

## **Draft UVI Consultancy and Business Interest Policy**

**September 19, 2007**

**(This Policy shall take effect 30 days after its approval by the UVI Board of Trustees)**

### **Statement of Philosophy**

Embedded in the mission of the University of the Virgin Islands (“University”) is the required commitment of faculty, staff, and administrators (“University Personnel”) to devote their time and service to the University. University Personnel have a primary commitment to the duties of their position with the University and should use their best and earnest effort in fulfilling these responsibilities. However, non-exempt University Personnel may engage in consultancy activities, paid or unpaid, internal or external, that serve to enrich the learning experience and further extend the influence of the University in the community. Due care must be taken to ensure that such activities are duly approved and do not impinge on or take improper advantage of their appointment at the University.

### **Purpose**

This policy provides guidelines for internal and external consulting activities of University Personnel at the University of the Virgin Islands.

### **Background**

The University recognizes that appropriate consulting and other outside employment activities can be beneficial to the University, the U. S. Virgin Islands, the Caribbean Region and to University Personnel. These benefits include:

- 1) Enhancing the knowledge, expertise and experience of University Personnel, thereby improving the work being performed for the University.
- 2) Opening and expanding of contacts and communication for University Personnel with institutions, organizations, industrial firms, governmental agencies and individual clients, which may strengthen or lead to the development of collaborative relationships at the institutional level.
- 3) Assisting in maintaining awareness of “real world” conditions outside the University.
- 4) Providing service activities that are otherwise unavailable to the community.

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5) Expanding the UVI tagline “Specializing in Future” to reflect the University’s development impact on students, University Personnel, the University, and the community.

### **Policy Elements**

*A “Consultancy” consists of the provision of services or advice by University Personnel during the term of employment contract with the University to either an internal or external party, which may be provided in exchange for money or other consideration, or for no fee at all. Consultancies must be officially approved by the appropriate Component Head and accompanied by a signed agreement between the University Personnel and the University.*

Appropriate internal and external activities, considered as consulting, constitute enrichment and continuing education, which will enhance the professional development and reputations of University Personnel. Considered as consulting, these activities may potentially result in improved capability and capacity for teaching, research and service to the University and the community. Reasonable participation in the practice of one’s profession, including consulting, is encouraged. Volunteer activities of a professional nature are also encouraged.

All University Personnel are eligible to engage in consultancy activities unless the provisions of a specific contract states otherwise.

Unless otherwise exempted or linked to some other form of consultancy, work performed by University Personnel for another or their domicile University unit/department/component for remuneration in addition to their full-time salary is considered a private unrelated consultancy, and thereby subject to the guidelines regarding such consultancies.

### **Overview**

**1.1** As a general principle, the University supports its Personnel engaging in paid consultancies with industry, organizations and government that enables them to stay at the forefront of their area of expertise and advances the wider interests of the University. Provided such commitments are congruent with the mission of the University and meet standards of public accountability they may be undertaken:

- through the University, or
- through one of the University's controlled entities, such as UVICELL, VI-EPSCoR, ECC, SBDC, AES, CES or
- in a purely private capacity.

**1.2** University Personnel have a primary commitment to the duties of their position with the University, but are not precluded from undertaking consultancies or other activities, paid or unpaid, internal or external, provided such commitments are duly approved and do not impinge on or take improper advantage of their appointment at the University.

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**1.3.** University Personnel with outside business interests in situations where conflict of interest might arise must obtain appropriate authorization and comply with limits on dealings with the University to ensure probity. In some instances, conflicts of interests may not be able to be resolved and permission to undertake work may be refused.

### **Description**

## **2 Scope**

### **2.1 This policy covers the following matters:**

- Types of consultancies permitted and exceptions;
- Conditions for undertaking consultancies;
- Business Interests;
- Conflicts of Interest; and
- Dispute Resolution.
- **2.2** A Request for Leave for Professional Consultation Form is attached.
- **2.3** University Personnel who do not comply with this policy may be subject to disciplinary procedures under the relevant University Policy.

