



BRAINWARE UNIVERSITY

CONSULTANCY POLICY FOR ACADEMIC AND TECHNICAL STAFF



BRAINWARE UNIVERSITY

398, Ramkrishnapur Road, Barasat, North 24 Parganas, Kolkata - 700 125



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1. Objectives of Consultancy Policy:

The objective of Consultancy Policy pursued by Brainware University (hereinafter referred to as BWU) is to promote academic, industry and research interaction and to encourage and facilitate its faculty to provide knowledge inputs sought by industry, government agencies or other research organizations.

2. Facilitation:

The University provides the necessary facilitation conforming to the following policies concerning consultancy:

- A. BWU shall attempt to provide an atmosphere conducive to undertake consultancy by all interested and motivated faculty members in their areas of competence with the broad objective of sharing specialized knowledge and skills by faculty of the university to meet needs of industry, government and other research organizations.
- B. BWU shall endeavor to sensitize all concerned with responsibilities as well as benefits of the consultancy program and its outcomes within the overall framework of the university's mission.
- C. This policy shall apply to the confirmed regular employees of BWU. This policy on consultancy is subject to review by the University Authorities. The university may announce details of implementing procedure on this policy from time to time.

3. Policy:

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

- a. There should be demonstrable benefit to the University from the consultancy through income, enhanced reputation, and/or expanding the expertise of the staff member.
- b. The Consultancy must not be in conflict with University policies including those governing employment; such as the Code of Conduct Policy.
- c. The Consultancy must not be in conflict with the functions, objectives or interests of the University or damage the University's reputation.
- d. Staff members shall not undertake external research activities where no formal agreement has been authorized by the University.

4. Types of Consultancy

4.1. R & D, Expert advice Consultancy

A Research Consultancy exists where an academic staff member provides research skills or expertise in return for remuneration from an external funder. A Research Consultancy may be the outcome of a tender or an individual negotiation. Any Research Consultancies will be governed by the R & D Policy of BWU.

This would also include the provision of professional services to external agencies for a fee viz. analysis of data such as market surveys, opinion surveys etc. The provision of professional services such as designing, legal and medical advice will be undertaken by expert members of faculty and staff as and when available.

4.2. University Non-research Consultancy

Non-research Consultancies include non-research activities performed under contract for a third party.

4.2.1. Testing Consultancy



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This would include, but not be limited to, routine laboratory and other testing of materials, devices or products, against a standard. The university will undertake testing jobs provided testing facilities and expertise are available in the university.

4.2.2. Service Consultancy

This non-research Consultancy will involve use of University's Computational facilities / Software / Hardware and other Technical, Physical infrastructure by the client. For example, use of software/hardware by the outside students, researchers, scientists, engineers, etc. OR use of computers / technical manpower and other infrastructure of the university for conduct of online / offline examinations or tests; and other e-services.

5. General Consultancy Rules

5.1. Private Consultancy

In Principle a faculty or staff member is not supposed to undertake a Private Consultancy unless it is approved by the Vice Chancellor. However, the faculty or staff conducting private consultancy shall ensure that such work does not affect their allocated duties, obligations to the university.

None of the benefits set out for University Consultancy are available to faculty and 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 what so ever in the matter. A staff member conducting a Private Consultancy must ensure that the following criteria are met:

- a. The carrying out of tasks associated with the Private Consultancy will 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. No University facility (including library resources, power, space, equipment, consumables and telephone facilities) will be used to fulfil the requirements of the Private Consultancy
- d. BWU University is not bound by any agreement (written or otherwise) relating to the Private Consultancy;
- e. The staff member declares any real or potential conflict of interest to their manager.

5.2. Staff entitlements

- a. The University allows staff to engage in Research, Non-research and/or Private Consultancies provided they do not interfere with the discharge their duties.
- b. Consultancies shall be undertaken only with the approval of the Project Director and Registrar.
- c. No limit is placed on earnings. However there is a limit on the time spent on Consultancy.
 - i. 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 the Project Director. A lesser time commitment may be approved when the proposed Consultancy interferes with the discharge of responsibilities.
- d. The consultancy assignments under Category-4.1 are of highly specialized nature and must be handled with utmost sincerity. The assignments under this category may have far reaching impact on academia as well as society. Thus, any compromise in the execution of these assignments may tarnish the image of University. Keeping this in view, it is mandatory to ensure that the concerned consultant possess proper academic qualifications and well established credentials in the area of consultancy.



