

(As Approved by the Coordination Committee in its 95<sup>th</sup> meeting held on 06/09/2018 and Adopted by Devi Ahilya Vishwavidyalaya in its EC meeting held on 04/10/2018)

## **ORDINANCE No. - 16**

### **CONSULTANCY SERVICES**

#### **1. Preamble: Guidelines for undertaking Research & Consultancy work by the Academic and Technical Staff in M.P. Universities:**

It is important 'to be the fountain head of new ideas and of innovators in technology and science' and with its general goal of 'to create an ambience in which new ideas, research and scholarship flourish and from which the leaders and innovators of tomorrow emerge'. In fulfillment of these points of importance, initiative to promote innovations and to facilitate protection of Intellectual Property (IP) thus generated.

In this document, the processes to support these efforts have been included. A formal framework to guide the implementation of consultancy processes is included in this document. This policy aims to lay down the processes for translating the creative works. Parties engaged in creations of original and innovative work include faculty, staff and other employees. To administer the policies included in this document, and maintain the relevant documents, with appropriate administrative and supporting staff.

**1.1.** The purpose of this Ordinance is to set out the principles and procedures governing Consultancy and other Outside Services undertaken by Staff Members of the University.

**1.2.** Staff Members of the University are encouraged to undertake University Supported Consultancy and other similar work provided it does not conflict with the interests of the University. This is because Consultancy:

**1.2.1.** increases the professional and/or academic competence and experience of the Staff Member and provides a continuing professional education opportunity in the world outside academia and research;

**1.2.2.** creates and enhances links between the University and external organisations that will aid the University in areas such as increasing research opportunities, and student recruitment and placement, and helps the University to achieve its mission of knowledge transfer to improve the local and regional economies; and

**1.2.3.** may generate additional income for the Staff Member and increased funding for the University.

**1.3.** This Ordinance applies to all academic and academic related Staff Members and administrative Staff Members at any grade.

**2. “Consultancy”** means generally the application of existing knowledge, expertise and skills, and includes other activities which are analogous to consultancy activities such as business partnership or ownership etc.

**“University Supported Consultancy”** means Consultancy provided through a contract entered into by the University or one of its subsidiaries with a third party, in which the Consultancy will be performed by a Staff Member within his or her area of academic, research or administrative expertise. This Consultancy is supported by the University and may involve the use of University resources, intellectual property and other resources.

### **3. GENERAL APPLICABILITY:**

This Ordinance governs the Consultancy and other Outside Services engaged in by Staff Members.

### **4. UNIVERSITY SUPPORTED CONSULTANCY:**

**4.1.** University Supported Consultancy arrangements are only permitted where the work is distinct from any project or other work undertaken on the University’s behalf (in order to avoid a Staff Member competing for contracts with the University).

**4.2.** A Staff Member may only agree to provide University Supported Consultancy services in accordance with terms and conditions approved by the Vice Chancellor.

**4.3.** A maximum of not more than 60 day per week may be devoted to University Supported Consultancy.

**4.4.** The Vice Chancellor’s approval is required to ensure compliance with cost recovery guidelines, protection of the University’s IP, and the appropriateness of contractual terms including those relating to liability and IP.

**4.5.** Charges for the use of University resources will normally be based on the full cost of the resources as determined by the University/College/ Department and agreed by the Staff Member and the Head.

**4.6.** When the Head denies a Staff Member authorisation to perform the University Supported Consultancy, the Staff Member may appeal in writing to the Registrar. The Vice Chancellor will have wide discretion to resolve issues regarding Consultancy and final decision of Vice-Chancellor will be binding to obey it by both parties.

**4.7.** University Supported Consultancy will not be allowed in the following circumstances: -

**4.7.1.** When the Consultancy services are to support projects, such as research projects, being conducted by the University; or

**4.7.2.** When such Consultancy would contractually preclude the University or its Staff from engaging in other research or other Consultancy.

**4.8.** When the Consultancy calls for the rendering of expert opinion/evidence in Courts of Law, in Arbitrations, or before Parliamentary Committees, the Consultancy may only be undertaken with permission of the Vice-Chancellor.

**4.9** Faculty/Staff Members must declare annually in their Declaration of Outside Interests the number of days spent on University Supported Consultancy services and comply with all relevant University Policies such as those governing conflicts of interest or intellectual property.

