

POLICY DOCUMENT

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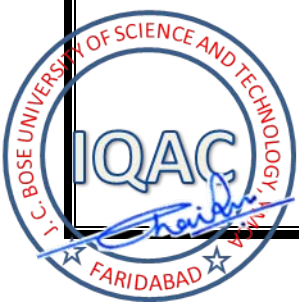
‘CONSULTANCY’



**J.C. BOSE UNIVERSITY OF SCIENCE AND TECHNOLOGY, YMCA
FARIDABAD**

(Formerly YMCA University of Science and Technology)

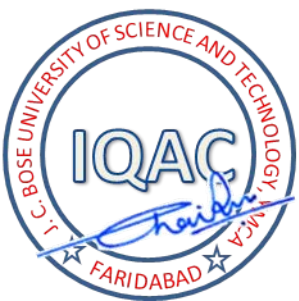
NAAC ‘A’ Grade accredited State University



Approved in 20th Academic Council Meeting dated 31/08/2020

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1. Introduction

J.C Bose University of Science & Technology, YMCA Faridabad considers the need to facilitate research and development activities systematically to lay strong foundation and register growth in research by generation of resources, research collaborations and establishing links with industry as well as with social organizations. The University aims to solve problems faced by the industry along with the fundamental problems of engineering, management, media, technology, and science. For University, the delivery of knowledge is as important as creation of knowledge. University actively encourages its faculty members and other academic staff members to undertake consultancy with industry and other comparable institutions of higher learning in order to create new knowledge and widening the research profile of its faculty and staff members.

2. Consultancy and Contract Research

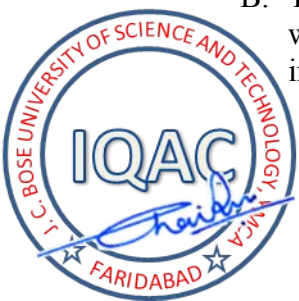
Anybody from Industry/ External Agency can contact the University to solve almost any type of problem or meet any type of need in almost any division of engineering, technology, management, or science. Such requests will come under the term consultancy in its broadest sense. As an illustration, a list of some of the types of consultancy services that University offers is given below:

- Analytical studies
- Calibration
- Cause-and -remedy studies
- Simulation/ modeling/ optimization
- Design of systems/components/processes
- Development of industrial products/systems
- Development of systems software/application software for offline/online applications.
- Development of laboratories
- Human Resource development programs
- Recruitment/entrance examinations
- Testing of industrial products/samples
- Validation of designs/drawings
- Retainership of faculty in advisory capacity over specified periods
- Business development and strategy
- Market research and promotion

3. Scope

The rules and regulations are applicable to all activities stated therein.

- A. Consultancy Services may be offered to industries, service sectors, government departments and other national & international agencies in areas of expertise available in University.
- B. The service offered shall be along the lines of 'Professional Services' and will hence carry with them obligations and ethical requirements associated with such services as indicated in the standard terms and conditions (Annexure III).



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- C. Consultancy services offered may cover a variety of activities including expert advice, use of instrumental analysis, computing facilities, in vitro and in vivo biological assays, tissue culture techniques, geo-informatics based consultancy, personal and professional counseling, sample testing etc.
- D. The consultancy proposal may be submitted by a Department/ Center/ Employee of the University or by the University as such.
- E. International Research Collaborations involving international funding sources or international collaborators
- F. Industrial Consultancy involving funding from industry
- G. All Consultancy works job need to be structured and executed in the spirit of promoting University–Industry Interactions, as a vehicle for augmenting current levels of excellence in teaching and research and in the process of generating funds.