## **TYPES OF CONSULTANCIES**

### **3. Types of Consultancies Permitted**

**3.1 *University Related Consultancies.*** This type of consultancy deals with grants, contracts, awards and any other agreements negotiated between any agency and the University. University Personnel may undertake paid consultancies related to their discipline or expertise, which is attributable to, or otherwise has some association with, the University Personnel's responsibilities within the University. It is administered through the University or one of its controlled entities and may be conducted during University working time.

- It usually takes the form of a consultancy or service and involves buying the skills and expertise (pre-existing know-how or intellectual property) of University Personnel and/or equipment/facilities to work on a specific task or project. This may be undertaken by one or more University Personnel as employees of the University and may include:
  - provision of professional services, products, including programs and courses, and advice to external parties on behalf of the University;
  - provision of expert knowledge, the evaluation of data and products provided by the client, or an assessment of the current state of knowledge in a field; and

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- testing services where the expertise involves experimental measuring or testing for a client.
- Such activities are normally conducted on a contractual basis and may involve confidentiality and publication restrictions. In all cases, there will be an expected or assured outcome, unlike research where the outcome is uncertain and subject to peer review. Any fee arising is payable to the University or a controlled entity.

*3.2 Private Related Consultancies.* Fulltime or contractual University Personnel may undertake paid private consultancies related to their discipline or expertise in their own capacity independent of the University. The University Personnel are in effect selling professional services directly to an external client. The contractual arrangement is direct with the University Personnel, not the University. Such private work includes:

- provision of professional services to private clients, for example, in education, science, business and management, law, architecture or engineering, etc;
- a series of lectures, broadcasts or performances given under the auspices of another institution or separate organization; or
- work related business pursuits, such as development and sale of training packages, advisory or other consulting services.
- *3.3 Private Unrelated Consultancies.* University Personnel may undertake paid or unpaid private work outside their University responsibilities in a personal capacity that is unrelated to the University Personnel's duties. Examples of private unrelated consultancies include:
  - employment with another employer, and
  - providing services or selling products.

## 4. Consultancies Exceptions

### 4.1 Some consultancies fall outside the scope of this policy.

#### 4.1.1 University related consultancies do not include:

- externally funded grant research projects; and
- University controlled activities such as division or center labs/projects, practices or businesses. Such activities are subject to special approval, with the arrangements for the University Personnel involved determined and documented during the approval process. The work undertaken by the University Personnel involved, such as clinical work in teaching hospitals or University marine and environmental practices, will constitute all or part of their normal specified duties.
- **4.1.2** Part-time University Personnel do not require approval to undertake private related consultancies in their own time. This assessment will be left to the University Personnel's discretion in the first instance, but the relevant Component Head will deal with any apparent conflict of interest. Any activities involving the

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use of University resources and/or occurring in addition to the part-time appointment period must operate within this policy.

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- **4.1.3** University Personnel must not accept fees for providing private coaching to University of the Virgin Islands students. Nevertheless, in the interests of developing the academic side of University life, a Component Head may approve the giving of instruction and tutorials (through CATS/CSS) in residential facilities by University Personnel for reward in money or benefits.
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- **4.1.4** This policy does not apply if the activity involves receipt of an honorarium or royalty for:
  - a role in which the University Personnel is representing the University, either directly or indirectly (e.g. by sitting on a statutory/agency board or board of an entity associated with the University); and
  - preparation of books or articles, occasional outside lectures and performances, service for government committees and statutory/agency bodies, refereeing of articles in learned journals, examining at a tertiary level, occasional radio and television performances/appearances and other related activities.
- **4.1.5** University Personnel may be involved in activities with professional associations, government committees and similar bodies. These activities require no prior approval, other than the normal approval for any time commitments during working hours. Likewise, work or service provided to charitable, sporting or other like organizations requires no prior acknowledgement.
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- **4.2** Additional exemptions may be sought from the Office of the President, with the endorsement of the University Personnel's Component Head.

