



## **CONSULTANCY POLICY**

**Shobhit University**

**Adarsh Babu Vijendra Marg, Institutional Area**

**Gangoh, Saharanpur, Uttar Pradesh-247341**

## INTRODUCTION

Consultancy is defined as 'the provision of expert advice, analysis and interpretation, which draws upon and applies the expertise and knowledge of university staff.

Unlike research it does not have the purpose of the generation of new knowledge. Consultancy contracts are usually short-term, from a day to a few months and involve extra work for existing staff members rather than employment of new staff. Academicians typically have lot of flexibility in the use of their time. This flexibility can be used for providing expert advice for solving active problems in the fields of their expertise specifically for industry and society.

Shobhit University, Gangoh recognizes that the consulting activities may be mutually beneficial to the faculty and the University. The benefits include enhancing the knowledge, expertise and experience of the faculty; assisting in creating awareness of real work conditions; opening and expanding of contacts and communications with other institutions, organization, industry, governmental agencies and other clients; and fostering of public service activities otherwise unavailable. Thus, appropriate consulting activities enhance the professional development and reputation of faculty. This may result in improved teaching, research, and service. Hence, reasonable participation in consulting activities is encouraged.

The rationale of this Policy is to provide guiding principles and procedures for undertaking consultancy services by faculty members of the University. The Faculty Members of the Shobhit University, Gangoh are encouraged to undertake consultancy, and other similar work provided it does not conflict with the interests of the University. It is expected that consultancy will increase the professional and academic competence by way of stimulating research and scholarship besides applying knowledge for solving real life problems. This will further facilitate in enhancing their problems solving capacity and enrich the professional experience outside academia and research and increasing the contribution of the University to the society and the economy. It is also envisaged that such an activity will help in developing links between the University and external organizations that in turn will be increasing opportunities for research and student recruitment and placement furthering the University to achieve its mission of knowledge transfer to improve the local and regional economies. The policy will help in generating additional income for the Staff Member and increased funding for the University.



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**The direct benefits arising from consultancy are considered to include**

- Increasing the expertise and experience of university staff by involving them in 'real world' problems, thus enriching their teaching and research experience.
- Enhancing staff training and career development.
- Generating additional funds for the staff and the University.
- University consultancy, which must be carried out using the services of university where the contractual relationship is between the client and the University and not the individual.
- Clinical private practice, where clinical academic staffs holding Honorary Consultant contracts are permitted to engage in private practice subject to the extent of such practice being consistent with the overriding obligations of teaching, research and clinical service attaching to the holding of a full-time post and to the approval of the relevant authority.

Private consultancy, where the individual acts entirely in a private capacity with no legal link to or liability on the University. No University resources may be used for this activity. Examples of such resources are equipment, IT equipment including PCs, telephone, space, University name, expertise and IP.

**THE POLICY**

This Policy is governed by the following guiding principles:

- The consultancy must not conflict with the University policies governing employment and code of conduct.
- It should not conflict with the functions, objectives or interests of the University or damage the University's reputation.
- It should demonstrate benefit to the University by way of income, enhanced reputation, and or increasing the expertise of the staff member.
- Faculty members are not permitted to undertake external research activities (applicable only for health care services) where no formal agreement has been authorized by the University and approved by the relevant Dean of the Faculty.
- A staff member may undertake a Private Consultancy (applicable to health care services) where there is no 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.

**The following are examples of activities which may be considered as “Consultancy”**

1. Undertaking a paid advisory role acting for a company or public corporation.
2. Undertaking the design or evaluation of a product or system for an outside party.
3. An outside organization hires the services of a specific, skilled individual member of staff for a directly commercial or industrial purpose. It may be possible to make use of university facilities in this work, if it will not impact negatively on the ability of the Unit to conduct its research and teaching and provided that prior approval has been obtained and costing has been undertaken. This kind of work always has clear and well-defined deliverables, and the client company would normally expect to pay a full commercially based fee, and to own the results of the work.
4. An outside organization hires the services of one or more members of staff because of their acknowledged research-based skills, knowledge, research-based products and experience in application. This work may similarly be paid for at commercial rates, may have short timescales, and always has clearly defined deliverables.
5. An externally funded academic/scientific research activity based in the University, and using University resources such as scientific equipment, workshops, laboratories, technical and administrative support staff, and one or more researchers.

**The following activities are NOT subject to this policy’s guidelines and reporting requirements**

- External professional activities that reflect normal and expected public service activities of faculty and that do not entail compensation beyond reimbursement for expenses and/or a nominal honorarium. These activities include service to governmental agencies and boards such as peer review panels and advisory bodies to other universities; presentations to either professional or public audiences in such forums as professional societies, libraries, and other universities; and peer review activities undertaken for either for-profit or non-profit publishers.
- Health care activities that are explicitly covered by approved practice plans.

