



**POLICY ON UNIVERSITY CONSULTANCY,
DIRECTORSHIPS AND OTHER REMUNERATED
ACADEMIC ACTIVITY EXTERNAL TO UNIVERSITY
COLLEGE CORK (UCC)**

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INTRODUCTION

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 the enterprise sector and other external stakeholders.

The generation of a profitable income stream from a diverse range of activities is also 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.

Whilst Consultancy is an activity which is supported by 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 supports 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 academic freedom, and the autonomy and well-being of the 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 sign-off has been given for external consultancy, directorships and other external, remunerated academic activities. In this regard, all members of staff are required to discuss their plans to undertake consultancy with their Head of School or equivalent prior to carrying out any form of Consultancy. The purpose of such discussion is to identify that the appointment is consistent with the School operations

and does not conflict with the performance of the staff member's core University duties or the use of other School or equivalent's resources

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.

It is also important to note that the key objective of the policy is to support the University community take advantage of the benefits that accrue from engaging in consultancy activity. Where any issues arise relevant to the implementation of the policy, the matter should be referred to the Office of the Vice-President for Research & Innovation.

Benefits

The benefits of undertaking Consultancy activity are numerous, both for members of staff and the University itself, and 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 institution, benefits 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 that are 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

- Reputational 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 members of staff that are 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 tax liabilities
- Conflicts of interest

SCOPE OF POLICY

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.

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.

Contract Research lies outside the scope of this policy. 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.

¹ *Academic staff members include Lecturers, Senior Lecturers, Professors Scale 2 and Professors.*

University College Cork recognises four types of Consultancy:

1. Private Consultancy

Private Consultancy refers to that conducted by a staff member in a personal capacity with:

- no use of University resources
- no use of University name
- no University Insurance coverage
- no liability on the University

Private Consultancy is limited to engagements that are relevant to the academic/professional expertise and interests of the member of staff in terms of their employment with the University. Other external activities which are not related to the staff members' expertise and employment in the University are beyond the scope of this policy.

Private Consultancy activities include directorships of non-public sector companies, including public companies, private companies and family-owned companies.

University staff performing work in a private capacity do so entirely at their own risk and must make a clear distinction between Private Consultancy work and their University duties. No association should be implied between the Private Consultancy activity and the University.

Conditions

A staff member engaging in Private Consultancy activity is subject to the following conditions:

- Confirmation that the project does not interfere in any way with their University responsibilities must be sought from the Head of School
- In this regard, confirmation provided by the Head of School for Private Consultancy does not imply responsibility for the delivery of the project but relates entirely to potential conflict with the delivery of the staff member's University duties. This distinction should be made clear in advance of approval to the sponsor of the Private Consultancy by the staff member engaging in the activity. 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, permission of the respective Head of College is also required. The full value of access to and hire of University equipment, facilities and support must be paid to the

University on a basis agreed with the appropriate Head of School and the Finance 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
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- Staff members should ensure that Private Consultancy activity does not create reputational risk for the University
- Total Consultancy (Private and University) external activities do not exceed 20% of working time
- The University acquires no vicarious liability

Under current Public Sector Policy, remunerated Private Consultancy may not be undertaken during the normal working day

Sign-off Process for Private Consultancy

All staff members are required to complete the '[Consultancy Request for Approval Form - Private Consultancy](#)' before undertaking private consulting activities, and submit to their Head of School or equivalent for confirmation that these activities do not interfere with the performance of normal academic duties. Where University facilities are used, permission of the relevant Head of College is required.

Where issues arise relevant to the implementation of the policy in this regard, the matter should be referred to the Office of the Vice-President for Research & Innovation.

