

# IADT

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<b>Policy Author</b>	Dominic Mullan, Innovation, Commercialisation & Development Manager/Peter Robertson, HoCE.
<b>Policy Owner</b>	IADT Research & Development Committee

## Introduction

The purpose of this revised and updated version of the Consultancy & External Activity Policy is to re-affirm IADT's commitment to encourage and facilitate all staff to undertake research, professional practice, consultancy, and civic engagement in all its forms, whether voluntarily, externally funded or commercially supported.

Objective 10 of IADT's Strategic Plan 2014-2018 affirms the Institute's commitment to providing a 'positive and progressive working environment' and to promoting 'opportunities for personal and career development for all IADT staff'.

In this context, IADT welcomes and encourages the participation of all staff members in activities which enhance their academic and professional practice, with a view to yielding various benefits for the Institute, its staff and its students, such as:

- Contributing to the Institute's ability to attract and retain high quality staff;
- Creating opportunities for staff to further their academic, professional and creative practice;
- Developing linkages with external bodies (e.g. small and medium-sized enterprises, companies, not-for-profit organisations, public bodies, professional bodies, industry sector councils, voluntary organisations and NGOs) which may be able to support the Institute's work through, for example:
  - contributing to the delivery of academic modules at the Institute;
  - facilitating student placements or graduate employment; and
  - engaging in research and innovation collaboration with the Institute.
- Furthering the Institute's engagement with the wider civic community; and,
- Enhancing the Institute's profile and reputation.

In encouraging such activities and facilitating external work, the Institute must take a number of factors into account:

- The need to ensure that all staff involvement in external work supports the Institute's mission, enhances its reputation, and in no way compromises the quality of staff teaching, research or external engagement;
- The need to ensure that staff are not involved in an excessive volume of external activities which could prove detrimental to them or to the Institute or its students; and,
- The need to ensure that neither the Institute nor its staff members are in breach of any relevant regulations, primarily the Working Time Act, 1997.

In this context, this policy is primarily intended to provide guidance to staff on Institute policy and procedures regarding different types and levels of consultancy and external activities. Broadly speaking, the relevant types of consultancy and external activity can be seen as falling into three main categories of activity:

### **Category A      *Non-Remunerated Professional Practice & External Activities***

This category relates to a situation where, independent of IADT, any staff member voluntarily engages in largely non-remunerated activities that allow his/her to further develop their academic, professional or creative practice through a range of external activities. No formal permission is required to undertake this professional practice and/or activities. IADT actively encourages all staff to engage in academic, professional and creative practice to enhance the staff members' and Institute's external profile.

**Category B     *Institute Consultancy***

This category relates to consultancy work which staff members undertake for and on behalf of the Institute, where the Institute has agreed to provide certain contractual services, on a consultancy basis, to external clients such as companies, other Research Organisations or public bodies. The aim of this category is to enhance the external profile of IADT staff with industry and external organisations.

**Category C     *Independent Remunerated/Funded Consultancy & Activity***

This category relates to the participation of any Institute staff in external funded activity where the staff member engages in commercial consultancy/activity for a client independently of IADT, or secures funding independently of IADT to undertake a project.

The document provides some examples of the types of activity which would typically fall within the three categories outlined above, along with information on the guiding principles and procedures which apply to each category, as set out in Sections 3 to 5 of the document. In practice, staff members may wish to firstly seek guidance from the Directorate of Creativity, Innovation & Research in order to ascertain their category of activity, and where required, discuss the specific circumstances informally with their individual Head of Department or Faculty.

**Objectives of this Policy**

The objectives of this revised and updated policy are:

- To ensure that consultancy and external activity are actively encouraged and facilitated in a way that brings benefits to Institute staff and the Institute as a whole, in terms of enhanced profile and reputation;
- To provide overall guidance on the procedures and statutory legislation to be followed in respect of the different types of activity, and to ensure that the level of administration by the member of staff is kept to a minimum;
- To ensure that the Institute's high standards of teaching, research and civic engagement activities are maintained through a robust and active engagement with the external commercial, cultural; and social community organisations and networks, both in Ireland and overseas;
- To enhance the profile and reputation of the Institute and its staff, by ensuring that information relating to such external activities is available for purposes such as:
  - Programmatic Review and similar Quality Assurance exercises;
  - Inclusion in submissions to external bodies such as the Higher Education Authority, the EU Commission, the Arts Council, the Design & Crafts Council of Ireland and the Irish Research Council.

