

## University Consulting Vice-Chancellor's Directive

### Abstract

The purpose of this Directive is to provide the framework for undertaking University Consulting activities in accordance with the [Council Directives for UTS Commercial Activities](#).

Dates	Directive approved	08/03/2007
	Directive takes effect	12/03/2007
	Directive is due for review (up to five years)	05/2017
	Directive amendment approved	11/12/2014
	Directive amendment takes effect	27/02/2015
Approved by	Vice-Chancellor	
	Latest amendment: Director, Governance Support Unit (see change history for details)	
Implementation Officer	Commercial Director, UTS Commercial	
Relevant to	All staff	
Related documents	<a href="#">Council Directives for UTS Commercial Activities</a> <a href="#">Outside Work Vice-Chancellor's Directive</a> <a href="#">Policy on Competitive Neutrality and Pricing</a> <a href="#">Intellectual Property Policy</a> and <a href="#">Research-Generated Intellectual Property and Commercialisation Vice-Chancellor's Directive</a> <a href="#">Handling Staff Grievances Vice-Chancellor's Directive</a> <a href="#">Honorary Appointments Vice-Chancellor's Directive</a> <a href="#">Performance and Development — Principles and Procedures</a> <a href="#">Travel Vice-Chancellor's Directive</a> <a href="#">Entertainment Vice-Chancellor's Directive</a> All related UTS rules, policies, delegations or other instruments	
Legislation	<a href="#">University of Technology, Sydney, Act 1989 (NSW)</a> Relevant state or federal legislation	
File number	UR07/190, UR11/1267	
Superseded documents	None	

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### 1. Purpose

The University Consulting Vice-Chancellor's Directive outlines the processes for:

- seeking approval to undertake University Consulting
- approving University Consulting
- monitoring and reporting on approved University Consulting activities, and
- managing non-compliance and risk to the University.

### 2. Scope

This Directive provides the framework for undertaking University Consulting activities in accordance with the [Council Directives for UTS Commercial Activities](#).

Under the [Council Directives for UTS Commercial Activities](#), all UTS Consultancy is to be transacted through the UTS controlled entity, accessUTS Pty Ltd.

This Directive does not apply to:

- private, paid outside work, as defined in and covered by the [Outside Work Vice-Chancellor's Directive](#)
- professional services internal to the University, as defined in the [Outside Work Vice-Chancellor's Directive](#), or
- consulting activities conducted by the University where all the income is paid to the University and individuals receive no personal financial or other benefits, except where the consultant or academic unit elects to utilise the services of accessUTS to arrange and administer such consulting.

### 3. Definitions

For the purposes of this Directive, the following terms shall have the meanings given below.

**accessUTS** is the UTS controlled entity, accessUTS Pty Ltd.

**accessUTS Service Fee** is the rate applied to cover salary and operating costs of the company.

**Appropriate Supervisor** means the person or position authorised to approve University Consulting activity for staff at various levels.

**Client Fee** is the total fee charged to clients for services provided. It includes the internal fee, accessUTS Service Fee, Faculty Overhead Fee and other costs.

**Contractors** means experts with no previous research, teaching or advisory association with UTS, who are introduced by an accessUTS consultant to work on one specific project.

**External Consultants** includes casual and former UTS staff and other specialists/associates of the University who are registered consultants with accessUTS.

**Faculty Overhead Fee** is the rate applied to cover individual faculty or unit overhead costs such as operating costs.

**On-costs** are costs incurred to deliver a project, such as equipment, consumables and/or travel/accommodation.

**Outside work** is any paid work external to UTS, and pro bono work not limited to professional services and directorships for, or partnerships in, an external company. Refer to the [Outside Work Vice-Chancellor's Directive](#) for a full definition.

**Unit** means a faculty, institute, centre or other UTS entity.

**University Consulting activity** is an activity approved by both the Appropriate Supervisor and accessUTS, in which a UTS staff member is engaged by an external party to provide professional services at a fee.

Typical examples of University Consulting include:

- projects and services arising from public tender processes or invitations
- specific advice arising out of professional network affiliations or external client enquiries
- acting as an expert witness
- laboratory and other testing of materials, devices, products or produce
- data analysis
- teaching or training outside the normal course of duties (for example, delivering professional education courses, including those delivered under the auspices of the Registered Training Organisation certification held by accessUTS).

**UTS Consultancy/Consulting** is the provision of professional services by a UTS staff member to external parties for remuneration. UTS Consultancy makes use of any of the following: the University's name, services, space, facilities, equipment or paid work time.

**UTS Staff Consultants** are the full-time, part-time or sessional academic staff who are registered as consultants with accessUTS, who either own a company with an Australian Company Number (ACN) through which they can invoice or are able to provide an approved faculty account for payment for their services.

**UTS support staff** are the staff employed by the University under the UTS support staff enterprise agreement.

## **4. Directive principles — eligibility and registration**

### **4.1 Registration of consultants**

#### **4.1.1 Current UTS academic staff**

Current UTS academic staff are eligible for registration as accessUTS consultants if:

- they have been approved to undertake consulting work by the relevant host faculty or centre in accordance with section 5.3, and

- accessUTS is satisfied that they have the knowledge, skills and capacity to undertake consulting projects to a professional standard and in a timely manner.

