



Tamil Nadu
Open University



Policy on
Consultancy
Services

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Services



TAMIL NADU OPEN UNIVERSITY

தமிழ்நாடு திறந்தநிலைப் பல்கலைக்கழகம்

(A State Open University Established by Government of Tamil Nadu, Recognized by UGC & DEB, Member in Asian Association of Open Universities & Association of Commonwealth Universities)

NO:577, ANNA SALAI, SAIDAPET, CHENNAI. PIN: 600 015.

TAMIL NADU, INDIA

AUGUST 2020



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No. 577, Anna Salai, Saidapet, Chennai-600 015. Tamil Nadu.

Professor K.Parthasarathy

Vice-Chancellor

Message

The Tamil Nadu Open University in Tamilnadu State, always dreams to provide all its services in a comprehensive way for the benefit of needy people in society for their higher education through distance mode. The quantity of coverage is our main aim and the quality is our prime objectives. The University services include education, training, research and extension services. One of the major activities under the extension services is Consultancy Services. The University creates knowledge, apart from shares the knowledge. Consultancy is a term which enacts the exchange of knowledge, expertise, experience and economic resources between academia, institution and industry. Now the University in its Fourth Five Year Plan of Action, Takes up the initiative to broaden its scope and service in terms of consultancy services also. As there is a need of Policy on Consultancy Services the University, this policy regulation is formulated and being implemented from the academic year 2020-2021.

“The Policy on Consultancy Services” has clearly highlighted the objectives and purposes to engage consultancy involving the faculty members of the University to undertake University supported consultancy and similar works for the benefit of individual, University and external organizations. This Policy has also defined the specification of attributes of functional system. The University supported consultancy is clarified with its applicability and advantages. The private consultancy and its intricacies are spelt out for careful scrutiny of private consultancy by the faculty member. Reporting and implementation procedures are drawn for execution of consultancy services.

As this policy document is, perhaps comprehensive, it will also accommodate best practices come out in transmission of services of University-Industry-Institution-Collaboration and your righteous input.

Finally, I specially acknowledge the members involved in drafting this policy document on consultancy services.

Best wishes,

Date: 25-08-2020

(K.Parthasarathy)

INTRODUCTION

INTRODUCTION

Tamil Nadu Open University (TNOU) is the State Open University offering academic programmes through Open and Distance Learning mode and research programmes in regular mode. It has a rich tradition in offering education for the deprived sector and is dedicated to spread the knowledge for the purpose of building a modern technologically enabled India. TNOU encourages its faculty Membersto undertake consultancy projects with industry and other Institutions to expand and fortify the research profile of TNOU and to widen the current knowledge and expertise of faculty members of TNOU.

1.1 The purpose of this Policy is to set out the principles and procedures governing Consultancy and other Outside Services undertaken by Staff Members of the Tamil Nadu Open University.

1.2 Staff Members of the University are encouraged to undertake University Supported Consultancy and other similar work provided it does not conflict with the interests of the University. This is because Consultancy:

1.2.1 increases the professional and/or academic competence and experience of the Staff Members and provides a continuing professional education opportunity in the world outside academia and research;

1.2.2 is the important part of the knowledge exchange which would go on to yield mutually beneficial results for both TNOU and the External organisations; and

1.2.3 also increases funding of the University.

1.3 This Policy applies to all academic Staff Members.

DEFINITIONS

2.1 **“Authoriser”** means the individual as mentioned below:

Authoriser for the Vice Chancellor will be the Syndicate of TNOU.

Authoriser for Registrar, Directors and Director of the Schools will be the Vice Chancellor of TNOU.

Authoriser for Faculty members will be the Vice Chancellor, routed through proper channel.



- 2.2 **“Consultancy”** means generally the application of existing knowledge, expertise and skills, and includes other activities which are analogous to consultancy activities such as business partnership or ownership, external appointments, and includes teaching commitments undertaken outside the University.
- 2.3 **“Center”** means the University-Industry-Institution-Collaboration Center (UIICC).
- 2.4 **“Director”** means Director, University-Industry-Institution-Collaboration Center (UIICC).
- 2.5 **“Outside Services”** means the other ancillary and occasional use of a Staff Members, expertise and knowledge that is normally expected to academics, such as guest lecturing, presentations at conferences, serving on scientific advisory boards, research councils or other professional associations, or performing charitable and community work.
- 2.6 **“Policy”** means this Policy on Consultancy and other Outside Services.
- 2.7 **“Private Consultancy”** means Consultancy undertaken in the strictly personal and private capacity of the Consultant with no use of the University's resources, no use of the University's name, no University insurance coverage, and no liability on the University. It is undertaken in an area outside of the academic, research or administrative expertise of the Staff Member for which he or she is employed by the University. Occasionally, Private Consultancy may be undertaken within the Staff Member's area of expertise when certain conditions are fulfilled.
- 2.8 **“University”** means Tamil Nadu Open University and in context may mean a subsidiary or affiliate designated as an appropriate entity for the conduct of Consultancy activities.
- 2.9 **“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 the University resources, such as professional indemnification insurance, intellectual property and other resources.

GENERAL APPLICABILITY

3.1 This Policy governs the Consultancy and other Outside Services engaged in by Staff Members.

UNIVERSITY SUPPORTED CONSULTANCY

- 4.1 University Supported Consultancy arrangements are only permitted where the work is distinct from any project or other work undertaken on the University's behalf (in order to avoid a Staff Member competing for contracts with the University).
- 4.2 A Staff Member may only agree to provide University Supported Consultancy services with the written consent of the Authoriser and in accordance with terms and conditions approved by the Director.
- 4.3 The Authoriser may only approve consultancy or other outside services 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 workload of other Staff Members.
- 4.4 A maximum of 30 days per annum may be devoted to University Supported Consultancy.

