



UPSA

UNIVERSITY OF PROFESSIONAL STUDIES, ACCRA

Scholarship with Professionalism



CONSULTANCY POLICY

January, 2017

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1. PREAMBLE

The University of Professional Studies, Accra (UPSA) is a higher education provider committed to knowledge production and the application of its expertise for the benefit of businesses, industry, society, country and the world at large. As such, the University recognizes that one sure way of achieving its commitment is through the provision of consultancy services. Indeed, the Act establishing the University, the University of Professional Studies Act, 2012 (Act 850), mandates the University “to provide service through extension and consultancy activities to the communities outside the University”. In line with this, UPSA encourages its staff to undertake consultancy wherever appropriate and in a manner, that is not inconsistent with their contractual responsibilities. To this end, the University establishes this policy to provide the framework for all consultancy engagements.

2. VALUE OF CONSULTANCY TO THE UNIVERSITY

UPSA recognizes that consultancy is a valuable adjunct to teaching and scholarship, and an important service to society at large. For that reason, staff members are encouraged to undertake consultancy insofar as it does not conflict with the University’s interest. The University believes that consultancy can:

- a) create an avenue for academic staff to utilize their knowledge and skills toward the development of businesses, industry and society;
- b) enhance the links between the University and external organisations;
- c) increase the professional and/or academic competence and experience of staff members by providing a continuing professional education opportunity outside the University;
- d) generate additional income for staff members and increase funding for the University;
- e) create a market niche for the University and enhance its reputation;
- f) provide academic staff with additional criterion of assessment toward their promotion.

3. PURPOSE OF THE POLICY

The purpose of this Policy is to set out the framework, detailing the principles and procedures, for undertaking consultancy by staff members of the University. The goal is to promote and increase consultancy activities as mandated by the UPSA Act, 2012 (Act 850).

4. SCOPE OF THE POLICY

This Policy covers both University and Private consultancies. The distinction between these two types of consultancies is explained under section 6.3.

5. APPLICABILITY

This Policy is applicable to UPSA and all its staff who are employed under fulltime or contract basis as well as any staff engaged through consortium with other institutions.

6. DEFINITIONS

6.1 *Consultancy*

For the purpose of this Policy, the University defines consultancy as an activity or work of a professional nature, undertaken by University staff in their field of expertise, for clients outside the institution, which is remunerated in cash, goods, services or otherwise. Consulting includes but not limited to teaching and/or service to another institution of higher education, remunerated service performed for a public or private external organisation. Clients outside the institution may include companies owned by the University. Among others, the attributes of consultancy are:

- a) It does not have as a prime purpose the generation of new knowledge.
- b) It produces some form of contracted output which may be partly or wholly owned by the client;
- c) The University normally does not have freedom of publication over the results of consultancy;
- d) It tends to be governed by short-term contracts;
- e) It makes minimal use of University resources and involves extra work for existing staff rather than the employment of new staff.

6.2 *Exclusions to consultancy*

Consultancy does not include those activities, paid or unpaid, which are in furtherance of scholarship or general dissemination of knowledge, such as: authorship of a book or chapters thereof, royalties from the publication of books; service on public sector or charitable committees; external examiner duties; student supervision; lecture tours and conference presentations or attendance; editorship of academic journals or the publication of academic articles; and scholarly criticism.

6.3 *Types of Consultancy*

- a) **University consultancy** is provided through a contract entered by the University or one of its subsidiaries with a third party, in which the consultancy is performed by a staff member within his or her areas of academic, research or administrative expertise. Typically, this consultancy is supported by the University and may involve the use of University resources.
- b) **Private consultancy** is undertaken strictly in the personal and private capacity of the consultant/staff with no use of the University's resources, no use of the University's name, no University insurance coverage, and no liability on the University. It is undertaken in areas outside of the academic, research or administrative expertise of the staff member for which he or she is employed by the University.

6.4 *Conflict of interest*

In a university setting, conflict of interest situations exist when university employees have an opportunity to influence the university's decisions in ways that could lead to personal gain or give improper advantage to others. The opportunity may or may not result in actual personal financial gain or unfair advantage to others.

