



**UNIVERSITY COLLEGE CORK –
NATIONAL UNIVERSITY OF IRELAND, CORK**

**POLICY ON UNIVERSITY CONSULTANCY, DIRECTORSHIPS AND
OTHER REMUNERATED ACTIVITY EXTERNAL TO UCC**

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INTRODUCTION

The generation of a profitable income stream from a diverse range of activities is a crucial part of the University's long-term Strategy. Consultancy has been identified as a means to create resources which can aid the development of the core activities of the University, particularly Research. The University is therefore committed to supporting staff to make the most of Consultancy opportunities whilst ensuring that issues relating to contracts and institutional liability are managed effectively.

Consultancy is one of the principal mechanisms by which universities transfer and apply knowledge for the public good. In offering expert consultancy services they make knowledge available by offering specialist opinion, by advising on technical issues, and by solving problems for external bodies. This contributes to the growth of the economy and to the needs of society more generally. Consultancy is a prime example of "outreach" activity, through which the University promotes and supports productive interaction with business and industry.

Whilst University Consultancy is an activity which is supported at the University, it is appropriate to consider it in the context of the workload, the available resources and the strategic priorities of the School.

NEED FOR POLICY

UCC permits members of academic staff to engage in external consultancy activities in order to expand and maintain their professional competence, keep abreast of developments and innovation in business and the professions, and to support the Irish economy and enhance the reputation of the university by sharing the university's scientific and academic knowledge with the business community and the professions.

However, while the University recognises the benefit of such activities, it is also committed to ensuring that they are conducted in a proper manner consistent with the principles of openness, trust, and free enquiry that are fundamental to the autonomy and well-being of a university and the responsible management of the University's business.

In the interests of transparency and accountability, it is important that the university should be aware of the commercial and professional interests of its full-time staff and that formal approval has been given for external consultancy, directorships and other external activities.

It is the policy of the University that its staff, and others acting on its behalf have the obligation to avoid ethical, legal, financial, and other conflicts of

interest and to ensure that their activities and interests do not conflict with their obligations to the University or its welfare.

Benefits

The benefits of undertaking University Consultancy are numerous - both to the member of staff and to the University itself.

Benefits for the member of staff engaging in approved University Consultancy can include:

- Contacts, knowledge and reputation for the institution
- Development of new skills and experience for staff
- Financial gain
- Input and examples for teaching and learning
- Initiation of new research projects
- Providing supporting information for teaching and research
- Access to new industrial and commercial opportunities for collaboration

For the University, benefits associated with its staff undertaking University Consultancy include:

- Publicity leading to increased status
- Creation of links and relationships with companies and bodies
- Possible increased revenue stream

Risks

The following are some of the risks to the University inherent in consultancy:

- Commercial risks – examples include loss of institutional intellectual property or use of resources without adequate return (which may have a damaging effect on other institutional activities, including student learning)
- Academic risks – examples include stress and negative impacts on staff, diversion of staff time and effort or other resources away from teaching and research
- Financial risks – examples include inappropriate use of public funds for teaching and research, exposure to audit or other investigation, unplanned tax liabilities
- Market risks – examples include poorly-managed or delivered consultancy with resulting adverse impacts on the reputation or income of the institution
- Legal risk – examples include potential legal liabilities arising in an unforeseen way from the activities of staff.
- Risk to the University's reputation and/or independence

The following are some of the risks to academic staff inherent in consultancy:

- Becoming over-stretched to the detriment of their teaching and research responsibilities
- Professional risks— examples include loss of reputation (perhaps from engaging in activity or entering into commitments which take them outside their area of competence)
- Under-valuing their time
- Exposure to legal liabilities (professional liability)
- Exposure to avoidable tax liabilities
- Conflicts of interest

SCOPE OF CONSULTING

This policy applies to all *full-time* permanent and temporary academic staff¹ of the university. The policy applies *pro rata* to part-time academic staff.

Definition

The term consulting or consultant means part-time, service as a technical or professional adviser or practitioner. Consultancy activities are client-driven and involve the use of one's professional capabilities to further the agenda of a third party for personal and/or financial gain.

