therein.

1.3. Specific Definitions

For purposes of this Intellectual Property Policy and unless the context obviously indicates another meaning, the following words and expressions shall have the following meaning:

"BBBEE" shall mean broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act 53 of 2003;

"Collaborator" shall mean a person or organisation engaged to undertake work for or with UWC under a joint research or collaboration agreement;

"Confidential information" shall mean all tangible and intangible information, in any format or material embodiment and whether proprietary or not, which UWC has an interest in keeping confidential and which by its nature is or ought to be reasonably identifiable as confidential, whether in writing or in electronic form, whether it is created pursuant to or in the course of discussions between UWC and a third party, or which may be obtained by examination, testing, visual inspection or analysis, and which includes, without limitation:

- Scientific, business or financial information, including UWC's Intellectual Property and all information embodied in reports, outcomes or findings of studies, assessments, evaluations or analyses; and
- third party information, including information received in confidence from a third party, such as information disclosed by a collaborative partner of UWC or by a Service Provider;

"Consultant" shall mean any natural person that provides services of any nature to UWC under a consultation agreement;

"Copyright" shall mean the right to prevent third parties from reproducing and/or adapting any Copyrighted Work;

"Copyrighted Work" shall mean work eligible for copyright, as defined in section 2 of the Copyright Act 98 of 1978 (unnecessary phrase deleted);

"Design" shall mean the monopoly right granted for the protection of an independently created design that is new and original and such protection shall extend to designs dictated essentially by aesthetic or functional considerations as well as topographies of integrated circuits, and the owner of a protected design shall have the right to prevent third parties not having the owner's consent from making, selling, using or importing any article bearing or embodying the design or which is a copy, or substantially a copy, of the protected design;

“DVC” shall mean the Deputy Vice Chancellor (Academic) of UWC;

"Employee" shall mean any person employed by UWC, whatever his/her position in the organisation (academic, research, administrative and support staff or otherwise), and will include persons employed on a permanent, fixed-term or part-time basis;

"Equipment" shall mean all equipment, such as:

- computers (including laptops);
- telephones (including cellular telephones supplied by or used in the course of official UWC business);
- Personal Digital Assistants (PDAs); and
- Photocopiers.

“Full Cost” shall mean the sum of all direct costs, including salaries, bursaries, running and equipment costs) and indirect costs (including rent, services, overheads etc.) for research;

"Intellectual Property" or “IP” shall mean the result of UWC’s creative endeavour expended for and on behalf of or for the benefit of or in the service of UWC that is recognised and protected by law, including Patents, Designs, Know-How, Copyright and Trade Marks;

“IPFRD Act” shall mean Intellectual Property from Publicly Financed Research and Development Act 51 of 2008 (IPFRD Act),

“Inventor” shall mean the originator of any new intellectual property, and specifically includes a breeder of a new plant variety and a software developer;

“Invention” shall mean any creation in respect of which intellectual property rights subsist and includes, but shall not be limited to, any new patentable invention, plant variety, plant breeders’ right, registrable aesthetic and function design, trade mark, copyrighted work, compilation of known information and Know-How in the form of trade secrets and research findings.

“ICU” shall mean the Innovation Centre of the University that is responsible for intellectual property management, technology transfer, commercialisation and enterprise development.

“ICU Fund” shall mean the research and development account of the Innovation Centre of the University.

“TTO” shall mean Technology Transfer Office within the ICU.

“EDO” shall mean Enterprise Development Office within the ICU.

“SIPMC” shall mean the Senate Intellectual Property Management Committee of UWC, established in accordance with section 6 of this Policy;

"Know-How" shall mean all Confidential Information of whatever nature relating to UWC and its business and/or to the Patents, Designs, Trade Marks or Copyrighted Works or their exploitation;

"Line Manager" shall mean anyone who exercises supervisory authority in respect of any UWC project, or is the head of any UWC unit, centre, programme, department, school or institute;

"Net revenue" shall mean the gross revenue or royalties received by UWC less the expenses incurred by UWC for and in the protection and commercialisation of IP;

"NIPMO" shall mean the anticipated National Intellectual Property Management Office to be managed by the Department of Science and Technology, or a similar body established in terms of applicable legislation;

"Open Source Software" shall mean software developed, tested, or improved through public collaboration and distributed with the intention of making it available to the public under licence;

"Patent" shall mean a right granted, for any inventions, products or processes in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application, to an inventor, for a limited period to exclude others from making, using, importing, disposing of or offering to dispose of the invention without the permission of the inventor and where the subject matter of a patent is a process, to prevent third parties not having the owner's consent from the act of using the process, and from the acts of using, offering to dispose of, disposing of or importing for these purposes at least the produce obtained directly from the process. Patent holders shall have the right to assign, to transfer by succession, the Patent and to conclude license contracts. The holder of a Patent right will only have rights in the territories in which the Patent is registered.

"Person" shall mean any person recognised by law, whether a natural or juristic (legal);

"Intellectual Property Policy" or "Policy" shall mean the policy set out in this document;

"Research" means the furtherance, accumulation and improvement of knowledge through original and other investigations, inquiries and methods of a scientific nature, and includes acquisition, development and transfer of expertise and technology;

"Revenue" shall mean all income and benefits, including non-monetary benefits emanating from intellectual property transactions and includes all actual, non-refundable royalties, other grant of rights and other payments made to UWC or any other entity owned wholly or in part by UWC as a consideration in respect of an intellectual property transaction, but excludes a donation;

"Service Provider" shall mean any third party (other than a Consultant) that renders any services to UWC pursuant to any type of Service Provider agreement with UWC;

"Student" shall mean any person registered with UWC for an under-graduate or post-graduate qualification and any post-doctoral fellow of UWC;

"Trade Mark" shall mean any sign, or combination of signs capable of distinguishing the goods or services of one undertaking from those of another undertaking; and

"UWC" shall mean the University of the Western Cape, a juristic person established in terms Of *The Statute of the University of the Western Cape* published in Government Gazette No. 47556 on 4 May 2005, in accordance with sections 32 and 33 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended.

2. INTRODUCTION

2.1. Background

The University of the Western Cape (UWC) is a national university committed to excellence in teaching, learning and research, to nurturing the cultural diversity of South Africa, and to responding in critical and creative ways to the needs of a society in transition. UWC acknowledges the need to encourage original research, innovation and intellectual property creation by employees, students and collaborators.

In terms of the Intellectual Property from Publicly Financed Research and Development Act 51 of 2008 (IPFRD Act), intellectual property emanating from publicly financed research and development is required to be identified, protected, utilised and commercialised for the benefit of the people of the Republic of South Africa. As a publicly financed institution, UWC must comply with the provisions of the IPFRD Act.

