

**Centurion University of Technology and
Management,
Odisha, India**



Centurion
UNIVERSITY

Shaping Lives...
Empowering Communities...

2017

Policy of Consultancy

TABLE OF CONTENTS

| Sr. No. | Description | Page Number |
|---------|---|-------------|
| 01 | Introduction | 02 |
| 02 | Definitions and Scope of the Policy | 02 |
| 03 | Objectives | 04 |
| 04 | Benefits to the University | 05 |
| 05 | Benefits to the staff | 06 |
| 06 | Risk Factors | 06 |
| 07 | Type of consultancy | 07 |
| 08 | Permitted Levels of Consultancy | 09 |
| 09 | Approval of Consultancy Activity | 10 |
| 10 | Income Distribution | 10 |
| 11 | Costing and Pricing of Consultancy Activity | 10 |
| 12 | Contractual requirements | 11 |
| 13 | Recording activity | 12 |
| 14 | Fee Waivers | 12 |
| 15 | Tax Deduction | 12 |
| 16 | Consultancy Project Form | Annexure I |

Policy of Consultancy

1. Introduction

1.1 The Centurion University of Technology and Management (CUTM) recognises the value of its staff undertaking consultancy for outside institutions/ organisations/ industry. 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 responsibilities, including teaching, mentoring, professional development, research and other academic activities. It is therefore, the University's core policy to encourage faculty/ 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 Centurion University of Technology and Management Act and Statutes and for various compliance issues.

2. Definitions and Scope of the Policy

2.1 The Centurion University of Technology and Management, 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 faculty 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 faculty/ 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, the generation of new knowledge;

2.1.3 Consultancy will produce some 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 faculty/ staff rather than the employment of new faculty/ staff

2.2 Consultancy for **companies owned by the University** or in which a member of faculty/ staff

may have an interest are also included within the scope of this document. Faculty/ 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 faculty/ staff. Faculty/ staff must take account of local arrangements in their interpretation of the requirements.

2.5 Faculty/ 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 faculty/ staff undertaking consultancy.

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

- To encourage faculty/ staff participation in consultancies that bring opportunities and benefits to the University, its faculty/ 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 faculty/ staff;

- To ensure that the benefits of consultancy and related work to the University and its faculty/ 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 faculty/ 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 faculty/ 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 faculty/ staff development.

5. Benefits to Faculty/ Staff

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

- Increased recognition of the consultancy work of members of faculty/ 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 faculty/ 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 faculty/ 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 faculty/ staff time from their main academic activities;
- Quality - poor quality work having an adverse impact on the reputation of the member of faculty/ 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 faculty/ 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 program/ strengthening existing research program.

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 faculty/ 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 and development, arranging special training sessions for academic institutions/ industries/ corporate sector.

7.3. Private Consultancy

- A faculty/ staff member may undertake a Private Consultancy. In conducting a Private Consultancy, a faculty/ 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.

- There is no responsibility taken by the University for any faculty/ staff member undertaking any Private Consultancy and will shall not attach any kind of liability to the University.
- None of the benefits set out in 8.1 are available to faculty/ staff undertaking a Private Consultancy.
- It is the responsibility of the faculty/ 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 faculty/ 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 faculty/ staff member conducting a Private Consultancy must ensure the following criteria are met:
 - a) the carrying out of tasks associated with the Private Consultancy can 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 faculty/ 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 faculty/ staff member involved;
 - e) CUTM is not bound by any agreement entered by any Faculty / Staff at an individual capacity (written or otherwise) relating to Private Consultancy;
 - f) The faculty/ staff member must agree to indemnify CUTM 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 faculty/ 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 Vice Chancellor/ Pro-Vice Chancellor/ Dean.

8.2 In some circumstances, Department may authorise faculty/staff to undertake further consultancy work within aforesaid limit, but this must be discussed and approved by the Head of Department and Vice Chancellor/ Pro-Vice Chancellor/ Dean 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, See Annexure I) 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/ Faculty/Staff |
|----------------|--|-------------------------------|--------------------------------|
| I | Consultancy in which resources of University are required | 70 % | 30 % |
| II | Consultancy in which no resources of University are required | 30 % | 70 % |
| III | Private Consultancy | 30 % | 70 % |

10.3 Finance Office will facilitate this decision by providing Department with quarterly reports of

the consultancy income (per financial year) generated by their faculty/ 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 Vice Chancellor/ Pro Vice Chancellor, then forwarded to the Dean's Office for processing.