Personnel on full-time appointment are compensated for full-time employment. Outside or dual employment that in any way interferes with the performance of an employee's contracted





University duties and responsibilities is not permitted. However, the Shobhit University, Gangoh recognizes the value of certain consulting and other external employment experiences to its personnel, to the University and to the community. Such activities may enhance the professional abilities of the individual and bring credit to both the employee and the University. Therefore, external employment which may render valuable service and provide an important ongoing link between the University and business, industry, professional groups, governmental agencies, or other public or private organizations may be permitted, with the following stipulations:

1. It does not interfere in any way with the employee's regular work (the benefit to the employee's professional status is one factor determining whether outside employment interferes with or benefits University business);
2. Prior written approval is obtained from the employee's department Head, Director, and Dean.
3. The activity is fully consistent with all rules promulgated by the University; and
4. If University facilities are to be used, financial arrangements are made through the department Head and Dean.

Private consultant groups comprised of university personnel will not be permitted to carry out private research contracts or to render other professional services to outside individuals, corporations, or agencies without approval by the University.

*Note: Deans, Directors, and Department Heads are responsible for maintaining written records of the external engagement of their personnel. Each Departments shall formulate appropriate mechanism and procedures and make them generally known. Directors and other administrative Heads shall submit annual written reports of the external employment activities of their personnel to the Dean of their college.*

## RESTRICTIONS

1. **Conflict of Commitment** - The primary commitment of any Faculty Member is to the University. Although this Policy permits Faculty Members to perform Outside Activities for one day within the Academic Week, the time and effort devoted by any Faculty Member to outside activities should not interfere with his or her professional commitment to the University. Therefore, in order to monitor such conflicts of commitment, all Faculty Members must receive approval from their Department HODs before commencing any Outside Activity.



2. **Use of Students** - Although involvement of students in the Outside Activities of Faculty Members under certain circumstances may enrich the students' educational experience, such involvement has the potential to create a conflict of interest when a Faculty Member has a role in supervising a student's research, classes, or graduate teaching work. Therefore, involvement of a student in the Outside Activities of a faculty member who has any role with respect to the academic progress of the student may only be undertaken after disclosure to and approval of the Department HOD. The Department HOD /Dean shall promptly inform the Vice Chancellor for all such approvals.
3. **Use of University Resources** - Faculty Members may not perform 'Outside Activities' with significant use of University facilities and equipment, unless the Faculty Member (i) receives advance written approval of the proposed use from the Department HOD, (ii) academic uses of such facilities and equipment have priority, and (iii) The Faculty Member reimburses the University for the fair market value of such use (as actually charged by the University to other outside users or, in the absence of such documentation, as determined by the committee). The Department HOD shall promptly inform the Vice Chancellor for all such approvals through Head of the Institutions. Use of library facilities, facilities available to the public, and occasional use of office equipment and office staff will not ordinarily be considered significant in connection with Outside Activities. Faculty Members are prohibited from using University funds and University- administered funds in connection with Outside Activities. The Vice Chancellor retains authority to overrule departmental approvals for significant use of university resources in connection with an Outside Activity.
4. **Activities Involving a Conflict of Interest** - In the event a Faculty Member is considering undertaking an Outside Activity that poses an actual or potential Conflict of Interest, as defined by the University Policy on Conflicts of Interest Relating to Intellectual Property and Commercial Ventures, the Faculty Member should review and comply with that Policy. In addition, no member of the faculty shall accept or retain employment which would bring him as an expert, or in any other capacity, into conflict with the interests of the University. If in the opinion of the faculty member, proposed employment might involve such conflict, he/she shall disclose the relevant facts to his/her department HOD and Dean. Though comprehensive, the policy cannot deal





unambiguously with every instance of consulting. In cases of doubt, the primary guide should be the intention to promote the interests of the University as a place of teaching, research, and service. The consultancy assignment must not create a conflict of interest, perceived or actual. Any conflict of interest, actual or perceived must be reported to the relevant University / College for resolution. A conflict of interest may arise where an employee engages in consultancies at the expense of the University's interests or the interests of other employees or students.

5. **Use of University Name** - The name of the University shall not be used in relation to any Outside Activities except to describe the credentials of a Faculty Member and as otherwise by written permission of university authorities.

### **Intellectual Property Rights (IPR)**

The University IPR may be used where not in conflict with rights of third parties or any commercialization plan.

### **CONFIDENTIALITY**

The Consultant shall not make available to the Company any information concerning research activities carried out in any University laboratory, or the results thereof or intellectual property arising there from, except for information, results, or property available generally to the scientific community at large through published reports or otherwise.

1. Consultant agrees that he will not, during the term of this Agreement, improperly use or disclose any proprietary information or trade secrets of any former or current employer or other person or entity and that he will not bring onto the premises of the Company any unpublished document or proprietary information belonging to such employer, person or entity unless consented to in writing by such employer, person or entity.
2. In providing Services to the Company pursuant to this Agreement, the Consultant may acquire confidential information or proprietary information of the Company that is clearly identified as such in writing, either at the time of disclosure or shortly thereafter. Such information may include, but is not limited to, business plans, technical data, trade secrets or knowhow, research and product plans, products, developments, inventions,



processes, computer algorithms, designs, configurations and software, computer passwords and network access mechanisms, and in particular business and/or scientific plans, formulas and technology related to the Company's project in metabolic disease ("Proprietary Information"). The Consultant agrees not to disclose any Proprietary Information to any third party or to use any Proprietary Information for any purpose other than performance of Services pursuant to this Agreement, without prior written consent of the Company.

