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Internal Quality Assurance Cell



Policy of Consultancy

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Policy of Consultancy

1. Introduction

1.1 The University recognises the value of its staff undertaking consultancy for outside institutions. This work is an important channel through which knowledge and expertise can flow to and from businesses and other external agencies and therefore contributes to the development of growing and productive relationships. Consultancy activity within the University is often associated with other contractual relationships, including research, service contracts and in some cases, the provision of funds to provide studentships. It is therefore, the University's core policy to encourage staff to engage in consultancy wherever appropriate and in a manner that is consistent with their contractual responsibilities.

1.2 This policy is intended to provide the information required to undertake consultancy work in accordance with the University's approved procedures.

1.3 University employees should also be aware of the Maharashtra Public University Act 2016 and Accounts Code for State Universities and the relevant Compliance Section of the University's financial regulations.

2. Definitions and Scope of the Policy

2.1 The Dr. Babasaheb Ambedkar Marathwada University, henceforth called BAMU, adopts the UGC definition of consultancy as:

“The provision of expert advice and work crucially dependent on a high degree of intellectual input which is for commercial or non-commercial purpose and without the creation of new knowledge. Consultancy may be carried out either by academic staff or by members of staff who are not on academic contracts such as senior university staff or administrative/ support staff hired for short duration.”

Consultancy: The University uses a broad definition of what constitutes consultancy. Its essential features are:

2.1.1 Consultancy is work of a professional nature, undertaken by University staff in their field of expertise, for clients outside the institution, for which some financial return is provided;

2.1.2 Unlike research, it does not have as a prime purpose of generation of new knowledge;

2.1.3 Consultancy will produce some form of contracted output which may be partly or wholly owned by the client;

2.1.4 The University normally does not have freedom of publication over the results of consultancy;

2.1.5 It tends to be governed by short-term contracts, making minimal use of University resources and involves extra work for existing staff rather than the employment of new staff

2.2 Consultancy for **companies owned by the University** or in which a member of staff may have an interest are also included within the scope of this document. Staff are advised to ensure that they comply with the University's Conflicts of Interest Policy when undertaking any work for such companies.

2.3 Excluded from the above definitions: This policy does not apply to those activities, paid or unpaid, which are in furtherance of scholarship or general dissemination of knowledge, such as:

2.3.1 Authorship of, or royalties from, the publication of books

2.3.2 Service on public sector or charitable committees

2.3.3 External examiner duties

2.3.4 Lecture tours and conference presentations or attendance

2.3.5 Editorship of academic journals or the publication of academic articles

2.3.6 Professional arts performances

2.4 Department arrangements for the consideration and approval of consultancy activity may vary.

Whilst this Policy refers to Heads of Department, local arrangements may devolve this activity to the Head of Department or other appropriate staff. Staff must take account of local arrangements in their interpretation of the requirements.

2.5 Staff should seek advice from their Head of Department if they are unclear about whether their proposed work constitutes consultancy. The Dean's Office will provide advice wherever necessary to the Head of Department in reaching a decision about the classification of a particular piece of work, but the final decision should be made locally.

3. Objectives

The University recognizes the value of academic and research staff undertaking consultancy.

In supporting such external activity, the University's objectives are:

- To encourage staff participation in consultancies that bring opportunities and benefits to the University, its staff and its clients;
- To ensure that the undertaking of consultancy and related work by members of the University does not interfere with the proper functioning of their duties as academic or research staff;
- To ensure that the benefits of consultancy and related work to the University and its staff are maximized;
- To facilitate and support the delivery of high quality services to meet the needs of clients; and

- To manage all potential risks to the University and its staff.

4. Benefits to the University

The benefits that the University expects to accrue from successful consultancies include:

- Development of useful business and academic contacts;
- Extension of the knowledge base, thereby informing the learning and teaching of academic and research staff and providing them with the opportunity to test out and demonstrate the impact of their academic expertise on markets, sponsors or external organizations;
- Increased external stimulus for enriching intellectual activity;
- Greater knowledge of the relationships which exist with companies seeking specialist services;
- Development of possible opportunities for future partnerships (e.g. research projects, studentships, Knowledge Transfer Partnerships, commercialization and licensing of Intellectual Property Rights, spin- out companies, high quality Continuing Professional Development);
- Activities that may form the basis of impact case studies for the reference;
- Development of marketing opportunities;
- Financial benefits to the individual and/or University, in the form of additional income and diversification of income sources;
- Enhanced justification for external funding through the enhanced reporting of consultancy activity; and
- Contribution to staff development.