## **5. COMPENSATION FOR UNIVERSITY SUPPORTED CONSULTANCY:**

Income from University Supported Consultancy will be allocated in the following manner:

a. The University will receive 20 percent of the project cost, excluding overhead and service tax, for managing the Consultancy and providing the University's support.

b. The Department will receive five percent of the project cost, excluding overhead and service tax, as an administrative fee.

c. All expenses incurred in the project will not exceed 40% of the project cost, excluding overhead and service tax. Such expenses, for illustration purposes, could include payments to sub-contractors, procurement costs, leasing of supplies, consumables.

d. The remainder (35%) will be paid to the Staff Member.

Payment of fees to Staff Members may, at the Staff Member's option, be made electronically through the University's central payroll system.

## **6. REPORTING:**

Staff Members must report their Consultancy and Outside Services to their Head and Vice Chancellor annually, and to the extent required, make disclosures required by the Conflicts of Interest Policy or Declaration of outside Interests.

7. Accounting Procedure for the consultancy charges shall be applicable as per University financial procedure. The consultancy amount/charges will be deposited in the joint account of Director/Head and Registrar. Director/Head shall be authorized to release the funds for the expenditure during and after the consultancy period.

8. The amount to be distributed to the staff will be as per recommendation of the Principal Consultant approved by the Vice-Chancellor or any other person so authorized by him.

9. Out of the sales made for a patent emerging from consultancy work, an annual royalty will be divided equally between the Principal Consultant and the University.

10. In case of any ambiguity, the decision taken by the Vice-Chancellor shall be final.

## ANNEXURE-I

### (On Detailed Costing)

**(A) Cost of Labour:** This means the estimated OTA paid to technical / ministerial staff to the Department/ Centre(s) involved in the project and salaries for any specialized labour to be hired specifically for the project. If a staff member engaged on work is not eligible for OTA as per rules of the University, he will be paid honorarium from this provision.

**(B) Cost of Material:** An estimate cost of material to be specifically procured for the project.

**(C) Overheads to the University for Use of University equipment:** This includes charges for use of facilities depreciation, utilities and handling charges etc. and would be levied for all equipment except the computer and other sophisticated equipment / machines declared as central facilities.

**(D) Computer charges and charge for use or Central Facilities:** Charges for the use of these facilities will be budgeted as per the time-sharing rules of these facilities for outside parties as may be approved by the University from time to time.

**(E) TA / DA for visits:**

An estimated charge on the basis of rates settled with 'Client Firm' but if no rates are settled the payment will be as per University Rules.

**(F) Contingencies:** An estimated charge for any contingent expenses expected to be included.

**(G) Administrative over-head charges:** An amount will be levied for the hire of administrative staff for handling consultancy work or for payment of honorarium to the staff of the administrative office handling such work.

**ANNEXURE – II**

**Consultant Certificate**

1. Certified that this consultancy assignment shall not clash with my teaching in the department or any other official duty at the University.
2. That the interest of my department/University shall not suffer.
3. That the duration of my total consultancy work in a calendar year shall not be more than 60 days (60 days in a calendar year, including holidays)
4. That the total annual income of my all consultancy work shall not exceed my total emoluments for six months in the calendar year.

\_\_\_\_\_  
(Consultant's Signature)

Address (Office) (Residence)

_____	_____
_____	_____
_____	_____
_____	_____

Head's Recommendations

Head  
Signature with official stamp

Remarks of Director, Research Directorate

## ANNEXURE-III

### A Sample Costing for a Consultancy Project

A sample costing, disbursement, distribution of Deductions and Overheads for a consultancy project is shown in this Appendix.

#### A sample costing for a consultancy project

- a. Cost of consultants' time, including intellectual fee: 50,000\*
- b. Cost of man days of the staff taking part in the project excluding consultant(s): 30,000\*\*
- c. T.A and D.A (as per agreement with the client): 5,000
- d. Cost of inputs (like chemicals, raw material and other types of consumables) and equipments: 10,000
- e. Usage charges on equipment (including depreciation and utilities, interalia): 0
- f. Payment to outside consultants: 0
- g. Cost of stationery: 1,000
- h. Computer charges: 2,000
- i. Miscellaneous: 2,000
- j. Overhead Charges (15% of a. to i. of this para): 15,000
- k. Service Tax Charges (as per government notification, say 15%): 17,250

**Total project cost 1,32,250**

\* This will be limited to 20% of net project cost in case of testing projects.

\*\* This will be limited to 30% of net project cost in case of testing projects.

#### Distribution of the Consultancy Charges:

University: 20,000

Department: 5,000

Expenses: 40,000

Principal Consultant: 35,000

Overheads: 15,000 (As defined in Annexure-I)

Service Tax: 17,250