12. Contractual Requirements:

Notwithstanding the above clauses as mentioned of Private Consultancies, the University being not 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, therefore, strictly prohibits faculty/ staff from entering into work-related consultancy arrangements with outside agencies without prior approval from their Head of Department/ DEAN/ Pro VC/ VC.

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

12.2 Standard Terms and Conditions: The University has adopted standard contract terms and 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 Vice Chancellor/ Pro Vice Chancellor/ Dean's Office, together with the signed CPF. The Vice Chancellor/ 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.

12.3 Non-Standard Terms and Conditions: The Vice Chancellor/ 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 Vice Chancellor/ Pro Vice Chancellor/ Dean's Office. A fully signed CPF will also be required.

12.4 Faculty/ staff are recommended to involve the Vice Chancellor/ 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 faculty/ staff are required to record their consultancy activity with the Vice Chancellor/ Registrar/ Dean's Office.

13.2 Original copies of the contracts and CPF must be forwarded to the Vice Chancellor/ Registrar/ 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 Vice Chancellor/ Registrar/ 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 faculty/ staff will receive the net amount.

ANNEXURE I
Centurion University of Technology and Management
Odisha, India

| |
|--------------------------|
| Consultancy Project Form |
|--------------------------|

1. Name of the Department/Office/Branch: _____
2. Title of the Consultancy Project: _____
3. Consultancy Project Category: I / II / III* _____
4. Duration of the Consultancy Project (Year/Month/Days): _____
5. (i) Date of Commencement _____ (ii) Expected Date of Completion _____
6. Detailed Project Report (DPR) attached: YES / NO _____
7. Client's Name and Address _____

8. Type of Client (Tick): Private Sector/ Govt. Sector/ Public Sector /Foreign Agency / Others (Please Specify)

9. Payment to be received in : FULL / Part _____; Indian Currency /Foreign Currency _____
10. Whether MoU/ Agreement Signed with Client (Attach, if any): Signed / Not Signed
11. Consent Letter from the Client attached: YES / NO ____
12. Consent Letter from the Consultant(s) attached: YES / NO ____
13. Whether Eligibility criteria as Consultant(s) fulfilled as per Consultancy Rules of the University:
 Yes / No If Yes, attach in DPR the detailed proof(s) in support of claiming the eligibility as
 Consultant(s).
14. Consultant(s) Certificate (Annexure III) attached: YES / NO _
15. Details of Persons involved in the Consultancy Project:

| Name of Consultant(s) along with Designation & Department/Office/Branc h | Brief role | Man Days | Signature |
|--|---------------|----------|-----------|
| | | | |
| | | | |
| | | | |
| | | | |

**Attach another sheet giving details regarding (i) Task and Responsibilities of the Consultant(s) in detail
(ii) Details along with Name, Designation, Task and Responsibilities, etc. of the Ministerial staff and Technical staff to be involved in the consultancy project. (ii) Detailed Schedule (including Travel) of the Consultancy Project justifying the Man days required for completion of the Consultancy Project.**

*I: Consultancy in which resources of University are required
II: Consultancy in which no resources of University are required
III: Private consultancy

16. Budget (should conform to the amount of contract/ agreement with the Client)

| Description | Budgeted Amount |
|--|------------------------|
| 1. Gross Amount including Service Tax, G | |
| 2. Service Tax, L | |
| 3. Contracted Amount, T=G-L | |
| 4. University Share as per Project Category, U | |
| 5. Total Expenditure (Estimated*), E | |
| 6. Balance Amount for Distribution to Consultant(s) (Estimated**), D | |
| ATTACH A SEPARATE SHEET GIVING COMPLETE TENTATIVE DETAILS of the following: (i) *Amount to be used for expenditure by the Consultant(s) (ii) ** Balance amount (D) to be distributed among the Consultant(s) as per Consultancy Rules. | |

Signature of the Principal Consultant (with date)

Forwarded by Head of Department/ branch/office

Vice Chancellor / Pro Vice Chancellor / Dean

Consultancy Project No.: _____ **Dated:** _____

Recommendations: _____ **Approved / Not Approved / Suggestions for improvement**

Convener

Member(s)

Consultant(s) Certificate

1. Certified that this consultancy assignment shall not clash with my teaching/office work in the department/office or any other official duty at the University.
2. That the interest of my department/office in the University shall not suffer.
3. That the time spent on consultancy and related assignments shall be limited to the non- working days /holidays and the duration of my total consultancy work in a calendar year shall not be more than 60 days.
4. That the total annual income of my all consultancy work shall not exceed my gross salary for six months in a financial year.

(Consultant's Signature)

Address (Office)

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |