

**NELSON MANDELA UNIVERSITY
RESEARCH ETHICS COMMITTEE (ANIMAL) (REC-A)**

TERMS OF REFERENCE

Acknowledgement is given to the following institutions for access to documents on Research Ethics (Animal) which supported the development of this document:

- University of Fort Hare^{1,2}
- University of Cape Town^{3,4}
- University of Pretoria⁵

1. STATUS

- 1.1 The Nelson Mandela University Research Ethics Committee (Animal), hereafter referred to as REC-A, is a sub-committee of the Research and Innovation Committee (RIC), which reports to Senate.

2. DATE OF APPROVAL AND GENERAL RULES AND GUIDELINES

- 2.1 Date of approval: Senate, via the RIC dated 2016.
- 2.2 These terms of reference should be understood in conjunction with the [general rules for procedure for committees](#) contemplated in paragraphs 18 and 19 of the Statute⁶ and the Nelson Mandela University Committee Framework⁷, as amended from time to time.
- 2.3 In keeping with the emphasis on excellence in research, Nelson Mandela University has a Responsible Conduct of Research framework of policies governing research at the university. This *Terms of Reference* document is to be read in conjunction with *Research Ethics Committee-Animal standard operating procedures, 2021 Guidelines for ethical conduct in the care and handling of animals used for research and education at the Nelson Mandela University* (D/835A/05), *Research Ethics Policy* (IRC 404.02), the *Research Ethics Committee-Human Terms of Reference, November 2019*, *Research Ethics Committee-Human standard operating procedures, June 2022*, *Code of conduct for researchers at Nelson Mandela University* (IRC 404.01), *Policy on Master's and Doctoral degrees* (IRC 403.01), and *Code of ethical behaviour* (IRC 602.06).

3. PURPOSE

- 3.1 To ensure compliance with the highest ethical standards in the use and care of animals for scientific research and teaching activities, incorporating the core ethical principles of
- i. Replacement of the use of animals with alternative models where feasible
 - ii. Reduction of the number of individual animals used to a level that is scientifically justifiable
 - iii. Refinement of experimental design, procedures, care and husbandry, to minimise or eliminate the impact on individual animals in terms of actual or potential pain, suffering, stress, and lasting harm.
 - iv. Responsibility for the appropriate care and use of animals and maintaining compliance in accordance with the standards of the Institution.

¹ University of Fort Hare. 2021. *Animal Research Ethics Committee Terms of Reference*.

² University of Fort Hare. 2023. *Animal Research Ethics Committee Standard Operating Procedure: Training*.

³ University of Cape Town. 2020. *Animal Ethics Committee (AEC) Terms of Reference*.

⁴ University of Cape Town. 2018. *Senate Animal Ethics Committee (SAEC) Terms of Reference*.

⁵ University of Pretoria. 2015. *Animal Ethics Committee (AEC) Terms of Reference*.

⁶ Nelson Mandela University. 2016. *Statute of the Nelson Mandela University*.

⁷ Nelson Mandela University. 2019. *Nelson Mandela University Committee Framework*.

- 3.2 To contribute to oversight of research and teaching activities involving animals without conflict of interest or the appearance of conflict of interest in regard to the ethical use of animals for scientific purposes.
- 3.3 To ensure that scientific and teaching activities using live animals are performed only when they are essential in:
 - i. obtaining significant information and knowledge relevant to the understanding of humans and animals.
 - ii. the improvement of human or animal health and welfare.
 - iii. the improvement of animal management or production.
- 3.4 To ensure compliance with legislation and creating an awareness of ethical conduct in researchers and teachers, the REC-A functions in compliance with, but not limited to, the following documents and guidelines
 - ⁸South African National Standard: 10386: 2021
 - ⁹Department of Health 2015. Ethics in Health Research
 - ¹⁰Animal Protection Act, 1962 (Act No. 17 of 1962), as amended
 - ¹¹Veterinary and Para-veterinary Professions Act, 1982 (Act No. 19 of 1982), as amended
 - ¹²Animal Diseases Act, 1984 (Act No. 35 of 1984), as amended
 - ¹³Animal Health Act, 2002 (Act No. 7 of 2002), as amended
 - ¹⁴Animal Matters Amendment Act, 1993 (Act No. 42 of 1993), as amended
 - ¹⁵Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), as amended
 - ¹⁶Performing Animals Protection Act, 1935 (Act No. 24 of 1935), as amended
 - ¹⁷SPCA Act No, 169 of 1993
 - ¹⁸Professional Code of Ethics of the Association of Zoos and Aquaria

