



Dr. Babasaheb Ambedkar Marathwada University, Aurangabad

Policy of Consultancy

1. Introduction

The University recognizes the value of its staff undertaking consultancy for outside institutions. Consultancy is an important channel through which knowledge and expertise could flow from university to businesses and other external agencies, and it can contribute to the growth, development and productive relationships with these components of society. Consultancy activity in University of Dr. Babasaheb Ambedkar Marathwada University, Aurangabad may be associated with contractual relationships, including research, service contracts *etc.* with government, non-government organization in lieu of a fee. The university, therefore, encourages its faculty and staff to engage in consultancy wherever appropriate, and in a manner that is in conformity with their service agreement with the university.

2. Purpose

- 2.1. This policy is intended to provide the information required to undertake consultancy work in accordance with the University's approved procedures.
- 2.2. University employees should also be aware of the Maharashtra Public University Act 2016 and Accounts Code for State Universities and the relevant Compliance Section of the University's financial regulations.

3. Definitions and Scope of the Policy

- 3.1. The Dr. Babasaheb Ambedkar Marathwada University, henceforth called BAMU, adopts the UGC definition of consultancy as:

"The provision of expert advice and work crucially dependent on a high degree of intellectual input which is for commercial or non-commercial purpose and without the creation of new knowledge. Consultancy may be carried out either by academic staff or by members of staff who are not on academic contracts such as senior university staff or administrative/ support staff hired for short duration."

- 3.2. **Consultancy:** The University uses a broad definition of what constitutes consultancy. Its essential features are:

- 3.2.1. Consultancy is work of a professional nature, undertaken by University staff in their field of expertise, for clients outside the institution, for which some financial return is provided;
- 3.2.2. Unlike research, it does not have as a prime purpose of generation of new knowledge;
- 3.2.3. Consultancy will produce some form of contracted output which may be partly or wholly owned by the client;
- 3.2.4. The University normally does not have freedom of publication over the results of consultancy;
- 3.2.5. It tends to be governed by short-term contracts, making minimal use of University resources and involves extra work for existing staff rather than the employment of new staff
- 3.2.6. Consultancy for companies owned by the University or in which a member of staff may have an interest are also included within the scope of this document. Staff are advised to ensure that they comply with the University's Conflicts of Interest Policy when undertaking any work for such companies.

4. Aim & Objectives

The aim of consultancy policy is to ensure that the consultancies undertaken by faculty members are consistent with the university objectives, financial regulations and procedure.

Objectives:

1. To encourage staff participation in consultancies that bring opportunities and benefits to the University, its staff and its clients;
2. To ensure that the undertaking of consultancy and related work by faculties of the University does not interfere with the proper functioning of their duties as academic or research staff;
3. To clarify the terms and conditions for consultancy services to protect the interest of both university and faculty.
4. To facilitate and support the delivery of high quality services to meet the needs of clients; and
5. To management & utilization of consultancy project funds

5. Benefits to the University

The benefits that the University expects to accrue from successful consultancies include:

1. Development of useful business and academic contacts;
2. Extension of the knowledge base, thereby informing the learning and teaching of academic and research staff and providing them with the opportunity to test out and demonstrate the impact of their academic expertise on markets, sponsors or external organizations;

3. Increased external stimulus for enriching intellectual activity; Greater knowledge of the relationships which exist with companies seeking specialist services; Development of possible opportunities for future partnerships (e.g. research projects, studentships, Knowledge Transfer Partnerships, commercialization and licensing of Intellectual Property Rights, spin- out companies, high quality Continuing Professional Development); The activities that may form basis of impact case studies for the reference

6. Benefits to Staff

The benefits that members of staff expect to accrue from successful consultancies include:

1. Increased recognition of the consultancy work of members of staff through the annual appraisal process and through the standard academic CV;
2. Strengthened contractual arrangements through proper channel of approval process of the university;
3. The ability for staff;
 - a. to receive a personal payment through the University payroll on the basis of income generated through consultancy and taxed at source; or
 - b. to make use of the income generated from the provision of their services to support their research activities through the transfer of funds to a discretionary balance account, rather have the payment be subject to tax.