- a) A conflict of interest exists when an individual has simultaneous positions in the University and in an external organization which permits him/her to influence the University's relationship with that organization.
- b) A conflict of interest exists when an individual with an academic appointment engages in direct or indirect competition with the university by channeling grants and contracts through an external organization when such grants or contracts could appropriately be conducted under the auspices of the University.

6.5 *Consulting Unit*

Consulting Unit refers to the Administrative Unit within which a consultancy takes place. The Administrative Unit may refer to a Centre, Institute, Faculty or School.

6.6 *Consulting Directorate*

Consulting Directorate refers to the Research and Consultancy Centre (RCC) of the University headed by the Director of Research and Consultancy (DRC).

7. POLICY AND PROCEDURES

7.1 *Professionalism and competence*

- a) The University and its staff shall seek to undertake consultancy where it has sufficient capacity – physical and human – or capability to do so.
- b) Staff should seek to undertake consultancy in areas of their academic, research or administrative expertise.
- c) Where joint expertise or collaborative effort is necessary, the University will be open to form consortiums with other universities and/or research institutions to bid for jobs.
- d) Consulting shall not give rise to conflict of interest for the individual member of staff or for the University.
- e) The University and its staff should aim at the highest standards of quality and deliver value-for-money for their clients.
- f) Consulting should not be undertaken by a faculty member where it is reasonably expected that it will distract or affect the quality and quantity of the staff member's other scholarly activities such as teaching, research, consultation with students or administrative duties.
- g) There must be a contract to support every consulting project.

7.2 *Who can undertake consultancy*

- a) All University staff who are employed under fulltime or contract basis.
- b) Any staff engaged through a consortium with other institutions. Such staff shall subscribe fully to the policy framework of the University.

7.3 *Limitation on consulting activities by faculty members*

- a) University consultancy is limited to a maximum of three days per business week during compensated period and a maximum of 45 days of consultancy activity per academic year. This period can be extended with permission of the appropriate approving authority, provided the proposed consultancy contract provides adequate funding for the buy-out of the member of staff.
- b) Each Consulting Unit is responsible for recording the days a staff member devotes to consultancy.

- c) The limits on the maximum days allowable for consultancy does not apply to staff members working in the RCC and Centres of Excellence whose normal duties involve consultancy.
- d) Exceptions may be made to the maximum of three-day-per-week limit in the case of professional service which carry a nominal stipend such as lectures and other public appearances, service on accreditation and programme review teams, site visits, and membership on foundation and public agency boards or grant review panels, and similar activities.
- e) Consulting should not occur at a time that conflicts with scheduled classes, office hours or other university responsibilities. Should there be a necessity to miss such scheduled University's responsibilities, a faculty member will be required to obtain advance permission for consulting from his/her Dean or Director.
- f) Where permission is granted to a staff member to miss scheduled University responsibilities, he/she must assure that such scheduled University obligations are fully met by himself/herself at another time or by another member of the University faculty.

7.4 Database of consultants

- a) The RCC will develop and maintain an up-to-date database for all consultants with detailed information on their areas of expertise.
- b) Consultants will be required to provide detailed CVs in a required format to the RCC which will be updated periodically.
- c) The CVs provided to the RCC shall be used solely for sourcing consultancies.
- d) A confidentiality agreement will be drawn between the RCC and respective consultants.

7.5 Guidelines and procedures

- a) The RCC will develop detailed procedures and guidelines to enable academic staff access the services of RCC. Among others, the guidelines and procedures should at the very minimum provide information on the following:
 - i) Types of consultancies
 - ii) Application process for being considered as a consultant
 - iii) Approval process
 - iv) Consultancy participation rules and commitments
 - v) Payments procedures
 - vi) Reporting formats

- b) The RCC shall make available to the University employees all University forms to implement this Policy including the forms for requesting approval, exemptions, payments and reporting formats.
- c) The RCC will maintain best-practice systems and procedures for managing consultancy contracts

