



Consultancy Policy

2018

UNIVERSITY VISION AND MISSION

Vision

The University of Excellence in Discovery and Dissemination of Knowledge

Mission

To discover, harness, apply, disseminate and preserve knowledge for good of humanity

QUALITY STATEMENT

Maseno University is committed to quality through teaching, research and development, providing timely services to foster and develop academic excellence in basic and applied research at all levels of study by training practice oriented manpower, who can contribute effectively to social, intellectual and academic development.

The University is internally engaged with its employees, to continually improve its services, products, processes, methods, and work environment to ensure each customer is receiving the highest quality service or product at the committed cost and on time. It is committed to quality through teaching, research and development; providing on time services to foster and develop academic excellence in basic and applied research at all levels of study by training practice oriented manpower, who can contribute effectively to social, intellectual and academic development in the community, nation and community of nations. The University is committed to communicating exhaustively with its customers, and internally with its employees, to continually improve its services, products, processes, methods, and work environment to ensure each customer is receiving highest quality service or product at committed cost and on time.

In order to realize this commitment, the University Management will monitor and review its quality performance from time to time through implementation of an effective quality management system based on ISO 9001:2008 standard.

CORE VALUES OF THE UNIVERSITY

- **Relevance**
The University is committed to ensuring relevance in its programs and activities
- **Excellence**
Excellence shall be targeted in outputs of the university
- **Equity**
The University shall ensure that there is equity in all the opportunities within its jurisdiction
- **Quality**
All outputs and processes of the University shall ensure that quality is maintained
- **Integrity**
The University shall ensure integrity in all their undertaking

Contents

Vision.....	1
Mission.....	1
QUALITY STATEMENT.....	1
CORE VALUES OF THE UNIVERSITY.....	2
CONTENTS.....	3
FOREWORD	4
APPROVAL AND COMMENCEMENT.....	5
1.0. PREAMBLE.....	6
2.0. LIST OF ABBREVIATIONS.....	7
3.0. DEFINITIONS	8
4.0. POLICY STATEMENT.....	10
5.0. PURPOSE.....	10
6.0. OBJECTIVES.....	10
7.0. SCOPE.....	11
8.0. POLICY PRINCIPLES.....	11
9.0. POLICY.....	12
9.1. University supported consultancy.....	13
9.2. Restrictions.....	13
9.3. Compensation for university supported consultancy.....	13
10.0. CONSULTANCY PROCEDURES.....	14
a). approval to undertake consulting activities.....	14
b). Responsibilities of the member of staff.....	14
c). Responsibilities of the authorizing officer.....	14
11.0. REPORTING.....	15
12.0. WAIVER.....	15
13.0. NON-COMPLIANCE.....	15
14.0. RESPONSIBILITY FOR IMPLEMENTATION.....	16
15.0. DETERMINATION OF DISPUTES.....	16
16.0. RELATED LEGISLATION AND DOCUMENTS.....	16
17.0. APPENDICES.....	17
18.0. REVIEW.....	17

Consultancy approval form (C1)

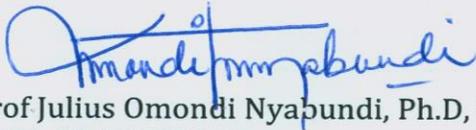
Consultancy liability form (C2) (to indemnify the university from any claim)

Consultancy staff annual return form (C3)

Invoice request form (where university facilities or resources are to be used). *Finance department to provide*

APPROVAL AND COMMENCEMENT FOREWORD

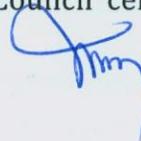
This policy provides general information for undertaking consultancy work in accordance with the university's approved procedures and guidelines. The University recognizes the value of its staff undertaking consultancy for outside bodies, hence, encourages them to undertake consultancy provided it does not conflict with the interest of the university. This work is an important channel through which knowledge and expertise can flow to and from businesses and other external agencies and therefore contribute to the development of growing and productive relationships with these bodies. Consultancy activity within MSU is often associated with other contractual relationships, including research, service contracts and in some cases the provision of funds to provide studentships. It is therefore the University's policy to encourage staff to engage in consultancy wherever appropriate and in a manner that is consistent with their contractual responsibilities.