## CONDITIONS FOR UNDERTAKING CONSULTANCIES

### 5. Time Allowed for Consultancies

**5.1 The amount of time allotted to University Personnel for consultancy purposes shall be determined by the Component Head through the Department Head to ensure that their fulltime work responsibilities are not diminished by the consultancy. University Personnel must report on the activity undertaken and the time spent to the Component Head. However, no limit is placed on earnings.**

**5.2 The time limit does not apply if University related consultancies are part of the University Personnel's normal duties, either as specified in the University Personnel's position description, or as directed by the Component Head.**

**5.3 Normally, part-time University Personnel may only undertake University related consultancies, or private related consultancies, at times outside their part-time appointment with the University and are therefore not subject to this time limit. However, in exceptional circumstances the Provost or other relevant**

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**component head may approve a consultancy on a pro-rata basis with the University Personnel's appointment fraction.**

**5.4 University Personnel who undertake private unrelated work must not do so during hours for which they are remunerated by the University, without prior notification and approval of an appropriate type of leave from the Component Head and the Human Resources Department.**

**5.5 University Personnel must ensure that private unrelated work does not impinge on their availability to perform duties that require them to be on campus, without prior notification and approval of an appropriate type of leave from the relevant Component Head and the Human Resources Department.**

**6. University Related Consultancies 6.1 University Personnel who contemplate taking on related consultancies are encouraged to do so as a University related consultancy, within the conditions of this policy. The Contract must be signed between the University and the Agency and executed by the University. The benefits include:**

- provision of opportunities for University Personnel to broaden or maintain their professional skills,
- University Personnel are covered for worker's compensation, public liability and professional indemnity insurance,
- additional revenue can be generated for discretionary use within the component; and
- the University raises its profile with industry, government and the community as part of its community service role.
- **6.2** University related consultancies may be conducted through the University, subject to approval from the Component Head and appropriate documentation being processed through the University HR Department and Office of the President. In this event:
- University Personnel may use the University's facilities, with full cost recovery from the client, plus an appropriate margin;
- they may use their academic title and University letterhead, stationery, postal address, phone number, email, etc; and
- the University provides administrative, legal and professional support needed to undertake the activity.
- **6.3** Alternatively, University related consultancies duly approved by the Component Head may be undertaken through one of the University's controlled entities, which include VI-EPSCoR, ECC, SBDC, and other RPS units. The University's main commercialization arm, UVICELL, has been established to

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market the University's services and facilities and to protect and exploit its intellectual property (see Entrepreneurship Policy). Considerable expertise resides within and through UVICELL, and all University components are encouraged to use its services.

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- **6.4** Generally, the client would expect to own the intellectual property (advice) arising from the paid consultancies or service and would also expect complete confidentiality on the part of the University Personnel involved and the University or controlled entity.
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- **6.5** The activity should not compete with another University activity, nor create unfair competition with the relevant profession outside the University, or with such external community activity that may be adversely affected by unfair competition.
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- **6.6** University Personnel must apply in writing to the Head of their Component for approval to undertake a University related consultancy whether internal or external prior to the activity being undertaken. Members of the President's Cabinet require written approval from the President.
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- **6.7** Approval must be on the basis of a minimum of full-cost recovery (all University Personnel direct costs x 1.6; other direct costs x 1.1), with an appropriate margin or other benefit accruing to the University. The price charged for the work should be a commercial rate consistent with market expectations for similar work from non-University service providers. Pricing should also be consistent with the University Policy on Cost Recovery.
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- **6.8** If University related consultancies to be undertaken by University Personnel are additional to their specified duties or normal workload, then appropriate adjustments should normally be made to the University Personnel's workload (e.g. release time). If the contribution being made cannot be accommodated in this way, additional remuneration may be paid in accordance with the relevant University arrangements.
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- **6.9** Regulatory Compliance and Ethical Review
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- **6.9.1** University Personnel undertaking Related Consultancies through the University or controlled entities such as UVICELL must comply with the regulations and ethical guidelines applicable to the conduct of that work.
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- **6.9.2** Bio-safety, EPA and occupational safety and health matters are managed through UVICELL. See the EPA and OSHA web sites for further information.
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- **6.9.3** The Office of Research and Public Service administers animal and human experimentation clearance. See the RPS web site for further information.