This policy has been developed to provide a framework of intellectual property management for various parties at UWC in terms of the IPFRD Act.

2.2. Strategy Alignment

2.2.1. Alignment of the Intellectual Property Policy with UWC's vision

It is imperative that the Intellectual Property Policy is underpinned by a proper alignment between the UWC mission statement and vision. When Intellectual Property issues come to the fore, cognisance shall be taken of the relative importance and value of the particular Intellectual Property measured against the backdrop of the vision of UWC.

2.2.2. Alignment of the policy with applicable legislation, government initiatives and policies

This Intellectual Property Policy shall not be, and shall not be interpreted, in conflict with government initiatives, legislation or policies dealing with the same subject matter. The Intellectual Property Policy shall be reviewed from time to time to ensure that it remains in harmony with applicable legislation, government initiatives, frameworks and policies, including but not limited to:

- Intellectual Property from Publicly Financed Research and Development Act 51 of 2008;
- The Patents Act 57 of 1978;
- The Designs Act 195 of 1993;
- The Plant Breeders' Rights Act 15 of 1976;
- The Copyright Act 98 of 1978;
- The Trade Marks Act 194 of 1993;
- The Counterfeit Goods Act 37 of 1997;
- The Competition Act 89 of 1998;
- The National Environmental Management: Biodiversity Act 10 of 2004; and
- The Policy Framework for the Protection of Indigenous Traditional Knowledge.

3. OBJECTIVES OF THE INTELLECTUAL PROPERTY POLICY

The objectives of this Intellectual Property Policy are to:

- 3.1. provide a facilitating environment within UWC to educate and train students and to search for and disseminate knowledge, where appropriate, for the benefit of society;
- 3.2. lay down a regulatory framework regarding the creation, use, protection and commercialisation of Intellectual Property developed at UWC;
- 3.3. ensure that human ingenuity and creativity are acknowledged and rewarded in a fair and equitable manner that recognises the contributions of the creators of the Intellectual Property and UWC;
- 3.4. protect the rights of researchers to publish their research findings;
- 3.5. promote, advance and preserve research and development at UWC;
- 3.6. promote, advance and encourage commercialisation opportunities for Intellectual Property developed at UWC, where appropriate, for the benefit of society; and
- 3.7. ensure that UWC complies with all applicable Intellectual Property legislation.

4. APPLICATION OF THE INTELLECTUAL PROPERTY POLICY

This Intellectual Property Policy shall apply to:

- 4.1. any Employee of UWC, including full-time, part-time or temporary academic, administrative and support staff;
- 4.2. any Employee of UWC who creates or uses UWC Intellectual Property in the course of a contract, an exchange of services, a mandate, a training period, a cooperative undertaking or otherwise;
- 4.3. any Student of UWC and any visiting scientist and other person participating in research sponsored or hosted by UWC, or making significant use of UWC Equipment, facilities, funds or other resources ("significant use" is determined, without limitation, by factors such as time spent, type of Equipment, source of funding, space utilised etc);
- 4.4. any Service Provider, and/or Consultant that creates Intellectual Property in the course of rendering services to UWC; and
- 4.5. any Employee, Student, Service Provider or Consultant that deals in any way with UWC Intellectual Property.

5. CREATION AND OWNERSHIP OF INTELLECTUAL PROPERTY

5.1. Employees

All IP created, designed, made, prepared, established, modified, converted, expanded, developed, improved, perfected or translated by an Employee, during the course and scope of his/her employment with UWC, whether or not on UWC's premises, whether or not during regular working hours, alone or with the cooperation of one or more other people, shall belong to UWC.

5.2. Students

All Intellectual Property created, designed, made, prepared, established, modified, converted, expanded, developed, improved, perfected or translated by a Student during the course and scope of conducting research at UWC, whether or not on UWC's premises, whether or not during regular working hours, alone or with the cooperation of one or more other people, shall belong to UWC.

5.3. Moral Rights

UWC recognises the moral rights of Intellectual Property creators and inventors in copyrighted works. Employees shall retain the moral rights to their work. However, in all cases Employees and Students must obtain consent from the Innovation Centre of the University (ICU) through the Senate Intellectual Property Management Committee (SIPMC) and their Line Managers, before publishing their work. UWC shall not unreasonably delay or refuse a request for the publication of a piece of work by Employees and Students, should upon examination, no Intellectual Property be identified for protection and commercialisation.

5.4. Joint staff and Collaborative Research

Ownership of Intellectual Property developed jointly by UWC staff and an organisation or person outside UWC will be determined in accordance with the written agreement concluded between UWC and the outside person or organisation, provided that such agreement shall prior to its conclusion have been approved by the ICU.

Ownership of Intellectual Property that is created by visiting researchers, while visiting UWC, shall be owned by UWC unless otherwise agreed to in terms of a written agreement concluded between the visiting researcher and UWC prior to the visit. Any visiting researcher shall be entitled to benefit sharing in terms of revenue received by UWC in respect of the IP as provided for in this Policy.

Ownership of IP that is created or started during collaborative research shall be owned in accordance with a Collaborative Research Agreement entered into between UWC and the collaborator prior to the start of the collaboration. All Collaborative Research Agreements shall set out the ownership of IP developed during the collaboration as well as ownership of pre-existing or "background" IP.

In the event that the IP is created through research that received public financing, the agreement must make provision for the requirements of the IPPFRD Act, including for benefit sharing by the IP creators.

5.5. Contract Research

Contract research occurs where UWC undertakes research on behalf of a client, company or organisation. Unless the parties agree otherwise in writing, with the approval of the ICU, the ownership of any Intellectual Property developed shall vest in UWC, assuming that the persons undertaking the research are UWC Employees or Students acting within the course and scope of their employment or studies.

Line Managers must seek advice from the ICU through the SIPMC on the appropriate agreements to be used prior to undertaking any contract research in order to ensure that UWCs' rights are protected and to ensure that UWCs' obligations to the client, company or organisation are not in conflict with UWC's obligations in terms of the IPPFRD Act and other relevant legislation.

5.6. Sponsored research

Where IP is created by Students during the course of research funded through grants or bursaries, the ownership of the IP shall be determined in accordance with a Research Agreement between the sponsor and the UWC, provided that such arrangement shall not conflict with the IPPFRD Act. Any benefits derived from exploitation of the IP shall be shared proportionately between the parties based on the relative contributions of the parties and shall be set out in the Research Agreement.

5.7. Right to Publish

Employees and Students are expected to publish and present research findings. However, since public disclosure could preclude protection of certain IP rights, including patenting, research findings which have the potential to yield protectable IP shall first be disclosed by the IP creator to the ICU via the SIPMC for evaluation and protection if deemed appropriate. Employees and Students will not publish any such material without having obtained the prior written consent to do so from the ICU via the SIPMC. The ICU through the SIPMC shall ensure that the period during which there can be no disclosure of results, is as short as possible.

