

 <b>BOND UNIVERSITY</b>	<b>STAFF CONSULTANCY POLICY</b>
Contact Officer	Company Secretary
Date First Approved	22 July 2015
Approval Authority	Company Secretary
Date of Next Review	27 August 2023

## 1. PURPOSE AND OBJECTIVES

Bond University is committed to making its expertise available through service to industry, commerce, government, the professions, the arts and other educational and research organisations.

Consultancy is well recognised as an effective way for universities to disseminate knowledge and make an early and direct impact on society. However, the balance between consultancy and the traditional roles of the academic staff needs to be managed and the interests of the University must be protected. This Policy provides provisions for conducting consultancy to ensure that consultancies undertaken by staff are consistent with the University's strategic and operational objectives and the costs are sustainable.

This Policy also provides a structure to recover overhead costs and an approach to the pricing of Consultancy overhead costs that has regard to competitive neutrality principles.

## 2. AUDIENCE AND APPLICATION

All Bond University Staff

## 3. ROLES AND RESPONSIBILITIES

Role	Responsibility
Faculty	Clause 4.2 Manage non-research consultancies
Staff members	Clause 4.3 Comply with criteria for Private Consultancies Clause 8 Report any conflict of interest.
Executive Dean	Clause 5.1 Approval to vary time commitments for approved Research or Non-research consultancies.
Director of HR	Clause 5.2 Approve Professional Staff consultancies.
Vice Chancellor	Clause 5.3 Approve University Officer consultancies.

## 4. POLICY STATEMENT

All Research and Non-research consultancies as described in this Policy are governed by the following guiding principles:

- There should be demonstrable benefit to the University from the Consultancy through income, enhanced reputation, and/or expanding the expertise of the staff member.
- The Consultancy must not be in conflict with University policies including those governing employment; such as the Code of Conduct Policy.
- The Consultancy must not be in conflict with the functions, objectives or interests of the University or damage the University's reputation.
- At a minimum, the salary and on-cost charges set by the University must be applied to all project budgets (see [Bond University Human Resources – Employment Conditions](#) and also add oncost rates [Bond University Payroll - Current Salary Oncost Rates](#)).
- All Consultancies are required to include overheads charges as set out in Schedule 1 of this Policy.
- Staff members are not permitted to undertake external research activities where no formal agreement has been authorised by the University unless they are on leave without pay, approved by the relevant Executive Dean. In this instance, staff may not use their Bond affiliation or academic title when providing research services that are not approved by the University.

### 4.1. University Research Consultancy

A Research Consultancy exists where an academic staff member provides research skills or expertise in return for remuneration from an external funder. It is typically characterised by meeting the HERDC definition of research where;

- the project involves hiring the skills and/or expertise (pre-existing know-how) of staff and their equipment to work on a specified project; *and*
- the sponsor would expect to own the intellectual property (advice) arising from the consultancy and would also expect complete confidentiality on the part of the institution.

An academic must clearly identify a contract as University Research Consultancy prior to the execution of the contract by the University. The University's research management system provides for University Research Consultancy as an application and award type.

#### **4.2. University Non-Research Consultancy**

Non-research Consultancies include non-research activities, performed under contract for a third party, that do not meet the definition of HERDC research.

Non-research Consultancy would include the provision of professional services to external agencies for a fee. This 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.

Non-research consultancies are managed by the academic's Faculty.

#### **4.3. Private Consultancy**

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.

No responsibility for Private Consultancy undertaken by a staff member shall attach to the University.

None of the benefits set out in 5.4 are available to staff undertaking a Private Consultancy.

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 in the matter.

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 duties of the position;
- b) the use of University trademarks such as letterheads, brands etc. or University intellectual property is strictly prohibited in Private Consultancies;
- c) 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
  - the cost of the use of any such facility will be reimbursed under the terms of a written agreement between the staff member and the University, approved by the designated [University Officer](#) (see [Schedule 1](#) for details of cost recovery). The Company Secretary may sign such an agreement on behalf of the University who will maintain a register of such agreements;
- d) the Private Consultancy is not within an area in which the University might be contracting to provide a service on a commercial basis, possibly utilising the skills of the staff member involved;
- e) Bond University is not bound by any agreement (written or otherwise) relating to the Private Consultancy;
- f) the staff member agrees to indemnify Bond 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.