4. MEMBERSHIP AND COMPOSITION

- 4.1 Various categories of members are dictated by international and national standards. The composition of the REC-A shall be in accordance with the national standards including the SABS SANS Code 10386 (2021) and proposed updates to DoH guidelines (2023).
- 4.2 The members of REC-A shall elect a chairperson from among themselves, preferably someone who holds a senior position within the institution. The chairperson should have experience in research methodology and appropriate training in animal ethics (or have served on REC-A for at least one year). The chairperson shall be appointed in addition to each of four core categories (A to D), but additional members (E) can be co-opted as needed:
 - A:** Veterinarian or a person with experience and qualifications to provide comparable expertise.
 - B:** Person with substantial and recent experience in the use of experimental animals
 - C:** Animal welfare organization nominee or representatives
 - D:** Independent persons who do not currently and have not previously conducted scientific or teaching activities using animals
 - E:** Co-opted experts or persons from a specific discipline to provide expertise on specific issues as may be determined by the committee from time to time.
- 4.3 Members from categories C and D collectively should represent at least 33% of the REC-A membership

⁸ South African National Standard: 10386: 2021

⁹ Department of Health 2015. Ethics in Health Research

¹⁰ Animal Protection Act, 1962 (Act No. 17 of 1962), as amended

¹¹ Veterinary and Para-veterinary Professions Act, 1982 (Act No. 19 of 1982), as amended

¹² Animal Diseases Act, 1984 (Act No. 35 of 1984), as amended

¹³ Animal Health Act, 2002 (Act No. 7 of 2002), as amended

¹⁴ Animal Matters Amendment Act, 1993 (Act No. 42 of 1993), as amended

¹⁵ Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), as amended

¹⁶ Performing Animals Protection Act, 1935 (Act No. 24 of 1935), as amended

¹⁷ SPCA Act No, 169 of 1993

¹⁸ Professional Code of Ethics of the Association of Zoos and Aquaria

- 4.4 New REC-A members are appointed through consultation with faculties and shall sign acceptance of a letter outlining the code of conduct.
- 4.5 The composition of the REC-A is as follows:
- The DVC: RII (*ex officio*) or the D: RD (*ex officio*)
 - The Research Ethics Manager
 - At least one representative (preferably an academic staff member), from each of the departments that uses animal for research or teaching purposes, nominated by that department e.g. Biochemistry and Microbiology, Pharmacy, Physiology, Natural Resource Management (George campus), and Zoology.
 - A veterinarian employed or contracted by the University who shall serve as the Independent SAVC Veterinarian or for example, wildlife officer.
 - A lay person, preferably not affiliated with the university, without past experience as an animal researcher.
 - The staff member responsible for the procurement, production, daily care and maintenance of animals at the Animal Facility, or, if unavailable, a senior technician involved with animal husbandry.
 - A person from an officially recognized animal welfare organization.
 - Additional skills required include a person with legal expertise and a person with biostatistical knowledge or experience, while a person with expertise in behavioral ecology would be beneficial.
- 4.6 For capacity building, alternatives from the required categories can be appointed to attend a specific meeting when a member from the same category is unable to attend.
- 4.7 Where appropriate, specialists and other advisers may be invited to attend meetings and/or give input. Such members are not eligible to vote.
- 4.8 Observer members and applicants may be invited to the meetings at the discretion of the committee Chairperson. Such members are not eligible to vote.
- 4.9 The Secretariat as nominated by the Registrar acts as secretary to the REC-A.