7.6 Application for approval

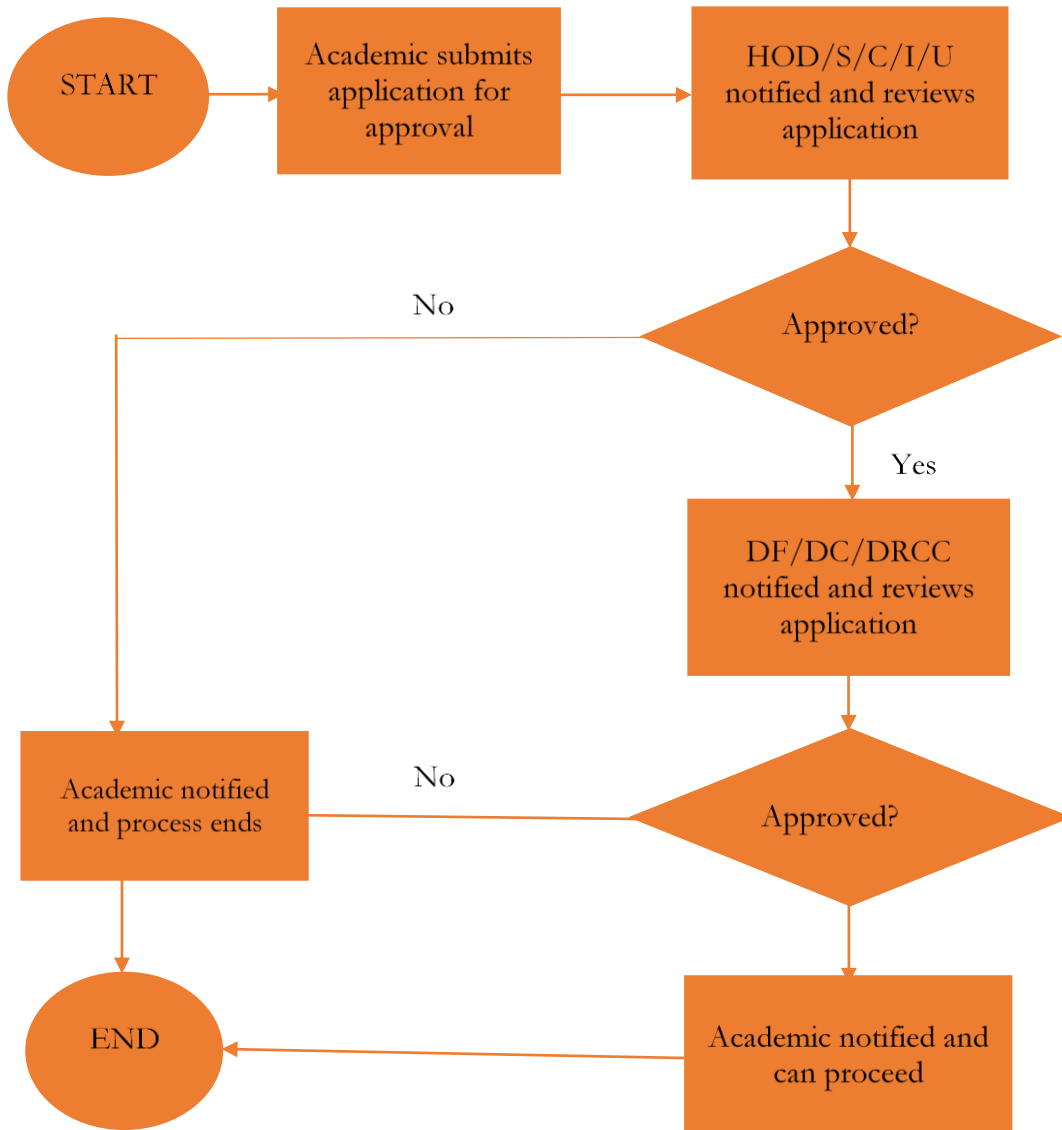
- a) Where a consultancy is to be undertaken by a staff member on behalf of the University, or in the private capacity of the member of staff, the contractual commitment or agreement must be arranged by following the consultancy approval procedures determined in section 7.7.
- b) Approval to engage in any consultancy activity covered by this policy must be sought in advance, from the appropriate authority of the University. This must be done by completing and returning a 'UPSA Consulting Approval Form' obtainable from the RCC.
- c) A separate approval request for each individual piece of consulting work is required. If an individual piece of work spans more than one calendar year, a separate approval request for each year should be completed.
- d) Arrangements for the consideration and approval of consultancy activity may vary from one Consulting Unit to another but in all cases, the RCC should be informed of the arrangements and furnished with details of their consultancy activities periodically.
- e) It is a breach of University policy to engage in consulting without prior approval.
- f) Staff should seek advice from the Head of their Administrative Unit if they are unclear about whether their proposed work constitutes consultancy. Where necessary, the Heads of the Administrative should seek advice from the Director of Research and Consultancy Centre (DRCC) in reaching a decision about the classification of a particular piece of work.
- g) Approval to undertake all consulting work will be given on the basis that:
 - i) It does not exceed the limitations imposed under section 7.3;
 - ii) The activities are related to the academic and professional interests of staff;
 - iii) The Consultancy does not interfere with the performance of normal academic duties of the staff member;
 - iv) It gives rise to no conflict of interest for the individual member of staff or for the university