## **Category A: Non-Remunerated Practice & Activities**

This category relates to a situation where, independent of IADT, a staff member voluntarily engages in largely non-remunerated activities that allow them to apply or further develop his/her academic, professional or creative/technical practice.

### **3.1 Characteristics**

Characteristics of this category of activity include:

- Having a related link to the teaching/research practice, professional practice or discipline area of the staff member;
- Providing an opportunity for the staff member to apply and/or disseminate their academic or professional practice and knowledge in academic or non-academic contexts outside of IADT;
- Involving an opportunity for a staff member to enhance their academic and/or professional reputation or profile;
- Involving a nominal/token level of remuneration (e.g. honorarium or expenses).

### **3.2 Examples**

Examples within this category can include a wide range of academic or professional activities:

- Writing of academic books, articles, etc;
- Refereeing of journals, books, etc.;
- Occasional contributions to the media (e.g. newspapers, radio/TV interviews);
- Occasional guest lectures or public speaking engagements;
- Occasional exhibitions, film screenings and/or broadcasts;
- External Examining or Programme Validation duties for other higher education institutes or professional bodies;
- Participating in committees of professional or sectoral bodies or community/voluntary organisations related to the area of practice, or subject discipline; and,
- Conducting voluntary roles for community/voluntary organisations.

### **3.3 Procedures**

In respect of activities falling within this voluntary category, staff members are **not** required to seek permission or maintain a formal record however, in terms of best practice, it would be useful to maintain such a record of all such activities for potential future publication, or review.

In this context, the Directorate of Creativity, Innovation & Research at IADT hopes to develop over time, within the framework of the forthcoming new Institute website, the opportunity for staff to list research, professional, and external activities of interest. These staff profiles would be of value for exercises such as Programmatic Review or in the publicity/dissemination of Annual Research Reviews, and in the development of a Register of Staff Expertise, comparable to other institutions.

### **3.4 Further Guidance**

It should be noted, that in conducting activities of this type, staff members should not incur costs for the Institute. Any significant level of usage of Institute resources, equipment or facilities for such activities normally requires prior agreement with the Institute which may include the payment of appropriate fees/charges. This situation will be considered on a case by case basis.

## **Category B: Institute Consultancy**

As part of its Strategic Plan, IADT explicitly encourages and facilitates staff to undertake appropriate consultancy and external activities to the benefit of the individual's professional standing, and the Institute's external profile. This category relates to external work which staff members undertake for and on behalf of the Institute, where the Institute has agreed to provide certain consultancy services to external clients, such as companies, other Research Organisations or public bodies.

### **4.1 Characteristics**

Characteristics of this category of activity include:

- An agreement is in place between the Institute and the external body, whereby the Institute has agreed to deliver services such as research, design and development or technical consultancy, or specialist training;
- Institute staff and/or resources are required in order to deliver the consultancy contract.

### **4.2 Examples**

Examples of this category of activity include:

- Innovation Vouchers, Innovation Partnerships or similar schemes supported by Enterprise Ireland and other funding agencies;
- Research collaborations with businesses, other Research Organisations, public or professional bodies or voluntary organisations where the Institute acts as an external consultant.

### **4.3 Procedures**

The Institute's engagement in consultancy activities is facilitated and actively managed by the Directorate of Creativity, Innovation and Research (DCIR), as one of its primary roles. In negotiating any agreement with an external party to deliver consultancy services, the Directorate will undertake the following actions, on behalf of the staff member(s):

- Agree a suitable resourcing plan for the activity, including staff and research assistants and specific equipment/facility requirements;
- Agree the level of involvement with the staff members themselves and their Head of Department and/or Head of Faculty;
- As required, agree an appropriate contractual agreement and cost model with the Institute; and,
- Ensure that rights of the intellectual property of IADT and the staff members involved are protected and clarified with the external body.

The distribution of income to the staff member involved generated from the Institute consultancy will be agreed, in advance, on a case by case basis. The staff members' share of such income will be made available to the staff member either through their Research Account (Refer to Appendix A), or where possible through the appropriate Payroll procedures.