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

A staff member engaging in University Consultancy activity is subject to the following conditions:

- Permission to conduct the University Consultancy must be sought from the Head of School or equivalent 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 out
- Head of College approval is also required to engage in University Consultancy activities
- The project must have clear terms of reference (including milestones, deliverables, and timelines) and should be based on fully-costed proposals approved by UCC Research Support Services
- The Office of Technology Transfer must be consulted on all matters relating to intellectual property
- A specific contract must be put in place to support *all* University Consultancy projects
- All University Consultancy projects should be processed through a UCC research account and are subject to legal and financial review. The review process and research account set-up is administered by UCC Research Support Services
- Provision should be made for VAT at the prevailing rate, chargeable to the external sponsor
- Total Consultancy (Private and University) external activities do not exceed 20% of working time
- 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

Contribution to Indirect Costs of University Consultancy

In consultation with UCC Research Support Services, a contribution to indirect costs, based on the direct costs of the University consultancy activity undertaken, should be agreed at the outset of the contract as per the *University Overheads Rates Policy*. Part of this contribution will cover the costs of professional indemnity insurance cover paid by the University on behalf of the relevant staff members.

3. Directorships of Public Sector Entities

In regard to *Directorships of Public Sector Entities*², 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.

Where issues arise in this regard at School level, the matter should be referred to the Office of the Vice-President for Research & Innovation.

Directorships of non-public sector companies, including public companies, private companies and family-owned companies, are dealt with as Private Consultancy.

4. Remunerated External Academic Engagement

Academic staff ordinarily engage in a number of external academic activities that are relevant to their field of academic/professional expertise and their interests in terms of their employment with the University, and which require the use of their University affiliation, as well as potential resources, and indemnity insurance. This policy only applies to those activities that are remunerated (other than travel or other direct expenses). In these cases, 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 *Remunerated External Academic Engagement*:

- Occasional giving of lectures elsewhere
- Writing of books and occasional literary matter

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.

- External examining
- Membership of interview and other academically relevant/related boards and committees / working groups
- Editorship of journals
- EU reviewing activities
- Research reviewing in other organisations

Sign-off Process for University Consultancy/ Directorships of Public Sector Entities/Remunerated External Academic Engagement

For these (three) types of Consultancy activity, all staff members are required to complete the '[Consultancy Request for Approval Form](#)' before undertaking these activities and submit to their Head of School or equivalent for approval.

Head of School is required by the University to provide assurance that the activities undertaken do not interfere with the performance of normal academic duties and that there are no conflicts of interest for the staff member and the University by engaging in the activity in question.

Head of School approval also provides assurance that the required expertise and facilities are available to deliver the project. 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 activities under the heading '*Remunerated External Academic Engagement*', the signature of Head of School is sufficient. No Head of College approval is required.

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

Where issues arise in this regard at School level, the matter should be referred to the Office of the Vice-President for Research & Innovation.

PAYMENT TO STAFF MEMBERS

It should be noted that since January 2011, as per the Employment Control Framework (ECF), additional payments to staff from University Consultancy activities (at any time) or from Private Consultancy activities (undertaken during the normal working day) are not allowed, in accordance with Public Sector policy.

While the Devlin Report allows academics to engage in Consultancy (Private or University) activities for up to 20% of the normal working week, current Public Sector policy constraints do not permit additional payments to staff

for consultancy work undertaken during this period. Private Consultancy activity undertaken outside of normal working hours is not subject to these constraints.

For the avoidance of doubt, remuneration of staff members for University Consultancy activities, irrespective of when it is undertaken, is currently not possible due to Public Sector policy.

This policy will be reviewed in line with changes to Public Sector policy as it pertains to these matters.

Payments for all University Consultancy and all other external activities, other than Private Consultancy, must accrue to the School/Department/Unit. For example, these funds can be used for the purchase of equipment, supporting academic travel and enabling research activity.

ANNUAL RETURN

All University Academic staff must submit an annual online declaration of remunerated external activity including all University consultancy, directorships and external academic engagement, in addition to Private Consultancy, undertaken during the year to the Office of the Vice President for Research & Innovation via the IRIS (Institutional Research Information System) platform. Staff will be notified when a reporting period has been opened on IRIS and returns can be made.

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

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 (available at: <http://www.ucc.ie/en/research/policies/>).

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 by, for example, engaging in outside work without consent or non-submission of 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 procedures.

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

Intellectual property (IP) arising from consultancy activity typically belongs to the client, although care may be needed to manage the University's pre-existing (background) 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 management issues must be discussed with the Office of Technology Transfer.