- h) The DRCC will remind staff members of the requirement to seek permission each year through an email.

7.7 Approval Process

The standard process for applying for approval to undertake consultancy is as follows:

Figure 1: Standard procedure for applying for approval to undertake consultancy



Legend

HOD – Head of Department
 HOS – Head of School
 HOC - Head of a Centre
 HOU – Head of Unit
 HOI – Head of Institute
 DF – Dean of Faculty
 DC – Dean/Director of Centre
 DRCC – Director of Research & Cons.
 Centre
 VC – Vice Chancellor

Notes

1. If a HOD submitted an application, it routes straight to the DF and DRCC for approval
2. If a HOS/DF/DC submitted an application, it routes straight to the VC through DRCC for approval
3. If a DRCC submitted an application, it routes straight to the VC

7.8 *Authority for approval*

- a) Approval to undertake consultancy rests with the Vice-Chancellor (VC) as the Chief Executive Officer of the University. However, this authority is hereby delegated to the Director of Research and Consultancy, Directors of Centres, and Deans of Schools and Faculties. This delegation is revocable by the Vice-Chancellor at any time without notice.
- b) The approving authority may revoke or amend permission for consulting work at any stage where, in their opinion, an external commitment is no longer consistent with the contractual duties of a member of staff.

7.9 *Quality assurance mechanism*

The RCC Unit will develop quality assurance mechanisms to ensure that the University delivers highest standards of quality and value-for-money consultancy to its clients.

7.10 *Private consultancy*

- a) Staff members may undertake consultancies which are not sourced by the University and hence not done under the auspices of the University. Approval is still needed for such consultancies.
- b) For private consultancies, the concerned staff must ensure the University is fully indemnified against any claims or risks. A written declaration must be made by completing the “*Private Consultancy Declaration*” form obtainable from the RCC.
- c) Unless authorized, a staff member may only perform private consultancy in areas outside his or her academic, research or administrative expertise for which he or she is employed by the University;
- d) In addition to the conditions stated in section 7.6 (g), approval to undertake private consultancy will be given on the basis that:
 - i) The University acquires no vicarious liability;
 - ii) The staff member has made it clear to the client that he/she is operating as a private individual and not as an agent or employee of the university;
 - iii) The University will have no responsibility for the work and this has been made clear to the client by the staff member. An Indemnity Form, disclaiming the involvement of the University or any financial liability of the University, must be signed by the staff member and the client. The indemnity form will be in form prescribed by the University’s Legal Counsel;

- iv) The private address of the member of staff, including email address, is used for all correspondence. The use of the University's letterheads or other printed stationery is not permitted;
 - v) Where University facilities are used, the full value must be paid to the University on a basis agreed with the appropriate Head and Director of Finance;
 - vi) The staff member undertakes to make his/her own declarations of private consulting income for all statutory deductions on a self-employed basis.
- e) When a staff member undertakes a private consultancy, he/she is not covered by the University's professional indemnity insurance policy and would therefore be required to carry his/her own insurance.

7.11 University consultancy

- a) University consultancy must be signed by the VC. The VC may delegate this authority but not the authority to delegate.
- b) Before University consultancy contracts are signed, the DRCC must ensure that:
 - i) The commitments to be entered can be met;
 - ii) Resources will be available;
 - iii) Contract pricing meet the University's policy (refer to section 7.12);
 - iv) Budgets have been prepared and agreed;
 - v) Contract terms are acceptable;
 - vi) No conflict of interest declaration has been made
- c) All University consulting projects should be processed through a University Account determined by the Director of Finance.

