



3.5.1 Policy on Consultancy by the University Teachers

General Considerations:

The primary functions of Yashwantrao Chavan Maharashtra Open University, Nashik is to render educational service to the people of Maharashtra through its established programs of instruction, research and extension through open and distance learning. The University recognizes its obligation to make services available through their qualified faculty to business, industry, governments, professional societies, or other appropriate groups. Moreover, a professional nature of services generally contributes to the contribution of faculty member in the teaching and research programs. Therefore, the University encourages involvement of its faculty in outreach /extramural activities which are consistent with their primary responsibilities to the institution. These activities typically invite a Regular University staff member (administrator, faculty member, professional staff member, or employee) to use his or her specialized knowledge to provide advice or judgment about a problem, situation, or area of scholarship in an academic discipline. Because of the increasing prevalence of various consulting, extramural and outreach activities, however, and in view of the inherent problems associated with these, the following guiding principles and policies have been established to prevent conflicts of interest, interference with university functions, or unethical practices:

1. The major criteria to determine the significance of a particular outreach / extramural activity are: a. the effect of the activity on the individual and the University, professionally and academically. b. the extent to which the activity will complement the university's programs or interfere with the effective discharge of the faculty member's responsibilities to the university. These responsibilities include not only formal classroom and laboratory activities, but also other duties such as learner counseling. Committee work, scholarly publications, and continued professional development.
2. It is the responsibility of the Director of the School, Head of the Division or Registrar to exercise judicious control of the consulting activities so that no university functions are neglected. It is the university staff member responsibility to ensure that his or her regular work is completed during the approved period of consultancy.
3. The complex relationships between universities, government, and industry call for more intensive attention to standards of procedure and conduct in government sponsored research and outreach programs. Such standards of clarification and application must be designed to serve the purposes and needs of the projects and the public interest associated with them and to protect the integrity of the cooperating institutions as agencies of higher education.
4. The government and university being contracting parties, have an obligation to see that adequate standards and procedures are developed and applied: to inform each other of their respective needs; and to ensure that all participating individuals are aware of their respective behaviors and apply the standards and procedures that are so developed. Consulting relationships between University staff

members and industry interests in research and education in the university.

5. The transfer of technical knowledge and skill from the university to industry / business contributes to technological advancement. Such relationships are desirable, but certain potential hazards should be recognized.
6. The Vice Chancellor has directed to formulate, implement and publicize procedures to enforce this policy as required by applicable regulations.

Conflict of Interest Situations:

1. Favouring outside interests:

When a Regular university staff member (administrator, faculty member, professional staff member, or employee) is undertaking or engaging in government sponsored work in a significant financial interest, or with a consulting arrangement, the conflicts of interest between government sponsored programs and the university research obligations as well as outside interests should be managed in a balance way. The situations in or from which conflicts of interest may arise are:

- a. Undertaking signed by the university teacher to serve the research or other needs of the private firm without disclosure of such undertaking to the university.
- b. Purchase of major research equipment, instruments, materials, or other items from the university funds for a private firm in which the staff member has the interest without disclosure of such interest;
- c. Transmission of products, results, materials, records, or information to the private firm or for the use for personal gain. Licensing arrangements for inventions, or consulting on the basis of government sponsored research results where there is significant work done by other staff member independent of the government-sponsored research.
- d. Use for personal gain or unauthorized use of privileged information acquired in connection with the university staff member and government sponsored activities. (the term "privileged information" includes, but not limited to, medical, personnel, or security records of individuals and knowledge of the forthcoming programs or selection of contractors or subcontractors in advance of official announcements)
- e. Personal Negotiation with contracting agencies and private organizations with which staff members have consulting or other significant relationships.
- f. Receiving of gratuities or special favors from private organizations conducting business with the university and the Government can be interpreted as an attempt to influence the recipients of their conduct.