Prof Julius Omondi Nyapundi, Ph.D, OGW
VICE-CHANCELLOR

APPROVAL AND COMMENCEMENT

This policy shall be known as Maseno University Consultancy Policy herein after also referred to as Policy No MSU/PRI/PO/003 and shall take effect on approval by Council. In exercise of the powers conferred by section 23(1) and section 35(1)(a)(iii) of the Universities Act, Section 19(2)(q) of the Charter for Maseno University 2013 and Schedule I (1.2)(q) of the Maseno University Statutes, Maseno University Council certifies that this policy has been made in accordance with all relevant legislations.



Dated the 13th day of April 2018

Signed Abdullah Said

Date 13th April 2018

Prof. Abdullah Naji Said

CHAIRMAN, MASENO UNIVERSITY COUNCIL

© copyright Maseno University 2018

This policy was written and produced by Maseno University

Private Bag 40105 Maseno, Kenya

Telephone: +254- 3516201/722203411

Email: vc@maseno.ac.ke

www.maseno.ac.ke

1.0 PREAMBLE

This policy deals with consulting, that is, where a person is engaged by a third party on a personal fee-for-service basis for the primary purpose of obtaining the benefit of professional knowledge, skills or expertise. Consulting activity is one of the important means by which staff at MSU University can make available their knowledge and expertise to government, public sector organizations, community groups and business. Such interactions in turn benefit the University, as staff brings back to their teaching, research and other roles the insights, experiences and contacts they have gained as consultants.

The university recognizes the value of its staff undertaking consultancy for outside bodies hence, encourages them to undertake consultancy because this:

- 1.1. Increases academic competence and advancement of professional expertise of staff member and provides a continuing professional education opportunity in the world outside academia and research;
- 1.2. Creates and enhances links between the University and external organizations that will aid the University in areas such as increasing research opportunities thereby helping the University in achieving its objective and mission of knowledge transfer to improve the local and regional economies; and
- 1.3. May generate additional income for the Staff Member and increased funding for the University.

In considering whether or not permission will be given for consulting activity the relevant member of staff will take into account such factors as the compatibility of the activity with the responsibilities and commitments of the staff member, potential conflicts of interest, and the use of university resources.

2.0 LIST OF ABBREVIATIONS

IPR: Intellectual Property Rights

ISC: Indirect Support Cost

LOC: Linkages, Outreach and Consultancies

MSU: Maseno University

MoU: Memorandum of Understanding

RPI: Research, Publications and Innovations

PRI: Partnership, Research and Innovations

3.0 DEFINITIONS

For the purposes of this Policy, the following definition of terms shall be applicable:

Authorize: Means the DVC PRI who approves documents on recommendation by the Director LOC

Consultancy: Means the provision of professional services by a Staff Member or Members to an external party.

This definition excludes:

- i. Conferences and seminars to disseminate research findings
- ii. Consultancy internal to the university
- iii. Service on public sector or charitable committees
- iv. Authorship of, or royalties from, the publication of books
- v. External examiner and assessment duties
- vi. Editorship of academic journals or the publication of academic articles
- vii. Professional arts performances
- viii. Office holder of a professional body
- ix. Public service such as serving on Government public body in the capacity of an expert
- x. Work which falls outside the professional expertise for which the member of staff is employed at Aston, e.g. helping in a family business.
- xi. Research projects funded Research Councils, charities or through research awards, where the main aim is to conduct research, without profit, in an innovative manner.

The above list is not exhaustive, but serves to provide an illustration of those activities that are outside the scope of the consulting policy.

Director: means the Director of Linkages Outreach and Consultancies

Executive Manager: Refers to the most senior officer heading the relevant major teaching or administrative area of the University to which the staff member is attached, and includes Vice-Chancellors or Deputy Vice-Chancellors.

Full Cost Recovery: Refers to the recovery of all direct and indirect costs associated with the activity, including overheads of central administration and the Department.

Head of Department: Means the actual Head of Department, or person with signing authority to whom the staff member ultimately reports, whomsoever is more appropriate.

Professional Body: Means a body that regulates admission to membership by reference to defined educational standards including the requirement that member attend a tertiary institution for at least three years and with a code of ethics for members governing professional behaviour.