5.8. Waiver

UWC can only waive its rights to ownership of IP under circumstances which comply with the IPPFRD Act and in terms of a written agreement with the person or company involved. In terms of the IPPFRD Act a third party can only own the IP developed by a University if the Full Cost (including direct and indirect costs) of the research was paid by the third party.

5.9. Provisions regarding copyright

Ownership of copyright will be determined in accordance with UWC copyright policy (CHEC 06/04/03) and as set out in paragraphs 5.1 and 5.2 above. In brief, UWC holds copyright in all work created by Employees in the course and scope of their employment and Students in the course and scope of their studies.

5.10. Provisions regarding Trade Marks

UWC reserves all its rights in respect of any Trade Marks owned by the University, registered, or unregistered, including the name, logo, abbreviations or similar indications. The use of UWC's Trade Marks for private purposes or for gain by Employees or Students or by any third party is prohibited.

6. MANAGEMENT OF INTELLECTUAL PROPERTY

6.1. Organisational Structures

An Innovation Centre of the University (ICU) shall be established whose role will be to consider, advise and decide on all matters relating to the appropriate protection and commercialisation of UWC's IP, under the direction of the DVC. To operate effectively, the ICU will be structured to include a Technology Transfer Office (TTO) and an Enterprise Development Office (EDO).

The ICU will work through Senate, which will create a Senate Intellectual Property Management Committee (SIPMC) chaired by the DVC or his/her representative, and

shall consist of members as determined by UWC. The SIPMC shall have the right to co-opt such additional members as can assist it in the discharge of its responsibilities.

The additional members need not be Employees of the University. The members of the SIPMC will treat all subject matter disclosed to them as confidential.

Members of the SIPMC should possess or have access to the following skills and expertise, including:

- An understanding of how technology is developed (with a Masters Degree or PhD in Science or Engineering);
- Financial skills;
- IP management skills, particularly for Patents and Copyright;
- Business plan development and preferably marketing skills;
- Understanding of institution-industry relations and industry needs;
- Knowledge of the public sector, entities operating therein and various possible funding instruments;
- An understanding and ability to analyse markets to assess opportunities and construct viable marketing strategies in support of commercialisation;
- An understanding of venture financing sources, including private and government agencies;
- Negotiation and deal structuring skills; and
- Legal and contracting skills, including Intellectual Property protection, licensing and enforcement expertise.

6.2. Function of the SIPMC

The SIPMC will, in relation to the creation and protection of Intellectual Property:

- develop and implement a policy for disclosure of Intellectual Property created;
- evaluate appropriate creations as regards to their practical and commercial value;
- provide advice regarding the feasibility, operational processes and marketability of an invention or design;
- advise as to the protection and exploitation of an appropriate creation;
- after consulting with the UWC Contracts Department, assist Employees with formal agreements, including those relating to confidentiality and any arrangements with external parties;
- obtain advice and make recommendations on the patentability of inventions generated from UWC activities;
- regulate the publication of Intellectual Property in order to protect the novelty of patentable inventions;
- recommend the budget to be allocated for Intellectual Property activities, such as Patent, Design and Trade Mark prosecution costs, renewal fees as well as the costs of dealing with the enforcement of all UWC's Intellectual Property; and
- procure appropriate specialised intellectual property legal advice, where required.

The SIPMC will, in relation to the management and implementation of the Intellectual Property Policy:

- oversee and manage the practical implementation of the Policy;
- identify Line Managers for the purpose of implementing the Policy and notify all Employees of the identity of their Line Managers;
- advise the DVC of any recommended variations to the Policy;

- act as a panel for the resolution of disputes arising from the implementation of the Policy;
- advise the DVC on all matters relating to Intellectual Property administration;
- provide advice and support to all Employees insofar as the Policy is concerned.

The SIPMC will, in relation to the creation and protection of Intellectual Property:

- identify, manage and mitigate risks associated with the use and commercialisation of UWC's Intellectual Property;
- assess the viability of the commercialisation of UWC's Intellectual Property in terms of the guidelines provided in the Policy.
- identify and address any potential conflict of interest that may arise with respect to the commercialisation of UWC's Intellectual Property;
- negotiate and enter into license agreements with third parties pertaining to UWC's Intellectual Property;
- advise the DVC on any transfer of UWC's Intellectual Property;
- develop licensing and royalty policies for UWC;
- manage benefit sharing arrangements with Employee inventors; and
- provide the DVC with a quarterly summary report on UWC's Intellectual Property.

The SIPMC will, in relation to UWC's interaction with NIPMO:

- refer UWC's Intellectual Property for which the SIPMC elects not to obtain statutory Intellectual Property protection to NIPMO within the prescribed time period;
- report to NIPMO on an annual basis in all matters pertaining to UWC's Intellectual Property in a manner prescribed by NIPMO;
- recover Intellectual Property protection costs from the fund administered by NIPMO, when applicable.

The SIPMC will have the discretion to determine if any novelty or freedom-to-operate searches are to be conducted to determine if any aspect of Intellectual Property is in fact new and to determine if any technology or Trade Marks utilised by UWC will infringe the Intellectual Property rights of a third party.

The SIPMC will further have the discretion to determine whether and/or when UWC's Intellectual Property portfolio is to be reviewed.

7. IDENTIFICATION OF INTELLECTUAL PROPERTY

7.1. Awareness of the Policy

UWC's executive management, through the ICU, shall foster a culture of awareness of Intellectual Property and ensure that Employees and Students as well as visiting researchers and collaborators are familiar with the Intellectual Property Policy. Employees and Students shall receive appropriate training on IP and its protection. The level of training may vary depending on the scope of employment of the individual and the ICU shall have the discretion to decide on the level of training for particular Employees and Students.

7.2. Disclosure of Intellectual Property

7.2.1 New Intellectual Property

All new Intellectual Property, whether protectable by Statute or not, shall be treated as confidential information and shall not be disclosed to any third party without approval of the ICU. All UWC Employees and Students are required to disclose potential protectable Intellectual Property to the ICU within 90 days of identification of the Intellectual Property and before public disclosure thereof.

Through the ICU, the SIPMC will develop a form for reporting such Intellectual Property (an Invention Disclosure form) which will be made available to Students and Employees. The Invention Disclosure form shall contain at least the following information:

- inventor(s) details;
- technical details of invention;
- circumstances leading to the invention;
- agreements entered into to facilitate the invention being made;
- activities undertaken or planned such as publication or presentation of the invention;
- resources and information used to develop the invention; and
- any other useful information to facilitate protection of the invention.