- 4.5 Charges for the use of University resources will normally be based on the full cost of the resources as determined by the Centre and agreed by the Staff Member and the Authoriser.
- 4.6 In his/her discretion, the Director may decline to offer University support for the Consultancy, but allow the Staff Member to perform the work as Private Consultancy. In such cases, the Staff Member must comply with the requirements of Clause 6.
- 4.7 Unless justified, University Supported Consultancy will not be allowed in the following circumstances:
- 4.7.1. when the Consultancy services are to support projects, such as research projects, being conducted not by the University; or
 - 4.7.2. when such Consultancy would contractually preclude the University or its Staff from engaging in other research or other Consultancy.
- 4.8 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 authorisation of the Syndicate. The University has a "Request for Permission to act as an Expert Witness" form which must be duly signed by the Staff Member, the Authoriser and approved by the Syndicate.
- 4.9 Staff Members must declare annually in their Declaration of Outside Interests 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.

COMPENSATION FOR UNIVERSITY SUPPORTED CONSULTANCY

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

- 5.1.1 The University will receive 20 percent of the gross income as a fee for managing the Consultancy and providing the University's support.
- 5.1.2 The school of study will receive five percent of the gross income as an administrative fee.
- 5.1.3 All expenses incurred in the project will be paid from the balance of the fund. Such expenses, for example, could include payments to sub-contractors, procurement costs, leasing of supplies, consumables, and fees for use of University resources.
- 5.1.4 The remaining income of money will be paid to the Staff Member for consultancy charge as approved by the Authoriser.



5.2 Payment of fees to Staff Members may, at the Staff Member's option, be made:

5.2.1 Electronically through the University's central payroll system subject to appropriate PAYEE and National Insurance deductions (both the employee and the employer contribution – the cost of the employer's contribution should be included in the fee for the Consultancy);

5.2.2 Into a named University account to be used for any bona fide University activity (e.g. attendance at conferences, acquisition of equipment) or

5.2.3 Gross, if one of the following conditions is met:

- 1) the Staff Member has registered with the Inland Revenue as self-employed; or
- 2) the Staff Member is acting through a limited company; or
- 3) the Finance Officer has authorised in writing payments directly to the Staff Member without PAYEE or National Insurance deductions.

5.2.4 It is the Staff Member's responsibility to provide what the University, in its sole discretion, considers to be satisfactory evidence that the conditions in Clause 5.2.3 are met.



PRIVATE CONSULTANCY

- 6.1 All Private Consultancies must be reported to, and approved by, the Authoriser and the Director to ensure compliance with this Clause 6.
- 6.2 In all cases the Staff Member must obtain the approval of the Authoriser and the Director. Such approval shall be given only if all the following conditions have been met:
 - 6.2.1 The Authoriser has determined that that the Consultancy can be undertaken without detriment to the Staff Member's academic, research or administrative duties, and that the Consultancy will not adversely affect the workload of other Staff Members.
 - 6.2.2 The services of the Consultancy do not fall within the academic, research or administrative expertise of the Staff Member for which he or she is employed by the University, or the Director has given approval for the consultancy to be conducted as Private Consultancy.

- 6.2.3** The Staff Member informs the client, and the client agrees in writing at the outset, that the work is to be carried out in a personal capacity and that no liability will attach to the University for the work. An indemnity form, disclaiming the involvement of the University or any financial liability of the University, must be signed by the Staff Member and the client. The indemnity form will be in the form prescribed by the School of Study.
 - 6.2.4** Other than on the indemnity form, the University's name will not be used or be present on any document (such as stationery, or on email, web pages or other electronic media) in connection with the Private Consultancy and there must be no implication, oral or written statement that the University is sponsoring the consultancy.
 - 6.2.5** University resources, such as laboratories, meeting rooms, IT equipment, software, databases or email, will not be used for the Private Consultancy.
 - 6.2.6** The Staff Member assumes full legal and financial responsibility for the activity, including insurance requirements, all tax and similar payments due on his or her earnings, and any insurance requirements. The University will not provide professional
- 6.3** The prohibitions expressed in this clause and the provisions under which Private Consultancy may be performed are essential to protect the University from liability, to protect the University's intellectual property, and to ensure compliance with Conflicts of Interest Policy. Accordingly, violation of this prohibition is the grounds for a disciplinary action.

OUTSIDE SERVICES NOT COVERED BY THIS POLICY

7.1 Outside Services as defined in Clause 2.5 are not covered by this Policy and the income from such Outside Services is not subject to the rules on allocation between the University and the Staff Member.

7.2 The development of SLM and other teaching material such as e-content, delivering video lectures, other academic materials and other publications (books and articles) in a Consultancy shall be subject to Tamil Nadu Open University Policy, Clause 4.

REPORTING

8.1 Staff Members must report their Consultancy and Outside Services to their Authoriser annually, and to the extent required, make disclosures required by the Conflicts of Interest Policy or Declaration of Outside Interests.



IMPLEMENTATION PROCEDURES

- 9.1 The responsibility for the implementation of this Policy shall lie with the Vice Chancellor who may delegate that responsibility to another person.
- 9.2 Procedures which are consistent and required with this Policy may be adopted subject to the approval of the Finance Committee.
- 9.3 The Centre shall have wide authority and discretion, within the confines of
- (1) the University's Charter and any Regulations, Ordinances or other provisions made by Academic Council,
 - (2) this Policy,
 - (3) any procedures established by the Finance Committee/Syndicate, 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.



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