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- e. The consultant must undertake any consultancy assignment under Category – 4.2.1 only after ensuring that the machine/equipment used for testing is duly calibrated and provide accurate results against a reference/standard. It is understood that the testing equipment will be used only by the consultant(s) and not by the client.
- f. The consultant must undertake any consultancy assignment under Category – 4.2.2 only after ensuring that all the Computational facilities/Software/Hardware, technical and physical infrastructure, etc. are in proper working conditions as these are to be used by the client(s). For any damage, the cost may be recovered by the consultant from the client.
- g. Any outstation travel required for Consultancy Assignments will be undertaken with the prior approval of the Vice-Chancellor under intimation to the Head of the Department/Office concerned. TA-DA, expenses towards boarding and lodging, etc. as per entitlement of the consultant shall be admissible as per the university rules. However, depending on the urgency of the consultancy work and the consent of client, the consultant(s) may claim TA-DA irrespective of his/her entitlement as per actual on the production of original tickets/bills. All these expenses will be met out of the concerned consultancy project funds.
- h. The consultant(s) will have the right to publish the work carried out by him/her out of the consultancy work under Category – 4.1 only after taking prior permission of the client.
- i. No retiring employee of the University will be allowed to submit a fresh consultancy project proposal as a consultant, if the duration of the project is beyond his/her date of retirement. However, in exceptional circumstances, a retired employee may continue to work as consultant with the approval of the Vice Chancellor, if he/she continues to serve the University in some other capacity.
- j. If the Principal Consultant proceeds on leave or leaves the University or is not available for a certain duration for some reason (exigency/critical illness), the Project Director on the recommendation of the Principal Consultant (if he/she is available) will appoint a new Principal Consultant in consultation with the client subject to the eligibility criteria of the consultancy rules and the written consent of new Principal Consultant. The new Principal Consultant shall also give an undertaking to complete the project in the remaining funds and time period to the Project Director through Head of the department / office concerned.
- k. If any of the Consultant(s) or supporting staff wishes to donate part or whole of his/her own remuneration from the consultancy, the same will be permissible and transferred to Institutional Development Fund only.
- l. All purchases/procurement under consultancy projects shall be made as per norms prevailing in the University. In case of equipment which is to be carried outside the university, the same should be insured before they are taken out.
- m. A consultancy project is normally expected to be closed soon after the date of completion as stipulated in the original project proposal, unless an extension has been sought and granted. The completion certificate should be taken from the client on his letterhead by the Principal Consultant.

5.3. Consultancy Charges

Normally the agreed charges of the consultancy project are to be deposited by the client, in full, before the consultancy work commences. However, this stipulation is negotiable. In such cases where the client proposes to deposit partial charge in advance, the project will commence only after depositing 50% of total contracted amount of the consultancy project by the client. The arrangements of subsequent receipt of funds from the client have to be clearly spelled out in advance while submitting the proposal before screening committee. The final report of the consultancy work shall be released subject to the full payment of the total contracted amount.



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6. The Consultancy Proposal initiation and Management

- a. Consultancy projects are normally initiated by requests/enquiries from the Client directly to the University or by discussion between the Client and the Consultant(s). When the enquiry is directly received by the University, the Principal Consultant and other consultants (if required) will be identified depending on their expertise, and existing commitments, by the Project Director on the recommendations of the Departmental Academic Committee (DAC) in case of teaching departments and on the recommendations of the Registrar in case of non-teaching staff.
- b. In the event of a client preferring the services of a specific consultant, the consultant must fulfil the specified eligibility criteria and proper justification by the client for preferring a specific consultant must be given. The Project Director after satisfying himself/herself shall ask the identified Principal Consultant to submit the detailed proposal as per the specified procedure.
- c. The Principal Consultant shall submit a detailed project proposal (as per the format in Appendix I) for the consultancy work through the respective Head of the dept./Project Director.
- d. An employee of the university, who finds himself/herself eligible for the consultancy work, can also submit a detailed project proposal (as per the format in Appendix I) through respective Head of the department/Project Director.
- e. The proposal so submitted shall be placed for screening before the project committee for approval.
- f. Once the proposal is accepted, an acceptance report with all budgetary details is to be prepared and shared with the client for further processing of the work and initiation.

