

1. Policy Summary

This policy describes the circumstances under which academic staff may engage in paid external work, either in their own right or on behalf of the university. It outlines the criteria which govern both circumstances and the associated approval and reporting mechanisms which apply.

2. Purpose of Policy & Definitions

UCD permits members of the academic staff to engage in external consultancy in order to expand and maintain their professional competence, keep abreast of developments and innovation in business and the professions, and to support the Irish economy and enhance the reputation of the university by sharing the university's scientific and academic knowledge with the business community and the professions.

However, in the interests of transparency and accountability, it is important that the university should be aware of the commercial and professional interests of its full-time staff and that formal approval has been given for external consultancy, directorships and other external activities. Full-time academic staff are appointed on the understanding that they may engage in outside paid work only with the permission of the President, or their nominee, on the recommendation of the Head of School (academic publications and occasional lectures excepted). For the purposes of this Policy, the President's nominee is the relevant College Principal or Vice President.

3. Scope of the Policy

This policy applies to all full-time permanent and temporary academic staff of the university.

4. Policy & Procedures

There is a distinction between consultancy work undertaken by a staff member in a private capacity in accordance with the above policy, and consultancy undertaken on behalf of the university by a member of staff, the policy on which is outlined at 5 below.

4.1 External work undertaken by a staff member in a private capacity

4.1.1 General Guidelines

Approval for external consultancy and other remunerated activities undertaken in a private capacity will be given provided that:

- The activities are related to the academic and professional interests of staff
- External activities do not exceed two sessions per week, or 20% of working time
- External activities do not interfere with the performance of normal academic duties and are recommended by the Head of School
- External activities do not give rise to any conflict of interest for the individual member of staff or for the university
- The university acquires no vicarious liability

These criteria reflect the Devlin guidelines on external paid employment.

When a staff member undertakes private consultancy work, he/she is not covered by the university's professional indemnity insurance policy and would therefore be required to carry his/her own insurance.

4.1.2 Applications for Consent

Permission to undertake private consultancies will be given by the President (or his nominee) on the basis that:

- The staff member has made it clear to the client that he/she is operating as a private individual and not as an agent or employee of the university.
- The private address of the member of staff is used for all correspondence. The use of university letterheads or other printed stationery must be avoided.
- Where university facilities are used, the full value must be paid to the university on a basis agreed with the appropriate Head of School and the Bursar's office.
- The university will have no responsibility for the work and this has been made clear to the client by the staff member. (Members of staff may wish to take out personal professional indemnity insurance to cover their individual liabilities.)
- The staff member undertakes to make his/her own declarations of private consultancy income for tax on a self-employed basis.

Permission to engage in external work covered by this policy should be sought in advance, from the College Principal or VP, with the approval of the Head of School. The relevant application form (Form 2) is available on the UCD HR website at <http://www.ucd.ie/hr/forms>. Staff will be reminded of the requirement to seek permission each year through a letter from the VP for Staff requesting the completion of annual returns as covered at 4.1.3 below.

Otherwise, applications should be made as and when the need arises, but always in advance of commencing external work.

The approving College Principal or VP may revoke or amend permission for outside work at any stage where, in their opinion, an external commitment is no longer consistent with the contractual duties of a member of staff.

Engaging in outside work without consent is in breach of the terms of the Regulations contained in this section.

Members of staff should note that it is not permitted to carry out private trading or consultancy activities from university premises without the express permission of their College Principal or relevant VP, nor to imply any association with the university of a private trading or consultancy activity.

4.1.3 Annual Return

Full-time members of the Academic Staff are required to complete an annual return (Form 1) to their College Principal or VP, stating whether or not they have engaged in (or continue to engage in) external remunerated activities covered by this policy. The Vice-President for Staff writes to staff at the beginning of the academic year requesting that the return be made. Failure to submit the annual return (even in cases where no consultancy has been undertaken) is in breach of the Regulations contained in this section.

The Annual Return form (Form 1) may be found on the UCD HR website at <http://www.ucd.ie/hr/forms>.

5. University Consultancy

Where consultancy is undertaken by a staff member on behalf of the university, there is a contractual commitment to the University which must therefore be arranged, after the consent of the College Principal has been obtained by the staff member, through the Office of Funded Research Support Services.

5.1. Conditions

The following procedures should be adopted for each new university consultancy project:

- All consulting projects should be based on fully costed proposals approved by the Office of Funded Research Support Services.
- There must be a contract to support every consultancy project.
- All consulting projects should be processed through a research account.
- Provision should be made for VAT at the prevailing rate (currently 21%) chargeable to the funding body.

5.2 Consent

Approval for university consultancy will be given provided that:

- The activities are related to the academic and professional interests of staff
- External activities do not exceed two sessions per week, or 20% of working time
- External activities do not interfere with the performance of normal academic duties and are recommended by the Head of School

The application for consent form (Form 2) is available at <http://www.ucd.ie/hr/forms>.

5.3 Contribution to indirect costs

A contribution to indirect costs of 35%, based on the consultancy funding, less travel costs, will be taken at the outset of the contract. Part of this contribution will cover the costs of professional indemnity insurance cover paid by the University on behalf of researchers.

5.4 Payment to staff member

Any staff member who wishes to receive a payment from a consultancy project should complete a Request for Payment Form. The form must be authorised by the Head of School before presentation to the OFRSS for approval and onward submission to UCD HR. UCD HR will then pass the statement to the Finance Committee for final approval. Payment will be made by the University through the PAYE system. It will not be subject to the 20% cap on additional payments.

The application for payment form (Form 3) is available at <http://www.ucd.ie/hr/forms>.

6. Disclosure of Interest

A member of staff seeking permission to become involved in the ownership or control of a private company must disclose to the College Principal the extent of his/her involvement and the nature and volume of any transactions between the University and the company.

7. Directorships

In regard to Directorships of Public Sector Companies*, agreement has been reached with the H.E.A. that Directors' fees from only one such company or organisation can be received by any one person, provided the following six conditions are fulfilled:

- That the duties involved are neither a part nor an extension of the officer's normal duties
- That a rigid insistence of the principle of one man-one salary would deny scarce skills to the State
- That payment would be permitted for one additional appointment only
- That the detailed procedure required for the application of the principle would be worked out by the Department of the Public Service and that its approval for additional payments would be required in each case
- That in no case would payment exceeding the normal fee for the activity concerned be paid
- That the duration of such payment would be limited to one term or five years, whichever is the greater.

*These consist mainly of State sponsored bodies. The Devlin Report defined these as covering any autonomous public body with a Board appointed by the Government to discharge those functions assigned to it by the Government. As regards Directorships of non-public sector companies, including Public Companies, Private Companies and Family-owned Companies, these are dealt with as outside work and the criteria applied to outside work applies equally to them.