A significant portion of the Institute's consultancy activity is promoted and conducted through Enterprise Ireland's Innovation Voucher Scheme, outlined in Appendix B. More information and advice is available from Dominic Mullan, Innovation, Commercialisation & Development Manager.

### **4.4 Further Considerations**

It should be noted that a wide range of funding sources might be relevant to this area (Horizon 2020, Irish Research Council, Design & Crafts Council, Arts Council, etc.) and that the most appropriate funding model will require consideration by the DCIR on a case-by-case basis, depending on the specific guidelines regarding rates of remuneration, overheads, and expenses.

## **Category C Independent Remunerated/Funded Consultancy & Activity**

This category relates to the participation of Institute employed staff in external remunerated activity where the staff member engages in commercial consultancy/activity for a client independently of IADT, or secures funding independently of IADT to undertake a project. Full time members of staff and part time, pro rata staff employed on contracts in excess of 50 % are required to seek permission from the President prior to undertaking any activity in this category. The purpose of this approval process is to ensure that the activity does not lead to a member of staff exceeding normal working hours and that the proposed activity does not have a negative impact on their professional duties at IADT.

### **5.1 Characteristics**

Characteristics of this category of activity include:

- The existence of a formal commercial relationship between the staff member and an external company or body; and,
- A significant time commitment over and above the staff members' normal duties and a level of remuneration which significantly exceeds the normal level of honorarium on a regular basis over a significant period of time.

### **5.2 Examples**

Examples of this category of activity include:

- Carrying out substantial externally funded research, development or design consultancy projects over a period of time;
- Undertaking fee-based, paid commissioned pieces of art work / creative practice / writing publications, for commercial gain on a regular and ongoing basis;
- Carrying out specific paid consultancy functions on a regular basis (e.g. expert witness);
- Holding paid Directorships or entering into formal business partnerships (in terms of the IADT Register of Interests);
- Delivering a significant formal programmes of lectures, broadcasts, performances or exhibitions on behalf of another institution or external organisation over a period of time, significantly beyond the normal working hours;
- Undertaking a substantive adjunct role or position in another institution or organisation over a period of time, significantly beyond the normal working hours.

### **5.3 Procedures**

In respect of remunerated external work, and consistent with their contract of employment, all full time staff members, and in some specific cases part-time staff, must seek guidance initially from the Directorate of Creativity, Innovation & Research, and in certain circumstances, Human Resources. In seeking such guidance, staff members must provide the following information:

- The nature of the proposed work; and,
- The likely time commitment and duration of the consultancy or external activities.

A template for this purpose is included in Appendix C. In specific cases, staff may need to seek advice from Human Resources regarding Double Employment Guidelines, and legislation on the Working Time Act, 1997, and complete the attached Form A. Human Resources will check to ensure that there are no issues with regard to the Working Time Act, 1997, and respond to the staff member within ten working days. The staff member should then complete and submit Form B to the President who will consult with the relevant Head of Faculty, Head of Department and/or the

Innovation, Commercialisation & Development Manager prior to responding. The Institute is committed to issuing a response within 10 working days

Given the benefits of staff engagement in external activity, it is the intention of the Institute to facilitate staff participation in remunerated external work. However, permission may be withheld on a number of grounds, including:

- If the proposed activity is in conflict with the development of the Institute's own consultancy and collaboration activity. For example, it would be inappropriate for a staff member to undertake commercial consultancy or practice for an organisation with which IADT is already collaborating or is actively seeking to collaborate with.
- If the proposed activity is likely to impact on the staff member's ability to deliver their regular teaching and research duties at the Institute.
- If the proposed activity is likely to cause any degree of reputational damage to the Institute, this will be dealt with on a case by case basis with full recognition given to the issues of Academic Freedom afforded to all staff members.

#### **5.4 Further Considerations**

- In conducting external work of this type, staff members should not use Institute resources, equipment or facilities unless a formal agreement has been reached with the Institute regarding such use. Any such agreement may include appropriate fees/charges.
- In conducting external work of this type, staff members must not purport to be undertaking such work on behalf of the Institute and should ensure that external clients are aware that the work is being undertaken in a private capacity.
- Staff should be aware that they are not covered by Institute insurance policies when conducting work in an independent commercial capacity.
- Staff should be aware that they may not use any Institute intellectual property for the purposes of their own commercial consultancy or practice without the express permission of the Institute.

