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EGERTON UNIVERSITY

CONSULTANCY POLICY

2014

Transforming Lives Through Quality Education
Egerton University is ISO 9001:2008 Certified

EGERTON UNIVERSITY

CONSULTANCY POLICY 2014

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Preamble

Consultancies are among the key elements for influencing local and national development. They have the potential for enhancing a University's engagement in socioeconomic development. Within any university is a large wealth of knowledge and experience that can be tapped and used for achieving development objectives. The human resource can be consulted and utilized to offer professional advice towards solving societal problems, and thereby enhance an institution's corporate image and to sustain its visibility.

Egerton University recognizes the crucial link between consultancies and national development. Therefore, it has embedded consultancies in its Strategic Plan (2013-2018), which form a key component of its Strategic Goal Three (SG3). This Consultancy Policy provides the necessary institutional framework under which all consultancies will be conducted. The Policy will help ensure that all consultancies are well coordinated and implemented professionally, ethically, and efficiently.

Part I: General Provisions

Article 1.0: Vision, Mission and Values of Egerton University

1.1. Vision

A world class University for the advancement of humanity.

1.2. Mission

To offer exemplary education to society and generate knowledge for national and global development.

1.3. Core Values

The activities and decisions of Egerton University are guided by :

- a) National unity.
- b) Internationalism
- c) Passion for excellence.
- d) Professionalism
- e) Devotion to duty
- f) Integrity
- g) Transparency
- h) Accountability
- i) Social fairness

Article 2.0: Definition of Consultancy

Consultancy is a contract where a consultant (member of university staff or

the University as a corporate body) provides a defined service to a client (external party) based on the client's articulated need. The service provided produces a set of deliverables for which the client pays an agreed-consulting fee. In general, the deliverables produced are the property of the client.

In this Policy, Consulting means remunerated application of a staff member's professional expertise for the benefit of a third party, typically an industrial, commercial, governmental, or other professional institutions. The work might, for example, involve advice, problem-solving, direction of research, or teaching.

Article 3.0: Types of Consultancies

The Egerton University Consultancy Policy and Procedures recognizes two categories of Consultancy: Corporate Consultancy and Private Consultancy.

a) Corporate Consultancies

A Corporate Consultancy is one that the University has bid and won or one in which an employee of the University engages a client with the full support of the University

b) Private Consultancies

A Private Consultancy is where a University staff or student operates in a private capacity independently of the University.

Article 4.0: Policy Objectives

The objectives of this Policy are to:

- a) Encourage staff participation in consultancies which are beneficial to the University, staff and students.
- b) Facilitate the negotiation and entry into consultancy contracts with potential clients with significant benefits to the University and its staff and students at full cost recovery.
- c) Provide a flexible framework for the entire range of consultancies undertaken under 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 of the University.
- d) Define the University's management strategies and quality control expectations for consultancy contracts involving or implicating the University, including those relating to risk management and accountability.
- e) Provide guidance to persons within and outside the University on when and how consultancies may be undertaken using the University's name, services, space, facilities, equipment, intellectual property and/or paid work time.
- f) Provide guidelines on benefits sharing between the University and the consultants.

Part II: Principles

Article 5.0: Scope of the Policy

- a) This Policy applies to all Egerton University staff, students and their

collaborators. It sets forth the principles and guidelines that should be followed in the execution of consultancies.

- b) This Policy should be read together with the revised University Research Policy (2013) and the University Intellectual Property Rights Policy (2010).

Article 6.0: Citation of the Policy

This Policy shall be cited as the Egerton University Consultancy Policy.

Article 7.0: Focus Areas

The University has a mandate to offer demand-driven, consultancy services to both individuals and groups in the public and private sector based on the following competence areas: Agricultural policy; food security; crop, livestock and fisheries production and protection; value addition and commercialization; capacity building; extension and outreach; agricultural economics; leadership and management of agricultural projects; participatory monitoring and evaluation; environmental management and impact assessment; climate change adaptation and mitigation; water and sanitation; watershed management; natural resource management; energy; public health, nutrition and disease management. Other competence areas include governance, sociology and culture; peace, security and conflict resolution; curriculum development; psychology and counselling; pedagogy; innovations and software development; agricultural, control and electrical engineering.