7.12 Budgeting and pricing

- a) All consulting projects must be based on fully-costed budgets that are seen and approved by the appropriate authorities.
- b) The budget must include staff time, operating costs, and University overheads
- c) Provision should be made for VAT at the prevailing rate chargeable to the funding body
- d) Charges for the use of the University's resources will normally be based on the full cost of the resources as determined by the appropriate authority.
- e) The price quoted to the funder should be in accordance with the following principles:

- i) Every effort should be made to ensure full recovery of overheads;
 - ii) The price should be consistent with the going rate for such work and should not, without good reason, undercut significantly the prices that would be charged for comparable work by competing contractors or consultants;
 - iii) The price should be set with due regard to the value of the work to the clients;
 - iv) A price discount may be considered if justified by the potential benefits
- f) In consultation with the Finance Directorate, the RCC will maintain and disseminate budgeting templates which are consistent with costing and pricing details of this Policy.
 - g) Consultants seeking to marginally-cost or under-cost contracts (i.e. to offer prices in which overheads are not fully recovered) will be required to provide strong justification to back their strategy
 - h) Where the funding available for a consultancy project is less than the full cost (including overheads), the project may be priced at a loss in which case it can only be undertaken with a subsidy from the University or the Consulting Unit. Such funding can only be accepted with approval of the Vice-Chancellor.

7.13 Distribution of income from University Consultancy

UPSA is poised to have an attractive revenue sharing mechanism which will encourage staff to undertake University Consultancy. Income from such consultancy will be allocated as follows:

- a) UPSA will retain 10% of the gross income as a fee for managing the consultancy and providing University support;
- b) All expenses incurred in the consultancy will be paid from the balance of 90%. For illustration purposes, such expenses may include procurement costs, management fees, charges for use of University' resources, leasing of supplies, finder's fees, payments to sub-contractors, etc.
- c) The remainder of the 90% after paying all expenses will be paid to the staff member(s)

7.14 Payment to staff members

- a) Any staff member wishing to claim a payment from a consulting project should complete a 'UPSA Request for Payment for Consultancy Form' obtainable from the RCC.
- b) The form must be authorized by the Head of the Consulting Unit before presentation to the RCC for verification and onward submission to the Vice-Chancellor for approval.

- c) Payment will be made by the University through the Finance Directorate. The Director of Finance must ensure that the terms of the remuneration adhere to relevant Financial Administration Regulations.

7.15 Tax and National Insurance

The Finance Directorate of the University will ensure that both employers and employees costs are remitted to the Internally Generated Funds. The statutory deductions for income tax and national insurance will be made, and staff will receive the net amount.

7.16 Reporting

This Policy provides for reporting of consulting activities as follows:

- a) Staff members must report their consultancy service to the DRCC annually, and to the extent required, make disclosures required by the Conflict of Interest Policy.
- b) The DRCC shall review the consulting report, and ensure that the consulting activities are not in violation of the provisions of the prevailing Consultancy Policy.
- c) The DRCC shall in turn report on all consultancy activities of the University.
- d) If the DRCC determines that consulting activity by a faculty member is in violation of this Policy or fail to report promptly his or her consulting activity, such individual may be subject to disciplinary action pursuant to University Policy.

7.17 Other protocols

- a) All consultancy proposals and applications, and resulting contracts, are to be submitted to clients and funders through the RCC but in the name of the Consultant(s) or Consulting Unit.
- b) Once contracts have commenced, the RCC will ensure that income and expenditure transactions are processed and regular financial reports are made available to Consultant(s) or Consulting Unit.

8. IMPLEMENTATION OF THE POLICY

The responsibility for the implementation of this policy lies with the DRCC who may delegate that responsibility to another person. The University shall provide the necessary Management support to ensure the implementation of this Policy.

9. REVIEW OF THE POLICY

Unless otherwise warranted, this policy shall be reviewed every five years.

10. REFERENCES

University of Professional Studies Act, 2012 (Act 850)

11. VERSION CONTROL

Version	Approved by	Approval Date	Effective Date	Review Date
1 st	Vice Chancellor	11 th Jan. 2017	14 th Feb. 2017	Five years from approval date

12. POLICY SPONSOR

Director, Research and Consultancy Centre

13. CONTACT PERSON

In relation to this Policy, the following person shall be approached or contacted:

The Director, Research and Consultancy Centre

