

**ASSAM DON BOSCO UNIVERSITY**  
**POLICY DOCUMENT ON CONSULTANCY AND OTHER OUTSIDE SERVICES**

**1. INTRODUCTION**

- 1.1. The purpose of this policy document is to set out the principles and procedures governing Consultancy and other Outside Services undertaken by Staff Members of the University.
- 1.2. This Policy applies to all academic and academic related Staff Members and administrative Staff Members who have the know-how to provide consultancy.
- 1.3. Staff Members of the University are encouraged to undertake University Supported Consultancy and other similar work provided it does not conflict with the interests of the University. This is because Consultancy:
  - 1.3.1. increases the professional and/or academic competence and experience of the Staff Member and provides a continuing professional education opportunity in the world outside academia and research;
  - 1.3.2. provides first hand knowledge of the current problems of industry which help faculty members to keep the curriculum in tune with the present industry requirements
  - 1.3.3. creates and enhances links between the University and external organisations that will aid the University in areas such as increasing research opportunities, and student recruitment and placement, and
  - 1.3.4. helps the University achieve its mission of extending the benefits of research of the University to various sections of industry and governance and thus contribute to the industrial and economic growth of the country; and
  - 1.3.3. may generate additional income for the Staff Member and increased funding for the University.
- 1.4. While the University encourages staff members to undertake consultancy projects, the staff members, while undertaking such projects are expected to uphold the reputation and prestige of the University at all times.

**2. DEFINITIONS**

- 2.1 In the following, “University” means Assam Don Bosco University and “Centre for Research, Innovation and Consultancy” (CRIC) is a Centre established by the university to direct and guide the research, innovation, knowledge-transfer and consultancy activities of the University.

**3. CONSULTANCY**

- 3.1 Consultancy is the provision of services to external clients based primarily on skills and expertise of a staff member. This can be by offering specialist opinion, by advising on technical issues or by solving problems. It also includes other activities which are analogous to consultancy activities such as business partnership or ownership, external appointments, and teaching commitments undertaken outside the University. However, consultancy does not include/involve the generation of new knowledge or original investigation or research. Consultancy offered by a staff member of the University may be “University Supported Consultancy” or “Private Consultancy”.

**3.2. University Supported Consultancy**

University Supported Consultancy is the Consultancy provided through a contract entered into by the University or one of its subsidiaries with an external client, in which the Consultancy will be performed by a Staff Member within his or her area of academic, research or administrative expertise. This Consultancy is supported by the University and may involve the use of University resources, such as laboratories, intellectual property and other resources.

- 3.2.1. University Supported Consultancy arrangements are only permitted where the work is distinct from any project or other work undertaken on behalf of the University.
- 3.2.2. A Staff Member may agree to provide University Supported Consultancy services only with the written recommendation of the designated authority and in accordance with the terms and conditions approved in writing by the Director of CRIC. The designated authority for various categories of staff members is given below:

<b>Staff Member</b>	<b>Designated Authority</b>
Vice Chancellor	Chairperson of the Governing Body
Registrar and Pro Vice Chancellor(s)	Vice Chancellor
Directors of Schools and Administrative Directors	Registrar
Faculty members and other Administrative Staff	Appropriate Directors of Schools and Administrative Directors

- 3.2.3. The Designated Authority may only recommend consultancy if the Consultancy can be undertaken without detriment to the Staff Member's academic, research or administrative duties, and if the Consultancy will not adversely affect the workload of other Staff Members. The Designated Authority is responsible for recording the days a Staff Member devotes to Consultancy.
- 3.2.4. A maximum of 30 days per annum (during university working days) may be devoted to University supported Consultancy. Any leave taken for travel outside the university during these days for work related to consultancy shall be treated as "duty leave".
- 3.2.5. Unless justified, University Supported Consultancy shall not be allowed when such Consultancy would contractually preclude the University or its Staff from engaging in other research or other Consultancy.
- 3.2.6. In his/her discretion, the Director of CRIC may decline to permit University support for the Consultancy, but allow the Staff Member to perform the work as Private Consultancy. In such cases, the Staff Member must comply with the requirements of Clause 3.4 of this policy.
- 3.2.7. When the designated authority refuses recommendation or the Director of CRIC denies a Staff Member authorisation to undertake a University Supported Consultancy, the Staff Member may appeal in writing to the Registrar. The Registrar shall have wide discretion to resolve issues regarding Consultancy and may appoint an independent senior Staff Member to review the decision.
- 3.2.8. The consultancy contract shall be prepared using the standard contract terms which have been drawn up in collaboration with the University's legal advisors, insurance advisors and auditors. The contract shall contain the appropriate consultancy agreements and all other related aspects of the contract, such as cost recovery, confidentiality, liabilities, protection of University's Intellectual property, etc.
- 3.2.9. The Investigator(s) may engage External aids/Junior Fellows/Students as assistants as per the terms of the consultancy contract. The expenditure on this account may be booked under Manpower charges.