## 7. Private Related Consultancies

### 7.1 The following criteria apply to decide the appropriateness of approving private related work:

- the work must be of a character likely to enhance the good relationship between the University and the community;

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- any resulting contact between the University Personnel and cultural, scientific, industrial or commercial organizations of repute should improve the quality of teaching and research; and
- the work should not compete with a University activity, nor create unfair competition with the academic's profession outside the University, or with any external community activity.
- **7.2** The work may be undertaken as an individual, through a partnership or company in which the University Personnel has a proprietary interest or through UVICELL or other commercial entity as a private arrangement. In certain cases, University Personnel may be required by the terms of their employment contract to conduct such work through one of the University's controlled entities.
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- **7.3** Private work must not interfere with the discharge of University Personnel's responsibilities. **The University Personnel must continue to undertake a full workload, commensurate with their appointment fraction except in circumstances where release time may be granted.**
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- **7.4** When University Personnel undertake any private work they must ensure they do not represent the work as a University sponsored activity. It is a condition of approval that the University Personnel makes clear to the person or body for whom the work is being conducted that it is being undertaken in a private capacity and that the University is not liable for the work.
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- **7.5** Arrangements for private related consultancies must be entirely independent of the University. Such activities must not involve use of the University's name in ways that the work could be construed as a University activity. The University accepts no liability for any matters arising out of these arrangements. University Personnel undertaking such work are not covered by University insurance policies (including; Worker's Compensation, Public Liability and Professional Indemnity). University Personnel must hold current professional indemnity and, if relevant to the work public liability insurance, cover as a condition of approval.
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- **7.6** University should not solicit private related work by advertisement in the media, the web, billboards or direct mail that mentions the University of the Virgin Islands.
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- **7.7** Monies generated from private work cannot be paid into University accounts unless they are formally donated to the University, and there is an arms length arrangement between the donor and the application of the donation at component level.
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- **7.8** Conversion to Part-time Appointments
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- **7.8.1** University Personnel who do not wish to operate within the amount of time allotted for consultancy purposes may apply for a variation to their terms of engagement to work part-time (minimum 20% appointment). In that event, private related consultancies can only be conducted at times outside the part-time appointment with the University. Requests to vary a University Personnel's terms of engagement must be referred in the first instance to the relevant Component Head for recommendation to the President. The variation may be for a specified period or may be a permanent arrangement.
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- **7.9** Use of University Resources.
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- **7.9.1** University Personnel who wish to use University facilities or equipment in connection with approved private work must obtain the prior written approval from the relevant Component Head or other University officer responsible for the facilities or equipment in question. Such use must not take priority over the University's academic requirements.
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- **7.9.2** The University Personnel must pay for the full cost of the use of facilities and equipment, plus an appropriate margin. Approval must be on the basis of a minimum of full-cost recovery (all University Personnel direct costs x 1.6; other direct costs x 1.1), with an appropriate margin or other benefit accruing to the University. The price charged for the work should be a commercial rate consistent with market expectations for similar work from non-University service providers. Pricing should also be consistent with the University Policy on Cost Recovery. Details regarding the duration of the work, use of facilities and any long-term consequences should be clarified at time of application for approval. Otherwise, use of University facilities must be in accordance with the relevant University policy on use of University facilities.
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- **7.9.3** Other University resources, including support University Personnel and stationery, must not be used in the administration of the work, including the billing arrangements.
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- **7.9.4** Private Practice in University Research/Teaching Laboratories. Clinically qualified University Personnel who have been approved to conduct a limited consulting practice in teaching laboratories as private work may see private clients in teaching laboratories during the course of their normal duties.