#### **4.1.2 Support staff**

Support staff can assist in University Consulting activity under the supervision of an academic who is registered as an accessUTS Consultant or Appropriate Supervisor (refer section 5.3), where:

- approval has been given by the relevant dean or director for the use of staff member's time, and
- all salary and on-cost expenses relating to the staff member's involvement in the UTS Consultancy project will be covered by client income and deposited by accessUTS into a faculty/unit nominated UTS account.

Typically, support staff are involved in UTS Consultancy by conducting laboratory or other testing, surveys, data analyses, report formatting, etc.

#### **4.1.3 External Consultants**

Subject to the conditions outlined in section 4.1.1, accessUTS will also register External Consultants provided they have an existing or past research, teaching or advisory association with UTS. External Consultants include but are not limited to:

- former staff
- current or former honorary appointees that fall within the provisions of [Honorary Appointments Vice-Chancellor's Directive](#) (ie Adjunct Professors, Visiting Professors, Fellows and Scholars)
- current or former appointees to UTS Council, faculty advisory committees, University Research Strength advisory committees
- recipients of honorary doctorates
- current or former casual academic staff.

External Consultants must enter into a contract with accessUTS to establish the basis for their involvement in UTS Consultancy projects. The maximum term of an agreement will be 24 months.

#### **4.1.4 Contractors**

accessUTS will allow a registered consultant to collaborate with someone who has no previous research, teaching or advisory association with UTS, if the following conditions are met:

- those outlined in 4.1.1
- the Contractor must be introduced to accessUTS by the registered consultant, and
- the Contractor only works on a specific project under the supervision of the registered consultant.

#### **4.1.5 Period of registration**

All UTS Staff Consultants and External Consultants registrations will be held for a maximum term of 24 months, renewed periodically in accordance with this Directive.

#### **4.2 Deregistration of accessUTS consultants**

accessUTS reserves the right to, at any time, deregister any accessUTS consultant if, in the opinion of accessUTS, the performance of the consultant has been unprofessional or unsatisfactory.

## **5. Directive statements**

University Consulting activities are managed and administered by the UTS controlled entity accessUTS. accessUTS manages consultancy projects and reporting on University Consulting activities to Council's Commercial Activities Committee.

All enquiries regarding University Consulting should be forwarded to the project managers in accessUTS. accessUTS negotiates contracts and fees for the consultancy (see section 5.1) and confirms the services to be performed. accessUTS maintains client liaison and consultant support throughout the consultancy, and is responsible for submitting all project deliverables and invoices to the client.

It is important that consultants maintain close communication with accessUTS during University Consulting activities, and it is essential that copies of all project materials and significant correspondence be filed with accessUTS to ensure proper recordkeeping and project management.

### **5.1 Fees and charges**

The University and its controlled entities are bound by the [Policy on Competitive Neutrality and Pricing](#). This means that the University's tax exempt status (and exemption from regulations affecting private sector activity) may not be used to advantage University Consulting over private entities, and that costing must be based on full cost recovery for all University Consulting activities.

To ensure that competitive neutrality is maintained, the following fees and charges will apply to all University Consulting activities.

#### **5.1.1 Internal fees**

Internal fees are those received by a consultant or UTS department for the service provided. The minimum internal charge for UTS staff (consultants and support staff) must be their UTS hourly rate plus on-costs.

#### **5.1.2 Faculty Overhead and accessUTS Service Fees (margins)**

- An accessUTS Service Fee will be charged to cover the salary and operating costs of the company (currently 26 per cent of the Client Fee).
- A portion of the Client Fee is also provided to the host faculty to cover overheads (currently 13 per cent of the Client Fee).
- Where non-staff consultants do not use any UTS resources, either during the consulting project or via an honorary UTS appointment, the Faculty Overhead Fee is not charged.

#### **5.1.3 Other costs**

All costs for projects must be factored into the Client Fee. These may include:

- UTS support staff costs (for example, laboratory assistants)
- laboratory equipment (minimum charge is UTS operating costs plus margins)
- consumables, and/ or
- travel and accommodation.

### **5.2 Fee negotiation**

accessUTS is responsible for negotiating and confirming Client Fees and charges.

Consultants are advised not to discuss fees with clients before seeking approval and/or assistance from accessUTS.

Payment for University Consulting activities may be made directly to consultants through a tax invoice (which must supply an ACN) or allocated to a UTS special purpose account (note: research accounts cannot be used). Use of consulting income that has been allocated to a special purpose account must be approved by the relevant dean or director. Consultants are advised that there may be no provision to carry funds in the special purpose account forward from one operating year to the next.

### 5.3 Approving staff

University Consulting requires the approval of the consultant's Appropriate Supervisor. The following table lists the Appropriate Supervisor for UTS Staff Consultants and External Consultants. For most academic staff, the dean of the faculty is the Appropriate Supervisor.