5. Benefits to Staff

The benefits that members of staff expect to accrue from successful consultancies include:

- Increased recognition of the consultancy work of members of staff through the annual appraisal process and through the standard academic CV;
- Strengthened contractual arrangements through use of the University approval process;
- The ability for staff;
 - a) to receive a personal payment through the University payroll on the basis of income generated through consultancy and taxed at source; or
 - b) to make use of the income generated from the provision of their services to support their research activities through the transfer of funds to a discretionary balance account, rather have the payment be subject to tax.

6. Risk factors :

The University recognizes that there are various risk factors (both corporate and personal) associated with academic and research staff undertaking consultancy and related activities. While considering approval for such activity the management of the following risks should be addressed:

- Commercial risks - the loss of intellectual property rights and potential tax liabilities;
- Potential use of resources and diversion of staff time from their main academic activities;
- Quality - poor quality work having an adverse impact on the reputation of the member of staff and the University;
- Legal - non-compliance with legislation and other potential liabilities arising from undertaking the consultancy work; and

- Reputational - the University or employee being associated with organizations that could harm the reputation of the University or the individual.

7. Type of consultancy :

7.1. University Research Consultancy

A Research Consultancy exists where an academic staff member provides research skills or expertise in return for remuneration from an external funder. This would include, but not limited to, providing solutions of the prevailing problems of the Industry / Institution, guidance for establishment of R & D unit, guidance for initiation of new research programme / strengthening existing research programme.

7.2. University Non-Research Consultancy

Non-research Consultancies include non-research activities performed under contract for a third party. Non-research Consultancy would include the provision of professional services to external agencies for a fee. This would include, but not be limited to, routine laboratory and other testing of materials, devices, products or produce; analysis of data; surveys, including market and opinion surveys; quality control; field trials; the provision of professional advice including possible expert witness advice; the provision of professional services such as design, legal, medical and allied health, participation in fee-paying non-award courses, and community service activity undertaken by members of staff for charity, community or public purposes; guidance for drafting research proposal, IPR awareness etc, guidance for quality enhancement in teaching learning process and research & development, arranging special training sessions for academic institutions / industries / corporate sector.

7.3. Private Consultancy

- A staff member may undertake a Private Consultancy. In conducting a Private Consultancy, a staff member must not establish a real or potential conflict with their obligations to the University or undertake activities which are contrary to the interests of the University.
- No responsibility for Private Consultancy undertaken by a staff member shall attach to the University.
- None of the benefits set out in 8.1 are available to staff undertaking a Private Consultancy.
- It is the responsibility of the staff member undertaking a Private Consultancy to make clear to the person or body for which the Private Consultancy is undertaken that it is the staff member and not the University who is carrying out the work, and that the University has no responsibility or liability in the matter.
- A staff member conducting a Private Consultancy must ensure the following criteria are met:
 - a) the carrying out of tasks associated with the Private Consultancy will be able to be accomplished without unduly affecting the duties of the position;
 - b) the use of University trademarks such as letterheads, brands etc. or University intellectual property is strictly prohibited in Private Consultancies;
 - c) either:
 - i) no University facility (including library resources, power, space, equipment, consumables, telephone facilities) will be used to fulfil the requirements of the Private Consultancy, **OR**

- ii) the cost of the use of any such facility will be reimbursed under the terms of a written agreement between the staff member and the University, approved by the designated University Officer.
- d) the Private Consultancy is not within an area in which the University might be contracting to provide a service on a commercial basis, possibly utilising the skills of the staff member involved;
- e) BAMU is not bound by any agreement (written or otherwise) relating to the Private Consultancy;
- f) The staff member must agree to indemnify BAMU and its representatives from and against all actions, claims, loss, damage, costs, charges, liabilities and demands arising directly or indirectly from or in respect of the Private Consultancy activity; and
- g) The staff member declares any real or potential conflict of interest to their manager.