5. THE CHAIRPERSON / VICE-CHAIRPERSON

- 5.1 Candidates to serve as Chairperson, which has no category rating, are to be elected by members the Committee. Thereafter, the committee shall elect a chairperson who will have a three-year term of office. If more than one suitable candidate has been nominated, then the election shall be determined via a vote of majority.
- 5.2 The Vice-Chairperson, who can represent any of the categories, must be elected from amongst the members.
- 5.3 Both Chairperson and Vice-Chairperson should preferably be senior members of staff and preferably neither should be current animal researchers.

6. EXECUTIVE COMMITTEE (EXCO)

The EXCO comprises the Chairperson and Vice-Chairperson (when one is appointed), the Research Ethics Manager, the Manager of the Animal Facility, a veterinarian employed or contracted by the University and an animal welfare representative. The EXCO deals with urgent matters that arise between meetings of the REC-A and all decisions of the EXCO must be tabled at the following meeting of the REC-A.

7. QUORUM RULES

- 7.1 A meeting quorum is at least 1 member of each category (Category A – Veterinarian, Category B – Animal Researcher, Category C – Animal welfare representative, Category D – Community member [layperson]). Membership is to adhere to SANS (2021) and the updates to the DoH guidelines (2024).

- 7.2 A minimum of four members, which must include a member from each category A, B, C, and D as described in SANS 10386:2021 5.3.3, constitute a quorum. Categories C and D, together, should represent 33% of those members present at the meeting, in alignment with SANS Code 10386 (2021).
- 7.3 A representative from the discipline must be present when a protocol serves for approval.
- 7.4 If there is only one member from category C (representing a welfare organization), a second member from this category will be identified by the welfare organization to act as an alternate.

8. ATTENDANCE AND ABSENTEEISM RULES

- 8.1 Regular attendance at the committee's meetings is essential to maintain continuity and cohesion in the execution of the committee's responsibilities. Thus, committee members are expected to demonstrate their commitment to the committee by regularly attending meetings of the committee, except when prevented by unforeseeable events or on official leave.
- 8.2 Where committee members are not able to attend a committee meeting, they should notify the Chairperson and Committee Officer of their expected absence.
- 8.3 Unless on research sabbatical, if a committee member is absent for two consecutive meetings without first notifying the Chairperson or Committee Officer of their absence, or if a committee member is absent for three consecutive meetings having notified the Chairperson of their absence, that committee member is in breach of their obligations and is liable to be removed from the committee, subject to REC-A approval and endorsement by the REC-A Chairperson.

9. TRAINING

- 9.1 All members of the committee are required to undergo induction/orientation training, which ideally is led by the committee Chairperson, the Animal Ethics Manager, the D: RD or all three. If none of the aforementioned individuals are available at the time, a suitable alternative may be appointed from existing committee members.
- 9.2 Topics for induction/orientation training shall include, but not be limited to, the following:
 - a. Moral Philosophy
 - b. Ethical Principles (3 or 4 R's)
 - c. Animal sentience
 - d. Value of Animal Research
 - e. Overview of animal use at the Nelson Mandela University
 - f. Institutional policy, National Standards, Laws and Compliance
 - g. Creating a Culture of Care
- 9.3 All members of the committee are required to undertake maintenance/refresher training, in accordance with the SANS 10386:2021 guide "The Care and Use of Animals for Scientific Purposes".
- 9.4 Where a committee member has undertaken relevant training outside of the committee, instead of training sessions, seminars or panel discussions organized by the REC-A Chair, they must provide written proof, confirming the type and duration of the training.

