

APPROVING RESEARCH AND CONSULTANCY ACTIVITY PROPOSALS PROCEDURES

Section	Research
Contact	Office of AVC Research, Academic and Enterprise
Last Review	September 2015
Next Review	September 2017
Approval	SLT 15/10/204

Research and Consultancy opportunities to be notified to Heads of Units

Staff members shall inform their Head of Unit or delegate of Research and Consultancy work they wish to undertake as employees or privately. This will occur prior to any formal agreement or contract with the purchaser to undertake the work.

Staff members are obliged to disclose sufficient information (i.e. via a written or online activity proposal) to allow the Head of Unit to make an informed judgement as to whether the work should be approved.

Research and consultancy activity proposals to be approved by Heads of Units

After notification of a proposal Heads of Units shall inform the staff member as to whether the work can proceed.

Head of Units may decline work in the event that any of the following apply to the proposal:

- It is likely to bring the university into disrepute and/or is illegal;
- There is a conflict of interest or commitment;
- The work falls outside the bounds of the University's Charter and Profile;
- The work falls outside the strategic intent of the academic unit, College or University;
- The work will breach or is likely to breach standards set out in the University's ethics, research practice or health and safety policies;
- The work is of a trivial nature which can be provided routinely by other members of the community;
- Workload may materially and adversely impact on the health of safety of the staff member or their existing duties;
- The staff member concerned does not have the skill to undertake the work, although this can be allowed where skill gaps are offset by a partnership with those of appropriate skills and/or with assistance from subcontractors. In the absence of this Heads of Units are expected to offer the opportunity to other staff members who do have relevant skills and competencies (either within or outside their own units);
- The work will in any way impair the performance of the staff member as an employee of the University;



- Where any subsidy by the University of the research and consulting work (e.g. in terms of unpaid staff time or indirect cost reimbursement) fails to meet the rationale for this practice as set out in the Massey University Costing and Indirect Cost Recovery for Externally Funded Research and Commercial Contracting Policy.

Heads of Units will maintain a “Research and Consultancy Activity Register” of staff research and consulting activity (including Private Research and Consultancy). The Register will include the following information, recorded against each staff member:

- Which Research and Consulting activity proposals (private or otherwise) were declined or approved and the grounds for this decision.

For approved proposals for which a payment is or will be received by the University (in the event of a University Research and Consultancy), or by the staff member directly (in the event of Private Research and Consultancy), the following data will also be recorded in the register:

- The start and end date of the contract and time commitment (for University and Private Research and Consultancies);
- Total revenue to be received for contract.

And for University Research and Consultancy only:

- Workload release provisions, where relevant;
- Buy-out provisions, where relevant;
- Overload compensation details, where relevant;
- Names of students involved, where relevant.

This information may be recorded in and retrieved from the RIMS system (when available). Registers must be kept up to date and may be inspected at any time at the request of the Vice-Chancellor.

Staff undertaking occasional talks or radio, television, or performances, occasional work (e.g. hobby or recreation related) for which honoraria are received, preparation of books or articles, refereeing of articles in learned journals, examining and minor opinion work may do so without permission and without a requirement to include this on Registers. With these exceptions, all other research and consulting activities must be set out in Research and Consultancy Activity Proposals, must have the approval of the relevant Head of Academic Unit and must be recorded in the relevant academic unit’s Register.

Private Research and Consultancy

Staff are encouraged to provide research and consulting services through the University. There are number advantages to this, some of which include:

- Professional Indemnity insurance;
- Support (secretarial and financial) to win contracts;
- Use of office and telephone facilities at the University;
- Access to technicians and research infrastructure;
- Client billing and follow-up service;
- Support for dispute resolution;
- Taxation services.

However, the University also makes provision for research and consulting work which sits outside the University (i.e. is private). This work **must** take place outside the staff member’s paid hours of employment and entail no use of University facilities or branding (e.g. logos). Further, it must not impinge on the staff member’s conduct of their work as University employees or be in conflict with activities that should be or are being pursued through the University.



As a general guideline, a commitment of up to 20% of a staff member's time spent on private research and consulting may be acceptable. Where the staff member is concurrently receiving overload compensation (See Massey University Policy on Use of External Research and Consultancy Funding), this limit reduces on a pro rata basis.

Private Research and Consultancy work is **not** subject to:

- the Massey University Costing and Indirect Cost Revert for Externally Funded Research and Commercial Contracting Policy (i.e. incurs no central indirect cost levy);
- The Massey University Policy on Research and Consultancy Contracts;
- The Massey University Policy on Intellectual Property.
- Providing that:
 - No University resources (including, but are not limited to, administration, offices, telephones, faxes, library, computers, computer networks, and secretarial assistance), nor its name, logo, letterhead or identity, are used unless such use is the subject of a specific agreement with the University;
 - The staff member concerned notifies the person, firm or agency for whom the Research and Consultancy work is to be performed that he/she is acting as an independent contractor and that the University will assume no responsibility or liability;
 - The activities are not be detrimental to the efficient and effective discharge of the staff member's duties in teaching, research, and administration.
 - And that, Staff members engaging in Private Research and Consultancy assume personal responsible for the following:
 - (i) The preparation, signing and fulfilment of any Consultancy contract to which they are, or become, a party;
 - (ii) The maintenance of records of any financial transactions/accounts relating to their consultancy activities;
 - (iii) Indemnity against liability; and
 - (iv) Tax liability arising from their consultancy activities (Income Tax, and Goods and Services Tax).

In this event the contract shall be deemed Private Research and Consultancy. All other work is deemed University Research and Consultancy.

Note that continued involvement in outside activities shall be dependent upon evidence of an acceptable performance in teaching, research, and administrative duties and may be amended or withdrawn if that performance is unsatisfactory.

Dispute resolution

In the event of a conflict or dispute arising between an individual staff member and his/her Head of Unit in relation to the approval of a research or consultancy activity (either University or Private), and/or fulfilment of a University research or consultancy contract, and/or the use of University resources in relation to fulfilment of a private consultancy contract, resolution of this dispute shall be sought in accordance with the procedures set out in Massey University employment agreements for staff.



If no resolution can be reached within a reasonable time, the matter may be referred to the Assistant Vice Chancellor (Research, Academic and Enterprise) for arbitration.

DEFINITIONS

Research and Consultancy means the provision by Massey University staff of expert or professional advice, information and/or service to individuals or organisations (whether internal or external), or research (as defined in the Code of Research Conduct) as agreed by contract and resulting in the receipt of a negotiated remuneration.

Private Research and Consultancy means any work undertaken by Massey University staff (as a private individual) for any person or body other than the University that does not materially or legally involve the University.

University Research and Consultancy means work conducted for any person or body other than the University, using University resources and/or where the University is a legally party to the contract.

Conflict of Commitment is a situation in which outside activities would interfere with a staff member's obligations to students, colleagues or the University.

Conflict of Interest is a situation in which an individual would be in competition with the University or would be in a position that could influence decisions for personal gain or benefit.