## 7.10 Eligibility and Approval.

**7.10.1** Private related work is considered a matter of privilege and not of right. Unless otherwise stated in their contract of employment with the University, full-time University Personnel engaged in teaching, research and other professional services are eligible to apply for approval to undertake private related consultancies.

**7.10.2** Research-only University Personnel at Assistant Professor rank and above who are working full-time on research and who are paid from external funds may undertake private academic related work, with written prior approval from the Component Head, providing that this work does not conflict with the requirements or contractual obligations of the research projects on which they are engaged. Further, in the case of research University Personnel, other than the Chief Investigator, the private work must be deemed to be in the interests of the project by the Chief Investigator(s).

**7.10.3** Where the external funding body has attached rules and conditions relating to such activities, both those rules and those of the University must be followed, as appropriate. Where there is a conflict between the two sets of rules, the conflict must be referred to the Vice Provost for Research and Public Service.

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**7.10.4** Eligible University Personnel must apply in writing to their Component Head for approval before undertaking the work. Members of the President's Cabinet require written approval from the President. Continued permission is dependent upon satisfactory reporting on the activity and time taken, together with evidence of sustained high quality performance in teaching, research and administrative duties as applicable.

## **8. Private Unrelated Consultancies**

**8.1 Full-time University Personnel are reminded that their allegiance is to the University. In cases where University Personnel are granted approval to engage in Private Unrelated Consultancies during the term of their employment contract with the University, they are required to contribute 20% of the net income to the University for professional development and succession planning purposes. The following conditions apply to University Personnel who undertake private unrelated consultancies:**

- It must not interfere with the performance of University duties, or adversely affect work efficiency or availability;
- It must not represent an actual or apparent conflict of interest with University responsibilities;
- University Personnel must not use their position or association with the University as the basis for obtaining work;
- University Personnel must not use the University's name, stationery or facilities (including physical or intellectual property),
- University Personnel are responsible for all financial arrangements, including billing, insurance and taxation;
- The University accepts no responsibility for any private unrelated consultancies;
- In lieu of time granted to conduct private unrelated consultancies, University Personnel shall contribute 20% of the net income of the consultancies to the University for the benefit of the Leadership Institute for professional development, succession planning, and organization advancement purposes.

## **BUSINESS INTERESTS**

**9. Business Interests are a company directorship and/or other business involvement resulting from a University Personnel's professional work, qualification, shareholding, proprietary or other personal interest, or other**

**position of influence with a business or company, but excluding private companies whose sole purpose is to act as trustee for a family trust.**

**10. Directorship of External Companies**  
**10.1 A position as a director or officer of any company entails legal obligations. Fulfilling these obligations (whether as an executive or non-executive director) can take up a significant amount of time and impinge on the ability of University Personnel to carry out their University duties.**

**10.2 University Personnel must ensure that the name of their private company is not similar to units, projects or activities within the University. Nor is the University's name to be used.**

**10.3 University Personnel must obtain the prior written approval of the President before accepting a position as a director, secretary, public officer or executive officer of any company, whether or not the position is paid. This requirement does not apply to positions in companies whose sole purpose is to act as a trustee for a family trust, charitable organizations, sporting clubs, or professional bodies.**

**10.4 If the President, after consultation with the University Personnel decides that it is in the best interests of the University for the University Personnel to resign from a company position, the University Personnel must do so as soon as possible.**

**10.5 Any University Personnel who is currently a director of a company and does not have formal approval must seek approval immediately.**