### **5. STAFF ENTITLEMENTS**

The University allows staff to engage in Research, Non-research and/or Private Consultancies provided that they do not interfere with the discharge of the staff members' responsibilities.

Research and Non-research consultancies may be undertaken only with the approval of the designated University Officer. No limit is placed on earnings but there is a limit on the amount of time which may be spent on Consultancy.

The Faculty will agree with the academic how the residual funds will be dispersed. This may include transfer to a restricted fund to support the academic's future research activities or taken as salary through payroll.

- 5.1. Academic Staff** may spend no greater than the equivalent of one day per week on approved Research or Non-research consultancies, with a maximum of 48 days per year. Variations to this time commitment require the approval by the relevant Executive Dean. A lesser time commitment may be approved if the proposed Consultancy interferes with the discharge of responsibilities.
- 5.2. Professional Staff** must negotiate time release for each Consultancy with the designated University Officer. A signed agreement for such time release is to be forwarded to the Director of Human Resources.
- 5.3. University Officers** must obtain written permission from the Vice Chancellor and President to undertake Consultancies.

**5.4. Benefits of University Consultancy**

The University provides the following benefits to staff undertaking University Research or Non-Research Consultancies:

- a) protection under the University's professional indemnity and public liability insurances, subject to the terms, conditions and exclusions within those policies. The staff member will be protected under the terms of the current Insurance Policy held by the University in the event of a claim against the staff member undertaking the Consultancy or Grant (provided that the claim is not as a result of fraudulent, dishonest, criminal, wilful or malicious acts by the staff member);
- b) access to the University's financial management processes to support and enable invoices to external organisations for funding and expenditure of project costs;
- c) access to the University's resources such as technical and administration staff, ethics staff, equipment and telecommunications, subject to approval by the Faculty or Office;
- d) entitlements to use the University's name and reputation, providing it is not brought into disrepute;
- e) ability to make reference to their University position and title in connection with the work;
- f) a Research Consultancy or grant project will contribute to a staff member's research activity, and research active status.
- g) a number of University service areas support the indirect costs of Consultancy, including Library Services, Financial Services and Marketing. In particular, the Office of Research Services (ORS) and Faculty Research Offices provide the following services for University Research Consultancies:
  - assistance to scope projects and structuring proposals;
  - providing intellectual property advice;
  - establishing pricing, assisting with negotiations and finalising the terms of the contract;
  - providing ethics advice and supporting ethics applications;
  - providing contracting advice, including indemnity, legal, risk and financial review.

The University does not extend these benefits to Private Consultancies. Any Consultancy conducted by a staff member that accesses any of these benefits in the course of undertaking the work will be regarded as a Research or Non-Research Consultancy and subject to the conditions of this Policy.

**6. OVERHEADS**

All Consultancies are required to include overheads charges as set out in Schedule 1 of this Policy.

**6.1 Exemptions and Variations**

- 6.1.1 Exemptions to [Schedule 1](#) and variations to the standard overhead charge must be determined at the time of application, explicitly noted with written confirmation via email or within the University's research management system and approved by the Vice Chancellor or Provost.
- 6.1.2 Faculties may agree to waive their proportion of the overhead charge (as outlined in Schedule 1). Written confirmation must be provided from the Faculty Executive Dean.
- 6.1.3 The Vice Chancellor or Provost may agree to waive the central proportion of the overhead charge (as outlined in Schedule 1). Written confirmation must be provided by the Vice Chancellor or Provost.

**6.2. Transfers in from Other Institutions**

In cases where a Research or Non-Research Consultancy is transferred to the University from another research organisation, the overhead will not be taken from the funds where the awarded budget did not include an overhead component. In cases where a Research or Non-Research Consultancy is being transferred to Bond University from another research organisation and overheads are permissible in accordance with the funding schedule, the agreed overheads awarded will be withheld by the University.

## 7. APPROVAL

All University Research or Non-Research Consultancies are required to be approved and managed in accordance with this Policy, associated documents, and other University policies.

Applications to conduct a Research Consultancy are required to be submitted for Faculty and University approval using the University's research management system. If the application is successful, the Office of Research Services will manage the post award arrangements including invoicing and overheads.

Once the project is complete, and all costs have been reconciled, Research Services will transfer the Faculty overhead portion to the relevant Faculty, and any residual funds (not required to be returned to the funder) from the University Research Consultancy for the benefit of the named academic.