7. Type of consultancy:

1. University Research Consultancy

If a faculty member caters the requirement of the client by his/her research skills or expertise in return of remuneration by the client it falls under the category of university research consultancy. Faculty members of the university shall be encouraged to take such consultancy work.

2. University Non-Research Consultancy includes:

Non-research Consultancies include non-research activities performed under contract for a third party. It would include the provision of professional services to external agencies for a fee. It would include, but not be limited to, routine laboratory and other testing of materials, devices, products or produce; analysis of data; surveys, including market and opinion surveys; quality control; field trials; the provision of professional advice including possible expert witness advice; the provision of professional services such as design, legal, medical and allied health, participation in fee-paying non-award courses, and community service activity undertaken by members of staff for charity, community or public purposes; guidance for drafting research proposal, IPR awareness

etc., guidance for quality enhancement in teaching learning process and research & development, arranging special training sessions for academic institutions / industries / corporate sector.

3. Private Consultancy

1. A staff member may undertake a Private Consultancy. In conducting a Private Consultancy, a staff member must not establish a real or potential conflict with their obligations to the University or undertake activities which are contrary to the interests of the University.
2. It is the responsibility of the staff member undertaking a Private Consultancy to make clear to the person or body for which the Private Consultancy is undertaken, that it is the staff member and not the University who is carrying out the work, and that the University has no responsibility or liability towards the matter.
3. **A staff member conducting a Private Consultancy must ensure the following criteria are met:**
 - a. The carrying out of tasks associated with the Private Consultancy will be able to be accomplished without unduly affecting the present duties of the position;
 - b. The use of University trademarks such as letterheads, brands, monogram etc. or University intellectual property is strictly prohibited in Private Consultancies; **either:** no University facility (including library resources, power, space, equipment, consumables, telephone facilities) will be used to fulfil the requirements of the Private Consultancy, **OR**
 - c. The cost of the use of any such facility will be reimbursed under the terms & condition of a written agreement between the staff member and the University, approved by the designated University Officer.
 - d. The Private Consultancy should not be within an area in which the University might be contracting to provide a service on a commercial basis, possibly utilizing the skills of the staff member involved;
 - e. Dr.B.A. Marathwada University is not bound by any agreement (written or otherwise) relating to the Private Consultancy;
 - f. The staff member must agree to indemnify Dr.B.A.Marathwada University and its representatives from and against all actions, claims, loss, damage, costs, charges, liabilities and demands arising directly or indirectly from or in respect of the Private Consultancy activity; and
 - g. The staff member declares any real or potential conflict of interest to their manager.

4. Permitted level of Consultancy:

1. University employees are permitted to undertake up to 30 working days consultancy activity per academic year with the approval of Head of the Department and Pro-Vice Chancellor.
2. In some circumstances, Department may authorize staff to undertake further consultancy work within aforesaid limit, but this must be discussed and approved by the Head of Department and Pro-Vice Chancellor on a case-by-case basis.

8. Norms for Consultancy Services:

Consultancy service covers the provision of professional services such as knowledge, skills, expertise, experience or advice, provided by academic or staff members of the university to a client or an external party, for a fee, voluntary or in any other consideration at all. All research and non-research consultancy services undertaken by faculty members of the university should be governed by following norms.