7. 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.
- b. The faculty or 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 faculty or 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).
- c. Access to the University's financial management processes to support and enable invoices to external organizations for funding and expenditure of project costs.
- d. Access to the University's resources such as technical and administration staff equipment and telecommunications, subject to approval by the Faculty or Office.
- e. Entitlements to use the University's name and reputation, providing it is not brought into disrepute.
- f. Ability to make reference to their University position and title in connection with the work.
- g. The University does not extend these benefits to Private Consultancies. Any Consultancy conducted by a faculty or 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.

8. Documents to be maintained in the Consultancy File

Following documents will be maintained by the Principal Consultant through his/her team members and produced as and when required:

- a. *Correspondence Records*: A sub-file should be maintained for all correspondence since initiation.
- b. *Attendance Records*: Attendance record of the Consultant(s), supporting staff etc. with man-hours spent during the consultancy work.



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- c. *Inspection/Site Visit Record:* A register to record any site visit by the Consultant(s) be maintained by the Principal Consultant. The suggestions rendered by the Consultant(s) during site visit along with remarks of the clients must be recorded. Further, if any advice by external expert is requested during the Consultancy project, the same may also be recorded along with the remarks of the Consultant(s).
- d. *Payment Record:* To record all payments made to Consultant(s), supporting staff etc.
- e. *Consumable and Non-Consumable Register:* Register for recording hire/purchase of all equipment, materials, consumables, non-consumables etc. for the purpose of consultancy and its utilization (if any).
- f. *Log books:* Separate log books are to be maintained for consultancy, to record number of hours the laboratory equipment or hired or purchased equipment have been used for this purpose.
- g. *Travel Record Register:* To record details of all expenditure incurred on travel.
- h. *Agreement Records:* To maintain complete record of all agreements, contracts, drawings and such document which may constitute legal requirement.
- i. *Progress Report:* Record of progress report will be maintained by the Consultant(s). The consultant should periodically keep the Project Director informed on the progress. Every three months or as asked by the client, the consultant(s) is also supposed to submit a copy of progress report to the client, if it is a long duration consultancy project.

Records of any test results are also to be maintained as per the dates conducted.

- j. *Final Report:* The final reports shall be signed by the concerned HOD and faculty involved and one copy should be maintained in the department.

At the time of completion of a consultancy project, the Principal Consultant shall submit a copy of final report along with duly audited expenditure statement, utilization certificate and completion certificate from the client in the office of the Project Director.

- k. *Any Other Document:* Any other document as per the requirement of the client/nature of consultancy project, etc. shall also be maintained by the Consultant(s).

9. Budgetary Policies and Fund Distribution

- a. All Consultancies are required to include overheads.
- b. All payments related to Consultancy work will be received by the university under separate budget head "Consultancy Services". The funds for Consultancy work will be operated by Project Director/Registrar and Accounts officer of the university.
- c. The revenue generated from the consultancy project, after deducting the service tax and other expenditures met by the university, shall be shared by the department and the university in a 70:30 ratio.
- d. The total revenue received from the client will be distributed as per the table below only after receiving the completion certificate from the client.

| Items | Amount |
|---------------------------------------|--------------------------------------|
| Total fee received from client | A |
| Service Tax | S |
| Total expenditure on the work/project | C (C should not exceed 0.5 A) |
| Total Contracted amount | T = A-S-C |



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| | |
|----------------------------------|---|
| University Share | U = 0.3T |
| Remaining Amount | B = T-U |
| HOD for Departmental Development | D= 0.1B |
| For Principal consultant | P = 0.70 (B-D) (Should be divided equally if more than one faculty is involved) |
| For Supporting Staff involved | E = 0.30 (B-D) |

9.1. Expenditure Details:

The actual expenditure in the consultancy work should cover the following costs related to the project. The taxes will be applicable as per government rules.