#### **CONFLICTS OF INTEREST**

**11. University Personnel must comply with the University's Conflict of Interest Policy. University Personnel must avoid situations where there is or may reasonably be perceived to be a conflict of interest in undertaking any consultancies or business interest. A situation of conflict, or potential conflict, or apparent conflict of interest, arises where a University Personnel is in, or is seen to be in, a position to influence a decision of the University that may favor the University Personnel personally, associates of the University Personnel, or some other business interest or activity of the University Personnel. Conflicts of interest may arise between a person's role as University Personnel and the duties as a company director. The University Conflict of Interest Policy explains in detail the standard of behavior expected of University Personnel in regards to conflicts of interest.**

**12. University Personnel who have a position of influence in a business that may provide goods or services to the University must declare their interest, in writing, to their Component Head. In particular, an interest or a relationship with a business must be disclosed before a decision is made by the University to order goods or services, or to undertake other financial or contractual obligations. University Personnel in this situation must not be involved in such a decision.**

**13. University Personnel must also declare their interest in situations of potential conflict of interest. A potential conflict is created in the case of a University Personnel being in a position of influence with a business, which is dealing with the same type of goods or services as that area of the University in which the University Personnel is employed. It could also occur with the conduct of research where the outcomes could influence market expectations about financial results of a company in which the researcher has an interest.**

**14. Where there is some cause for concern regarding a conflict, this must be discussed with the Component Head and must be noted on the application for approval.**

**DISPUTE RESOLUTION****15.** Disputes over the implementation of this policy, which cannot be resolved by the relevant Component Head, will be referred to the President or relevant member of the President's Cabinet for resolution. If unresolved, the matter will be dealt with under the University's applicable grievance policy.

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**CONSULTANCIES AND BUSINESS INTERESTS FOR UNIVERSITY UNIVERSITY  
PERSONNEL  
PROCEDURES**

**1. Introduction**

- 1.1 These procedures complement the University’s “Consultancy and Business Interests Policy” for University Personnel.

Procedures to be followed are set out with respect to:

- applications for approval and reporting;
- contractual arrangements;
- costing of work and University Personnel remuneration;
- the Portfolio of Achievement;
- declaration of business interests; and
- transitional arrangements.

**2. University Related Consultancies**

- 2.1 Application for Approval. A Related Consultancies – Request for Leave for Professional Consultation application form is attached at the end of this document. It includes a declaration of acceptance of the principles and requirements in the University policy. The form once approved is to be retained in the component unit for audit purposes, with a copy to the file of University Personnel.

2.2 Contractual Arrangements.

- 2.2.1 A written contract, including the fee to be charged, for related consultancies must be made either:

- through the University, or
- through a University controlled entity, such as UVICELL, SBDC or VI-EPSCoR.

- 1.1.2 University officers, other than the President or his/her designee, are not authorized to sign contracts to undertake Related Consultancies.

- 1.1.3 Related Consultancies – University. Contractual arrangements for Related Consultancies to be conducted through the University must be channeled through the Office of the President, via the Component Head and the University’s Legal Counsel who is required to vet contractual documents. Finance and Administration (Accounting Services) will set up a special account for the conduct of the activity.

- 1.1.4 Some terms and conditions of contracts may be onerous to the University with respect to possible impact on the University's reputation, liabilities, indemnities and

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liabilities, warranties and the ability of the University's insurances to meet the conditions of contract. For example, some contracts require the contractor/consultant to have professional, public or product liability insurance written in both the President's and the University's names. This is not possible with UVI insurance agents. Legal advice must be obtained with respect to such contractual matters.

1.1.5 Related Consultancies – University Controlled Entity. University Personnel intending to undertake related consultancies may consult UVICELL or another controlled entity as appropriate. UVICELL is able to assist with the development of contract material, letter of offer and acceptance, an appropriate costing structure, and execution of agreements. Contact UVICELL for a simple guide to establishing a consultancy agreement through UVICELL, including preparing a budget.