1. Faculty members of the University departments or any other employee of University may undertake consultation work with prior approval of the Hon'ble Vice-Chancellor. For this purpose employee undertaking consultancy, shall herein after referred to as consultant.
2. The consultancy undertaken by faculty member shall have visible benefits to the university such as reputation, income or enrichment in the experience of the faculty member.
3. The consultancy work shall not interfere with the normal teaching/research work of the Department and other duties assigned to the faculty by the University.
4. Each consultancy shall be undertaken either under, standard terms and conditions or specific research agreement or Memorandum of Understanding (MoU) describing the details of contract along with financial budget.
5. The consultant concerned should get the necessary agreement signed between the party concerned and university if required with the permission of competent authority.
6. The agreement for the consultancy shall not have conflict with the university policies such as code of conduct of faculty members.
7. Depending upon the scope of the consultancy work the concerned faculty in the department/center shall discuss the nature of work with HOD, client and prepare the work sheet and estimate either in the single lot or phase -wise and submit the same through the HOD and Dean of concern faculty to the Hon'ble Vice-Chancellor. While preparing the work-sheet, the faculty shall clearly mention the cost of total quantity of consumables, materials, the use of equipment's and duration of the use, the association of the various persons who will work with

expert for the experimentation, field work, computation, and interpretation of results. Depending upon the services the rates for consultancy services will be fixed after consulting with the concerned expert and shall be approved from Hon'ble Vice-Chancellor from time to time (due to increase in cost of consumables).

8. Proposal of consultancy fee and the testing fee to be charged shall be submitted by the concerned Head of the Department to the Hon'ble Vice-Chancellor and the decision of the Hon'ble Vice-Chancellor shall be final.
9. In case of " Routine testing service " offered by various university department /center, like water/soil/air or any other routine testing and analytical services in the department laboratories, the submission of Application for consultancy provided by the University is not mandatory. However, in such cases, the consultancy charges be deposited in the Departmental Consultancy service sub-budget head. For the distribution of these consulting charges the below table is applicable as per consultancy types.
10. The charges once finalized, will not be negotiable. However, if the scope is altered, a fresh estimate may have to be considered.
11. Depending upon the realistic requirements of consultancy and to bring flexibility of operation reallocation of the budget will be allowed at the sole discretion of the Principal consultant in consultation with the Hon'ble Vice-Chancellor.
12. Depending upon the magnitude of the work, the faculty/consultant concerned would involve other staff member in consultation with Head of the Department.
13. The service of permanent employees of the Institute may be utilized for the execution of the consultancy projects provided it does not affect their primary functions and responsibilities to the institute.
14. Students who are willing to work on consultancy projects may be permitted as per university norms to do so, provided it does not affect their academic commitments and performance. Such work by students may be compensated by suitable honorarium according to the norms decided or financial terms and condition.
15. In case of joint consultancy, where service of more than one Department or faculties from different Departments are involved, there shall be one person in-charge of such joint consultancy work nominated by Hon'ble Vice-Chancellor. If more than one faculty are involved then the share shall be on the part of the work provided from the 25% of the share of faculty shall be shared depending upon the work after approval of Hon'ble Vice- Chancellor.
16. The Head of the Department will provide the facilities for the consultancy services.

17. Academic staff may spend one day per week on approved consultancies, with a maximum of 48 days per year. Variations to this time commitment require the approval by HOD and Hon'ble Vice-Chancellor.
18. The outside visits to industries etc. during consultancy work should be minimum and only undertaken when they are absolutely essential with prior permission of Head of the Department and Hon'ble Vice Chancellor. The conveyance has to be arranged by the party concerned or TA/DA shall be paid by the party as per university rules to the expert or supporting staff concerned.
19. The financial management of the income accruing out of consultancy work would be in the name of the Registrar of the University.
20. The share of the University be credited to the University Corpus Fund/Development fund.
21. If any faculty member contribute to an innovation or new concept to the existing technology, the same be recorded in the service book of the person as an achievement.
22. The publication rights of the project or patent right shall be vested to the experts only.
23. Service rendered to all Government Agencies, students and research scholars shall be eligible for 25% concession.
24. The amount to be distributed amongst the staff shall be as per recommendation of the Principal consultant and approved by the Vice-Chancellor.
25. The conduct of consultancy work should be in accordance with the moral and ethics of the university.
26. In all disputes/interpretation of the norms, Hon'ble Vice-Chancellor shall be the final authority.
27. GST is applicable as per Government norms.
28. Once the terms of consultancy have been approved along with the consultant certificate, contract signed and advance received, it becomes the duty of the principal Consultant/faculty to ensure satisfactory progress and completion of project within stipulated time.
29. The client/party shall pay the total project cost in advance to the university or at least 70% of the total cost of the consultancy work and submit the copy to university through the concerned expert and Head of the Department. In case of Government agencies, the Government norms are applicable.
30. A yearly report of the consultation work undertaken by consultant should be submitted through Head of the Department to Hon'ble Vice-Chancellor by the end of every financial year.
31. The use of university trademark such as letterheads, brands etc. or university intellectual property is strictly prohibited in Private consultancies.