School: Means the actual School, Area, Centre, Institute or Unit, whichever is most applicable.

Staff Member: Means a member of academic staff or general staff employed under the appropriate enterprise bargaining agreement or casual or sessional staff employed under specific contracts, including those staff employed with non-recurrent funding. The provisions of the Maseno University Consultancy Policy apply to all full-time staff members (but not casual or part-time employees).

A staff member on leave from Maseno University at any other institution, including but not limited to leave such as sabbatical leave, shall comply as required by that institution's policies. Any Consultancy activity falling under this Consultancy Policy undertaken for Maseno University whilst on leave must comply with the Policy and Procedures.

Students: are not employees of the University *per se*. However, they do from time to time provide services for a fee (such as tutoring or practical demonstration) and any involvement in assisting with consultancies should be managed under the same casual employment arrangements.

University: Means Maseno University and in context may mean a subsidiary or affiliate designated as an appropriate entity for the conduct of Consultancy activities.

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, such as professional indemnification insurance, intellectual property and other resources.

4.0 POLICY STATEMENT

The University is committed to supporting external engagements that facilitate knowledge and technology transfer contributing to economic and social impact. This external engagement takes many forms but in defined circumstances may be considered as “consulting” activity.

5.0 PURPOSE

The University encourages staff to undertake consultancy to support the achievement of University objectives, including the advancement of the professional expertise of staff. Academic staff are encouraged to undertake consultancy which promotes the reputation of the University as a place of education and research. Consultancy represents external recognition of individual expertise and apart from the financial consideration, each consultancy should offer educational feedback to the department or an element of continuing professional development for the consulting academic.

6.0 OBJECTIVES

- 6.1: To encourage staff participation in consultancies which bring opportunities and benefits to the University, its staff and clients and recognition of staff for professional development.
6. 2: Provide an income stream to the University, its Schools, Service Departments and their Staff, and a financial return on capital investment.
- 6.3: To facilitate the negotiation and entering into consultancy contracts bringing significant benefits to the University and its staff while ensuring full cost recovery as required by the competitive neutrality provisions.
- 6.4: To provide a flexible management framework to cover the range of consultancies customarily undertaken by staff members using the University's name, services, space, facilities, equipment, intellectual property and/or paid work time, including consultancies directed toward charitable purposes, community service, and strategic priorities for the University.
- 6.5: To define the University's management and quality control expectations for consultancy contracts involving or implicating the University, including those relating to risk management and accountability.

- 6.6: To provide guidance to persons inside and outside the University as to when and how consultancies may be undertaken using the University's name, services, space, facilities, equipment, intellectual property and/or paid work time.
- 6.7: To set guidelines for sharing the income from consultancy activities across various legitimate participants.
- 6.8: To set guidelines that will ensure equitable access to consultancy assignments by all staff members, including junior and female staff members.

7.0. SCOPE

The policy covers any work or activity undertaken by university academic staff in their field of expertise, for clients in government, private sectors or external agencies for which some financial return is provided in the form of professional fees or honorarium. Staff other than academic staff may only engage in consultancy activities where specific arrangements have been approved on an individual basis by the Vice-Chancellor.

8.0. POLICY PRINCIPLES

- 8.1: That the consultancy policy should be favorable to University staff to encourage staff to participate in consultancy as part of income generation for both staff and University, and as part of community service and development.
- 8.2: That the service offered by staff will be evaluated according to the standards applied for any other consultancy services.
- 8.3: That while evaluating the applications for consultancy services at Maseno University, the Maseno University staff will be given first priority.
- 8.4: That the services provided exclusively to Maseno University by their staff will be on terms agreed upon including subsidized rates.
- 8.5: That University facilities (including materials and support staff) if used, fair reimbursement must be made to the University.
- 8.6: That all Staff undertaking University Consultancy must register their names and the nature of their expertise with the Director. The Director maintains the Register of University Consultants and Consultancies.
- 8.7: That University Consultancy must comply with the University's External Project Quality Assurance Procedures and authorization levels.

9.0 POLICY

Any employee of MSU must channel their consultancy through the university. These consultancies should be guided by consultancy agreements.