Creators are required to inform their project supervisor or department, school or institute head (the Line Manager) of their disclosure. Employees and Students have a duty to maintain thorough records of any experimental methods and results (constituting Know-How) that is produced in the course and scope of their employment or studies. Ownership of the Know-How contained in these records vests in the University.

7.3. Evaluation of Intellectual Property

7.3.1 Criteria to consider

The ICU through the SIPMC shall, inter alia, consider the following criteria as indicative that IP protection should be sought:

- 7.3.1.1 Intellectual Property protection is considered advisable to ensure the maximum availability of any invention, and developments / improvements thereon, to the government and its citizens;
- 7.3.1.2 Intellectual Property protection is necessary to form partnerships for the carrying out of bridging work, or for trading to gain access to the Intellectual Property rights of others that is vital to the availability of the invention to the South African government and its citizens; or
- 7.3.1.3 An invention is developed that has potential application in other countries, including developing countries.

8. PROTECTION OF INTELLECTUAL PROPERTY

8.1. Know-how and Confidential Information

This section sets out standards regarding the protection of Confidential Information.

8.1.1. Duty to take Special Care

During the course of performing their duties or conducting their studies, Confidential Information may come to the knowledge of Employees and/or Students. Proper protection of the confidentiality of this information is essential if the interests of not only UWC, but also clients and business partners, are to be preserved.

These interests include maintenance of competitive advantage, trade secret protection, and preservation of personal privacy. All Employees and Students must take special care to prevent disclosure of Confidential Information to unauthorised third parties.

While this policy describes the considerations that Employees and Students should bear in mind before, during, and after disclosure to third parties, it cannot specifically address every possible situation. Questions about the disclosure of specific information must be directed to the information owner. Additionally, Employees and Students are expected to use professional judgment, and ask their Line Manager for guidance in those instances where the appropriate requirements of handling Confidential Information are unclear.

8.1.2. Labelling of Information

The SIPMC shall develop guidelines for the labelling of all UWC's Confidential Information and Copyrighted Works. That policy will set out the different types of labels to be affixed to various types of Confidential Information and Copyrighted Works, responsibility for labelling, practical implications of each label, consequences of non-compliance, etc.

8.1.3. Third Parties and the Need To Know

Unless it has specifically been designated as suitable for public dissemination, all UWC's Confidential Information must be protected from unauthorised disclosure to third parties.

Third parties may be given access to UWC's Confidential Information only when a demonstrable need to know for advancing UWC's interests, and when such a disclosure has been expressly authorised by the relevant UWC Line Manager acting on the advice of the SIPMC.

8.1.4. Non-Disclosure Agreements

The disclosure of proprietary creations to Consultants, Service Providers, temporary Employees, volunteers and other third parties must be preceded by the receipt of a signed Non-Disclosure Agreement (NDA) obtainable from the IOU. The NDA must be signed by authorised representatives of the parties, with one copy retained by the research department, school or institute; one copy retained by the recipient of the Confidential Information; and one copy held for safe-keeping by the ICU. Employees must not sign NDA's provided by third parties without the advance authorisation of ICU.

8.1.5. Material Transfer Agreements

Where tangible materials such as antibodies, plasmids, genes, probes, cell lines, viruses, seeds, plants, animals etc. are to be provided to a third party, the Employee or Student must first inform their Line Manager. It is the Line Manager's responsibility to ensure that a Material Transfer Agreement (MTA) obtainable from the ICU is entered into between the third party and the University. The MTA must be signed by authorised representatives of the parties, with one copy retained by the research department, school or institute; one copy retained by the recipient of the material; and one copy held for safe-keeping by the ICU. Employees must not sign MTA's provided by third parties without the prior authorisation of the ICU.

8.1.6. Disclosing Information Belonging to Third Parties

Employees must not disclose any Confidential Information constituting third-party information to other parties unless the third party providing the information has provided prior approval of the disclosure. Even when this disclosure has been approved in advance, the receiving party must sign a Non-Disclosure Agreement.

8.1.7. Recovery or Destruction

All material embodiments of Confidential Information provided to third parties must be recovered and returned to Line Managers within UWC upon termination of the relationship which resulted in the third party being in possession of the confidential information.

8.1.8. Reporting Improper Disclosures

If Confidential Information has been inappropriately disclosed, or is believed to have been inappropriately disclosed, this must be reported immediately to the relevant Line Manager. It is the Line Manager's responsibility to seek advice from the ICU.

8.2. Service Providers and Consultants

This section of the Policy is concerned with the responsibilities/obligations that are specific to Service Providers and Consultants in relation to UWC's IP. It is acknowledged that most of the details pertaining to the relationship between UWC and its Service Providers will be found in the underlying agreements between these parties. This policy seeks to provide a few pointers for the protection of UWC's IP in the context of interaction with Service Providers/Consultants.

8.2.1. Ownership

All Intellectual Property developed by a Service Provider/Consultant in the course of the contractual relationship with UWC, shall vest in UWC. Any deviation from this policy shall be subject to the prior written authorisation of the ICU. Accordingly, Employees must consult their Line Managers in order to ensure that relevant agreements incorporate appropriate clauses providing for assignment of IP to UWC.

8.2.2. Moral Rights

This refers to an author's right to be identified as the author of a copyrighted work as well as the right to object to any distortion or mutilation of the work developed by the author on behalf of UWC. Although UWC recognises and acknowledges an author's moral rights, UWC requires the author to reasonably waive all moral rights to the work in favour of UWC.

This is necessitated by considerations of efficiency and commercial expediency in order to ensure that UWC is able to make commercial decisions concerning the exploitation of the work as speedily as possible. Requests for exceptions must be directed to the ICU.

8.2.3. Undertaking to Sign All Documents

It is the responsibility of the Line Manager of the department, school or institute engaging the services of a Service Provider to ensure that the Service Provider signs all documents and provides all authorisations or consents:

- to give full effect to the relevant terms of this Policy; and
- in particular, the Service Providers/Consultants shall allow UWC or its representatives to obtain all rights, title or interests in or to the IP developed by such Service

Providers/Consultants in any country whatsoever failing which, the Service Providers/Consultants shall be deemed to have given an irrevocable mandate to UWC or to any person designated by UWC to provide all such authorisations or consents and to sign all such documents for such purposes.

8.2.4. Authorised Use

With regard to Service Providers/Consultants, the nature of the authorised use of UWC's Intellectual Property will be set out in the applicable agreements with UWC. As a general rule, this will be used when necessary, to achieve the objectives of the underlying agreements.

8.2.5. Consequences of Termination

The consequences of termination of the agreement between UWC and any Service Provider/Consultant in relation to Intellectual Property shall be addressed in the applicable agreement between the parties. However, as a general rule, upon termination of the agreement, the Service Provider shall assign to UWC all the Intellectual Property developed under the agreement, and transfer all material embodiments thereof to UWC.

Further, unless otherwise agreed in the relevant contract, the Service Provider shall immediately cease all use of UWC's Intellectual Property. It is the responsibility of the relevant Line Manager to ensure that the post- termination provisions are adhered to.

8.2.6. Licences

Unless otherwise agreed in the underlying agreement between the parties, the Service Providers/Consultants do not have an automatic licence to use any of the Intellectual Property that they have created for UWC. The terms of such license will be subject to such conditions as the ICU may determine.

8.3. Collaborations

8.3.1. Publication

The ICU shall have the discretion to determine whether public disclosure of UWC's IP shall be permitted, even where such Intellectual Property is co-owned with one or more Collaborators. "Public disclosure" shall include, inter alia, disclosures at seminars and disclosures in academic and/or research papers.

Should the ICU be of the opinion that publication of UWC's IP will not compromise protection and/or commercialisation of the IP in question, permission to publish shall not be withheld unreasonably, or delayed.

8.3.2. Acknowledgement

In any publication pertaining to UWCs' IP, UWC shall endeavour to provide that UWC and its Employees and/or Students are recognised for their contributions to the creation and/or exploitation of the IP.

8.4. Registration of Rights

8.4.1. Type of Protection

The ICU shall consider how the relevant IP should be protected, including the following options:

1. Patent;
2. Plant Breeder's Right;
3. Registered Design;
4. Trade Mark;
5. Copyright;
6. Domain name; and
7. Trade Secret (Know-how and confidential information).

The ICU shall have the authority to decide whether the IP should be protected, and if so, in which countries and what form such protection should take. UWC shall bear the cost of protection of the IP.

Where UWC decides not to register or patent an invention created or developed with the use of public finance, it shall report this decision together with reasons for the decision to NIPMO within the prescribed period provided for in the IPPFRD Act, whereupon NIPMO shall then have the option to obtain the Intellectual Property rights in respect of the invention.

If NIPMO decides not to acquire the rights and no third party has a claim to the Intellectual Property, the Inventor shall then be offered the Intellectual Property rights and can proceed with application for a patent, design or plant breeders' right, the cost of which shall be borne by the inventor, provided that where a private entity has also provided financing, this private entity must first be offered such option together with the Inventor.

No Employee or Student may obtain any patent, design, or plant breeders' right on their own initiative, or through a patent attorney with respect to any invention created during the course and scope of their employment or studies, as ownership of such inventions vests in UWC.

8.5. Software

Although copyright protection applies to software, it is also possible to obtain a patent where the software gives rise to a technical effect. Ownership of all Intellectual Property rights subsisting in Software that is developed by Employees and Students in the course and scope of their employment or studies shall vest in UWC and must therefore be disclosed to the ICU as provided for above. Source codes for such software must be delivered by the Inventor to his or her Line Manager on conclusion of their tenure with the University.

Employees and Students are prohibited from using, distributing, removing or otherwise taking a copy of the software or any accompanying development material, whether in written, electronic or any other format, developed in the course and scope of their employment or studies with them on expiry or termination of their contract or studies at UWC.

8.6. Use of UWC Intellectual Property by Employees and Students

8.6.1. Use of UWC Intellectual Property by Employees and Students

Employees and Students shall take care to ensure that IP belonging to UWC and/or to third parties shall, at all times, be protected against any accidental, premature, unlawful or unauthorised disclosure, use, reproduction, appropriation or destruction.

Line Managers have an obligation to ensure that the Employees and Students are aware of and adhere to the provisions of this Policy.

Employees and Students have the following obligations regarding UWC's IP:

- as regards any IP created, designed, made, prepared, established, modified, developed, converted, expanded, improved, perfected or translated by an Employee or Student in the course and scope of his/her employment or studies, whether alone or in cooperation with others, he/she shall disclose, immediately upon the creation of such IP or immediately upon such creation coming to the attention of an Employee or Student, to the his/her Line Manager and to the ICU and sign all documents that may be necessary in order to ensure that ownership of such IP properly vests in UWC;
- every Employee or Student shall use UWC's IP in a prudent and conscientious manner for the purpose of advancing UWC's business and other interests and shall be obliged to inform UWC of prior work relevant to the scope and/or validity of the IP which is within the personal knowledge of the Employee or Student;
- every Employee or Student shall forthwith inform his/her Line Manager of any unauthorised use of UWC's IP;
- every Employee or Student shall protect the integrity of UWC's IP;
- in addition to this Policy, every Employee shall respect the guidelines, standards and methods issued from time to time by UWC;
- every Employee or Student shall abide by the laws, regulations, decrees, judgments and other legal requirements imposed by the authorities with respect to IP;
- every Employee or Student shall abide by the provisions relating to IP which are set forth in any contract to which UWC is a party;
- every Employee or Student shall respect and not infringe the security rules regarding the creation, use or protection of UWC's IP, as such rules are issued from time to time by UWC;
- every Employee or Student shall report forthwith to his/her Line Manager any weaknesses, which the Employee discovers or is aware of as regards the security measures protecting UWC's IP;
- every Employee or Student shall cooperate with his/her Line Manager or any person in charge in order to facilitate the identification and correction of any flaw or problem affecting the creation or use of UWC's IP, or the security measures protecting it;
- every Employee or Student shall report forthwith to his/her Line Manager any violation by anyone of any of the terms of this Policy;

- subject to his/her constitutional rights, an Employee or Student shall provide his/her full cooperation and any evidence required in the course of any investigation carried out by the police, by UWC's insurers or by UWC itself, as regards the creation, use or protection of UWC's Intellectual Property by Employees or by any other person; and
- an Employee, former Employee, Student or former Student shall at UWC's request testify before any court, commission or other tribunal with respect to UWC's IP or the creation, use or protection thereof.

8.6.2. Respect for Intellectual Property

Employees and Students of UWC must receive the IP policy of the university and acknowledge agreement with its provisions, at the commencement of their employment or studies.

Within the scope of their work or studies, Employees and Students shall at all times respect and protect IP rights held by UWC or by a third party, including Copyright, Trade Marks, Designs, Patents, Know-how, moral rights, contractual rights and licenses. Under no circumstances shall Employees or Students appropriate or infringe or attempt to appropriate or infringe, all or part of such Intellectual Property rights, whether directly or indirectly and whether by copying or reproducing same, or otherwise.

If an Employee or Student has any question about whether to incorporate the unlicensed Intellectual Property of a third party in any work undertaken for UWC, he/she shall first seek advice from his Line Manager. If necessary, the Line Manager shall consult the ICU for guidance.

8.6.3. Termination of Tenure and Surrender of UWC's Intellectual Property

When his/her contract of employment terminates, for any reason whatsoever or when his/her studies are completed or terminated for any reason whatsoever, an Employee or Student shall forthwith surrender to his/her Line Manager, all material embodiments of UWC's IP in his/her possession. In particular, but without limiting the generality of the foregoing, Employees and Students shall surrender to UWC all tools, equipment, samples, documentation, stationery, business cards, software, diskettes, user guides, product lists, price lists and client lists.

When required to do so, Employees and Students shall attend an exit interview with their respective Line Managers at which they will be required to make full disclosure to UWC of all IP that they may have been working on during the term of their employment or studies with UWC.

Moreover, Employees and Students shall not keep any partial or entire reproduction (copy, photocopy, draft, summary or other), on any medium whatsoever, of all or part of UWC's IP after the date of departure or resignation from UWC, unless this has been agreed to by the Line Manager.

8.7. Open Source

UWC recognises that certain software is created through participation in open-source networks. UWC shall own the copyright in any computer program developed under an open source licence and shall observe any obligation it may have to make the computer program available to the public. Employees and Students are required to inform the ICU of their intention to participate in the creation of open-source software.

Employees and Students shall familiarise themselves with the license conditions applicable to such open-source software and shall not take any actions which may frustrate UWC's rights and commercialisation of developed software.

9. EXPLOITATION OF INTELLECTUAL PROPERTY

9.1 Commercialisation Strategy

Commercialisation refers to the process by which UWC obtains some economic benefit from the exploitation of any of UWC's IP. Commercialisation can take various forms, including licensing arrangements, creation of spin-off companies, entering into a Joint Venture, or similar entity, enterprise or arrangement. The decision to commercialise any aspect of UWC's IP shall be made by the ICU. In assessing a suitable commercialisation strategy for UWCs' IP, the ICU shall take into account the balanced achievement of maximum benefit for the public as well as UWC, in order to ensure long-term public benefit.

To enable UWC to focus on its main objectives and basic research, UWC shall endeavour, as far as practically possible, to identify, engage and appoint external commercialisation partners, and to grant rights to such commercialisation partners through which commercialisation of UWC's IP is to take place.

The appropriate commercialisation strategy shall be determined by the ICU taking into account:

- the nature and scope of UWC's IP, its scientific and technical validity and stage of development;
- the potential commercial application of UWC's IP and the alignment thereof with the core competencies of UWC;
- related government policies and directives;
- the internal capacity of UWC to implement and manage a proposed commercialisation strategy;
- the expected viability and monetary return on the commercialisation of the UWC's IP; and
- potential costs, risks, revenues and benefits of the commercialisation of the UWC's IP.

The ICU shall, where required, consult and seek advice from relevant external sources with relevant experience when identifying a commercial strategy as set out above.

The ICU may, inter alia, consider the following commercialisation models:

Assignment: ownership of UWC's IP is assigned outright to a third party under appropriate negotiated terms and conditions;

Licence: a right to exploit UWC's IP is granted to a third party under certain conditions and for a pre-determined term, usually with UWC receiving a royalty on the sales turnover of the product, and as UWC retains ownership of the IP, if the third party does not fulfil its contractual obligations, the licence can be cancelled;

UWC Managed Commercialisation: UWC's IP is commercialised in-house under the guidance of the ICU, via the sale of a product or service embodying UWC's IP;

Spin-off Company: a company is created and which is wholly owned by UWC, at least initially, and UWC may assign or licence the IP to the company, generally in exchange for dividends issued from the company, or from the sale of shares. UWC may also receive a royalty on turnover depending on the agreement between UWC and the company; or

Joint Venture/Partnership: UWC becomes a party to a joint venture or development and commercialisation partnership in which UWC may either assign the IP to the Joint Venture company, or may licence the IP to the Joint Venture company, and where UWC either receives an upfront fee, or income through dividends issued by the company, or through sale of shares, or a combination of the above from the company.

9.2 Financial Returns

Financial returns from commercialisation of UWC's IP shall in the first instance be applied to recover any direct costs involved with seeking and maintaining IP protection as well as commercialisation of the IP, which costs may include:

- legal or other expert advice;
- the cost of obtaining IP protection and maintenance of any registered rights in respect thereof;
- plant/equipment costs;
- business planning costs; and
- the ongoing cost of commercially exploiting UWC's IP.

The net returns, being the remainder of the returns once direct costs have been accounted for, shall be shared with inventors in order to encourage the generation of commercially useful inventions by Employees and Students. The net returns shall be shared with Employee or Student inventor/s according to principles set out in the relevant legislation, dealing with the identification of inventors, calculation of royalties, share of royalties due to each beneficiary/inventor, effect of termination of employment on inventor's entitlement to royalties, effect of death on inventor's royalties, non-fiscal recognition of the inventor etc.

9.3 Principles for Assignment and Licensing

The ICU shall, when considering appropriate commercialisation models, have the authority to grant the assignment or licensing of UWC's IP rights, provided that:

UWC shall conform to the following guidelines regarding the possible assignment of its IP:

- UWC shall only assign the IP to any third party where its decision regarding the assignment is taken in accordance with the regulations to the IPPFRD Act and guidelines published by NIPMO;
- Where UWC decides to assign IP to a third party, it shall notify NIPMO of its decision and the reasons for its decision within the time frame prescribed by the IPPFRD Act;
- Where UWC assigns IP to a third party it shall retain its right to use the IP for educational and research purposes;

- Where UWC assigns IP to another party it must ensure that the State is entitled to obtain from the assignee an irrevocable royalty-free licence authorising it to use (or have the IP used) anywhere in the world for the health, security and also emergency needs of the RSA; and
- All assignments of IP to a third party must include a condition to the effect that should the assignee fail to commercialise the IP to the benefit of the people of South Africa within a given period, the state is entitled to exercise walk-in rights, thereby to obtain a licence under, or assignment of, the IP that is not being commercialised, in accordance with the IPPFRD Act.

UWC shall conform to the following guidelines regarding the licensing of its IP:

- Where UWC licenses its IP to another party it must ensure that it remains possible for the State to have an irrevocable royalty-free licence in the event that it requires to use the intellectual property (or have the IP used) anywhere in the world for the health, security and emergency needs of the RSA;
- In any contract regulating a licence arrangement, UWC shall ensure that an exclusive licensee manufactures, processes and otherwise commercialises the IP within the RSA, where this is feasible;
- Where, during the term of an exclusive licence, the licensee is unable to continue with the commercialisation of the IP within the RSA but UWC wishes the exclusive licence to remain in force, then UWC shall furnish NIPMO with full reasons for retaining exclusivity within the time period prescribed by the IPPFRD Act; and
- In all licensing of IP, UWC shall include a condition to the effect that should the licensee fail to commercialise the IP to the benefit of the People of the RSA within a stated period, the State is entitled to exercise walk-in rights, thereby to obtain a licence under, or assignment of, the IP that is not being commercialised.

UWC shall conform to the following guidelines regarding offshore transactions involving its IP:

- Before concluding any arrangement involving any off-shore transaction (including the licensing or assignment of IP to a foreign entity or the sale of shareholding in the recipient to a foreign entity) UWC shall inform NIPMO of its intention to do so;
- UWC shall obtain prior written approval from NIPMO where the envisaged transaction does not conform to the regulations to the IPPFRD Act and NIPMO guidelines for off-shore transactions;
- Where UWC wishes to assign IP offshore or grant an exclusive license to a foreign entity, it shall first satisfy NIPMO that there is insufficient capacity to commercialise the IP locally and that the RSA will benefit from the transaction.

9.4 Commercialisation Preferences

The ICU shall, as far as reasonably possible, endeavour to adopt a commercialisation model in which UWC's IP rights are retained.

Should a licensing model be adopted, the following preferences shall be taken into account in identifying a licensee and determining the terms and conditions of such licence:

- There shall be a preference for non-exclusive licensing. In license agreements entered into with commercial partners, non-exclusive licensing shall be a preferred option as it will permit wider access to the actors within the economy and will create, under some circumstances, a performance incentive.
- Exclusive licensing may also be considered in particular circumstances, for instance when developing early stage technologies that require considerable further development work or to ensure that commercial partners are interested in investing time, resources and effort into the commercialisation of UWC's IP.
- To prevent failures in the commercialisation of technology, which other potential developers might be better placed to exploit, performance clauses must be included in licence agreements.
- There shall be a preference for licensing a local commercialisation entity and in particular: a BBBEE entity or small enterprise or a party that seeks to use the intellectual property in ways that provide optimal benefits to the economy and quality of life of the people of the RSA. Reasonable and demonstrable efforts shall be made to license UWC's IP locally, as local licensing will have a maximum impact on stimulating national and local economic development and providing the RSA business sector with new commercialisation opportunities.
- Licensing a foreign commercialisation entity can be considered to increase foreign direct investment and technology partnerships for the RSA when licensing is not reasonably possible in the RSA, or where it could supplement local licensing arrangements.
- Where local licensees cannot be secured, UWC shall ensure that locally beneficial arrangements (such as for example manufacturing preferred pricing, R&D obligations, etc.) are secured as far as reasonably possible.

9.5. Decision Making

Only the DVC, after consultation with the ICU, shall have the authority to assign UWC's IP to any third party or grant an exclusive licence under UWC's IP.

9.6. Conflict of Interest

9.6.1. Involvement in Technology Transfer

Employees are expected to accord UWC their primary professional loyalty and to ensure that outside obligations, financial interests and activities do not conflict with their commitment to UWC. In particular, Employees should not seek to influence UWC's IP commercialisation decisions in such a way as to promote personal gain or advantage to their associates or that may lead to reduced income for UWC or its affiliates.

Where an Employee is, or may potentially be in a position of conflict of interest in respect to commercialisation of IP by UWC, the Employee must promptly disclose this situation to the ICU in order for a strategy that resolves the conflict of interest to be negotiated.

An Employee who has an economic interest in a commercialisation project of UWC shall still be entitled to receive benefits due to them as an inventor/creator of the IP.

However, they may not participate in negotiations to transfer technology to any organisation in which they have such interest.

9.6.2 Involvement in Spin-Off, Subsidiary and Emerging Companies

Spin-off, subsidiary and emerging companies are recognised as an important part of the national economy. It may be attractive to Employees and Students to be part of such a company without having to leave the university environment. However, this can lead to a conflict of interests, which must be identified up front and a strategy developed to deal with the situation.

In the case where an Employee wishes to become involved fulltime with a spin-off, subsidiary or emerging company, or is involved in an executive capacity, the Employee's academic duties and remuneration should be reduced accordingly.

No Employee shall be involved in any other private company, close corporation or other separate entity or enterprise that competes with UWC by providing tuition, research or any other service that falls within the ambit of the primary functions of UWC.

No Employee who is involved in a spin-off, subsidiary or emerging enterprise, or an enterprise in partnership with UWC, shall compete or be involved with any other entity that competes with such an enterprise without prior authorisation from UWC.

10. BENEFIT SHARING

10.1 Beneficiaries

There are a number of possible beneficiaries from exploitation of IP, including the creator/inventor of the IP, the department, school or institute to which the creator belongs, the private co-owners, the ICU and UWC.

10.2 Income Allocation

Intellectual Property creators and their heirs are granted a right to a portion of revenues that accrue to UWC from IP for as long as revenues are derived from the IP. Via the university, income that accrues to the creator in their personal capacity is taxable. If via the university, the creator elects to retain the funds in their research account, the funds will not be taxable, but shall be subject to the rules governing the use of research account funds.

Benefits granted to the IP creators will be shared in accordance with their relative contributions unless otherwise agreed between the creators and UWC in writing. The status of a creator shall not be a factor in determining a creator's share in the benefits. Any dispute which arises with respect to benefit sharing shall be adjudicated by the ICU, whose decision is final.

The share of revenue which is to be allocated to a department, school or institute shall be allocated to the head of that department, school or institute. The head shall determine the distribution within the department, school or institute. The funds shall be applied in the interest of research and may not be allocated to any individual for personal gain.

The share of revenue that is to be allocated to UWC shall be allocated to the ICU Fund for the promotion and development of research.

Revenue from Intellectual Property that is co-owned by UWC and an outside organisation shall be divided in accordance with the agreement between the parties. Where the research has been publicly funded, there shall be compliance with the benefit sharing requirements provided in the IPPFRD Act.

10.2.1 Formula of Income Allocation

The following formula for income allocation is an example that the University may consider:

First R1, 000,000 of revenue

Twenty percent of the gross revenues accruing to UWC for the first R1, 000,000 of revenue shall be shared between the IP creator(s).

Commercialisation costs will then be deducted from the balance to determine the net revenue, which shall be split between the department, school or institute (40%), UWC (40%) and the ICU Fund (20%). In the event that the Intellectual Property is co-owned with an outside organisation, and after deduction of the commercialisation costs, the remainder of the revenue shall be split in accordance with the agreement between the outside organisation and UWC.

Revenue above R1, 000,000

Commercialisation costs will first be deducted from any revenue in excess of R1, 000,000 to determine the net revenue. The net revenue shall then be split between the IP Creator(s) (30%), the department, school or institute (30%), UWC (30%) and the ICU Fund (10%).