Consultant	Appropriate Supervisor
Vice-Chancellor	Chancellor
Members of the Senior Executive	Vice-Chancellor
Deans and directors	Relevant member of the Senior Executive or, for directors, their supervisor
Heads of departments/schools	Dean of faculty
Centre staff (consultants)	Centre director and director's supervisor
Faculty staff (consultants)	Relevant head of department and dean
External Consultants	Dean or director of the faculty/centre of registration
Support staff	Dean or director

Approval for University Consulting is subject to review at any time by the Appropriate Supervisor, the Vice-Chancellor or Provost, and the Vice-Chancellor may place restrictions on consulting activities undertaken by staff.

### 5.4 Approval before commencing University Consulting

In the first instance, staff must be registered with accessUTS as approved University consultants.

Approval from Appropriate Supervisors must be given for each project before University Consulting activities are commenced, including approval for travel and entertainment.

Travel or entertainment for consulting activities funded by other organisations or external grants administered through UTS should follow the [Travel Vice-Chancellor's Directive](#) and [Entertainment Vice-Chancellor's Directive](#), which stipulate that University Travel must be economy class (excluding premium economy) via the most cost-effective and practical route. When funding for travel is partially from UTS sources and partially from personal or external funds, authorisation for the total amount of the UTS funds is also required.

Approval for University Consulting projects by External Consultants and Contractors must be given by the relevant school, faculty or unit prior to the commencement of the project.

Approval for University Consulting applies only to the initial workload period specified on the contract. If the workload is increased significantly, further approval is required for the workload increase.

If the consultancy is of an ongoing nature, approval is required and must be sought before the start of each academic year. This requirement assists staff members in developing annual workplans and performance targets and ensures that faculties and units are able to meet planning targets.

No University Consulting activities should commence without authorisation from accessUTS. Authorisation will be given once all internal processes have been completed and the client has confirmed acceptance of the fees, terms and conditions. Where specific circumstances require commencement of activity prior to the above conditions being met, this must be negotiated with and approved by accessUTS.

#### **5.4.1 Criteria for approval for current UTS academic staff**

Before a request to undertake University Consulting is approved, the consultant's Appropriate Supervisor will need to be satisfied that:

- the University Consulting will not interfere with the efficient discharge of the staff member's University employment, including teaching, researching and administrative responsibilities
- any direct costs incurred by the unit, in addition to the Faculty Overhead Fee, have been included in accessUTS's calculation of fees and charges
- the staff member:
  - is satisfactorily performing his/her work within the University
  - is, and will continue to be, careful to avoid any real or apparent conflict of interest with the University, including work that may be seen as in competition with the University, and
- the University Consulting is related to the staff member's teaching, research and professional expertise, and is of a standard and character that will contribute to his/her reputation and that of the University.

#### **5.4.2 Time allowable and managing workload and annual leave**

Time allowable for University Consulting activities should be negotiated with the staff member's Appropriate Supervisor as part of the staff member's workload, and should not normally exceed the 20 per cent of the consultant's full-time equivalent load. Annual leave must not be deferred or accumulated to accommodate University Consulting activity.

#### **5.4.3 Confidentiality and appeals**

A staff member who wishes to appeal against a decision made by the Appropriate Supervisor should follow normal grievance procedures, as outlined in the [Handling Staff Grievances Vice-Chancellor's Directive](#).

### **5.5 Reporting and monitoring University Consulting**

Staff members undertaking University Consulting have responsibility for reporting on their activities annually to the Appropriate Supervisor. Normally this reporting will be part of the performance review and workplanning process. Refer to [Performance and Development — Principles and Procedures](#).

Appropriate Supervisors are responsible for monitoring and reporting University Consulting within their unit.

University Consulting will be monitored annually by the board of accessUTS, based on annual reports provided by deans and directors.

## 6. Roles and responsibilities

**Accountable Officer:** Deputy Vice-Chancellor (Resources) is primarily responsible for managing compliance with this Directive and for initiating the Directive review process (at least every five years).

**Implementation Officer:** the Commercial Director, UTS Commercial is the primary point of contact for advice on implementing and administering this Directive, for establishing and maintaining the official file, for proposing amendments as required and for managing the consultation process when the Directive is due for review.

The **Provost, Deputy Vice-Chancellors** and **Deans and Directors** are responsible for overseeing the operation of this Directive in their areas of responsibility.

## 7. Version control and change history

Date	Version	Approved by (date)	Amendment
08/03/2007		Vice-Chancellor	New Directive
30/03/2012	1.1	Vice-Chancellor	General amendment to reflect changed structures and responsibilities.
08/07/2014 (effective date)	1.2	Vice-Chancellor (23/06/2014)	Increase in client fee percentage, inclusion of references to relevant UTS policy documents and general amendments to clarify policy intent.
27/02/2015 (effective date)	1.3	Director, Governance Support Unit (GSU) (11/12/2014)	Changes (approved under Delegation 3.17) to implement 2014 Senior Executive restructure.