

# CONSULTANCY POLICY



**KALASALINGAM ACADEMY OF RESEARCH AND EDUCATION**

(Under the section 3 of UGC act 1956)

Anand Nagar, Krishnankoil-626126, Srivilliputtur(Via), Tamilnadu, India.

Phone: 04563-289042, Fax: 04563-289322

[www.kalasalingam.ac.in](http://www.kalasalingam.ac.in) email: [info@kalasalingam.ac.in](mailto:info@kalasalingam.ac.in)

**CONSULTANCY POLICY**  
**KALASALINGAM ACADEMY OF RESEARCH AND EDUCATION**  
**ANANDNAGAR, KRISHNANKOIL 626126**

**1.0 PREAMBLE**

Kalasalingam Academy of Research and Education (KARE) encourages commercial application of expertise to non -academic partners like industries and commercial establishments, Govt. agencies and it is committed to support faculty members in this work.

This document sets out the University's approach to consultancy in detail. Its aims are:

- To encourage consultancy activity by faculty members where appropriate
- To ensure that faculty and supporting faculty member are provided with the appropriate support for their activity and that their interests are well protected
- To ensure that consultancy clients are provided with a comprehensive and professional service to fulfil their requirement
- To ensure that the interests of the University are protected and that its research and teaching activity is enhanced by consultancy

It is hoped that, as a result of the framework described within this document, more faculty members will feel encouraged to undertake consultancy projects and will be motivated by the benefits it brings.

- It helps to identify new research opportunities
- It brings variety to a work portfolio
- It can provide engaging teaching material based on the real-life application of the skills learned
- It generates recognition for the University and the consultant

The Policy is reviewed on an annual basis, and will be updated to reflect any changes in activity across the University.

Please direct any questions about this Policy to the: [directorconsultancy@klu.ac.in](mailto:directorconsultancy@klu.ac.in) and copy to Vice chancellor: [kluvc@klu.ac.in](mailto:kluvc@klu.ac.in)

## 2.0 DEFINITIONS

### 2.1 University Consultancy

University consultancy refers to the application of specialist knowledge or expertise by a named individual, or individuals, to the service of a paying client on projects that require the use of University resources. It may be provided to private, public or third sector organizations, and the project will usually be of short duration. Examples of University consultancy activities include:

- ✓ Undertaking a paid advisory role
- ✓ The development of a new product/technique/information that will be of use to the client.
- ✓ Acting as an expert witness
- ✓ Undertaking regular teaching for an external organisation Evaluating the impact of a client's programme of work

University faculty member may perform up to 35 days of University consultancy over an academic year as part of the contractual allowance for 35 days of Research and Scholarly activity. This period can be extended with permission of the Director Consultancy /Head of service or their designated alternate (as appropriate), provided the proposed consultancy contract provides enhancement of knowledge and brings recognition to University

By acting as a representative of the University, the faculty member will be fully supported in their capacity as a consultant throughout each project. This will include drawing up a contract, negotiating a fee, protecting intellectual property, providing insurance cover and invoicing the client. The consultant may use University facilities to deliver the project including office or laboratory facilities.

Faculty member may be entitled to claim a proportion of income generated from University consultancy that may be taken as incentive. Full details of the support available, and the income allocation for University consultancy are provided in **Section 3** of this policy.

All faculty member wishing to undertake University consultancy are required to inform the details to the Director, Consultancy through a written letter mentioning the name of the client, nature of work, cost details, period of consultancy, schedule of work, no of days field visit required, date of completions, etc. The same will be put up to the Vice Chancellor by the Director, Consultancy, for his approval to proceed further. Once the approval received, the concerned faculty will be informed to carry out the consultancy assignment. It is the responsibility of the faculty member to ensure proper payments from client, ensure high quality of work without violating professional ethics. A project completion certificate and feedback form must be collected from the client by the respective faculty member after successful completion of the assignment.

## **2.2 What is not consultancy?**

Not all external paid activities are classed as consultancy, especially those that relate to routine research or scholarly activity. Examples include:

- Technical services e.g. the analysis of a material/water/soil sample using University equipment.
- The hire of University resources and the technical assistance to operate them is not consultancy. However, the development of a new technique using that equipment that draws on research expertise would be classed as consultancy.
- Work as an external examiner.
- Scholarly criticism e.g. editing a scholarly journal.
- Presenting work to an academic audience e.g. conference appearances, Authoring a textbook or chapters thereof.

The University will upload the details of faculty members who are interested in doing consultancy assignment in the University website under each department. ([www.klu.ac.in](http://www.klu.ac.in)). This will be used in marketing the University's consultancy activity to prospective clients.