Article 8.0: Conditions for Consulting

- (a) While Consulting, Egerton University staff and their collaborators will be guided by the principles that:
 - I. Consulting is a privilege, not a right.
 - ii. The Consultant(s) will safeguard the University against conflicts of interest and indemnify it against financial risks.
 - iii. The Consultant(s) will reimburse the University for use of University facilities such as money, materials and staff.
- c) A staff will be permitted to engage in a consultancy which enhances his or her professional development and does not negatively affect his or her work at Egerton University.
- d) At all times, the name of Egerton University must be protected against litigation or any other detrimental action by a client or a staff.

Article 9.0: Consultants' Rights and Responsibilities

Consultants will have the following rights and responsibilities:

- a) All consultants shall be guaranteed their freedom of speech, intellect and association.
- b) A consultant and/or the collaborators shall not be discriminated or stigmatized on medical grounds or disability race, gender religion and culture.
- c) A consultant will be accorded the rights and privileges, as far as resources are available, to carry out the consultancy in his/her

areas of competence.

- d) All consultancies shall not be in conflict with human rights, dignity, health or ethical standards.
- e) All consultancy agreements shall be signed on the advice of the University's Legal Officer.

Article 10.0: Ethics and Integrity

Following are the ethical and integrity conditions under which this Policy will operate:

- a) Consultancies shall be conducted in an open and transparent manner as indicated in the consultancy agreements.
- b) Where appropriate, an ethical clearance shall be obtained from the Research Ethics committee.
- c) All consultants shall be required to observe high ethical standards and, where relevant, to comply with all obligations imposed by the codes of practice of funding agencies.
- d) Consultants shall ensure that consultancy property entrusted to their care is used for the intended purpose(s) and adequately protected.
- e) All consultancies where human or animal subjects are used shall require permission from the Research Ethics Committee.
- f) The Principal Consultant shall give tutorials about the consultancy to the human subjects on possible harm and shall debrief them at the conclusion of the consultancy.

- g) All consultants and their collaborators shall respect participants' gender, religion, and culture.

Article 11.0: Professionalism

All consultants shall:

- a) Carry out consultancies in a manner that maintains their integrity and public confidence.
- b) Treat participants in consultancies with courtesy, civility and respect.
- c) Respect the rights of others and refrain from disruptive, threatening, intimidating, or harassing behavior, or behavior which is harmful to them, other person(s) or property.
- d) Seek to improve the standards of consultancies and the level of professionalism in the University.
- e) Maintain and develop knowledge and understanding of their respective area of expertise or professional field.
- f) Make their consultancies known locally and internationally through publications, exhibitions, attendance to conferences, workshops and seminars.
- g) Report any extra consultancy sub-awards to the Deputy Vice-Chancellor (Research & Extension) and the main funder of the main consultancy within 14 days after award.

Article 12.0: Consultancy Guidelines

12.1 Corporate Consultancy Guidelines

The following guidelines shall apply to all corporate consultancies:

- a) All corporate consultancies undertaken by the University shall be of an appropriate standard.
- b) The consultancy shall be relevant and beneficial to the University.
- c) The consultancy shall not deprive the University staff of the independence that characterizes the status of academic life.
- d) The consultancy shall not interfere with the efficient teaching and research within the University.
- e) All corporate consultancies shall require written approval of the Vice Chancellor or his/her deputy before any commitments are made.
- f) Departmental approval of outside professional activities shall not extend to entering into formal agreements on behalf of the University.
- g) All formal agreements involving the University shall be channeled through the office of the Vice Chancellor or the Deputy Vice Chancellor (Research and Extension).
- h) The Deputy Vice Chancellor (Research and Extension) shall advise on rates to charge for each consultancy.
- i) The provision of free advice shall not make the professional person immune from liability in case of negligence.

12.2 Private Consultancy Guidelines

The following guidelines shall apply for private consultancies undertaken by University staff:

- a) All full-time University employees shall be required to obtain permission from their immediate supervisors before engaging in any private consultancy.
- b) Where consultancies are entirely private, the University shall have no financial interests but will seek to ensure that its reputation is protected and that it incurs no-liabilities.
- c) All private consultancies undertaken by staff shall not be covered by University insurance.
- d) University resources shall not be used for the execution of private consultancies.

Article 13.0: Activities Excluded from Consultancy Arrangements

- a) The following Academic activities carried out on behalf of the University shall be excluded from consultancies:

Lecturing

Research Assessment Panel Member

Knowledge Transfer Partnership

Teaching

Refereeing papers

External Examining

Reviewing Books

- b) Professional activities where the staffs serve as nominees of the University or Government such as private or public sector Board appointments, committee membership in National Institutes, University and Research Councils, Government Departments and Editorial Boards of professional journals shall be excluded from consultancies.
- (c) *Ad-hoc* interaction with media such as comments to journalists regarding a specific topic shall be excluded from consultancies.

Article 14.0: Approval to Undertake Consultancies

- a. All consultancies conducted by University Staff or the University as a corporate body shall be registered in the Division of Research and Extension.
- b. Permission to undertake consultancies shall be given to a staff after completing a University Consultancy Approval Form and submitting it to the immediate supervisor who shall recommend it for approval by the Deputy Vice Chancellor (Research and Extension). All dully approved forms shall be kept by the Division of Research and Extension.
- c. The approval will be subject to the consultancy not having any adverse effects on the interests of the University or official duties of the staff.

- d. A staff wishing to engage in a consultancy shall seek prior approval of the Deputy Vice- Chancellor for Research and Extension through the immediate supervisor. The purpose of the approval shall be to ensure that:
 - i) A staff's Departmental duties will not be adversely affected,
 - ii) The consultancy will be compatible with the interests of the Department and the University,
 - iii) Use of University facilities is clearly defined,
 - iv) The University will be protected against financial risk.
- e. In all corporate consultancies, the staff involved will be covered by the University insurance.
- f. Since all consultancies pose potential liability or other risks to both the Consultant and the University, strict compliance with approval requirements, as set out in this Policy, shall be mandatory.
- g. A staff intending to engage in a consultancy will be required to disclose to the University the total time required and the nature of the activities to be carried out.
- h. Intended use of University facilities shall be well specified in order to estimate the relevant cost of reimbursement.

Article 15.0: Costing of Corporate Consultancies

Costs of implementing consultancy projects shall be based on market rates. The Division of Research and Extension shall advise staff on appropriate amounts as follows:

- (a) The consultants' professional fee shall be negotiated between the University and the client based on prevailing market rates.
- (b) Of the total consultancy fee, excluding money for logistics, the University will retain 35% while 60% will go to the consultants and 5% to Government's mandatory tax.
- (c) Unless otherwise agreed through consensus, all non-consumable items resulting from the consultancy shall be retained by the Principal consultant's host department at the University.
- (d) Approval documents indemnifying the University against financial risk shall be lodged with the Deputy Vice Chancellor (Research and Extension) before any consultancy is undertaken.
- (e) All consultants and their collaborators shall be required to submit quarterly, annual and final reports to the Deputy Vice-Chancellor (Research and Extension) or at the end of the consultancy if it is shorter than three months.
- (f) If a University staff benefits from University owned Intellectual Property Rights, or substantially uses University facilities to generate an IPR out of a consultancy, the University IPR Policy will apply.
- (g) Any exceptional cases such as non-executive directorships or consultancies not covered by this policy shall be referred to the Vice-Chancellor for determination.

Article 16.0: Financial Management of Consultancies

Income shall be distributed as follows:

- (a) Consultancy fee 60%
- (b) University overheads 35%. (20% to University Consultancy Reserve Fund and 15% to service providers)
- (c) Government tax 5%

NOTE: If there is a change in Government tax, Article 15(a)-(c) will be adjusted proportionately.

Article 17.0: Consultancy Knowledge Management

- (a) The Division of Research and Extension shall be the custodian of all data obtained from consultancies and shall be stored securely in databanks in the Division's Knowledge Management Unit (KMU).
- (b) The Division shall ensure dissemination of consultancy information to the relevant stakeholders.
- (c) The Division shall promote knowledge sharing by linking institutions with consultancy information on documented experiences except where some clients' data require confidentiality and may not be disclosed unless with permission.
- (d) All consultancy data shall be treated confidentially where they are not meant for public consumption
- (e) Except for collaborating partners, all persons or organizations shall access consultancy data at an agreed fee except where the

data is confidential.

