

University Regulations: Regulation 29

Regulations governing Consultancies and other outside work undertaken for reward by members of the Academic Staff

1.0 GENERAL PRINCIPLES Although members of staff employed on a full-time basis have a contractual obligation to work solely for the University it is the policy of the University to encourage the undertaking of paid outside work in appropriate cases on the basis of the following principles:

1.1 That such work: does not impose an undue burden on colleagues, and does not conflict with the University's interests, and does not create any conflicts of interest such as with commercial suppliers of equipment and services to the University;

1.2 That the contractual obligation of members of staff to devote the time necessary for the performance of the individual's normal duties is met;

1.3 That 'best practice' involves such work being undertaken under the auspices of the University or its wholly owned trading Companies on the basis that there is a balance in the contractual and financial arrangements between the interests of the University and that of the individual member(s) of staff undertaking the work which may involve some remuneration accruing directly to the individuals;

1.4 That it is possible for members of staff to undertake some outside work on a private basis provided that no financial, tax or legal liability shall as a result fall upon the University and that any use of University resources is re-imbursed on a full cost basis;

1.5 That in all cases prior approval must be obtained as set out in Section 3.0 of this Regulation.

2.0 DEFINITIONS AND SCOPE

2.1 Outside work is defined as any work undertaken by individual staff for reward other than the research, teaching, administration, professional or other activity, and including any defined duties and responsibilities, relating to the University post to which the member of staff is appointed. Examples are:

- a. Ownership of a business;
- b. Consultancy - including advice to Government departments;
- c. Directorships (as defined in the companies Act of 1948;
- d. Partnerships (as defined in the Partnership Act of 1890);
- e. Private professional practice;
- f. Regular teaching commitments outside the University (including regular teaching/tutoring for other institutions including the Open University).

2.2 Consultancy for the purposes of this regulation is defined as the provision of advice, information and any other services based on the professional knowledge which the member of staff is deemed to possess by virtue of the expertise for which they are employed.

2.3 Normal academic/professional activities are excluded from the provisions of this Regulation and therefore do not need separate approval. Examples include:

- a. Writing academic books;
- b. External examining;
- c. Refereeing and editing academic journals;
- d. Acting as a Quality Assurance Agency auditor or subject reviewer;
- e. Acting as external assessor/adviser for chair/other senior appointments at other universities/colleges;
- f. Occasional lectures and broadcasts;
- g. Unpaid voluntary work.

3.0 ARRANGEMENTS GOVERNING APPROVAL

3.1 Heads of Departments, after consultation with their departmental boards, will each establish general principles for the department which will include the following provisions:

3.1.1 All outside work (as defined in para 2.1 above) must be notified to and approved by the relevant head of department prior to its commencement: work undertaken and not notified may be regarded as a breach of the staff member's employment contract;

3.1.2 Normally up to 36 days of outside work may be undertaken in any academic year (taking term-time and vacations together): approval to undertake such work shall not normally be withheld provided it is consistent with the principles set out in Clause Section 1.0 of this Regulation and conducted in accordance with its remaining provisions;

3.1.3 Where a member of staff wishes to undertake paid outside work for a total of more than 36 days in any one year, prior approval must be sought from the Vice-Chancellor on a positive recommendation from their head of department or directly from the Vice-Chancellor where a head of department is personally involved;

3.1.4 Where the amount of approved outside work undertaken by an individual becomes in excess of 36 days a year on a sustained basis, consideration may be given to "buying out" the individual's time or transference to a 'fractional' part-time contract (see also para 4.2.5).

3.2 Heads of department will submit an annual return to the Vice-Chancellor of consultancies and other outside work undertaken by departmental staff.

4.0 FINANCIAL AND CONTRACTUAL ARRANGEMENTS

4.1 Outside work undertaken through the University or its wholly owned trading Company(ies) (e.g. Ventures and Consultancy Bradford Ltd - VCB). The following arrangements will apply to properly approved work undertaken under this heading:

4.1.1 The University or its wholly owned Company will be the party contracted to the customer and therefore all contractual matters, including negotiating with the customer on the terms and charges involved, must be transacted through the relevant designated office and not by members of staff themselves;

4.1.2 Any costs in relation to the use of University facilities must be recharged to a value agreed with the head(s) of the relevant department(s) (or, where the head of department is undertaking the work involved, with either the director of research Support and industrial Liaison or the Director of Finance) before they are incurred: the relevant University/Company office will make the necessary arrangements for this reimbursement;

4.1.3 The financial arrangements, including the level of remuneration to the individual(s) undertaking the work, will be agreed before the work is undertaken to reflect the relative

contributions of the University (including its departments), the University Company involved where appropriate (including any charges for services provided) and the individual member(s) of staff;

4.1.4 Where the University itself is not a party to the contract, University-headed stationery must not be used in any communication with the person or body for whom the work is to be undertaken: its wholly owned Company(ies) will provide alternative stationery for this purpose;

4.1.5 Normal provision for professional indemnity and public liability will apply to work arranged through the procedures set out in this paragraph.

4.2 Outside work undertaken by individuals on a private basis. The following arrangements will apply to approved work undertaken under this heading:

4.2.1 The individual member of staff shall inform the person or body for whom the work is being undertaken that:

* the work is being carried out by the member of staff in a private capacity, and that

* the University will not, in any circumstances, accept responsibility for the work or any advice given in connection with it. On no account must it be stated or implied in any negotiations with the other party, including the use of the University's address, telephone/facsimile numbers, headed stationery etc., that the individual member of staff is acting on behalf of the University or its agents or that the University in any way guarantees or indemnifies the work. Any failure in this regard will be regarded seriously and potentially as an act of gross misconduct, and the member of staff involved may therefore be subject to action under the University's disciplinary procedures.

4.2.2 A disclaimer to the above effect must be completed and a signed copy submitted to the Registrar and Secretary through the staff member's head of department, to be countersigned by them where use of University (including departmental) resources is involved. Standard disclaimer forms for this purpose are available.

4.2.3 Any use of University (including departmental) facilities - including secretarial, administrative, computing, laboratory, specialist equipment and workshop services - must be reimbursed at full cost to cover the labour, materials and overheads involved on a basis to be agreed beforehand with the relevant head(s) of department(s) and, where central University facilities are to be involved, the Director of Research Support and Industrial Liaison.

4.2.4 Individual members of staff involved in undertaking outside work under this heading must ensure that no institutional tax liability arises as a result.

4.2.5 Where an individual undertakes approved consultancy and other paid outside work to a total of more than 36 days per annum the income received relating to the excess over 36 days will be shared between the individual and the University on a basis to be agreed as part of the approval process with the share of the income accruing to the University normally being not less than 50% of the gross total involved (see also para 3.1.4).

5.0 INTERPRETATION AND ADVICE

5.1 The Registrar and Secretary is responsible for all matters of interpretation of the provisions of this Regulation.

5.2 Advice on any aspect of consultancy or other paid outside work, including the assessment of charges, intellectual property rights and issues of professional liability arising out of this Regulation is available from the Director of Research Support and Industrial Liaison, the Director of Finance and the Managing Director of the University's wholly owned trading Company (currently Ventures and Consultancy Bradford Ltd - VCB).