Consultancy activities differ from *Contract Research* activities as follows: If the proposed activity involves research and the generation of new knowledge (involving risk i.e. outcome unknown), and where the sponsor wishes to retain ownership of the outputs of the research, then a *Contract Research* arrangement should be entered into.

Ordinary professional activities are those commitments which extend an academic staff member's normal institutional responsibilities of teaching, research and service to serving public institutions, organisations and professional societies.

This policy makes a distinction between University Consultancy, Directorships and other remunerated activity external to UCC conducted privately and that which is conducted on behalf of the University.

University College Cork recognises **four** types of Consultancy:

¹ Academic staff members include Lecturers, Senior Lecturers, Associate Professors and Professors.

1. Private Consultancy

Private Consultancy refers to that conducted by a staff member in a *personal* capacity with no use of the University's resources, no use of the University's name, no University Insurance coverage, and no liability on the University.

University staff performing work in a private capacity do so entirely at their own risk and must make a clear distinction between private work and their University duties.

A staff member engaging in Private Consultancy is required to make the following acknowledgements:

- He/she is operating as a private individual and not as an agent or employee of the university
- The private address of the member of staff is used for all correspondence. The use of university letterheads or other printed stationery is not permitted
- Where university facilities are used, the full value must be paid to the university on a basis agreed with the appropriate Head of Department/School and the Bursar's office
- The University will have no responsibility for the work and this has been made clear to the client by the staff member. (Members of staff may wish to take out personal professional indemnity insurance to cover their individual liabilities.)
- The staff member undertakes to make his/her own declarations of private consultancy income for tax on a self-employed basis

The approving Head of College may revoke or amend permission for outside work at any stage where, in their opinion, an external commitment is no longer consistent with the contractual duties of a member of staff.

Members of staff should note that it is not permitted to carry out private trading or consultancy activities from university premises without the express permission of their Head of College, nor to imply any association with the university of a private trading or consultancy activity.

Engaging in outside work without consent is in breach of the terms of the Regulations contained in this section and may result in activation of the University's Disciplinary Procedures Policy.

2. University Consultancy

University Consultancy is conducted by a staff member on behalf of the University. Use of University address, affiliation, and resources are permitted. Staff members performing University Consultancy benefit from the University's liability and indemnity insurance policies, provided that the University has been notified by seeking the required approval.

A staff member engaging in University Consultancy will receive the support of the University in terms of:

- Project costing
- Contract negotiation
- Use of University facilities
- Oversight
- Financial management
- Indemnity insurance

Conditions

The following procedures should be adopted for each new University Consultancy project:

- Permission to conduct the consultancy must be sought from the Head of Department/School who will ensure that the proposed staffing is appropriate to the needs of the project and the client and that the University has adequate infrastructure for the project to be carried
- The project must have clear terms of reference i.e., milestones, deliverables, deadlines and should be based on fully costed proposals approved by the Office of the Vice President for Research and Innovation.
- The Office of Technology Transfer must be consulted on Intellectual Property issues
- There must be a contract to support every University consultancy project.
- All University consulting projects should be processed through a research account.
- Provision should be made for VAT at the prevailing rate chargeable to the external body.

Contribution to Indirect Costs

In consultation with the Office of the Vice President for Research and Innovation (Research Support Services), a contribution to indirect costs (minimum 30%), based on the direct costs of the University consultancy funding, should be agreed at the outset of the contract. Part of this contribution will cover the costs of professional indemnity insurance cover paid by the University on behalf of the researchers involved in the project.

Payment to Staff Member

It should be noted that since January 2011, as per the Employment Control Framework (ECF), additional payments to staff (from University consultancy activities) are not allowed.

Any staff member who wishes to receive a payment from a university consultancy project should complete a [Request for Payment Form](#). The form must be authorised by the Head of School/Department, the Head of College and submitted to UCC HR. UCC HR will then pass the statement to the Finance Committee for final approval. Payment will be made by the University, in accordance with the [Contract Research Consultancy Policy](#), through the PAYE system.

3. Directorships

In regard to Directorships of Public Sector Companies², the Department of Public Expenditure and Reform and the Department of Education and Skills has outlined the following revised arrangements for all higher education institutions:

It is now a requirement that public servants:

- who sit on state boards in an ex officio capacity or on behalf of their parent Department/organisation or
- who may be nominated to such board positions independently of their public service employment

Should not be paid remuneration in the form of board fees when serving in such a representational capacity. Accordingly, the criteria previously used to determine the eligibility of public servants to receive board fee payments will no longer apply in any such cases.