Article 18.0: Misconduct

- (a) Consultants shall at all times maintain high levels of integrity and shall not engage in acts of dishonesty, threats or other acts that can dent the image of the University.
- (b) Consultants shall not use consultancy funds improperly to enrich themselves or others.
- (c) The University disciplinary procedures and/or the relevant Laws of Kenya shall apply to a consultant who violates consultancy ethical standards in such a way that he/she seriously harms the reputation of the University or compromises the ability and integrity of the consultant to function effectively in the work place.
- (d) Where the consultants and their collaborators violate acceptable consultancy practices, they, together with their collaborators, shall be blacklisted and relevant bodies or organizations informed accordingly.
- (e) A consultant who contravenes section (a) of this Article or any other financial discipline shall personally, and severally, be liable for the losses resulting from the contravention.
- (f) All allegations of misconduct shall be investigated by the Research Committee and reported to the Deputy Vice-Chancellor (R&E) for appropriate action.

Article 19.0: Non-compliance with the Consultancy Policy

Failure to comply with the Terms of this Policy shall be considered a breach of contract and may result in disciplinary action being initiated under the Disciplinary Procedures of the University as specified in the Egerton University Statutes.

Article 20.0: Policy Review

This Policy shall be reviewed after every five (5) years or earlier when necessary.

Article 21.0: The University Consultancy Advisory Team

There shall be an Egerton University Consultancy Advisory Team (UCAT) whose mandate will be to help the University actualize its Consultancy Policy.

21.1 UCAT Members

- (a) The UCAT will be comprised of the following members: Deputy Vice Chancellor (Research and Extension)
- (b) Deputy Vice Chancellor (Administration and Finance)
- (c) Deputy Vice Chancellor (Academic Affairs)
- (d) Managing Director, Egerton University Investment Company
- (e) Director (Research and Extension)
- (f) University Industry Liaison Officer
- (g) Director, Directorate of Planning and Development

- (h) Director, Directorate of Institutional Advancement
- (i) Coordinator, Consultancy Coordination Unit

21.2 UCAT Mandate

- (a) The UCAT mandate will be to:
- (b) Oversee the implementation of the Egerton University Consultancy Policy.
- (c) Give policy directions to the Consultancy Coordination Unit
- (d) Set performance targets for the Consultancy Coordination Unit
- (e) Monitor and evaluate performance of the Consultancy Coordination Unit.
- (f) Advise on resource mobilization and clients' engagement.
- (g) Advise the university on commercialization of its products.
- (h) Consider other issues that may help enhance the efficiency and effectiveness of generating income through consultancies.

Article 22.0: Consultancies' Co-ordination Unit (CCU)

There shall be a Consultancies' Co-ordination Unit in the Division of Research and Extension headed by a coordinator who shall be answerable to the Deputy Vice Chancellor (Research and Extension). The main functions of the Consultancy Co-ordination Unit (CCU) shall include the following:

- i. Implementation of the consultancy Policy.
- ii. Capacity building for staff.

- iii. Marketing the professional capacities of University staff and students.
- iv. Mobilization of the human resource to engage in consultancies.
- v. Cataloging outputs from consultancies.

Article 23.0: Benefits of Engaging in Corporate/ University-Supported Consultancy

Egerton University and its staff will derive the following benefits from Corporate/University-supported consultancies:

- (a) Capacity building for consultants and their collaborators (This may include students).
- (b) Assurance that the consultants will be allowed time off to engage in the consultancy.
- (c) Assurance that the consultants will be assisted, where practically possible, to have their duties in the University covered by their colleagues during the time of the consultancy.
- (d) Both the University and the consultants will gain financially from the consultancy.
- (e) Both the University and the consultants will have the opportunity to bid for bigger projects.
- (f) Corporate consultancies will market the University thereby raising its visibility and profile.
- (g) Corporate consultancies will build the consultants' confidence,

efficiency and effectiveness in undertaking consultancy projects.

- (h) Corporate consultancies will earn the University and the consultants more and bigger clients.

Appendix

Structure of the Consultancies' Co-ordination Unit (CCU)

The Consultancies' Co-ordination Unit (CCU) will operate under the office of the Deputy Vice- Chancellor, Research and Extension (see Figure 1). The CCU will comprise DVC (R&E), Director Research, a Co-coordinator (Senior Assistant Registrar or equivalent) and a Committee composed of one (1) representative from each Faculty.

