



SEGi
University

RESEARCH COMMERCIALISATION POLICY



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Table of Contents

1.0	Purpose	2
2.0	Scope.....	2
3.0	Definitions	2
4.0	Procedures	5
	4.1 Approval	5
	4.2 Permission.....	6
	4.3 Contracts and Costing.....	7
	4.4 Securing a Project	9
	4.5 Processing of Application for External Work and Private Work.	10
	4.6 Responsibility and Liability	11
	4.7 External Work Logistics.....	12
	4.8 Payment and Remuneration.....	13
	4.9 Demand of Time.....	15
	4.10Use of University Resources.....	15
	4.11Intellectual Property.....	16
	4.12Profit Sharing Calculation.....	18

1.0 Purpose

The purpose of this procedure was developed to support Consultancy and External Engagement Policy that was developed to provide clear guidelines pertaining to consultancy and external engagement work undertaken by full-time staff at SEGi University.

2.0 Scope

All consultancy and external engagement work undertaken by SEGi staff members are governed by this procedure. The following are not within the scope of this procedure: matters relating to assigned teaching duties; research and development; consultancy internal to SEGi; and conferences and seminars to disseminate research findings.

3.0 Definitions

- 3.1 **External Work** encompasses both Consultancy and University Services.
- 3.2 **Consultancy** is defined as the provision of professional services by a staff member or members to an external party. This document encompasses three categories of Consultancy: Commercial, Strategic, and Community Work.
- 3.3 **University Services** means any consultancy, other services rendered, knowledge exchange and knowledge transfer activity provided by a member or members of staff for organisations outside the University and where all contractual, financial and insurance arrangements are managed under the aegis of the University. This document encompasses three categories of University Services: Commercial, Strategic, and Community Work.
- 3.4 **Private Work** means any provision of professional services by a staff member or members to an external party where all contractual, financial and insurance arrangements are managed apart from SEGi University.
- 3.5 **Commercial Work** involves the provision of professional services and products by staff members to external parties for remuneration or other consideration. Typical examples of Commercial Work include:

- a) Routine laboratory and other testing of materials, devices, products or produce
- b) Standard data analysis
- c) Routine surveys, including market or opinion surveys
- d) Quality control
- e) Field trials
- f) Tutoring for a fee outside the normal programme of duties
- g) Report writing
- h) The provision of professional advice
- i) The provision of products and services such as designs
- j) Practicing professional expertise in clinical/non-clinical services externally (e.g. medical doctors, pharmacy, etc)

3.6 **Strategic Work** refers to work that would normally be undertaken as a Commercial Work but which is aligned with SEGi strategic priorities and or objectives as set out in the SEGi or Faculty strategic planning documents, and which effects an in-kind contribution by the recipient or other measurable advantage for SEGi. An application for Strategic Work must show tangible benefits to SEGi which must be measurable and reportable. Typical examples of Strategic Work include:

- a) Consultancy services for a company in exchange for providing student internships
- b) A special program for a partner which brings associated benefits to the university, such as new student enrolments or intellectual property rights, copyright or know how which would not normally have been available to SEGi.
- c) Occasional broadcasts, telecasts or articles for media publications in an academic expert capacity, public lectures, refereeing books or journal articles
- d) