

LEGAL SERVICES NOTICE AUGUST 2015

IMPORTANT NOTICE FOR UNIVERSITY STAFF AND STUDENTS

LEGAL SERVICES AND UNIVERSITY CONTRACTS MANAGEMENT

1. UNIVERSITY CONTRACTS MANAGEMENT

1.1. University Contracts Management System

University Staff and Students are reminded that where the University is a named contracting party (or a party not necessarily named but under obligation) in a proposed contract or MOU, the contract/MOU must be submitted to Legal Services for processing and vetting in the University's Contract Management System. This includes the extension/renewal of an existing contract/MOU. Legal Services is responsible for the processing, vetting and obtaining final approval for such contract/MOU from the University's authorised signatory.

The submission is initiated by the completion of the contracts management on line submission form, uploading the proposed contract/MOU together with the required supporting documentation. The on line link to this form is located on the Legal Services Website on the Contracts Management Web Page. For ease of reference the link is as follows:

<http://legalservices.ukzn.ac.za/ContractsManagement.aspx>

If you should require assistance with the completion of the on line submission form, or with any aspect of the contracts management system, please contact Mr Rendra Phalad on X 7455 for all contracts (excluding research contracts), and Mr Deon Moodley on X 8199 (for research contracts).

1.2. Authority to Enter into Contracts on Behalf of the University

University employees and students do not have authority to enter into contracts/MOUs on behalf of the University or to do anything which may result in the University being obligated to another party in any manner whatsoever. The University Council, by law, is required to delegate authority to a university employee for this purpose. This delegation has taken place and only the university personnel referred to in the current delegation list have the required authority to do so. The current list is located in the legal services website in the delegated signatories section (refer to 2.1. below for the website address).

Staff and Students are advised that in the event that they should enter into contracts/MOUs on behalf of the University without the requisite authority, this may result in disciplinary action being taken against them, and being personally liable on the contract so concluded.

1.3. The Responsibility and Management of University Contracts

University contracts are to be managed according to the principles and regulations set out in the **"University's Contracts Management Principles and Regulations Document"**. For ease of reference a copy of this document is located on the Legal Services Website, in the Contracts Management Section (refer to 2.1. below for the website address). These principles and regulations apply to all

University Staff, Students and Other Stakeholders, and it is important to be fully au fait with their provisions, as there is personal responsibility and obligation associated with such application. Staff and Students are personally accountable (where it is evident from the contract terms) for the performance of the obligations of the contract and/or the management thereof. Any damage caused to the University (reputation included) may result in disciplinary action being taken against those responsible.

1.4. Timeous Submission of Contracts to Legal Services

It is still a matter of concern that contracts are not being referred to the Legal Services Department for vetting and approval timeously, or in some instances with unreasonable expectation on the part of the referrer, expecting that such processes be completed within hours of referral, by a Legal Advisor and the Contracts Management Staff. In the case of new contracts referred to Legal Services for vetting and approval, a minimum time of ten full working days is required. Legal Services will, if possible, finalise the contract with approval within a shorter period of time. Research Contracts require an additional 5 day working days, as these contracts are routed for additional vetting/approvals to the Research Office.

In the case of existing contracts that are due to expire, and where renewal of the contract is required for the maintenance of continued service, you are advised to commence the renewal process two clear months prior to expiry of the existing contract.

1.5. Queries relating to Research Contracts

1.5.1. Financial, governance and compliance queries relating to research grants and contracts

Queries must be directed to:

- **Mr. Siphso Reginald Dlamini**
Director Research Financial Services
dlaminisr@ukzn.ac.za
Tel: (031) 2602893

Secretary: **Ms. Lungile Ndlela**
ndlela@ukzn.ac.za
Tel: (031) 2604007

OR

- **Michele Glasson**
Finance and Contracts Manager
Research Office
Budget queries relating to research contracts
glassonmi@ukzn.ac.za
Tel: (031) 260 8254

OR

- **Karen Reinertsen**
Administrative Officer – Contracts

Research Office

General queries regarding UKZN overheads and processing of locally funded proposals

reinertsenk@ukzn.ac.za

Tel: (031) 260 8850

1.5.2. Day-to-day financial administration queries relating to research grants and contracts

- (1) All foreign funded research projects and grants and those from local funding agencies with a contract value of over R1 million