32. No University facility (including library resources, power, space, equipment, consumables and telephone facilities) shall be used to fulfil the requirements of the Private consultancy.
33. The Private consultancy is not within an area in which the university might be contracting to provide a service on a commercial basis, possibly utilizing the skill of the staff member involved.
34. The party/client shall submit a confidential report on the performance of consultancy to the Hon'ble Vice-Chancellor.
35. The total annual income of an individual from consultancy work shall not exceed his/her total emoluments for six months in the Calendar year.
36. The income earned by any individual from consultancy will be taxable as per Govt. of India rules.
37. All financial transactions related to consultancy will be cashless through bank transfer to/from appropriate university account. The university will make the appropriate payment to the consultancy provider as per rules.

9. Duration of Consultancy

- a. The total time invested in consultancy activity must be less than that which is equivalent to 30 working days per academic year.
- b. The duration of any consultancy activity will be limited to that mentioned in the approved agreement.
- c. Any extension of consultancy work would require prior permission of the Hon'ble Vice Chancellor.

10. Approval of Consultancy Activity

- a. All consultancy proposals have to be submitted to the Hon'ble Vice-Chancellor, through proper channel for prior approval, who will have the right to make the decision to accept or decline the proposal. All consultancies are required to be approved and managed in accordance with this policy, associated documents and other university policies.
- b. If the request for consultancy service is received by the faculty member, he shall ask the permission from Hon'ble Vice-Chancellor before commencing the work through Head of the Department.
- c. If the request for consultancy service is received by the Department, Head of the Department shall appoint a faculty member considering his field of specialization or his normal work in the Department in the related field.

11. Conflict of Interest

1. Engagement in consultancies must not create any perceived or actual conflict of interest.
2. Conflict of interest, if any, must be immediately reported to the Hon'ble Vice Chancellor.

3. A conflict of interest shall be considered as a case where an employee engages in consultancy at the expense of the interests of university as defined by the Hon'ble Vice Chancellor.

12. Income Distribution

The distribution of funds received from providing testing and consultancy services and facilities to the industries and society, will be as shown in the table

Sr No	Type of consultancy	University	Consulting expert(S)	Technical Staff
1	Service where institutional consumable and non-consumable facilities are required to be used (After deducting and transferring the cost of consumables to the consulting Department)	70%	25% (To be equally shared amongst number of experts)	5% (To be equally shared amongst the number of technical staff/operator)
2	Service where institutional non-consumable facilities are required to be used	70%	30%	----
3	Advisory consultancy in which the university facilities are not to be used	50%	50%	---
	Private consultancy			
4	Government project like evaluation of various schemes proposed at a state/Central Government or any public organization	70%	25% (To be equally shared amongst number of experts or maximum of ceiling of Rs.3000 per day per expert)	5% (To be equally shared amongst the number of technical staff/operator)

