

## RESEARCH AND CONSULTANCY CONTRACTS POLICY

<b>Section</b>	Research
<b>Contact</b>	Office of AVC Research, Academic and Enterprise
<b>Last Review</b>	December 2013
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<b>Approval</b>	SLT 13/12/284

### Purpose:

To provide Managers with a policy and procedures for concluding Research and Consultancy Contracts with Third Parties.

### Policy:

All Research and Consultancy Contracts must be negotiated and concluded in accordance with this policy. For the purposes of this policy:

“Research Contract” means the provision by Massey staff of research-based and related academic provision to a third party. The definition of research is as defined by the Tertiary Education Commission (“TEC”) Performance Based Research Funding Guidelines issued by TEC. Further guidance regarding the definition of research can be found at <http://www.massey.ac.nz/massey/staffroom/research/research-management-services/definitions-of-research.cfm>

“Consultancy Contract” means the provision by Massey staff, other than as private individuals (when all provision is offered independently of any connection to, or with Massey), of consultancy services to a third party, where those services do not meet the definition of research.

If a staff member is unsure whether their activity constitutes either research or consultancy work, then they will contact Research and Enterprise for guidance.

### 1. Authority for approving Research and Consultancy Contracts

- 1.1 All Research and Consultancy Contracts must be approved by the Vice-Chancellor or duly authorised delegate, subject to the provisions of the Delegations Document. In the case of Research and Consultancy contracts this is normally the Assistant Vice-Chancellor (Research, Academic and Enterprise) and the Director of Research Operations, Research and Enterprise;
- 1.2 The Assistant Vice-Chancellor (Research, Academic and Enterprise) can sub-delegate Research and Consultancy contract approval under the provisions of the Delegations Document and associated Procedures for Sub-delegating Authority for Approving Research and Consultancy Contracts.

### 2. Conditions under which delegation can be exercised

#### 2.1 Provision of services by the University

Those with delegated authority are able to conclude Research and Consultancy contracts for the provision of services subject to the following conditions:

- Criteria set out in all Massey University Policies on research practice, intellectual property, financial and legal liabilities, health and safety and ethical conduct are met where this is appropriate;
- The contract is fully costed and priced according to the Massey University Costing Policy for Externally Funded Research and Commercial Contracting;
- The contract is clearly identified as consultancy or research. Where both activities occur in the same contract, the dollar amount agreed for each is clearly recorded for PBRF purposes;
- The contract details are stored in RIMS.

## 2.2 **Purchase of services by the University**

Those with delegated authority are able to conclude Research and Consultancy contracts for the purchase of services subject to the following conditions:

- Criteria set out in all Massey University Policies on research practice, intellectual property, liability, health and safety and ethical conduct are met where this is appropriate;
- The contract is clearly identified as consultancy or research. Where both activities occur in the same contract, the dollar amount agreed for each is clearly identified for PBRF purposes;
- The third party is identified as a “contractor” (as opposed to an employee) according to the University’s Contractors Policy;
- The contract details are stored in RIMS.

## 3. Invoicing and Opening of Research accounts

- 3.1 Research and Consultancy accounts can be opened by the Assistant Vice Chancellor (Research, Academic and Enterprise) or Director of Research Operations, Research and Enterprise;
- 3.2 Those with sub-delegated authority can open research accounts provided that all relevant project information (as specified by the Assistant Vice-Chancellor (Research, Academic and Enterprise)) is entered into RIMS;
- 3.3 All invoicing for research and consultancy contracts will take place through Research and Enterprise. Research and Enterprise will initiate invoicing to the external funders or payment to providers following conclusion of the contract and, where relevant, where they have received the finalised contract hardcopy from those with sub-delegated authority.

**Audience:**

All Massey academic staff, PVCs, AVCs and Research and Enterprise

**Relevant Legislation:**

Health and Safety in Employment Act 1992  
Crown Entities Act 2004

**Legal Compliance:**

Health and Safety in Employment Act 1992 requires that contractors, sub-contractors and their employees must not be exposed to hazards in the course of their work. Contract documentation must clearly impose obligations for health and safety compliance on contractors and their employees.

**Related Procedures:**

[Research Practice Policy \(Responsible Research Conduct\)](#)  
[Costing and Indirect Cost Recovery for Externally Funded Research and Commercial Contracts](#)  
[Research and Consultancy Activity Proposals Policy](#)  
[Intellectual Property Policy](#)  
[Delegations Document](#)  
Delegation Document section on “Procedures for Sub-delegating Authority for Approving Research and Consultancy Contracts”  
[The Code of Conduct for Research or Teaching involving the Importation or Development of New Organisms Using Recombinant DNA.](#)  
[The Code of Ethical Conduct for the Use of Live Animals for Teaching and Research](#)  
[The Code of Ethical Conduct for Research, Teaching and Evaluations Involving Human Participants](#)  
[Creations of Contracts Policy](#)

**Document Management Control:**

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