9.1 *University supported consultancy*

- 9.1.1: University Supported Consultancy arrangements are only applicable to calls for provision of consultancy services required to be provided by the university as a corporate entity.
- 9.1.2: A Staff Member may only agree to provide University Supported Consultancy services with the written consent of the Authorizer and in accordance with terms and conditions approved by the University.
- 9.1.3: The Authorizer may only approve consultancy if the Consultancy can be undertaken without detriment to the Staff Member's academic, research or administrative duties, and if the Consultancy will not adversely affect the academic workload of other Staff Members in the Department.
- 9.1.4: The Authorizer's approval is required to ensure compliance with cost recovery guidelines, protection of the University's IP, and the appropriateness of contractual obligations of the University including those relating to liability and IP. (Cross- reference to Intellectual Property Policy)
- 9.1.5: Charges for the use of University resources will normally be based on the full cost of the resources as determined by the procurement Department and agreed by the Staff Member and the Authorizer.
- 9.1.6: In his/her discretion, the Authorizer may decline to offer University support for a Consultancy if it is not in line with the requirements of university supported consultancy.
- 9.1.7: In undertaking a University Supported Consultancy, the Staff Member will be indemnified for the work undertaken in accordance with the terms of the University's Professional Indemnity Insurance.
- 9.1.8: Staff Members should declare annually 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. (Cross reference to conflict of interest and intellectual property policies).

9.1.9: When the Authorizer denies a Staff Member authorization to perform the University Supported Consultancy, the Staff Member may appeal in writing to the DVC PRI. The DVC PRI will have the discretion to resolve issues regarding Consultancy and may constitute a consultancy appeals committee to review the decision and resolve the dispute.

9.2 *Restrictions*

Unless justified, University Supported Consultancy will not be allowed in the following circumstances:

9.2.1: When the Consultancy services are to support projects, such as research projects, being conducted by the University.

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

9.2.3: When the Consultancy calls for the rendering of expert evidence in Courts of Law, in Arbitrations, or before Parliamentary Committees, the Consultancy may only be undertaken with the express authorization of the Council of Maseno University. The University will execute a “Request for Permission to act as an Expert Witness” form which must be duly signed by the Staff Member, the Authorizer and approved by the Council of Maseno University.

9.3. *Compensation for University Supported Consultancy*

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

- i The University will receive 15 percent of the gross income as a fee for managing the Consultancy and providing the University’s support.
- ii The Department will receive 5 percent of the gross income as an administrative fee.
- iii All expenses incurred in the project will be paid from the balance. Such expenses, for illustration purposes, could include payments to sub-contractors, procurement costs, leasing of supplies, consumables, and fees for use of University resources including any bench fees. However, these must be negotiated and agreed upon between the Consultant and the university prior to signing the consultancy contract
- iv The remainder will be paid to the Staff Member herein also called the Consultant.

9.3.2 Payment of fees to Staff Members may, at the Staff Member’s discretion, be made:

- i. Through a voucher approved by finance department
- ii. Into a named University account to be used for any bona fide University activity (e.g. attendance at conferences, acquisition of equipment) but with provision that expenditure from the account will be based on the budget that was used to approve the proposal and that the funds must be properly accounted for.

10.0. CONSULTANCY PROCEDURES

a) Approval to undertake consulting activities

Members of academic staff must seek the prior approval of the Authorizer. There is a form (C1) which should be completed for this purpose. Form C2, which indemnifies the University from any claims arising from the consulting activities must also be completed for each consultancy project proposed. When duly authorized, a copy of both forms should be retained by both the staff member and the Authorizer.

b) Responsibilities of the member of staff

Before entering any agreement to undertake consultancy, the member of staff must:

- i. Seek approval from the authorizer after properly filling form C1 and C2 and an Invoice Request Form (where University facilities or resources are to be used)
- ii. Clearly define any University facilities or resources to be used to undertake the consulting activity and arrange for a costing to be produced by the authorizer in consultation with Procurement Office.
- iii. Complete an Invoice Request Form, where University facilities or resources are required and send it to the Director with the approval form C1.
- iv. Determine whether or not professional indemnity insurance is needed, and either provides a copy of the insurance documentation or give a statement in writing as to why a cover is not required. Form C2 should be used for this purpose. It must be completed and provided to the Director before any consulting activity is undertaken
- v. Obtain the authorizer's approval each year (whether or not the activity extends beyond one year) and should not enter any agreement to undertake work for a longer period without the express agreement of the Authorizer.
- vi. Complete an annual return form whether or not they have undertaken any consultancy activities in the previous year, when requested to by the Authorising Officer. Form C3 should be used for this purpose.