10. TERM OF OFFICE

- 10.1 Each member shall receive a letter of appointment specifying a term of office for a period of up to three years, with possible renewal.
- 10.2 All members of the REC-A should acknowledge in writing their acceptance of the term of office.
- 10.3 The rotation of members, while not mandatory, should be done on a three-year cycle, but may be earlier, if the need arises. This may include up to one third of the members being replaced by new members.
- 10.4 In their individual, personal capacities, REC-A members shall be held harmless of institutional liability in regard to the activities, or omissions thereof, of the REC-A.
- 10.5 Each member will sign a confidentiality agreement at the start of their term of office, necessary to protect the intellectual property of the applicants and the Nelson Mandela University. Breach of the

confidentiality agreement is grounds for removal from the committee and legal action as determined by the REC-A EXCO.

- 10.6 Members will declare any and all conflict of interests on a case-by-case basis, to avoid any actual bias or the perception thereof.

11. FUNCTIONS

- 11.1 To examine and approve, subject to modification, or reject written protocols for research and teaching activities involving animal use.
- 11.2 To review and approve only studies for which animals are essential, and which conform to the requirements of the SANS 10386:2021, taking into account current ethical and welfare aspects, and educational or scientific value.
- 11.3 To monitor, inspect and assess the acquisition, transportation, production, housing, care, use and disposal of animals used in research and teaching activities.
- 11.4 To review applications for activities associated with the care and management of animals in facilities, including procedures applicable to breeding programmes integral to the maintenance of an animal line, and approve only those activities that are ethically acceptable and conform to the requirements of this standard.
- 11.5 To monitor the care and use of animals, including housing conditions, practices and procedures involving the care of animals both in and out of facilities.
- 11.6 To conduct follow-up review of approved research and teaching activities involving animals and allow the continuation of those activities that are ethically acceptable and conform to the required standard.
- 11.7 To initiate investigation into any suspected or alleged non-compliance with the Code, institutional policies or the said Animal Protection Act, including the Research Ethics Policy, Research Ethics Committee-Animal standard operating procedures, 2021 Guidelines for ethical conduct in the care and handling of animals used for research and education at the Nelson Mandela University (D/835A/05), Policy for the promotion of academic integrity and prevention of plagiarism (IRC 305.04), Whistleblowing policy and procedure (IRC 118.03), and Code of ethical behavior (IRC 602.06).
- 11.8 Where appropriate due to non-compliance, gross negligence or unscheduled adverse events, the REC-A shall take appropriate action to ensure animal well-being is not compromised, the issue is promptly addressed and activities that have the potential to adversely affect animal well-being cease immediately. REC-A may enlist a relevant expert to consult. Actions may include the temporary suspension or formal withdrawal of approval for a study or activity or authorizing the treatment or humane killing of an animal.
- 11.9 When necessary, non-compliance may be referred to the institution for action.
- 11.10 To report at least annually to the DVC: RII and to Senate via the RIC and require implementation by the University of any measures needed to ensure that the requirements of the SANS 10386:2021 are maintained.
- 11.11 To examine and comment on all institutional plans and policies which might affect animal welfare.
- 11.12 To maintain a register of approved projects and receive reports on their outcome.
- 11.13 To prepare written procedures, to be adopted by REC-A and RIC, to deal with non-compliance with current standards and guidelines, allegations of research misconduct, appeals and any other grievance related to the REC-A process. The written procedures must clearly define the reporting mechanisms and responsibilities of all parties to ensure fair and effective processes.
- 11.14 To review and revise, as appropriate, the REC-A ethics guidelines and SOPs, lodging revisions with the RIC.
- 11.15 To advise its appointing authority (DVC: RII and the D: RD) as well as the RIC on all matters pertaining to the ethics of research and teaching involving animals.
- 11.16 To ensure that committee members attend an Induction Course at the start of their term of office, run by an appropriate member of the REC-A together with staff responsible for the Animal Facility.
- 11.17 To ensure registration with the relevant national legislation.