- If new equipment design is developed by an expert(s) for production by CFC or any outside party, 25% of the cost of the equipment be paid to the experts as his/her consultancy charges on as many units as may be fabricated subsequently. Remaining 75% be credited to the university account.
- If the university incurs a cost for allowing the consultancy, it will be deducted by the university from gross income from consultancy before splitting the net income between the consultancy provider and the university.
- If the gross income from a consultancy work is below a certain amount in any financial year, then the university may lower/forego its part and residual income will be retained by the consultancy provider. This amount will be notified by the university and may be revised from time to time.
- The amount credited to the department and paid to the expert and technical staff/operator at the conclusion of each consultancy case. The department allocation collected in a year, if not spent

in the same year, shall be carried forward to the next year. This amount may be utilized by the department for purchase of equipment, material/repair of the existing equipment's/maintenance of laboratory infrastructure or for any academic activity/ special technical literature/ industrial participation activity.

13. Code of Conduct

- a. The conduct of the employee during the consultancy work must conform to the prestige and reputation of the university. The university will be entitled to take disciplinary action against its employee for any misconduct during the consultancy.
- b. Original copies of all documents related to all consultancy services undertaken by its employee must be in possession of the University for allowing appropriate processing for financial accounting and audit purposes. Duplicate copies of all the consultancy related work should be maintained by the respective faculty members.
- c. The clients receiving consultancy services would not be entitled to use the university name, logo etc. in any form without prior permission of the Hon'ble Vice- Chancellor.

14.Contractual Requirements:

- a. The University is liable for the actions of its employees during work-related consultancy even if the actions or activities are not covered in an agreement involving the University.
- b. The University, therefore, strictly prohibits staff from entering into work-related consultancy arrangements with outside agencies without approval from Hon'ble Vice-Chancellor.
- c. Staff involved in non-work related consultancy must not use the University name to endorse this activity without prior written approval from the Hon'ble Vice Chancellor.

15. Non-Standard Terms & Conditions: The Pro-Vice Chancellor/ Dean's Office must be involved in the contract negotiations and shall advise the Head of Department on key issues arising from the terms & condition of the contract. Where these issues are considered problematic, approval of the Head of Department shall be sought prior to final sign-off by an authorized individual from the Hon'ble Vice Chancellor. A fully signed CPF shall be required. Staff are recommended to involve the Pro-Vice Chancellor/ Dean's Office in the processing of consultancy as early as possible so that any issues with the contract can be highlighted and, wherever possible, either resolved or mitigated.

16. Recording activity:

- a. All staff are required to record their consultancy activity with the Pro-Vice Chancellor / Dean's Office.

- b. Original copies of the contracts and CPF must be forwarded to the Pro-Vice Chancellor / Dean's Office for the University records for processing to the Finance Office.
- c. At the completion of the consultancy project, a copy of the synopsis of the work, keeping in view the confidential clause of the project and the audited statement of account shall be submitted to the university.
- d. The final report of the consultancy work shall be submitted by the consultant concerned to Head of Department for onward submission to the party.
- e. One copy of the report shall be submitted to Hon'ble Vice-Chancellor and one copy of it be kept in the Department and the concerned consultant shall sign the report and forward through the Registrar of the university to the person or the firm seeking the consultancy.

17. Fee Waivers:

- a. The Govt. Revenue requires that any fee waivers are decided before the proposal has final approval. No fees will be waived without a completed fee waiver form which must be returned to the Hon'ble Vice Chancellor with the signed CPF.
- b. Fee waivers are credited to respective Department reserve account and must be used within one year of receipt. Balances remaining after twelve months in the reserve account will be transferred to Department general funds unless there is a specified and agreed reason for rolling them over to the following year.

18. Tax deduction: The finance office will ensure that both employers and employees costs are remitted to the Govt. Revenue. The statutory deductions for income tax will be made, and staff will receive the net.

19. Dispute Redressal and Resolution

All cases of lack of clarity on any issue, or any ambiguity, or subjectivity in interpretation, must be reported to the Hon'ble Vice Chancellor, whose decision will be final and binding. The Vice Chancellor may, at any point of time, call for amendment or revision of this policy document as deemed appropriate. Any violation of the above policy shall be dealt with as per university rules.

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