Definitions

- I. *Consultancy*: A consultancy is a multi-week, month or years long collaborative process between a client and a team whose goal is to solve a key problem faced by an organization.
- II. Consultancy Applicant means a member of the faculty who submits the consultancy proposal and negotiates with the sponsor and is instrumental in getting the funding.
- III. *Co-applicant* means a working/retired faculty member co-opted by the Consultancy Applicant to work jointly with him/her and approved by the agency providing consultancy. In the absence of (Consultancy Applicant goes abroad for long time, Consultancy Applicant gets retired, Consultancy Applicant leaves the university) Co-Applicant will become Consultancy Applicant for consultancy as per norms of funding agency. If co-applicant is not available in University, then it may be hired by Consultancy Applicant duly approved by competent authority.
- IV. The *consultancy staff* includes research, technical and office personnel.

4. Consultancy Categories

Each Consultancy shall be undertaken either under:

4.1 (a) Standard terms and conditions, or

(b) Specific Agreement or Memorandum of Understanding (MoU) describing the details of contract and requires legal and expert clearance

In the former case, the work is taken up in good faith between the Consultancy Applicant and the client, the obligations and responsibilities of both parties being limited by the standard terms and conditions. The latter case refers to consultancy that usually involve non-disclosure agreements, detailed negotiations of contract terms and signing of contracts in the form of agreement or MoU covering various aspects such as deliverables, milestones, payment schedules, role and responsibilities of the parties, nondisclosure of confidential information, disputes resolution, liability, Intellectual Property Rights (IPR)



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matters, arbitration, and other applicable laws. These consultancies involve significant amount of effort and time associated with the negotiation and implementation of the research contracts.

4.2 Consultancy and related services offered will be categorized mainly as under:

(a) **Category 1: Consultancy without use of Institutional Facilities:** Consultancy that is solely based on the expertise of the Consultancy Applicant and does not involve significant use of any institutional facilities.

(b) **Category 2: Consultancy with use of Institutional Facilities:** Consultancy that requires departmental and/or inter departmental expertise and involves the use of University infrastructure / facilities such as equipment, instrument, laboratory staff, etc. *The consultancy and related services should not normally interfere with the regular teaching and research in the University.*

4.3 Methods for creating awareness among probable clientele for Research and Consultancy work will be broadly include

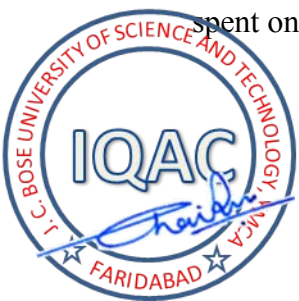
- Preparing e-brochure for Research and Consultancy work of each department for distribution and uploading on University website.
- Creating a webpage on University website specifically for Research and Consultancy work.
- Sending e-mails to probable clientele with a letter, e-brochure, and link of related webpage.
- Using Social Media to create awareness. Meeting probable clientele showcasing our strengths.

5. Distribution of Consultancy Funds

The norms for calculation of various percentages for distribution of the total money received from client will be as follows:

Categories	Consultancy Applicant and team members	University
Category 1: Consultancy without use of Institutional Facilities	80%	20%
Category 2: Consultancy with use of Institutional Facilities	70%	30%

**Total amount received from the client shall be distributed only after deducting the amount spent on the project.



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The above breakup of the consultancy charges is for the internal administrative use of the University only and may not be revealed to the client for whom a lump sum figure of total consultancy charges may be quoted.

6. Submission of the Consultancy Proposals

- a. The Consultancy Applicant will complete the Consultancy Initiation Form as per Annexure I for submission of 'Consultancy' to the various funding agencies and submit it to Chairperson of the concerned Department. Chairperson of Department will co-ordinate and guide the consultation activities of the University and to take suitable administrative action to regulate and monitor such activities as per rules framed by the University in this regard. The Chairperson shall ensure that it would be possible for the department to accommodate the work of the consultancy.
- b. All consultancy assignments by faculty members should be undertaken with prior permission from the competent authority. However, consultancy applicant is needed to send the notification of Consultancy to Dean Consultancy, Dean R&D, Registrar, COF and ALO.
- c. A faculty member may be allowed to normally spend a maximum of 30 days (This period will be treated as Duty Leave) in a year for consultancy. In special cases of consultancy beyond 30 days, Vice-Chancellor's permission may be sought.
- d. The remuneration for consultancy should be received by a Cheque/Demand Draft/Online Transfer in favor of Registrar of the University. Individual Faculty members/Department should not receive consultancy amount directly.
- e. GST and other taxes as applicable should be paid by the client and Consultancy Applicant should include the same in the total cost of consultancy.
- f. Permissible Daily Allowance (D.A) / Travelling Allowance (T.A) are to be paid according to University rules or as per agreement with the client and consultancy applicant and it should not be included in the consultancy fees.
- g. Before accepting the consultancy job, the faculty member shall obtain the approval from the competent authority.