## 1.2 Costing and University Personnel Remuneration for Related Consultancies.

1.1.1 The University's Recovery of Indirect Costs Policy provides guidelines on costing and disbursement of fees. The fee to be charged must not create unfair competition.

1.1.2 The calculation of the fee for any Related Consultancy is to include all direct costs to be incurred by the University and all relevant indirect/overhead costs, with an appropriate margin or other benefit accruing to the University, plus 10% of any applicable taxes. The University Recovery of Indirect Costs Policy also specifies the split of total overheads between the components, departments, division, center, workgroup/individual and the University overhead accounts. The Administration and Finance Component should be consulted when preparing cost budgets.

1.1.3 The Related Consultancies – The University Recovery of Indirect Costs Policy sets out the direct and indirect costs payable and the accounts concerned. Finance and Administration and UVICELL are able to offer advice on developing budgets. Heads of Components, through their executive/administrative assistants, are responsible for ensuring that:

- direct and indirect costs are recovered;
- the University overhead is paid to the appropriate account;
- the agreed Component/Center overhead is appropriately distributed;
- the relevant taxes are accounted for appropriately; and
- the fee charged does not create unfair competition.

6.1.1 The University normally does not offer any reductions or exemptions from minimum cost recovery for University Related Consultancies. However, if University Personnel believe that a reduction or exemption might be warranted, the project must be run

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through UVICELL. In general, a reduction in overheads could only be justified if the client was a charity or small, community-based not-for-profit organization.

6.1.2 UVICELL will manage requests on a case-by-case basis and will seek approval from the President or his/her designee. Any reductions will be recorded by UVICELL to keep track of precedents and periodically report on reductions/exemptions, if requested.

6.1.3 Remuneration for University Personnel.

6.1.3.1 If the Related Consultancies undertaken by University Personnel is additional to their specified duties or normal workload, then appropriate adjustments should normally be made to the University Personnel's workload. The work involved should be cost accordingly and no additional remuneration should be paid.

6.1.3.2 If adjusting the normal duties and workload cannot accommodate the contribution being made, additional remuneration may be paid through the University payroll, with the proviso that there is no offsetting reduction in normal workload. University Personnel should be informed about and agree to the remuneration arrangement before undertaking the work.

6.1.3.3 Any payments made to University Personnel will be processed as a non-pension allowance, even though unrelated to their existing placement.

6.1.3.4 For University Personnel, the minimum requirement for the University is to pay for additional hours worked at the applicable overtime rate.

6.1.4 Margin. The margin earned by the component/unit, after all costs including applicable taxes have been deducted, may be placed by the individual or workgroup concerned in a special account with the Leadership Institute (proposed). It may be used as determined by the Component Head for expenditure related to the pursuit of teaching, research, scholarship, or administration; for instance, to fund University Personnel development, capacity building, succession planning, travel or equipment. The Head, or the Head's supervisor, must approve expenditure, if the Head is a beneficiary. Any equipment purchased from these funds becomes an asset of the University.

2.4 Portfolio of Achievement

2.4.1 Related Consultancies undertaken by University Personnel must be included in the person's Portfolio of Achievement (proposed) and kept in their employee file.

2.4.2 Heads of components are responsible for workload allocation and performance of University Personnel within their areas of responsibility. As part of the annual review process, they, or the delegated supervisor, must ensure that undertaking any Related Consultancies is not adversely affecting performance of a University Personnel's other duties.

### **3. Private Related and Private Unrelated Consultancies**

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### 2.1.1 Application for Approval and Reporting

2.1.1 The Request for Leave for Professional Consultation form is attached. It includes a declaration of acceptance of the principles and requirements in this policy and details of any use of University resources. The form once approved is to be submitted to the HR Department for recording and generation of reports in March and September each year to the President's Cabinet on University Personnel undertaking Private Related Consultancies. The form will be retained on the person's University Personnel file. Internal Audit may access these records and reports during the course of audit activity.