Queries must be directed as follows:

- **Mr Helgaard Holtzhausen**
Finance Manager UKZN InQubate
Helgaard Holtzhausen
holtzhausenh@ukzn.ac.za
Tel: (031) 260 1535
- **Zuzana Kolesarova**
Administrative Officer
UKZN InQubate
General queries regarding NIH submissions/applications and the processing of internationally funded proposals
Kolesarova@ukzn.ac.za
Tel: (031) 260 2202

- (2) All other research project administration is conducted at the College level (including the finance administration fee transactions).

Queries must be directed as follows: To the respective College Financial Managers

1.5.3. All queries on **research contracts** with respect to **law or contract legalities** to be directed to Contracts Management Legal Services as follows:

- **Rendra Phalad**
Phaladr@ukzn.ac.za
Tel: (031) 260 7455

OR

- **Deon Moodley**
Moodleyd38@ukzn.ac.za
Tel: (031) 260 8199

1.6. **Requests for General Legal Advice/Assistance from Legal Services (other than contracts and contracts management)**

All requests for general legal advice/assistance referred by e-mail must be e-mailed to legalservices@ukzn.ac.za

Such requests will be registered and thereafter allocated to the Legal Advisor servicing the applicable College/Division. Legal Services will endeavour to revert to the requestor within a period of 48 (forty-eight) hours of receipt. Telephonic requests should be directed to any of the following numbers, X1257, 2810 or 3580. Your call will be routed to the Legal Advisor servicing your College/Division/Unit. The mentioned forty-eight hour period (unless urgent and immediate attention is required) will also be applied to such mode of request.

1.7. Identification Information on posted documents

Please ensure that any additional documents sent by internal post relating to a contract referred via the contracts management system, has adequate information attached to it to identify the sender and the contract to which it relates. Legal Services has received numerous documents by post from persons within the University where such information is lacking. This results in an inordinate amount of time spent trying to locate the sender and the contract to which it relates.

1.8. Employee Resignations

Please be reminded that on termination of employment of an employee who is a contract owner (as defined in the University's Contracts Management Principles and Regulations), the employee's Line Manager will become the contract owner and take full responsibility until a suitable successor has been appointed (refer paragraph 7.8. of the Principles and Regulations) . Legal Services must be informed timeously of such resignation and the details of the appointed successor. This information is vital for updating of the contracts management system and for future identification of the responsible contract owner.

2. LEGAL SERVICES

2.1. Legal Services Website

You are invited to visit the Legal Services website at:

<http://legalservices.ukzn.ac.za/Homepage.aspx>

Our website provides information about Legal Services, the services we offer, our service level agreements and our staff that provide these services to you. It is also an important access point for the contracts management system and it provides information on the submission (form) requirements for research contracts.

2.2. New Requirements – Contracts – Principles and Guidelines for Reporting and Recording of Philanthropic Income (passed by EMC - effective 16 July 2015)

Contracts and MOUs where philanthropic income is derived will be routed to the University's Foundation (UKZNF) for reporting and recording purposes. It is in the interests of all contract owners that they establish whether these principles and guidelines are applicable to the contract prior to submission into the contract management system for compliance purposes. For this purpose they should seek the assistance of the UKZNRF. Legal Services is in the process of amending the contracts management checklist to include this requirement. The Principles and Guidelines may be located on the University's main website in the Registrar's section in the policies and procedures repository.

2.3. Universities South Africa (USA) - Circular 19/2015 – Consumer Protection Act 2008 – Guidelines for Higher Education Institutions

USA's Legal Committee has produced a very useful set of guidelines for higher education institutions on compliance with the Consumer Protection Act 2008. This guideline and covering circular may be located on the Legal Services Website in the Legislation repository. We ask all University Employees (especially line management) to familiarise themselves with these guidelines. Legal Services will collaborate with Compliance (in the Registrar's Governance and Administration Portfolio) to assist all Colleges, Schools and Divisions to achieve compliance where they have not already done so. A similar exercise will also be conducted with respect to Protection of Personal Information Act (POPI) compliance.

DIRECTOR LEGAL SERVICES (August 2015)