Public servants currently serving on such board related positions and in receipt of a fee for this purpose should cease to be paid such remuneration from 1st November 2011.

² These consist mainly of State sponsored bodies. The Devlin Report defined these as covering any autonomous public body with a Board appointed by the Government to discharge those functions assigned to it by the Government. As regards Directorships of non-public sector companies, including Public Companies, Private Companies and Family-owned Companies, these are dealt with as outside work and the criteria applied to outside work applies equally to them.

4. Normal External Academic Engagement

Academic staff ordinarily engage in a number of external activities that require the use of their university affiliation, as well as potential resources, and indemnity insurance. Where this activity is remunerated (other than travel or other direct expenses), permission must be sought in advance under this policy and the activity must be returned in the annual declaration.

The following activities are examples of Normal External Academic Engagement:

- Occasional giving of lectures elsewhere
- Writing of books and occasional literary matter
- External examining
- Membership of interview boards
- Editorship of journals
- EU reviewing activities
- Research reviewing in other organisations

It should be noted that approval within the School, Department or Discipline is sufficient in instances where Normal External Academic Engagement is undertaken and no Head of College approval is required.

PROCESS

Request for Approval

All members of staff are required to discuss their plans to undertake consultancy, or any approaches from organisations for consultancy, with their Head of School or equivalent prior to carrying out any form of consultancy. The purpose of such discussion will be to identify that the appointment is consistent with the School operating plan or does not conflict with the performance of the staff member's core University duties or the use of other School or equivalent's resources.

Approval for external consultancy and other remunerated activities undertaken in any capacity will be given provided that:

- The activities are related to the academic and professional interests of staff
- External activities do not exceed 20% of working time
- External activities do not interfere with the performance of normal academic duties and are recommended by the Head of Department/School
- External activities do not give rise to any conflict of interest for the individual member of staff or for the university
- The university acquires no vicarious liability

All staff members are required to complete a 'Request for Approval to undertake University Consultancy Form' before undertaking consulting activities and submit to their Head of School or equivalent for approval.

Completed forms should then be submitted by the Head of School to the relevant Head of College. It is the responsibility of the College office to forward signed-off approval forms to the Office of the Vice President for Research and Innovation.

For Normal External Academic Engagement only signature of Head of School, Department or Discipline is sufficient; approval of Head of College not required in this instance.

For more detailed information on who should be consulted within University management with regard to approvals for consultancy contracts, please refer to the University's Signing Authority and Approval Policy (available at: <http://ocla.ucc.ie/LegalAffairs/SigningAuthorityFeb2011.pdf>)

Annual Return

All University Academic staff must submit an annual online declaration of any University, private or other external remunerated consultancy activity undertaken during the year to the Office of the Vice President for Research and Innovation via IRIS (Institutional Research Information System).

A 'nil' return must be submitted if the staff member has not been involved in any such activity.

Staff will be notified when a reporting period has been opened on IRIS and returns can be made.

This information will be held in accordance with the terms and conditions of the Data Protection Act.

MANAGEMENT, REPORTING & DISCLOSURE

Staff members engaged in all consultancy activities or other external activities must also comply with the terms of the University's Policy on Conflict of Commitment and Conflict of Interest.

Disclosure of Interest

A member of staff seeking permission to become involved in the ownership or control of a private company must disclose to the Head of College the extent of his/her involvement and the nature and volume of any transactions between the University and the company.

Non-Compliance

Failure to comply with University Policy and to submit an annual return (*even in cases where no consultancy has been undertaken*) may render the member of staff liable to disciplinary action in accordance with the University's disciplinary provisions.

University staff should also note that, in appropriate cases, the University could pursue recovery of any costs and damages to which the University has been exposed as a result of a breach of this Policy.

Intellectual Property (IP)

Intellectual property (IP) arising from consultancy usually belongs to the client, although care may be needed to manage the University's pre-existing IP. For example, existing University IP may be inadvertently given to clients or there may be opportunities to exploit or publish results with the client's approval. All IP issues must be discussed with the Office of Technology Transfer.