2.1.2 Approval may be sought for a specific activity of limited duration. Alternatively, a standing approval for one year may be requested if appropriate when, for example:

- the activity is ongoing, such as conducting applied research; or
- the services being performed involve a number of minor projects of a similar nature, such as a series of articles for newspapers.

3.1.3 Standing approvals must clearly state the duration of the approval and the specific activities covered. Standing approvals should be reviewed and renewed as appropriate by the approving authority on an annual basis. University HR Personnel are required to monitor compliance and will notify Heads of Department and the relevant Component Head when the annual review is due.

### 3.2 Portfolio of Achievement and Performance

2.1.1 Private related consultancies undertaken by University Personnel may be included in the person's Portfolio of Achievement as part of the annual review process.

2.1.2 Heads of Components and University/center directors/managers are responsible for workload allocation and performance of University Personnel within their areas of responsibility. As part of the annual review process, they, or the delegated supervisor, must ensure that private related work does not adversely affect performance of a University Personnel's duties.

## 4. Declaration of Conflict of Interest

3.1.1 University Personnel must declare their business interests in writing in situations of actual or potential conflict of interest to the Head of their Component using the Conflict of Interests form.

3.1.2 In addition, University Personnel must submit the Conflict of Interest form to the President to obtain written approval, before accepting a position as a Director, Secretary,

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Public Officer or Executive Officer of a private or public company, other than a private company whose sole purpose is to act as trustee for a family trust.

3.1.3 Once approved, the form is to be submitted to the relevant Department and the HR Department for recording and filing.

### **5. Transitional Arrangements**

5.1 There will be a number of ongoing consultancies and consultancy activities that commenced under previous or outside of University policies.

5.2 Any University Personnel who is conducting consultancies or consultancy activities at the time of promulgation of this policy will need to seek approval where the activity:

- has never been formally approved under a previous policy;
- is of an ongoing nature; or
- will not be finalised within the three months following promulgation of this policy.

**5.3** The professional activities listed below are excluded from the approval requirements only if such activity occurs on four or fewer separate occasions per year and do not result in compensation in excess of \$1,000 per occasion:

- a) Service on review panels, site visit teams, professional committees or boards, and related voluntary professional services,
- b) Lectures or seminars at other institutions,
- c) Telephone or office consultation,
- d) Reading and evaluation of manuscripts, writing reviews, serving as expert witness, rendering professional opinions in depositions, etc.

End

**THE UNIVERSITY OF THE VIRGIN ISLANDS**  
**Request for Leave for Professional Consultation\***

The University's policy on consulting services by University Personnel to individuals, firms, or agencies outside the University is interpreted as being positive and beneficial to the University. The policy of the University requires prior approval for each consulting commitment, whether internal or external, by submitting a request for approval, with the exception of some activities as noted in the consulting policy. Permission to consult covers only the specifically described activity and time period of each request. Request renewals must be approved annually or before September 30. The initiation of the approval procedure is the responsibility of the individual seeking permission to consult.

Activity proposed (include name of agency, firm, or program and where the activity will be undertaken):

Relationship of the activity to the University's programs (explain how the activity will provide experience and knowledge useful in teaching, research, extension, or administration):

Will the activity interfere with your University commitments? Yes \_\_\_\_\_ No \_\_\_\_\_

Will University time be used? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, how much University time? \_\_\_\_\_

Will University resources, including Personnel, facilities, supplies or equipment be used?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, describe arrangements as to how the University is to be reimbursed for University resources used.

Dates of consulting service: From \_\_\_\_\_ To \_\_\_\_\_

\_\_\_\_\_  
Applicant (Date) Department or Unit

APPROVAL:

\_\_\_\_\_  
Component Head (Date) President (Date)

\* Consulting is defined as the employment in any capacity of University Personnel by an agency, firm or individual other than the University of the Virgin Islands. Consulting must be approved at least two weeks prior to the proposed activity. Submission four weeks prior to the proposed activity is preferred.