12. PROCEDURES

- 12.1 Eight REC-A meetings shall be scheduled each year, with this being monthly except for January, April, July and December. Where need be, emergency meetings shall be held in the months where meetings are not scheduled. Meeting dates shall be set prior to the onset of a new calendar year and confirmed at the end of each preceding meeting.
- 12.2 REC-A members with perceived or actual conflicts of interest shall declare such a conflict at the start of the meeting. In all instances where there is a legitimate conflict of interest the member shall recuse themselves from discussions pertaining to the matter and would have no vote on the outcome.
- 12.3 The Committee must approve only those studies for which animals are essential, and which conform to the current standards and guidelines, taking into consideration ethical and welfare aspects as well as the scientific and educational value of the proposed research.
- 12.4 Decisions of the REC-A shall be made as promptly as possible.
- 12.5 The Committee must maintain a register of approved projects.
- 12.6 The Committee receives reports from the Animal Welfare Organization representative concerning regular monitoring, inspections and assessment of the acquisition, transport, production, husbandry, care, use and disposal of animals used in research or teaching. The Animal Facility Manager coordinates these inspections and provides reports in response to the inspections indicating proposed changes and their implementation. All of these aspects must be in accordance with current standards and legislation relating to the ethics, welfare and use of animals. The Committee is expected to act on the reports as necessary.
- 12.7 Where feasible, the Committee must undertake onsite monitoring of approved activities and keep a record of this at Research Development.
- 12.8 The Committee must receive annual progress reports and a final report for every protocol approved, kept on record at Research Development.
- 12.9 The Committee should encourage discussion and debate around ethical topics of interest or concern amongst users of animals to facilitate clarification and transparency in sharing information to ensure the maintenance of the highest ethical standards in research and teaching.
- 12.10 The Committee must communicate to, and require implementation by, the University via the RIC any measures needed to ensure that the current standards and guidelines are implemented and maintained, including institutional plans and policies that might affect animal welfare.
- 12.11 The Committee must establish procedures and processes, including the development of standard operating procedures (SOPs), including but not limited to:
 - 12.11.1 ensure compliance with national legislation and standards (referring to the applicable legislation and standards), and the requirement of general competence (e.g. member selection, ad hoc inclusion of experts, training of REC-A members);
 - 12.11.2 promote proper reviewing, approval and monitoring of approved activities and animal welfare;
 - 12.11.3 to address allegations of non-compliance and allegations of research misconduct, and to hear appeals.
 - 12.11.4 manage potential conflicts of interest and to maintain confidentiality.
 - 12.11.5 establish clear reporting lines and accountability channels for the REC-A, as well as to report of adverse events, non-compliance, misconduct, grievances, investigations, reporting to organization/institution for disciplinary action, and withdrawal of approvals.

13. CONFIDENTIALITY

- 13.1 Committee business is confidential so as to protect intellectual property, researchers' interests, and to permit committee members to speak freely and frankly, as well as to protect the public image of the University. This policy is affirmed by signing an agreement that covers the individual's term of office when joining the REC-A (refer to 10.5), or in the case of ad hoc co-opted members a confidentiality statement must be signed before access to information is granted. However, this does not mean that the committee is secret.

- 13.2 Concerns about breaches of confidentiality should be raised with the Chairperson of the REC-A in the first instance and, if not addressed to the satisfaction of the complainant, thereafter with the D: RD or the DVC: RII

14. DELEGATED AUTHORITY

The Committee has the power to act on behalf of The Research and Innovation Committee:

- 14.1 to review and approve, require modifications in (to secure approval), or withhold approval of those components of proposed research or teaching activities related to the care, husbandry and use of animals.
- 14.2 To review and approve, require modifications in (to secure approval), or withhold approval of proposed changes regarding the care, husbandry and use of animals in ongoing authorised activities.
- 14.3 To withdraw approval for and suspend or terminate an activity involving animals for any project that fails to comply with current standards and guidelines, legal or regulatory noncompliance or in the event of welfare concerns, established through monitoring or inspection procedures, or official reporting.
- 14.4 To review and investigate concerns involving the care, husbandry and use of animals in accordance with the SOP for Reporting of protocol deviations, unanticipated problems and welfare violations in animal research.
- 14.5 To approve treatment or humane killing of any animal used in research or teaching.

