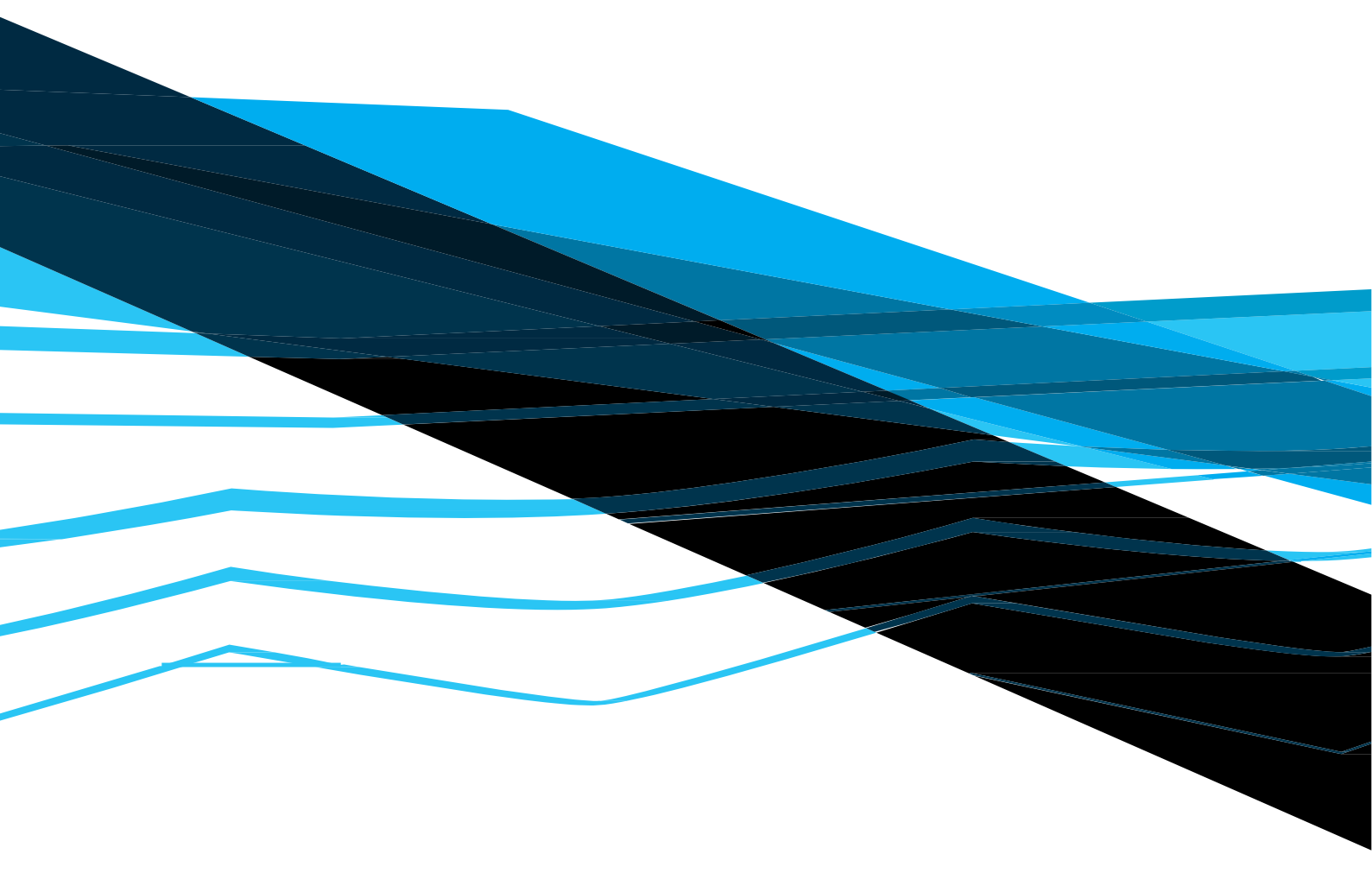




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Institiúid Teicneolaíochta Leitir Ceanainn
Letterkenny Institute of Technology

External Work, Training & Consultancy Policy



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Document History

Revision History

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Approval

This document requires the following approvals:

<i>Name</i>	<i>Title</i>	<i>Date</i>
HMcG	Executive Board	✓

Purpose

Letterkenny Institute of Technology encourages its staff to engage in professional and consultative activities that advance the professional interests of staff and the wider interests of the Institute in line with the overall mission of the Institute, as articulated in our Strategic Plan 2007-2013.