2. Distribution of effort:

There are competing demands on faculty members like research projects, development of course material, committee work, outside consulting. The way in which the university staff member divides his or her effort between various functions does not raise ethical questions unless the government agency is supporting the research projects.

On the other hand, if the research agreement contemplates that a university Staff member will devote a fraction of the effort to government sponsored research, or faculty members agrees to assume responsibility for such research, a demonstrable relationship between the indicated effort or responsibility and the actual extent of the university Staff member's involvement is expected to occur.

Each University, therefore, ensure through joint consultation of administration and faculty, develop procedures to ensure that proposals are developed and complied without conflict of interest between the faculty members and the university.

3. Consultancy for Government agencies or their contractors:

When the university staff member engaged in government sponsored research projects also serves as a consultant to a federal agency, such conduct is subject to the Conflict of Interest on part of government Employees. When the University staff member consults for one or more government contractor, or prospective contractor, in the same technical field as the staff member's Research project / expertise, care must be taken to give him a advice to avoid consultancy with such parties that may be questionable in future because of its possible bearing on the individual's other interests.

In conducting and performing consulting services, the University staff member should make full disclosure of such interests to the university and to the contractor. In so far as they may appear to relate to the work at the university or to the contractor Conflict of interest problems could arise. Example: the participation of a staff member of the university for an evaluation of a government program or some technical aspect of its contractor's work with another organization in which the staff member is a working as a consultant or working in their employment.

Regular university Staff members may be allowed to consult and / or be involved in appropriate continuing education and public service activities with a maximum of one working day per week, with the consent of their Director of School and appropriate Authority. Additional compensation for consulting and internal activities will be counted against this maximum of one day per week; Travel days are counted in consulting period of time. This policy is not intended to hiconsulting activities outside the normal working days, during vacation, or during the summer. A formal application form -1, must be filed in advance for permission to engage in outreach / extramural activities other than the traditional functions of professional societies and bodies.

The application form -1 must be approved by the Director of the respective School or head of the division or the Registrar. The Copies of approved applications shall be maintained in the respective office of the staff members and the file in University Personnel Services. YCMOU assume no responsibility for the competence of their and their participation performance in outreach /extramural professional's activities.

In connection with outreach / extramural professional activities arranged outside University programs, the name of YCMOU shall not be used for advertising or promotional purposes or in any of the reports or statements that implies approval or endorsement by the University.

1. Faculty members or university Staff should not commit to special university facilities and equipment or other urgent external consulting projects unless such use is approved in writing by the Director of the school or Head of the division or the Vice Chancellor.
2. Faculty members or University Staff will be responsible to the reimbursement of the cost incurred on university's use of specialized equipment and facilities as well as materials. Use of university computer facilities for consulting will also require prior written approvals from the appropriate authorities and the rate of reimbursement shall be at the external user rate.
3. Approval or reimbursement will not be required for the use of the library or office space for consulting activities.
4. The faculty or university Staff involved in any consultancy & services must take prior permission from the University Research Council (URC) of the University.
5. The agreement mentioning the nature of the job to be undertaken, the duration of the work and the charges need to be duly signed by consultant and the consulting agency with prior approval of the Vice- Chancellor.
6. The consultant is not allowed to take up any form of outside work-related consultancy not covered by an agreement involving the university resources.
7. The faculty or university Staff involved in non-work related consultancy must not use the university name to endorse this activity without prior written approval from the University Research Council (URC) or an appropriate Authority of the University.
8. The University Research Council (URC) reserves the rights of disbursement of the revenue generated through consultancy & services between the university and the Consultant. The normal distribution of disbursement will be 30:70 with prior approval and acceptance.
9. The documentation of the consultancy & services must be recorded and submitted to the University Research Council after completion of consultancy project/program.
10. The consultant needs to ensure that the consultancy project / program will not hamper his / her academic / administrative responsibilities in the university.




Director
Center for Internal Quality Assurance
Yashwantrao Chavan Maharashtra Open University, Nashik