8. Permitted level of Consultancy:

8.1 University employees are permitted to undertake up to 30 working days consultancy activity per academic year with the approval of Head of the Department and Pro-Vice Chancellor.

8.2 In some circumstances, Department may authorise staff to undertake further consultancy work within aforesaid limit, but this must be discussed and approved by the Head of Department and Pro-Vice Chancellor on a case-by-case basis.

9. Approval of Consultancy Activity:

9.1 The decision process for whether an individual is permitted to undertake a piece of consultancy is handled at a Department level. All consultancy proposals should be passed to the appropriate Head of Department in the first instance. The Head of Department will make the decision to accept or decline the proposal.

9.2 The decision to accept a proposal to undertake consultancy activity is not automatic and factors including other sources of research income will be considered.

10. Income Distribution:

10.1 University costs identified on the Consultancy Project Form (CPF) will be recovered before the following income distribution model is applied.

10.2 The standard income distribution model is based on income per consultancy agreement per financial year.

Sr. No.	Type of consultancy	University Department /	Employee Staff /
01	Consultancy in which resources of University are required	50 %	50 %
02	Consultancy in which no resources of University are required	10 %	90 %
03	Private Consultancy	-----	100 %

10.3 Finance Office facilitate this decision by providing Department with quarterly reports of the consultancy income (per financial year) generated by their staff.

11. Costing/Pricing of Consultancy Activity:

11.1 Normally, consultancy activity should be recorded using the CPF. This form provides recommended daily rates for consultancy and only in exceptional circumstances (and with the approval of the Head of Department) should consultancy be undertaken at below this rate.

11.2 The form can be used to determine the consultant's net income (following deductions for Department share, any direct costs, tax and national insurance). Any queries in this regard, should be placed before Finance Office for advice.

11.3 Completed CPFs should be signed by the PI and approved by the Head of Department and Pro Vice Chancellor, then forwarded to the Dean's Office for processing.

12. Contractual Requirements:

12.1 The University is liable for the actions of its employees during work-related consultancy even if the actions or activities are not covered by an agreement involving the University.

12.2 The University, therefore, strictly prohibits staff from entering into work-related consultancy arrangements with outside agencies without approval from their Head of Department.

12.3 Staff involved in *non-work related consultancy must not use the University name* to endorse this activity without prior written approval from the Pro Vice Chancellor / Dean's Office.

12.4 Standard Terms & Conditions: The University has adopted standard contract terms & conditions and recommends that these are used. The Head of Department can authorise and sign off any work that is undertaken under the University's standard terms. A copy of the finalised contract must be forwarded to the Pro Vice Chancellor / Dean's Office, together with the signed CPF. The Pro Vice Chancellor / Dean's Office will record the information on the research system and arrange for the appropriate information to be sent to finance office to enable invoice(s) to be raised.

12.5 Non-Standard Terms & Conditions: The Pro Vice Chancellor / Dean's Office must be involved in the contract negotiations and will advise the Head of Department on key issues arising from the terms of the contract. Where these issues are considered problematic, approval of the Head of Department will be sought prior to final sign-off by an authorised individual from the Pro Vice Chancellor / Dean's Office. A fully signed CPF will also be required.

12.6 Staff are recommended to involve the Pro Vice Chancellor / Dean's Office in the processing of consultancy as early as possible so that any issues with the contract can be highlighted and, wherever possible, either resolved or mitigated.

13. Recording activity:

13.1 All staff are required to record their consultancy activity with the Pro Vice Chancellor / Dean's Office.

13.2 Original copies of the contracts and CPF must be forwarded to the Pro Vice Chancellor / Dean's Office for the University records and for processing to the Finance Office.

14. Fee Waivers:

14.1 The Govt Revenue requires that any **fee waivers** are decided before the proposal has final approval. No fees will be waived without a completed fee waiver form which must be returned to the Pro Vice Chancellor / Dean's Office with the signed CPF.

14.2 Fee waivers are credited to respective Department reserve account and must be used within one year of receipt. Balances remaining after twelve months in the reserve account will be transferred to Department general funds unless there is a specified and agreed reason for rolling them over to the following year.

15 Tax deduction:

15.1 The finance office will ensure that both employers and employees costs are remitted to the Govt Revenue. The statutory deductions for income tax will be made, and staff will receive the net amount.