## **APPENDIX A PROCEDURES RELATING TO STAFF RESEARCH ACCOUNTS**

The following regulations, principles, processes and procedures govern expenditure from Staff Research Accounts and approval of such expenditure:

1. Amounts in Staff Research Accounts represent a quantum of funds that is available to a staff member to make purchases in support of their Research, Teaching, Development or other related activities at IADT subject to prior Head of Department/Faculty/Directorate approval.
2. Any purchases funded through Staff Research Accounts remain the property of IADT.
3. Expenditure from Staff Research Accounts is subject to all Institute policies and procedures including but not limited to Procurement, Staff Training and Development and Travel and Subsistence regulations as issued from time to time.
4. There must be sufficient funds in the relevant staff member's Research Account before any proposed expenditure is committed or incurred. In the event that a staff member's Research Account balance goes into deficit, this deficit will be charged to the relevant Faculty or Directorate's operational budget unless or until the deficit is otherwise addressed.
5. Caution should be exercised in relation to any expenditure giving rise to long-term contractual commitments e.g. annual licences, subscription charges, maintenance, usage bills etc – should these continue to be incurred in excess of the relevant Research Account balance the resulting deficit will be charged to the relevant Faculty or Directorate's operational budget.
6. Any expenditure is subject to prior Head of Department/Faculty/Directorate approval and should be processed as follows:
  - a. General travel and subsistence and conference/course fees can be reclaimed through the Staff Travel and Subsistence Expenses procedure quoting the relevant Staff Research Account Code
  - b. All other expenditure should be processed through the relevant Faculty or Administrative Office via purchase order raised on Agresso and coded to the relevant Staff Research Account Code, in line with the procedures in place for the purchase of any materials, equipment or consumables
  - c. Where no other mechanism exists, purchases may be made by Institute credit card (subject to the authorisation of the relevant credit card holder) and coded to the relevant Staff Research Account Code.

If there are any queries or clarification required on any aspect of the operation of Staff Research Accounts, the Finance Manager should be contacted for assistance and advice.

## **APPENDIX B PROCEDURES RELATING TO ENTERPRISE IRELAND INNOVATION VOUCHERS**

The information below provides a summary of the standard procedures for processing Innovation Vouchers.

### **Agreeing the Brief**

- The Innovation, Commercialisation and Development Manager (ICDM) agrees a specification of the project with the client company and the academic member of staff as the Project Lead. The brief includes an overview of the project, specific actions and deliverables, and timeframes.
- The brief is prepared in two copies, signed by the company and the Project Lead, with the company and the ICDM each retaining a copy.
- At the same time, both the company and the Project Lead sign the Declaration on the Innovation Voucher confirming that the client owns any foreground Intellectual Property arising from the project.

### **Agreeing the Project Team and Budget**

- In parallel with agreeing the brief, the ICDM and the Project Lead agree a suitable plan for resourcing the project with IADT staff and, on occasion, Research Assistants to be employed specifically for the project in question. The budget is compiled on a template available from the ICDM and will include both staff costs and other costs like travel, specific equipment or licences etc.
- The rates applied to different team members are as follows:

○ IADT academic staff member (full-time or pro rata):	€63.04
○ Graduate Research Assistant:	€15.82
○ Undergraduate Research Assistant:	€12.04
- These rates are subject to change, from time to time.
- Employer's PRSI (10.75%), an allowance in lieu of annual leave (8%) and a superannuation contribution (20%) apply to all Research Assistants.

### **Employing Research Assistants**

- Where it is proposed to employ Research Assistant(s), an Hourly Paid Proposal Form is completed by the ICDM and signed by both the ICDM and the Project Lead. The project is coded to budget R510. The proposal must also be signed by the Project Lead's Head of Department or Head of Faculty or Executive Member, before being submitted to the Human Resources Manager, along with the project budget.
- Once the Human Resources Manager has approved the proposal and a suitable candidate has been selected, the appropriate Commencement Forms are completed by the candidate and signed by the Project Lead.
- Timesheets are made available to the Project Lead for completion by Research Assistants. These are countersigned by the Project Lead before submission to Payroll on a weekly basis. It is the Project Lead's responsibility to ensure that Research Assistants work no more than the maximum number of hours available within the budget agreed for the project.

### **Voucher Related Purchases**

- Any purchases of equipment, licences etc, or of travel expenses (flights etc) should be processed through the DCIR Administration team, who will seek approval from the ICDM.

### **Finance and Invoicing**

- On commencement of the project, the ICDM will request that an invoice be raised to the company for the appropriate fees and VAT.

### **On Conclusion of the Project**

- The ICDM requests that the company signs the Innovation Voucher confirming satisfactory completion of the project.
- The company is requested to complete a Feedback Questionnaire.
- DCIR confirm to the Human Resources Office that any Research Assistants have completed their work under the project and should be paid the 8% allowance in lieu of annual leave.
- DCIR coordinates the completion of the Enterprise Ireland Claim Form including all project costs. This is reviewed by the ICDM and signed off by the Finance Manager before submission to Enterprise Ireland.

### **Distribution of Revenues**

- On receipt of the project proceeds from Enterprise Ireland and/or the company, the Finance Manager will ensure that all relevant expenses have been charged to the voucher before transferring amounts due to staff members involved in the project to their Research Accounts or in certain circumstances through the appropriate payroll processes. Where a staff member does not already have a Research Account, the Finance Manager will create a new Research Account for this purpose.
- Once funds have been lodged in Research Accounts, their disbursement is subject to the rules and procedures set out in Appendix A.
- In certain circumstances, the staff member may be paid directly through the Institute Payroll process.

## **Appendix C**

### **Form A – Double Employment Declaration and Form B - Declaration of Intent Form for Remunerated External Activity**



## FORM A – Double Employment Declaration

### Prohibition on Exceeding Statutory Maximum Working Hours

#### under Section 33 of the Organisation of Working Time Act, 1997

Under Section 33 of the Organisation of Working Time Act, 1997, employers are prohibited from employing employees to work on any day or during any week where the employee has worked for another employer(s), where the aggregate of the periods worked exceeds that permitted by the legislation. To do so will be an offence under the Act and would render both the employer and the employee liable to prosecution.

To ensure that both the employer and the employee are in compliance with the legal requirements, it is necessary for all employees to provide the Institute with details of any other employment(s) that the employee is engaged with or plans to be engaged in.

Employees who are self-employed are not covered by this provision. Also excluded are employees who are working for a relative and are a member of that relative's household and whose place of employment is a private dwelling house or farm in or on which he/she and the relative reside.

*Please note that should a situation arise where the combined hours worked for the Institute and the other employment(s) place the company (and the employee) in breach of the legislation the employee concerned must change/reduce the hours worked in the other employment(s) in order to prevent such a breach occurring.*

In order to ensure that the Institute is not in breach of this Act, the following information is required from all employees prior to permission being given for the external work and/or consultancy.

**Employee's Name:** \_\_\_\_\_

#### Details of employment outside the Institute:

Do you work for any other employer? – Yes/No.

Is the external work: (delete where appropriate)

Occasional or One off /Project based and time limited /Regular and continuing work(*For regular and continuing work a separate form is required, available from Human Resources*)

Estimated Start Date and Completion date:

Estimated Number of Hours and Days/week:

Signed by Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Signed by Human Resources \_\_\_\_\_ Date: \_\_\_\_\_

## Form B

### Declaration of Intent Form for Remunerated/Funded External Activity

**Name:**

**Title/Grade:**

**Department:**

**Faculty/Directorate:**

#### **Brief Overview of Proposed Work / Activity**

*Please provide an overview of the proposed activity. Please be sure to indicate if the proposed activity involves you:*

- *being employed by another organisation; working for/with an organisation as a contractor; or*
- *undertaking commercial activity in your own name or through a company of which you are a Director.*

#### **Employer / Client / Funding Organisation**

*Where applicable, please provide details of the following:*

- *name of the employer or client organisation and nature of work.*

#### **Expected Duration of the Work / Activity**

*Please provide an indication of the expected duration of the activity and of your expected time commitment to the activity.*

#### **Potential Conflicts**

*Please mention below any potential conflicts with your role as an employee of IADT and how you propose to manage these.*

*I acknowledge that I have read and understood the Institute's Consultancy & External Activity Policy and that I will not use any IADT facilities and/or property in the execution of this external activity without express written permission. This activity has been checked by Human Resources and complies with the Organisation of Working Time Act, 1997.*

**Signed by Staff Member:**

**Signed by Head of Department/Head of Function:**

**Approved by President:**