c) Responsibilities of the authorizing officer

Before authorizing any request to undertake consultancy, the Authorizing Officer must ensure:

- i. That the work proposed properly falls under the definition of consulting
- ii. That the work may not detract from the staff member's School/departmental duties

- iii. That the work is compatible with the interests of the School/Department and the University.
- iv. That client charges and staff reimbursement arrangements are appropriate and satisfactory.
- v. That the extent to which any University facilities or resources will be used is clearly defined and costed in consultation with the procurement office.
- vi. That an Invoice Request Form has been completed to reimburse the University for any University facilities or resources used, and that this is returned to the Finance Department if approval to undertake the consulting activity is granted.
- vii. That consideration is given to any conflicts of interest which may arise over Intellectual Property Rights (IPR) where the staff member benefits from University-owned IPR, or uses University staff and facilities substantially to generate IPR for consultancy.
- viii. That satisfactory arrangements for indemnifying the University against financial risk are in place and that documents in approved form have been received by the authorizer before the consulting activity is undertaken.
- ix. That appropriate systems are in place to maintain records of consulting activities agreed or declined.
- x. That staff eligible to carry out consultancy complete an annual return **whether or not** they have undertaken any consultancy activities in the previous year. Form C3 should be used for this purpose.
- xi. That eligible staff are reminded quarterly of their responsibilities under the Consulting Policy. The Director shall prompt this reminder.

11.0. REPORTING

Staff Members must report their Consultancy to their Authorizer annually, and to the extent required, make disclosures required by the Conflicts of Interest Policy or Declaration of outside Interests. (Cross reference to conflict of interest policy).

12.0 WAIVERS

The DVC-PRI shall recommend to the Vice Chancellor to waive one or more of the above requirements on a case by case basis if considered to be appropriate and reasonable.

13.0 NON-COMPLIANCE

Compliance with this policy is mandatory. In the event of non-compliance with the directives of this Policy, staff members will be subjected to disciplinary action and the misconduct rules as set out in their terms and conditions of employment.

14.0 RESPONSIBILITY FOR IMPLEMENTATION

- 14.1. The responsibility for the implementation of this Policy shall lie with the DVC PRI who may delegate that responsibility to another officer whom he/she may deem appropriate.
- 14.2. Procedures which are not inconsistent with this Policy may be adopted by the Finance Committee.
- 14.3. The DVC PRI on recommendation by the Director has authority and discretion, within the confines of (1) the University's Charter and any Regulations, Ordinances or other provisions made by Council, (2) this Policy, (3) any procedures established by the Finance Committee, and (4) any directions given by or on behalf of the Vice-Chancellor to adopt administrative processes, guidance, forms and interpretations necessary to effectively implement this Policy and any procedures enacted.

15.0 DETERMINATION OF DISPUTES

In the event of any dispute between the University and a staff member relating to Consultancy, such dispute is to be referred to and finally determined by a Consultancy Appeals Committee comprising the:

- DVC-PRI;
- Director, LOC
- Human Resources representative
- An elected academic staff member;
- And one representative from the Maseno University Staff Association, the Community and Public Sector Union, and Miscellaneous Workers Union or some other representative body, whichever is appropriate based on the nature of dispute.

16.0 RELATED LEGISLATION AND DOCUMENTS

The policy on Consultancy should be read alongside the under mentioned:

- i. Universities Standards and Guidelines (2014)
- ii. Research policy
- iii. Community Outreach policy
- iv. Recognition and Reward Policy
- v. Intellectual property policy
- vi. Conflict of interest policy
- vii. Finance policies

17.0

APPENDICES

Consultancy approval form (C1)

Consultancy liability form (C2) (to indemnify the university from any claim)

Consultancy staff annual return form (C3)

Invoice request form (where university facilities or resources are to be used). *Finance department to provide*

18.0

REVIEW PERIOD

This policy shall be reviewed every five years.