Consultancy Policy

Responsible Officer
Deputy Vice-Chancellor (Research)

Approved by
Vice-Chancellor

Approved and commenced
December, 2014

Review by
March, 2015

Relevant Legislation, Ordinance, Rule and/or Governance Level Principle
University of Tasmania Act 1992
Ordinance 13 – Academic Senate
Ordinance 18 – Intellectual Property

Responsible Organisational Unit
Office of Research Services

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1 Objective

The objective of the Consultancy Policy is to:

- establish a framework to support consultancy activities and services at the University of Tasmania.

2 Scope

This policy applies to:

- All staff, of the University of Tasmania, who are involved in the conduct of a consultancy service
- All funds provided to the university for the purpose of conducting or supporting a consultancy service.

3 Policy Provisions

The University of Tasmania (University) recognises that consultancy work can bring financial and other benefits both to the institution and its employees. Such activities also serve to link the University and its staff more closely to the wider community, especially industry and the public sector at state and federal levels.

In seeking to facilitate consultancy activities by University employees, the Policy aims to ensure that appropriate attention is paid to:

- risk and legal issues
- taxation issues
- insurance coverage
- competitive neutrality and
- protection of the brand and reputation of the University.

Employees can undertake consultancy work:

- as a University, Negotiated, or Community Service Consultancy
- as a private individual as a Private Consultancy
- serving on Commonwealth or State committees, boards or tribunals.

3.1 Types of consultancies

3.1.1 University Consultancies

A University consultancy is an arrangement for the provision by employees of the University, for consultancy services in return for a benefit to the University.

The University is the proper party to a University consultancy, whether or not the documentation refers to any individual employee as the principal consultant.
A University consultancy is conducted on a fee for service basis. The fee must be based on appropriate competitive market place considerations of full cost recovery and profit.

A funding agreement that constitutes a contract is required prior to the acceptance of funds. This agreement may be instigated by either party, and must be reviewed by the University’s Legal Office. The funding agreement must be signed in accordance with the Schedule of Contract Delegations. All such consultancies must be formalised by appropriate contract documentation and be administered through the Office of Research Services.

### 3.1.2 Private consultancies

A private consultancy is an arrangement for the provision, by any employee of the University, for research, teaching or other services (other than those services which the employee is contract to provide to University), in return for a benefit to the employee.

The employee is the proper party to a private consultancy. A private consultancy must not use University resources or infrastructure and must not impinge on the normal University duties of staff member.

Employees undertaking private consultancy activity are not covered by University insurance.

For each private consultancy employees with a 0.8 FTE or greater appointment who are undertaking Private Consultancy activity must provide the Head of Academic Unit and Deputy Vice-Chancellor (Research) with a signed statutory declaration for each private consultancy conducted.

This declaration states that the consultant will not use:

*University facilities, space, resources or infrastructure including IT infrastructure (email address/internet access), title, letterhead, crest, business cards or any of its corporate systems.*

And further that:

*The consultancy involves no conflict of interest with the consultant’s duties as a staff member of the university. The consultant undertakes to inform the Deputy Vice-Chancellor (Research) if any such conflict arises.*

*The consultant acknowledges that the University professional indemnity insurance does not extend to his or her private consultancy activity, and acknowledges that he or she has been advised to have in place professional indemnity insurance for his or her private consulting activity.*

*The consultant indemnifies the University and its representative from and against all actions, claims, loss, damage, costs and expenses arising directly or indirectly from or in respect of his or her private consultancy activity.*

*The consultant undertakes to notify any person or body for whom the consultancy is carried out that:*
• The consultant is undertaking the consultancy in their private capacity
• The University is not involved in the consultancy in any way
• The University is therefore not liable for any claim whatsoever arising out of the consultancy arrangement.

The consultant also undertakes to include a statement in those terms in any written contract setting up the consultancy arrangement and on any written report / result / specifications produced in the course of that arrangement.