Some of the benefits of undertaking external work and consultancy may include:

- The ability to attract and retain high quality staff
- Opportunities for staff to maintain their professional skills
- Opportunities for the Institute to perform its community service role
- Ways to enhance the status and prestige of the Institute in the community.

The purpose of this policy is to provide guidance for staff within which external work and consultancy can be undertaken and to outline the difference between Institute consultancy and private consultancy.

Objectives

The objectives of this policy are to:

- Encourage staff participation in professional or consultative work that bring opportunities and benefits to the Institute, its staff and its clients
- Provide a flexible management framework
- Define the Institute's management and quality control expectations for contracts of professional and consultative work that involve or may implicate the Institute
- Provide guidance to persons both inside and outside the Institute as to when and how professional and consultative work may be undertaken using the Institute's name, services, facilities, space, equipment or paid work time
- Protect the reputation of LYIT and its staff members
- Protect the resources of LYIT.

Scope of Activities not covered by this Policy

The essential role of an employee holding an employment position with LYIT is the provision of teaching and research and the necessary activities that support these roles. Examples of activities included in this category are:

- Refereeing of journals, books, etc
- Occasional professional contributions to the media
- Occasional lectures, broadcasts, exhibitions, etc
- Examining for other educational and professional bodies
- Unpaid memberships of committees
- Community service and liaison work.

The above activities do not fall within the scope of this policy. These activities form part of the normal activity of academic staff and, as such, LYIT should be advised of same using normal Institute procedures.

Scope of Activities Covered by this Policy

Subject to staff obtaining the approval required by this policy, academic and in some cases other staff may provide services as consultants to bodies external to the Institute on a paid basis. These activities may be undertaken in the name of the Institute or by an entirely private arrangement between the staff member and the body concerned as determined by the Institute. Approval may be given providing that there is no conflict with the interests of the Institute.

Activities in this category include inter alia:

- Consultancies (including contract research and development)
- Professional practice (eg, as an Accountant, Lawyer, Architect, Engineer, Scientist, Technologist)
- Specific paid functions (eg, expert witness)
- Company directorships or partnerships
- Formal programmes of lectures, broadcasts, performances or exhibitions on behalf of the individual, another institution or other body.

Where there is any doubt as to whether an activity falls within the categories outlined above, clarification should be sought from the Head of School/Department/Function.

Submission and Approval Procedures

For each instance of external professional and consultative work, members of staff must obtain written approval from the Head of School/Department/Function on the *appropriate application form (attached)*, providing details of the proposed work. In the case of ongoing work for an organisation, approval is required only annually. The approval process must specify whether the work will be undertaken as an Institute consultancy or as private consultancy. The staff members should consider the list of factors relevant to the Head of School/Department/Function review in selecting whether to apply for private consultancy or Institute consultancy.

The Head of School/Department/Function shall recommend to the President to approve or not approve the “application to undertake professional and consultative work” giving written notice within a reasonable period. A photocopy of the application form signed by the Head will suffice as notice of approval.

Should the Head of School/Department/Function not recommend approval of the professional or consultative work then the staff member may ask the President to review the decision. The review process requires a copy of the application form together with a statement as to why permission should be granted and a statement from the Head of School/Department/Function detailing reasons for not approving the request.

The President will decide, where practicable, within a reasonable period.

Heads of School/Department/Function and other managers wishing to undertake professional and consultative work should seek approval from the President.

Should staff members accept professional and consultative work without approval, this will be deemed to be misconduct and may be subject to disciplinary action.

Staff members not undertaking external professional or consultative work must complete Part D.

Summer work proposal relating to Research work being undertaken by academic staff must be made in advance,

and before the end of May in the appropriate year. The work must be proposed by the relevant Head of School, recommended by the Head of Development, and approved by the Secretary/Financial Controller in advance of any such work being undertaken.

Expenditure claims where prior approval has not been given will not be processed.

Private External Work or Consultancy

The Institute will have no liability in any form for external work nor can the Institute facilities be used in any way to support or promote the work without formal written approval as above between the staff member and the Institute. The work in the absence of written approval can only be undertaken by an individual in a purely personal capacity, based on professional qualifications and expertise where appropriate, independent of any connection with the Institute. Individuals must give an undertaking not to represent themselves as associated with the Institute in any way in the course of external work, when acting in a private capacity.

The *Indemnity Form* attached should be completed and submitted to the Head of School/Department/Function whichever is appropriate.

Staff members not undertaking external professional or consultative work must complete Part D.

Insurance

Staff are advised that when engaging in work on a private basis, they are not covered by the Institute's insurance policies. An indemnity form must be completed absolving the Institute from any liability. In those cases where the Institute receives payment, the Institute's insurance policies offer sufficient cover to the consulting staff member. In approving a private consultancy, the Head of School/Department/Function must confirm that the arrangements do not put the Institute at risk.

Role of Head of School/Department/Function

Consulting is a privilege not a right for staff and should be approved only in those cases where performance is satisfactory. This judgement falls in the first instance to the Head of School/Department or Head of Function. The Head of School/Department/Function will also determine whether the work should be Institute consultancy, etc or private consultancy, etc.

The factors that the Head of School/Department or Function should consider in making this determination include:

- Nature of consulting service
- Ability to deliver the service under the terms defined
- No conflict of interest with the Institute
- Track record of individual
- Justification for the provision of the service by the Institute
- Ability to meet contractual obligations to the Institute
- College resources to be used
- Any financial or other risk to the college
- That it is not detrimental to the Institute from commercial interests or from its impact on the Institute's primary role.

Where staff are to be assigned to a project, their cumulative non-contractual and external commitments for the period will be calculated. Should the total of such commitments, absences from the Institute etc, be deemed excessive, the project will either be rejected or alternative proposed participants will be sought.

It is the role of the Head of School/Department/Function, on behalf of the Institute, to withdraw the privilege of consulting where there are concerns about a staff member's performance.

Within the context of this policy, the Head of School/Department/Function is also responsible for:

- Providing guidance to staff on professional and consultative work
- Ensuring that applications for professional and consultative work comply with the requirements of this policy including the time allocation allowed
- Monitor impact of external work or consultancy on contracted obligations to the Institute
- Quantifying professional and consultative activity within the School/Department/Function
- Reporting on an annual basis the amount of professional and consultative work undertaken/underway to the President.

The President has overall responsibility for the implementation and operation of this policy, and is the final arbiter in any dispute.

Time Allocation

The time devoted to all professional and consultative work by academic staff and general staff with approved employment contracts should not exceed 20% of the working week/semester/year. The express permission of the President will be required where the contract could exceed 20% of the working week/semester/year. It is assumed that consulting work will be spread across the year, in a structured fashion although in special circumstances, the Head of School/Department/Function may approve more concentrated periods of project work. Heads are asked to inform the President of individual consultancies/projects in excess of 100 hours.

Recovery of Expenses

As part of an Institute consultancy the full cost of all resources must be recovered and reimbursed to the Institute. This includes inter alia, the cost of secretarial and or technical support together with all consumable items (eg, stationery, postage, telephone charges, photocopy, email and travel). A set of standard charges across the Institute will be developed and any pricing arrangement should be approved by the Finance Department prior to being submitted to ensure that all the appropriate expenses are incorporated into the contract.

Use of Letterkenny Institute of Technology (LYIT) name

The use of the LYIT name raises the profile of the college. The use of the LYIT name or logo may only be used if express approval has been given by the President and the intended use is consistent with LYIT's Communications Strategy.

Income from Institute Consultancies

Individuals will be reimbursed for activities in line with the appropriate public sector pay scales in operation. The Institute will give regard to the level of income derived from consultancy for an individual. Where a surplus exists it should be used to benefit the relevant school, department or function.

All funding for projects or disbursements of monies in respect of projects must fully comply with Institute procedures and must be reflected in the Institute accounts. Payment for such work for any of these services will be through normal college channels and within normal financial practices.

Payment for approved external work or consultancy will be through the Institute's payroll system when the Institute is reimbursed by the client or LYIT is satisfied that it will be reimbursed.

Reporting on External Work or Consultancy in Progress or Completed

Staff who have received approval to undertake external work will report on a regular basis (eg, monthly) to their Head of School/Department/Function on the actual time spent and the type of work done. The Head of School/Department/Function will monitor and review such reports. The college reserves the right to amend or terminate any agreement.

The designated LYIT staff member shall record and submit all observations and other data pertinent to the Project as required to the designated company representative on request.

The designated LYIT staff member will meet with the designated company representative to discuss progress on the project at regular intervals.

Confidentiality

The Institute and/or all other Institute employees or contractors shall treat all data obtained from the client as secret information if this has been explicitly indicated by the client or if it can be reasonably assumed to be secret. No data obtained from this project research will be divulged to third parties without the consent of the client.

Intellectual Property

All results arising from work, as regards patents or other property rights, will be dealt with in accordance with the Institute's IP policy.



Part A

**APPLICATION TO UNDERTAKE
EXTERNAL WORK OR CONSULTANCY**

(Note: A separate application form should be completed for each professional and consultative activity undertaken)

Name of Staff Member: _____

School/Department or Functional Area: _____

Names of contracting parties:

Nature of proposed professional and consultative work (a brief description only is requested; however, further information can be attached):

Justification for the provision of the service by the Institute:

Outline the period over which the above activity is expected to extend (eg, one day, one week, one month, one semester, one academic year, on an ongoing basis with proposed start and finishing dates of engagement):



Application to Undertake External Work or Consultancy (cont'd)

Estimated time (expressed in hours per week and as a schedule) required to undertake the above activity:

Proposed rates of pay for external work or consultancy:

College resources to be used and proposed charges for the use of Institute facilities:

Commentary on any financial or other risk to the Institute:

I propose to undertake this work under the auspices of the Institute (ie, in accordance with the Institute's External Work Training and Consultancy Policy) and understand that I will therefore be covered by the relevant Institute insurance policies. Tick whichever applies:

Yes No

If the response above is **No**, proceed to **Part B**.

If the response above is **Yes**, proceed directly to **Part C**.



Part B

UNDERTAKING FOR PRIVATE WORK OR CONSULTANCY

I undertake that:

1. Before entering into any agreement, I shall give the other party notice that I am contracting in a private capacity and not for the Institute.
2. I shall not use the Institute's name, email address or any headed stationery of the Institute in any way in which it might be inferred that I am acting on behalf of the Institute.
3. All liabilities arising out of or in the course of the performance of the professional and consultative work shall be mine and the Institute shall be free of all responsibility in respect of that work (signed *indemnity form below*).
4. I shall reimburse the Institute for any charges and expenses, direct or indirect, incurred by it for the work.
5. I shall comply with the Institute's rules and conditions for professional and consultative work.

In consideration of the Institute allowing me to undertake and retain income from this Private Consultancy activity, I agree to procure and maintain at my own expense:

Please circle the appropriate letter (a), (b) or (c) below:

- (a) Professional Indemnity Insurance to cover any professional liabilities arising out of the discharge of my private activities.

or

- (b) I agree to provide evidence that the client has indemnified me equivalent to the requirements above.

or

- (c) I agree to carry out the work described totally at my own risk.

I hereby indemnify and hold harmless Letterkenny Institute of Technology and its officers, employees and agents against all claims, liabilities, costs, damages and expenses of every kind and nature directly or indirectly arising out of or in connection with my private professional and consultative activities.

Signed: _____

Witness: _____

Date: _____



Part C

UNDERTAKING FOR PRIVATE WORK OR CONSULTANCY

I hereby seek approval for the activities described in Part A.

Applicant Signature: _____

Date: _____

I hereby recommend approval of the activities described in Part A.

Signed (Head of School/Department/Function): _____

Date: _____

I hereby approve the activities described in Part A.

Signed (President): _____

Date: _____



Part D

CONFIRMATION

I wish to confirm that I am not undertaking any external professional or consultative work during this Academic Year.

Signed: _____

Date: _____

Please print name



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