## **3.0 SHARING OF CONSULTANCY INCOME**

Faculty member may be entitled to up to 50% of the consultancy fee generated

(after costs) by the University, the share for stock holders will be as follows:

Value of single consultancy	Category-I (Brain Work only)		Category-II(Using university instrument+ Brain Work)	
	Faculty	University	Faculty	University
Up to Rs. 50,000	90%	10%	80%	20%
Rs. 50001-Rs. 200000	75%	25%	60%	40%
Above Rs. 200000	50%	50%	50%	50%

#### **4.0 CONSULTANCY PRICING**

Faculty members are encouraged to undertake consultancy assignments to enhance their knowledge on practical aspects while applying their expertise. They will transfer the knowledge to the students to make them employable. Therefore the costing of consultancy is not focused to generate profit for the university. In this context, the concern faculty members are free to fix the cost of consultancy and the same must be put up for the approval of the Vice Chancellor through the Director, Consultancy on case to case basis.

#### **5.0 INTELLECTUAL PROPERTY**

The intellectual property procedure for consultancy projects is guided by the University's Policy on Intellectual Property Rights; a copy of the policy is available with the Director, Consultancy Services Centre. Intellectual Property may be negotiated on a case by case basis, but in most cases:

The background intellectual property rights (the rights in the background knowledge brought to the project that is developed by either party before or otherwise entirely outside the project) will remain the property of the respective parties. When the consultant owns their own IP this will be retained by them; where the University owns the IP it will be retained by the University.

The ownership of foreground intellectual property rights (the rights in the

knowledge generated by the project) will depend on the nature of the relationship between the University and the client and factors such as the amount of the consultancy fee paid. University policy is to retain ownership of intellectual property wherever possible. However, the University acknowledges that in consultancy arrangements the client may require ownership.

Where the client owns the foreground intellectual property rights the client will be asked to grant the University a perpetual and royalty-free licence to teach and publish from the results of the project unless otherwise negotiated.

The University acknowledges that many consultancy projects will require commercial confidentiality and that this will mean that the above requirements cannot be met in their entirety. In such cases, an IP agreement between the client and the University should be developed and formally agreed by the client, the University and the consultant prior to agreeing the consultancy contract.

The consultancy contract will need to contain confidentiality provisions to ensure the security of any University confidential information that may be disclosed during the course of the project. The consultant will also be expected to maintain the security of University confidential information in their possession.

## **6.0 PROFESSIONAL INDEMNITY INSURANCE**

Professional indemnity insurance (also called professional liability insurance) is a form of insurance that protects professional advice. If a client believes the consultant has made an error – given inaccurate advice or disclosed confidential data for example – then they can claim compensation. Professional indemnity insurance protects the consultant from the cost of any such claim.

All University Consultancy will be protected by the University's professional indemnity insurance. However, each project needs to be aligned to the standard terms and conditions for the insurance, and any particularly risky project will require additional insurance cover. Projects that carry particular insurance risk include:

- The creation of aerial devices,
- Projects that carry nuclear risks
- Projects that carry the risk of environmental pollution

## **7.0 UNIVERSITY LIABILITY**

Notwithstanding the protection afforded by professional indemnity insurance, the consultancy contract should limit the University's liability wherever possible.

The University cannot exclude liability for death or personal injury resulting from negligence, or for fraud or fraudulent statements.

The University's liability for indirect losses and losses arising out of any product or process that may be produced or adopted by the client as a result of the consultancy project should be excluded.

University's liability for direct losses should be limited or capped at a certain amount. This is often linked to the consultancy fee and can be negotiated where necessary.

Due to the nature of academic consultancy services, neither the consultant nor the University should make any warranties as to the specific accuracy or application of the deliverables being produced by the consultant.

## **8.0 ETHICAL APPROVAL**

Many consultancy projects will contain ethical considerations and some will require particular attention including:

- Working with vulnerable adults or young children,
- Working with sensitive data including medical, financial or personal data,
- Working with living animals, tissue samples or volatile chemical materials.

In line with the University's Code of Fund raising and Donor's Charter, the University will not accept consultancy commissions in the following areas:

- Pornography, Child labour & Slavery
- Illegal activity
  - ✓ Companies whose main purpose is testing products on

animals, sex industry

- ✓ Tobacco and related products \
- ✓ Gambling (whether international, national or local)

Companies involved in areas of business that may have ethical and/or adverse public relations implications should be researched and considered carefully before consultancy commissions are accepted. An illustrative list of businesses/areas that should be considered carefully is set out below.

- Alcohol, Cigarettes and Nicotine related products Armaments – particularly exporting, Banks owed significant sums by third world countries
- Companies which are in violation of international codes on the marketing of pharmaceutical or breast milk products

If there is cause to believe that a consultancy project requires special ethical consideration it should be presented to the relevant Ethics Committee at University for approval before work begins. The client will need to agree to the University's scrutiny of their activity with respect to the proposed consultancy for the purpose of deciding whether or not to engage in the contract. For routine projects it is sufficient that ethical approval is granted by the Dean, Head of service or their designated alternate.

## CONSULTANCY EXECUTION FLOW CHART