In the event that the IP is co-owned with an outside organisation, and after deduction of the commercialisation costs and 30% for payment of the IP creator(s), the remainder of the revenue shall be split in accordance with the agreement between the outside organisation and UWC.

10.3 Death of a Beneficiary or Termination of Employment

In the event of the death of a beneficiary of IP revenues, the revenues shall be paid to the estate of the IP beneficiary, and upon winding up of the estate, to his/her heirs.

This arrangement will be in place, unless such beneficiary and UWC had agreed otherwise. The heirs shall have the responsibility of notifying UWC of any changes in contact details after the death of the IP beneficiary.

In the event of the termination of employment, with the exception of dismissal of the Employee who is an IP beneficiary, revenues shall continue to be paid to the IP beneficiary. It is the duty of the IP beneficiary to notify UWC of any changes in contact details after termination of employment.

An employee of UWC who is an IP beneficiary and who is dismissed from employment for misconduct shall only be entitled to 50% of the benefit provided for in terms of this clause of the Policy; the other 50% shall accrue to the ICU Fund.

11. INDIGENOUS KNOWLEDGE AND RESOURCES

Where a research project is based on more than incidental use of knowledge and/or resources that can be related directly to a particular community or locale, UWC will undertake all best efforts to ensure that the prior informed consent of the relevant community, or residents of the locale, is obtained. Where a research project is based on more than incidental use of knowledge and/or resources that are found in a community or locale that is either not subject to clear delineation or that is so large that it is not feasible to obtain prior informed consent, UWC will undertake all best efforts to obtain the prior informed consent of any relevant community-based organisations and government authorities as provided for in terms of the Convention on Biodiversity.

Where an invention is developed that makes more than incidental use of knowledge and/or resources that can be related directly to a particular community or locale, UWC will undertake all best efforts to ensure the applicability and availability of such invention to the relevant community or locale, including but not limited to the following:

- Ensuring that any transfer or licensing of intellectual property rights by UWC includes an allowance for the relevant community or locale's access to the invention on preferential terms; and
- Establishing systems for any necessary training, distribution or other bridging mechanisms that may be required for the relevant community or locale to make full use of the invention.

Where an invention that makes more than incidental use of knowledge and/or resources that can be related directly to a particular community or locale is developed to the point that it has market application, UWC will undertake all best efforts to:

- Reach agreement with the relevant community, or residents of the locale, as to future activities, and/or actions, regarding the invention; and
- Ensure that the relevant community, or residents of the locale, are involved in any production and/or marketing of products relating to the invention. Any income that may be derived by the community or locale from such participation shall not be considered part of any royalties due under the terms of Section 10.

The distribution of benefits accruing to local communities under Section 10 shall be undertaken according to the following guidelines:

- Where feasible, benefits shall be distributed equally between individuals and/or projects and/or organisations that benefit the community or locale as a whole. As far as possible individuals shall be assigned benefits on the basis of their relative contributions towards the provision of the knowledge and/or resources to UWC. Projects and organisations shall be determined in collaboration with representatives of the said community or locale.
- Where distribution of benefits according to the above paragraph is either not feasible or is considered to be financially counter-productive all benefits shall be forwarded to projects or organisations that are of general benefit to the community or locale as determined in collaboration with the community, local and regional governmental structures.

- Where distribution of benefits according to either of the above paragraphs is either not feasible or is considered to be financially counter-productive, all benefits shall be forwarded to a regional then national level organisation with aims and objectives of relevance to the community or locale, or a government trust administered on behalf of South Africa to benefit communities.

For the purposes of this policy, where knowledge and resources are to be found in a wide range of communities and/or geographical areas, UWC shall:

- Consider the origin of the knowledge or resource to be the community or geographical area that physically supplies such to UWC; or
- Where such knowledge and/or resources are so widespread as to be within the public domain, any benefits accruing under Section 10 shall be forwarded to a regional or national organisation which is created for the purposes of collection and distribution of the benefits to the community from similar projects and resources.

12. DISPUTE RESOLUTION

Any dispute which arises with respect to this Policy shall be adjudicated by the ICU whose decision shall be final, provided that where such dispute involves the SIPMC, the dispute shall be referred to the DVC, whose decision shall be final.

13. GENERAL PROVISIONS

Unless otherwise stated in this Policy, the following provisions shall apply.

13.1 Sanctions for Violating the Policy

13.1.1. Employees

UWC regards the failure to comply, in whole or in part, with one or more of the provisions of this Policy, to be a serious offence. Accordingly, any Employee found guilty of violating this Policy may face various penalties, including:

- Cancellation of access rights to the equipment/technology and/or UWC's IP contemplated in this Policy;
- Prohibition of access to any location where UWC carries on its operations and/or
- Dismissal.

The provisions of this paragraph must be read together with UWC's Disciplinary Policy and Code, which sets out the processes that need to be followed in order to institute disciplinary proceedings.

13.2. Monitoring and Administration of the Policy

13.2.1. Accountability

The ICU and SIPMC shall be accountable for the implementation of this Policy.

13.2.2. Questions, comments and suggestions

Any Employee with questions, comments and suggestions relating to the content of this Policy shall direct these to his/her Line Manager and/or the ICU.

13.2.3. Interpretation and Review

At least once a year, the ICU through the SIPMC shall:

- Hold a meeting in order to review the terms of this Policy in light of any interpretation problems and in light of any legislative and technological changes that may have occurred; and
- Submit to the Senate of UWC a detailed list of the changes suggested to this Policy, as well as the justification for each such change, if required.

13.2.4. Amendment or Cancellation of the Policy

This Policy may be modified or cancelled at any time and without notice, at UWC's discretion, provided that any modifications/amendments shall be communicated to Employees, Students, and Service Providers/Consultants in such manner as the management of UWC may deem appropriate.

13.2.5. Number and Gender

Where appropriate, the singular number set forth in this Policy shall be interpreted as the plural number, and the gender shall be interpreted as masculine, feminine or neuter, as the context dictates.

13.2.6. Other Applicable Policies

This Policy is in addition to all other UWC policies, and to all guidelines, standards and methods issued by UWC. It is not in any way intended to replace or supersede one or more of such policies, guidelines, standards and methods, unless otherwise specified in this Policy.

13.2.7. Other Applicable Laws

This Policy in addition to incorporating legislation regarding Patents, Designs, Copyright and Trade Marks incorporates legislation which may be relevant to UWC's Intellectual Property, such as the Intellectual Property Rights from Publicly Financed Research and Development Act 51 of 2008.

13.3. Effective Date of the Policy

This Policy shall become effective from November 2009.

13.4. Term of the Policy

This Policy shall remain effective until it is repealed or amended, or replaced by another policy.