Applications to conduct a Non-Research Consultancy must be submitted to the relevant [University Officer](#) of the applicant.

## 8. CONFLICT OF INTEREST

Engagement in consultancies must not create a conflict of interest, potential, perceived or actual. Any conflict of interest, actual, or perceived or potential must be reported in accordance with the Research Conflict of Interest Procedure, and the [Code of Conduct Policy](#).

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.

An example of a potential conflict of interest includes, but is not limited to:

- financial or non-financial interests;
- teaching or course work for another institution;
- work performed for a supplier of goods or services to the University; *or*
- work undertaken with an organisation to which the University supplies goods or services.

### 8.1. Consultancies with Other Tertiary Institutions

Full-time members of the University staff should not accept regular Consultancies with other institutions without first obtaining the permission of the Executive Dean or delegated University Officer.

## 9. INTELLECTUAL PROPERTY

Any intellectual property arising from any Research and Non-Research Consultancies will be governed by the [Intellectual Property Policy](#).

## 10. DEFINITIONS, TERMS, ACRONYMS

For the purpose of this Policy, the following definitions apply:

<b>Direct Cost</b>	means direct research costs that are integral to achieving the approved research objectives of a grant or consultancy e.g. salary costs, travel, consumables.
<b>Indirect Cost</b>	means indirect costs of research which are the institution's overhead costs that benefit and support research. Indirect costs can include such things as the operations and maintenance of buildings, use of facilities and libraries, hazardous waste disposal, regulatory and research compliance and administration of research services. Although they are necessary for the conduct of research, and although they may be incurred in the course of research, they are costs that do not directly address the approved research objectives of a grant or consultancy.
<b>Intellectual property</b>	means intellectual property as defined in the University's <a href="#">Intellectual Property Policy</a> .
<b>Research Grants</b>	means funding from an industry or government body for a specified research project to be undertaken with identified aims and objectives. Research Grants may also result from jointly initiated research collaborations between the University and an industry, government or semi-government body or from a competitive bid (a request for tender). Research Grants provide no additional income to staff members involved.
<b>University Officer</b>	An officer of the University duly authorised by the Vice Chancellor and President to perform the functions required by this Policy. The nominated University Officers at the time this Policy was made are members of the University Management Committee (UMC) or their delegate.

## 11. RELATED DOCUMENTS

[Schedule 1 – Overhead Rates and Distribution](#)

[Intellectual Property Policy](#)

[Tobacco Industry Funding Policy](#)

[Research Code of Conduct Policy](#)

[Code of Conduct Policy](#)

## 12. MODIFICATION HISTORY

Date	Sections	Source	Details
18/8/2020			V1.2
May 2017			V1.1

## Schedule 1 – Overhead Rates and Distribution

### 1. Consultancies

The minimum value of overheads charged must be determined at the time of preparing the Research Consultancy Application and incorporated in the project budget.

The overheads outlined below must be applied to all external funding applications where applicable.

Where a higher rate of overheads is permissible, the higher rate should be applied to the entire project costs.

Where Consultancy contracts led by an academic Chief Investigator exceed \$20,000 within a calendar year, the cumulative project costs will be considered, and the relevant overheads will be applied.

Overhead charges for Research Consultancies will be collected by Research Services. This may be at the beginning, throughout or conclusion whichever is more appropriate. All research overheads will be managed by Research Services until the completion of the project (in case of failure of business to pay and/or overspend). At project completion Research Services will journal faculty overheads to an agreed faculty cost centre.

Overhead charges for Non-Research Consultancies will be collected by Financial Services at the time of invoicing at the direction of the Faculty.

### Minimum Overhead Rates

<b>\$1 - \$20,000</b>	<b>\$20,001 - \$620,000</b>	<b>Over \$620,000</b>
<b>no overhead charge</b>	<b>25% of income exceeding \$20,000</b>	<b>\$150,000 fixed price</b>

### 2. Distribution of overhead revenues

The distribution of overhead revenues will be as follows:

- **For projects between \$20,000 - \$620,000**

15% will be retained to support central services and 10% will be retained by the relevant Faculty or Office.

- **For projects over \$620,000**

\$90,000 will be retained to support central services and \$60,000 will be retained by the relevant Faculty or Office.