3. Proprietary Information subject to above shall cease to be Proprietary Information if it:
- (i) is or later becomes available to the public through no breach of this Agreement by the Consultant; (ii) is obtained by the Consultant from a third party who had the legal right to disclose the information to the Consultant; (iii) is already in the possession of the Consultant on the date this Agreement becomes effective as evidenced by competent written records or (iv) is required to be disclosed by law, government regulation, or court order, or (v) is independently developed by the Consultant as evidenced by competent written records.

#### REVENUE SHARING IN CONSULTANCY

- Shobhit University, Gangoh, encourages faculty members to undertake consultancy services to support external engagements that facilitate knowledge and technology transfer contributing to economic and social impact. Such activities serve to link institute and its faculty members more closely to the industry.
- Consultancy work can bring financial benefits both to the institution and its employees.
- To streamline and encourage taking the consultancy work, the University Authorities have decided to share the revenue generated out of consultancy services to the faculty or group of faculties (after deducting all the expenses and on completion and acceptance of all the work by client) as follows.
- The consultancy charges in general will be in the proportion of 70:30 for consultant and Shobhit University, Gangoh, respectively. However, this revenue sharing ratio is not fixed. It will be decided on project-to-project basis depending upon the extent of use of university resources such as equipment, consumables, infrastructure, etc. Such variations in the proportion can be worked out at Institution level and forwarded to university authorities for approval, with specific recommendations of Head of the Institution. For the sake of clarification, the expenses of the project shall form part of consultant's share of revenue.





- Government laws related to direct and indirect taxes will apply on the revenue generated through Consultancy work. Consultancy services are subject to Goods & Service Tax, at applicable rates. The revenue shared will be the amount before applicability of the Goods & Service Tax. Consultant should keep this in mind while negotiating a consultancy project. University will take benefit of the Tax Deducted at Source.
- The consultancy charges received will be deposited with Shobhit University, Gangoh. University will make payments to the consultant and vendors related to the consultancy project, as per the terms and condition of the consultancy project, from the consultancy charges received. It will be the responsibility of the concerned faculty member and head of respective institution to make sure that all the consultancy fees are received in time and deposited in University's Account.
- All the instruments related to receipt of Consultancy Charges should be drawn in the name of "Shobhit University, Gangoh – Consultancy Projects". These will be deposited in a separate account with the bank which will be jointly operated by The Registrar and Vice-Chancellor of University.
- A Consultancy Agreement will need to be signed between Consultancy Clients and University clearly specifying the scope of the consultancy services, the consultancy fee, terms of payment, milestones and other terms & conditions as may be deemed necessary. The signatory to the agreement for university will be (i) Concerned Faculty Member, (ii) Head of Institution concerned and (iii) The Registrar of University.

#### **Compensation, tax consequences, and legal advice**

The University cannot comment on or offer input regarding the rate of compensation, or the tax consequences associated with Outside Business Activities. The University will not provide legal advice on the terms of any Outside Business Activities or any disputes arising there from.

- University / College facilities and resources may be used when required after taking due permission from the Head of the Institutions and must be charged in line with the guidelines from the University, from time to time.
- Meetings related to consultancy work with the organization(s) may be conducted in respective college premises after duly informing to the concerned authority.
- Government laws related to Tax are applicable for the revenue generated through consultancy work.



### **Internal consulting and contracting**

University faculty cannot serve as paid consultants and/or contractors for university activities, either directly as private consultants, or through a third-party.

### **PERMISSIBLE CONSULTING DAYS**

Consulting is permitted provided the faculty member's full-time obligation to the University is met. The maximum number of consultancy days is based on a judgment about incentives without affecting teaching, research, and service objectives of Shobhit University, Gangoh.

### **PROCEDURES**

#### **Prior approval**

A faculty member must complete the Paid External Consulting Approval Form for each consulting arrangement. These forms shall be filed with the HOD or, in the case of an administrator, with the individual to whom he or she reports. All paid external consulting related to one's area of expertise requires prior approval. If a faculty member engages in paid external consulting without first obtaining approval or participates in activities that have been disapproved, a complaint may be filed against the faculty member under Faculty Rule. If a proposed consulting arrangement causes or could be perceived to cause a potential conflict of interest, the faculty member must file a Conflict-of-Interest Form along with the Paid External Consulting Approval Form. All absences from duty of one full business day or more resulting from consulting, and all absences resulting from consulting that cause a missed commitment such as a class, require the prior approval of the HOD or other unit administrator.

#### **Approval mechanism**

The Paid External Consulting Approval Form must receive authorization from the Dean, Director, Principal, and the Head of the respective Department or School. For administrative staff, approval must be obtained from their immediate reporting authority. A copy of the approved form shall be maintained in the faculty member's primary personnel file. The final decision in this matter shall rest with the Vice-Chancellor.