7. Sanction of the Consultancy

- a. The sanction letter and details of the amount sanctioned under different Budget heads, duration of the consultancy and other terms and conditions shall be communicated to the Account Branch for entering the grant in the grant register by the Consultancy Applicant.
- b. The date of the start of the Consultancy will be taken as the date when the first installment of the Grant is received. In case of any conflict, the guidelines of the funding agency shall supersede.



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8. Maintenance of Stock Registers

Each consultancy should have separate stock register for consumable and non- consumable items to be maintained by Consultancy Applicant or his/her office. The non-consumable items/equipment shall be transferred to the regular stock register of the department/university after completion of the consultancy unless otherwise stated by the funding agency.

9. Interim Progress and Accounts Reports of the Consultancy

The Consultancy Applicant shall prepare the progress report along with the statement of accounts which will be submitted to the Accounts Branch through proper channel. These statements will be used by the Accounts Branch for preparing the utilization certificates (UC) to be submitted to the funding agency.

10. Final Technical and Financial Report of the Consultancy

- a. The final technical report shall be prepared by the consultancy applicant in accordance with the requirements of the funding agency and submitted to the proper channels for approval. However, the submission of the technical report to the funding agency will be the responsibility of the Consultancy Applicant.
- b. The final financial report including UC shall be prepared by the Accounts Branch in consultation with Consultancy Applicant as per the requirements of the funding agency and submitted to the Registrar of University for approval. The submission of the required financial reports, approved by the Registrar, to the concerned agencies will be the responsibility of the Consultancy Applicant.

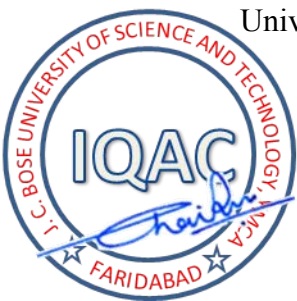
11. Closing of a Consultancy Assignment

After the preparation of the final technical and financial reports on the closing of the consultancy, the following activities will be taken up:

- a) Transfer of equipment's and non-consumable items to the department/university through proper transaction in the stock registers.
- b) Closure of consultancy stock registers
- c) Return of unutilized funds to the funding agency along with UC.
- d) Any other activity as mandated by funding agency or university authorities.

12. Filing of Patents

In case of the Consultancy Applicant creates/invents a novel product having commercial significance or develops a technique which may have industrial application, Dean, Consultancy will initiate process for filing a patent through a negotiated settlement involving the consultancy applicant, the funding agency and the University. All costs related to filing as well as maintenance of patent (Indian, International or any other patent) will be paid out of University funds.



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NOTE: For all matters not covered in this document, as a general principle, Dean, Consultancy may be approached for consideration on case to case basis.

13. Procedure Consultancy Policy

Step 1: The decision process for whether an individual is permitted to undertake a piece of consultancy is handled first at departmental level. All consultancy proposals should be passed by the appropriate Chairperson of Department and Dean R&D in the first instance.

Step 2: When a Consultancy opportunity is identified, the Consultancy Applicant (CA) should fill the **Consultancy Proposal Form (enclosed Performa as Annexure-I)** (for details regarding potential benefits, requirements and opportunities) along with clear statement of requirements (SOR) from client.