Both the applicant and the Head of Academic Unit must sign this declaration. If the applicant is also a Head of Academic Unit, the Executive Dean must sign the declaration. If the Head of Academic Unit or Executive Dean is the applicant, then the Deputy Vice-Chancellor (Research) must sign the declaration.

3.1.3 Negotiated Consultancy

A Negotiated consultancy is one where it is appropriate for University to make some charge for the use of University resources, but not appropriate to look to make a profit or even for total cost recovery.

An employee may enter into such an arrangement provided the consultancy is for the purposes of achieving University priorities. Any fees arising from a Negotiated consultancy would normally be returned to the Academic Unit Development Fund (AUDF). Negotiated Consultancy must be approved by the Head of Academic Unit, the Executive Dean and the Deputy Vice-Chancellor (Research).

3.1.4 Community Service Consultancies

The University recognises that its employees service the wider community in a variety of ways.

A Community Service consultancy is an arrangement for the provision of advice or services as a contribution to the community. In such cases University will not seek to charge for its human resource component, however associated outgoing expenses may need to be met. An employee may enter into such an arrangement provided the consultancy is for the purposes of achieving University priorities. Any fees arising from a Community Service consultancy would normally be returned to the SDF.

Community Service Consultancies must be approved by the Head of Academic Unit, the Executive Dean and the Deputy Vice-Chancellor (Research).

3.1.5 Committee, Boards or Tribunals

An employee may accept appointment to Commonwealth or State committees, boards, or tribunals provided permission is granted by the Head of Academic Unit. The Head of Academic Unit must be satisfied that the appointment is for the purpose of achieving University priorities and does not conflict with the performance of the staff member’s University duties.
4 Responsibilities

4.1 Budget Centres

The Heads of Budget Centres, or Delegate/s, are responsible for ensuring that the University consultancy:

- is fully costed (direct and indirect) and all University cash and in-kind contributions
- can be accommodated within the general facilities in the Academic Unit and sufficient working and office space will be available for staff
- has appropriate risk management strategies include and insurance cover.

The Heads of Budget Centres, or Delegate/s, are responsible for ensuring that University employees that participate in Negotiated Consultancies, Community Service Consultancies and Committee, Boards or Tribunals activities will achieve University priorities.

4.2 University Employees

Employees with a 0.8 FTE or greater appointment who are undertaking Private Consultancy activity are responsible for providing the Head of Academic Unit and Deputy Vice-Chancellor (Research) with a signed statutory declaration for each private consultancy conducted.

5 Definitions and Acronyms

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<tr>
<th>Term/Acronym</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Academic Unit</td>
<td>Means the secondary organisational unit in the academic structure of the University, reporting directly to the College Executive Deans, as per Ordinance 14 – Academic Structure.</td>
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<td>Executive Dean</td>
<td>“Executive Dean” means: (a) the Executive Dean of the relevant College, or (b) in relation to the University College, the Principal of the University College</td>
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<td>Funding Agreement</td>
<td>A Contract / Funding Agreement must include a written offer, acceptance, consideration (what each party gives to the other at the agreed price for the other’s promise) and the intent that it is a binding agreement. A contract can take the form of an exchange of letters or a formalised contract (legal contract).</td>
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<tr>
<td>Head of Academic Unit</td>
<td>Means the head of the relevant Academic Unit</td>
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<tr>
<td>Organisational Unit</td>
<td>College, Faculty, School, Centre, University Institute, other University Entity, Division, Section or University Business Enterprise.</td>
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6 Supporting Documentation
- Management of Research Funding Policy
- Delegations Policy and Schedules
- Collaborative Research Policy
- Conflict of Interest Policy
- Research Funding Clearance Form
- Research Costing Tool

7 Versioning

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<tr>
<td>Current Version</td>
<td>Version 3 – Consultancy Policy (current document); approved December, 2014, amended in December 2017 to reflect College structure and nomenclature.</td>
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