### **3.3. Consultancy Fees**

In determining consultancy fees, the following principles must apply:

- 3.3.1 The fee charged to clients should not be materially below those charged by commercial organisations carrying out similar work.
- 3.3.2. The total consultancy fees should reflect a fair return to the member of staff and the University for resources used directly. For example, the total price charged to the client must account for costs in the following areas:
- Consultant's fee
  - Consumables
  - Travel and subsistence
  - Manpower charges
  - Computing and/or equipment charges
  - Any other identifiable direct costs, e.g. secretarial services
  - Full contribution to other University indirect costs

#### **3.3.3. Division of Consultancy Fee Income**

After the deduction of all direct costs (as listed above), service taxes and VAT, the standard

division of consultancy fee income is as follows:

- Individual member of staff (consultant): 60%
- University: 40%

3.3.4. All payments related to the consultancy project shall be received in the name of “Assam Don Bosco University” and all payments to staff shall be made via the University payroll.

3.3.5. The consultant shall be liable to pay taxes on the income derived through consultancy and it shall be deducted at source by the University.

### **3.4. Private Consultancy**

Private Consultancy means Consultancy undertaken in the strictly personal and private capacity of Staff Members in their own time, with no use of the University’s resources, no use of the University’s name or logo, and no liability on the University. It is undertaken in an area outside of the academic, research or administrative expertise of the Staff Member for which he or she is employed by the University.

3.4.1. All Private Consultancies must be reported to, and recommended by the designated authority and approved by the Director of CRIC.

3.4.2. Unless specifically authorised by the Director, a Staff Member may perform Private Consultancy only in areas outside his or her academic, research or administrative expertise for which he or she is employed by the University.

3.4.3. Private consultancy shall be performed by the staff member only in his/her own time. No leave shall be given by the University to a staff member for performing private consultancy.

3.4.4. Approval for private consultancy shall be given only if all of the following conditions have been met:

3.4.4.1 The designated authority has determined that that the consultancy can be undertaken without detriment to the Staff Member’s academic, research or administrative duties, and that the Consultancy will not adversely affect the workload of other Staff Members.

3.4.4.2. The services of the consultancy do not fall within the academic, research or administrative expertise of the Staff Member for which he or she is employed by the University, unless the Director has given specific approval for the consultancy to be conducted as Private Consultancy.

3.4.4.3. The Staff Member informs the client, and the client agrees in writing at the outset, that the work is to be carried out in a personal capacity and that no liability will attach to the University for the work. An indemnity form, disclaiming the involvement of the University or any financial liability of the University, must be signed by the Staff Member and the client in the format prescribed by the CRIC

3.4.4.4. Other than on the indemnity form, the University’s name or logo shall not be used or be present on any document (such as stationery, or on email, web pages or other electronic media) in connection with the Private Consultancy and there must be no implication, oral or written statement that the University is sponsoring the consultancy.

3.4.4.5. University resources, such as laboratories, meeting rooms, IT equipment, software, databases or email, shall not be used in the Private Consultancy except with special written permission.

3.4.4.6. All correspondence relating to the private consultancy shall normally be sent / received in the staff member's private residential address.

3.4.4.7. The Staff Member assumes full legal and financial responsibility for the activity, all tax and similar payments due on his or her earnings, and any insurance requirements.

3.4.5. Income from a private consultancy will be retained wholly by the consultant and any billing and accounting is not to be done through the University, except where University resources are used and their cost shall be charged against the consultancy.

3.4.6. The prohibitions expressed in this clause and the provisions under which Private Consultancy may be performed are essential to protect the University from liability, to protect the University’s intellectual property, and to ensure compliance with Conflicts of Interest Policy. Accordingly, violation of this prohibition is grounds for a disciplinary action.

#### **4. OUTSIDE SERVICES**

- 4.1. Outside Services refer to the other ancillary and occasional use of a Staff Member's expertise and knowledge that is normally expected of academics, such as guest lecturing, presentations at conferences, serving on scientific advisory boards, research councils or other professional associations, serving as external examiners, or performing charitable and community work. These activities are not treated as consultancy.
- 4.2. Activities such as guest lecturing, serving on scientific advisory boards, research councils or other professional associations require recommendation from the designated authority and written approval from the administrative head of the section in which the staff member works.

#### **5. INTELLECTUAL PROPERTY**

- 5.1. Any intellectual property generated in the course of a University consultancy or other outside work (except in the course of a private consultancy), other than copyright created specifically in the course of creating a report for the external client, must belong to the University. If in doubt, advice must be sought from CRIC.

#### **7. FAILURE TO DISCLOSE OR OBTAIN APPROVAL**

- 7.1. Failure to disclose or obtain prior written approval for consultancy or any other work for outside bodies as required by this policy shall be regarded as a disciplinary matter and subject to the University's disciplinary procedures. Disciplinary matters arising from the operation of this policy will be dealt with in accordance with the University's existing HR procedures.

#### **8. IMPLEMENTATION AND PROCEDURES**

- 8.1. The responsibility for the implementation of this Policy shall lie with the Vice Chancellor who may delegate that responsibility to another person.
- 8.2. The Centre for Research, Innovation and Consultancy shall have wide authority and discretion, within the confines of the University's Act, Ordinances, Regulations, other provisions, this Policy, any procedures established by the Finance Committee, and any directions given by or on behalf of the Vice-Chancellor to adopt administrative processes, guidance, forms and interpretations necessary to effectively implement this Policy and any procedures enacted.