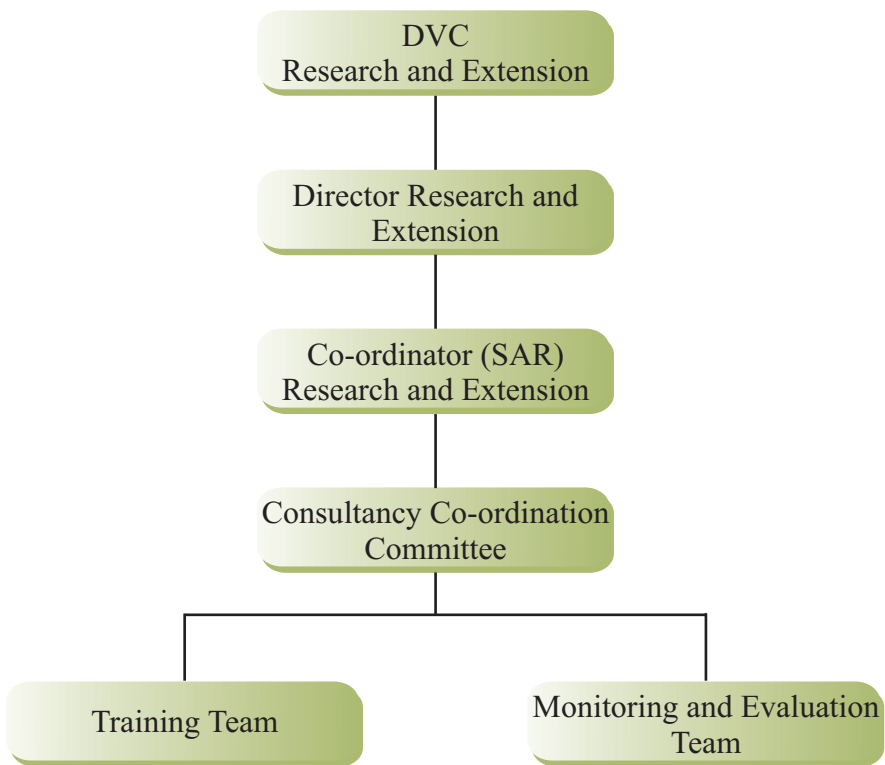


Figure 1: Co-ordination Consultancy Unit (CCU)

Responsibilities

Deputy Vice-Chancellor Research & Extension

The DVC (R&E) will be the executive arm of the CCU and will be:

- a. Responsible for managing all University-based consultancies and advising the University Management on all matters related to the provision of consultancy services by the University.
- b. The one authorized to give external parties advice, as well as providing consultancy policy directions.
- c. Responsible for overseeing all contractual arrangements related to the consultancies.
- d. This will include clarifying with the consultancy recipient(s) the extent to which the execution of the consultancy will involve usage of the University's facilities and other related infrastructure, negotiating and contracting adequate compensation for such usage, as well as negotiating and contracting adequate compensation for professional services provided by the University staff.
- e. To facilitate the provision of the contracted consultancies by coordinating and ensuring that the University staff delegated the task(s) of executing the contracted consultancies have received the authority to use the contracted facilities and space promptly.

Director Research

The Director Research will be the Chief Co-ordinator of the CCU and will to:

- (a) Oversee the constitution of consultancy committee teams who will execute consultancies won by the University through the CCU.
- (b) Ensure that the relevant experts are included in the constitution of the teams.
- (c) Advise\ the DVC (R&E) on planning, development and management of the University's consultancy capabilities.
- (d) Oversee the development and review of measures for efficient use of the University's consultancy capabilities, as well as giving effect to any modalities of the CCU.

Senior Assistant Registrar Research (SAR)

The SAR will be the coordinator of the CCU and shall:

- (a) Be answerable to the Director, Research on behalf of the DVC (R&E).
- (b) Actively search for consultancy opportunities, identify appropriate calls and advertisements for consultancy services, and apply/bid for consultancy activities on behalf of the University.
- (c) Market the University's consultancy capabilities under the guidance of the Director, Research.
- (d) Provide the secretariat to the CCU and call meetings in

consultation with the Director, Research

- (e) Keep, update and maintain all the CCU records
- (f) Safeguard the interests of the University on all issues related to Intellectual Property Rights (IPR).

Consultancy Co-ordination Committee

The Consultancy Co-ordination Committee will comprise a representative from each Faculty. The committee will form the major liaison among the Faculties in the University with respect to constitution of consultancy teams, especially where multi-disciplinary teams are required.

The Training and Capacity building and the Monitoring Teams will be in-charge of developing and maintenance of the University's Consultancy capacity. *****

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