15. SERVICING OFFICERS

- 15.1 The Committee will be assigned dedicated secretariat support by the Registrar as per the Committee Framework and SANS10386:2021 S 5.3.3.4.
- 15.2 This Committee is serviced by Research Development. This includes record keeping of all relevant and required information.

16. RELATIONSHIP TO AFFILIATED AND NON-AFFILIATED RESEARCHERS, AS WELL AS WITH OTHER NHREC-REGISTERED ARECS

- 16.1 The REC-A may be approached by individuals or organizations, which do not have direct access to an institutional Animal REC.
- 16.2 From time to time, the REC-A may be approached by other Research Ethics Committees to offer expert opinion as needed
- 16.3 Pending future changes. the DoH guidelines (2015) allow for reciprocity of reviews, meaning that the REC-A may, at their own discretion, recognize prior review and approval of a research proposal by another NHREC registered REC. To do so, REC-A shall determine the nature of the documents including at least a copy of the approval letter from the other REC.

17. FINANCIAL COMPENSATION (REMUNERATION), IF ANY, FOR NON-AFFILIATED MEMBERS

- 17.1 Committee members are not compensated. However, non-University affiliated members can claim for e.g. travel expenses, loss of income for veterinarian or other professionals, etc.

18. AMENDMENTS TO THE TERMS OF REFERENCE

- 18.1 All proposals for amendments to the REC-A Terms of Reference must be considered and recommended by the REC-A.
- 18.2 Final approval of or recommended changes to the REC-A Terms of Reference is the authority of RIC.

19. FEES

- 19.1 No fee will be charged by the REC-A for the ethics approval of projects initiated and submitted by staff members of the University.

20. SOURCES

1. UNIVERSITY OF FORT HARE. 2021. *Animal Research Ethics Committee Terms of Reference*.
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20. NELSON MANDELA UNIVERSITY. *Guidelines for ethical conduct in the care and handling of animals used for research and education at the NMU*.
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23. NELSON MANDELA UNIVERSITY. 2021. *Guidelines for ethical conduct in the care and handling of animals used for research and education at the Nelson Mandela University (D/835A/05)*.
24. NELSON MANDELA UNIVERSITY. *Research Ethics Policy (IRC 404.02)*.
25. NELSON MANDELA UNIVERSITY, *REC-H Terms of Reference*, November 2019 [Online]. Available from: [https://rd.mandela.ac.za/Research-Ethics/Research-Ethics-Committee-Human-\(REC-H\)/Human-Ethics-Reference-Documentation](https://rd.mandela.ac.za/Research-Ethics/Research-Ethics-Committee-Human-(REC-H)/Human-Ethics-Reference-Documentation) [Accessed: 30 August 2022].
26. NELSON MANDELA UNIVERSITY, *REC-H Standard Operating Procedures*, June 2023 [Online]. Available from: [https://rd.mandela.ac.za/Research-Ethics/Research-Ethics-Committee-Human-\(REC-H\)/Human-Ethics-Reference-Documentation](https://rd.mandela.ac.za/Research-Ethics/Research-Ethics-Committee-Human-(REC-H)/Human-Ethics-Reference-Documentation).
27. NELSON MANDELA UNIVERSITY. *Code of conduct for researchers at Nelson Mandela University (IRC 404.01)*.
28. NELSON MANDELA UNIVERSITY. *Policy on Master's and Doctoral Degrees (IRC 403.01)*. Addendum 12 Guidelines for Authorship. June 2019).
29. NELSON MANDELA UNIVERSITY. *Code of ethical behaviour (IRC 602.06)*.

[Last updated 17 January 2024]