Step 3: If research facilities of the Universities at central level are to be used, the approval of the Dean R&D is an additional requirement before submitting the proposal to Dean Consultancy.

Step 4: A committee consisting of the following will consider for approval a consultancy proposal in totality keeping in view the overall interest of the University.

1. Dean Academics
2. Dean Consultancy
3. Dean R&D
4. Chairperson of the concerned Department
5. Registrar

The committee will forward its recommendations to the Vice-Chancellor for approval.

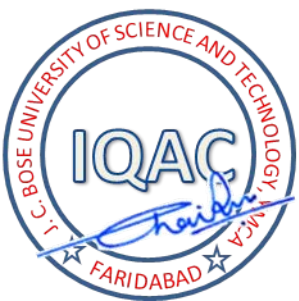
Step 5: The details of the Consultancy should be entered fully on a **Consultancy Approval Form. (Annexure –I)**

Step 6: The Chairperson of Department as per the standard income distribution model on income per **consultancy agreement** set rules.

Step 7: If the request of Consultancy is approved, the Consultancy Applicant will send notification of Consultancy to Vice Chancellor, the Registrar, Dean R&D, Dean Consultancy, Controller of Finance and ALO.

Step 8: After approval, the Consultancy-Applicant, Co-Applicant, and the agency providing consultancy will sign Annexure II and submit it to the Department.

Step 9: After the consultancy work is completed, Consultancy-Applicant, Co-Applicant will submit Annexure II in the Department, Vice Chancellor, the Registrar, Dean R&D, Dean Consultancy and Controller of Finance.



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ANNEXURE- I
CONSULTANCY APPROVAL FORM
(Enclose two copies of proposal with this form)

1. Name of the Consultancy Applicant :
2. Designation :
3. Date of Birth/Retirement :
4. Department/Centre :
5. Name of the Co-Applicant (if any) :
6. Designation :
7. Date of Birth :
8. Department/Centre :
9. Title of the consultancy project :
10. Duration of Consultancy : from To
11. Agency from which consultancy taken :
12. Total funds requested including salaries without overhead charges :
13. Overhead charges asked :
14. Whether the account of the earlier consultancy completed finally closed :
If not, the reasons for the same :
15. Information to be provided by The Consultancy Applicant
 - i) Total number of ongoing consultancy assignments:
 - ii) Total number of consultancy assignments: completed in the last 10 years

I understand that University will not provide any funds for the work, equipment, salaries, or contingencies. Any extra space for the consultancy must be settled within the Department, University may not provide any additional space.

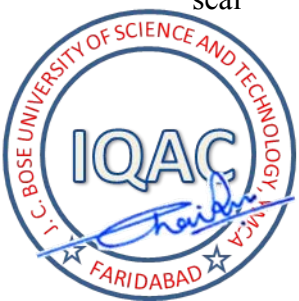
The Consultancy Applicant and Co-Applicant will follow the norms for the operation of the framed rules from time to time as communicated by the Dean, Consultancy.

Signature of the Consultancy Applicant:

Signature of the Co-Applicant (if any)

Chairperson of the Department

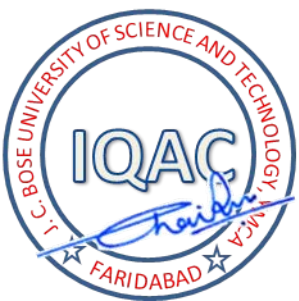
Signature:
seal



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Notes:

- a) Two copies of the above form, one for the signature of the competent authority and one for the records will be sent to the office of Dean, Consultancy. The consulting faculty should get the signed copy collected within 5 days of submission, required copies with forwarding letters to the funding agency, directly or through the department.
- b) Co-applicant who is not retiring before the date of the completion of the consultancy is essential if the consultancy applicant is retiring before the date of completion of the assignment.
- c) The university may/ may not forward the consultancy proposal.
- d) A copy of the consultancy proposal will be sent along with the acknowledgement of the first installment of the money to the Registrar of the University.



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ANNEXURE- II

CLOSING CONSULTANCY FORM

(submit 5 copies)

Name of the terminated/completed consultancy

1. Name of the Consultancy Applicant :
 2. Designation :
 3. Department/Centre :
 4. Name of the Co-Applicant, if any :
 5. Designation :
 6. Department/center :
 7. Duration of the :
 - Date of the commencement :
 - Date of completion :
 - Reasons for delay, if any :
 8. Agency providing Consultancy :
 9. Total funds received including salaries without overhead charges :
 10. Total overhead charge received :
 11. Whether the final account of the Completed for all the Years have been submitted and Closed if not, reasons thereof :
 12. Amount of the unspent balance :
 13. Whether the unspent balance is to be returned to the sponsoring agency:
 14. Whether the final technical and financial report of the consultancy for onward transmission to the agency providing consultancy, is enclosed or not.
 15. List of non-consumable articles
S.No. items (s) date of purchase cost at time of purchase
- Whether transferred to the University/Department. If yes, details thereof. If no, reasons thereof.



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16. Whether all the advance have been rendered and reconciled with the Registrar.
If not, reason thereof.

Signature of the Consultancy Applicant:

Signature of the Co-Applicant
(If any)

Signature (Chairperson of the Department)

Signature (Dean, Consultancy)

Date:



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ANNEXURE III

STANDARD TERMS AND CONDITIONS FOR CONSULTANCY SERVICES

- 1. DECLARATION:** All works undertaken by University as part of the will be in good faith and based on material / data / other relevant information given by the Client requesting for the work.
- 2. CONFIDENTIALITY:** Due care will be taken by University to maintain confidentiality and discretion regarding confidential information received from the Client, including but not limited to results, reports and identity of the Client.
- 3. REPORTS:** Any test or other consultancy report given by University will be based on work performed according to available standards and / or open domain literature. In any event, this report may not be construed as a legal document, certificate or endorsement and may not be used for marketing of the products or processes, without prior consent from University. The University reserves the right to retain one copy of the report and use the results of the for its internal teaching and joint research and publication purposes.
- 4. WORK PERFORMANCE:** Every effort will be made to complete the specified work according to the planned time schedule. However, University will not be held responsible for delays caused beyond its reasonable control.
- 5. CONFLICT OF INTEREST:** University may take up work for other Clients also in the same area, provided, to the best of the institute's knowledge, there is no conflict of interest in undertaking such s.
- 6. PAYMENT:** Unless specified otherwise, 20% payment of consultation charges to University is to be made in advance before the start of the through Cheque/Demand Draft (DD)/Online Transfer in favour of Registrar, J.C Bose University of Science and Technology, Faridabad. The charges will also include any applicable tax and other levies, if any, as prescribed by the State / Central Governments from time to time. Rest of the 80 % amount shall be payable after completion of the work within a week time before finalization of the report.
- 7. TERMINATION:** **The Consultancy may be terminated by either party by giving the other party a notice period of 30 days.** However, both parties will meet any residual obligations in connection with the work.
- 8. LIABILITY:** University shall not be held liable for any loss, damage, delay, or failure of performance, resulting directly or indirectly from any cause, which is beyond its reasonable control (force majeure). The liability, if any, at all of University shall be limited to the funds received for the Consultancy.
- 9. INTELLECTUAL PROPERTY RIGHTS:** All rights pertaining to any intellectual property generated / created / invented in due course of the consultancy, will be the joint property of



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University and the Client. Terms and conditions regarding transferring / assigning / selling these rights to the Client shall be governed by a separate written and agreed to document if required.

10. RESOLUTION OF DISPUTES: Any disputes arising out of the Consultancy shall be amicably settled by Head of respective Department. Any unsettled disputes may be subject to resolution as per the Indian Arbitration and Conciliation Act 1996 and the legal constraints are subject to Faridabad Jurisdiction only.

Consultancy Applicant

Agency providing Consultancy

Place:

Date:

Agency



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