- Permanent equipment/components of any equipment procured.
- Travel expenditure incurred due to the consultancy work.
- Consumable materials.
- Charges paid for the use of Computational facilities, lab testing facilities or some specific job-work, expert advice, etc. to the outside agency or within the University for proper execution of the consultancy work. In case the charges are paid within the University, it shall be credited towards Institutional Development Fund (IDF). However, such expenditure should not exceed 10% of the total money received from client i.e. 'A'.
- Contingency expenses covering cost of preparation of report, typing, word processing, drawing, drafting, stationery, reproduction, literature (books, journals, membership fee for professional societies), postage, courier, FAX and telephone (including rental and STD/ ISD call bills of telephone at residence or mobile phones), etc.
- Payment/Remuneration to the official staff and technical supporting staff (if required) associated with consultancy work. For all official and Technical staff, the upper limit for remuneration from consultancy Projects shall not exceed his/her Gross Salary for 6 months in the financial year.
- Insurance on equipment and manpower during travel.
- Maintenance, calibration/recalibration of equipment/testing facilities required for the consultancy work.
- Any other costs considered appropriate.

All expenditure under consultancy projects shall be made as per norms prevailing in the University, unless otherwise mentioned in the MoU or Agreement of the Consultancy project.

10. Approval

All University approved Consultancies are required to be approved and managed in accordance with this Policy, associated documents, and other University policies. Applications to conduct Consultancy are required to be approved through.

11. Conflict of interest

Engagement in consultancies must not create a conflict of interest, perceived or actual. Any conflict of interest, actual or perceived must be reported to the relevant University Officer for resolution. 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 organization to which the University supplies goods or services.



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12. Intellectual property

Any intellectual property arising from any Research and Non-research Consultancies will be governed by the Intellectual Property Policy of BWU.

13. Misconduct:

No faculty member engaged in consultancy assignment shall indulge in fabrication/falsification of data in either recording or reporting, resort to plagiarism knowingly or intentionally and all other such acts normally not conducive of being considered ethical. BWU shall take suitable action as applicable in such cases.



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APPENDIX – I

FORM FOR APPROVAL OF CONSULTANCY PROJECTS

1. Name of the Department: _____

2. Project Title:

3. Type of project (Testing Consultancy/Service Consultancy/R&D, Expertise Consultancy):

4. Sponsoring Agency/Client (Name & Address): _____

5. Type of Agency (Please tick): Govt./Public/Private/Others (Please Specify): _____

6. Project Duration: _____

(i). Project Start Date: _____ (ii) Project Completion Date: _____

7. Total Amount Sanctioned: _____

8. Consent/Request Letter from the client attached: YES/NO

9. Consent Letter of the consultant(s) attached: YES/NO

10. Details of person(s) involved:

| Sl. No. | Name & Designation of the person(s) involved | Highest Academic Qualification of the Consultant | Brief details of the work | Hours | Signature |
|---------|--|--|---------------------------|-------|-----------|
| | | | | | |

11. List of equipment required:

12. Budget details:

| Description | Amount |
|--|--------|
| 1. Gross Amount including Service Tax, G | |
| 2. Service Tax, S | |
| 3. Contracted Amount, T=G-S | |



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APPENDIX – I

| | |
|---|--|
| 4. University Share, U | |
| 5. Total Expenditure (Estimated*), E | |
| 6. Balance Amount for Distribution to Consultant(s) and Development Fund (Estimated**), D | |

Signature of the Principal Investigator/Consultant with date

Approved by:

Head of the Department

(Full signature with date)

To be forwarded to: Industry-institute partnership cell/Director -Projects for final approval.

Consultancy Project No.: _____ dated: _____

Recommendations: (Approved/Not Approved/Suggested improvements)

Convener/Director
(Signature of the Convener/Director with date)

Registrar

(Signature of the Registrar with date)



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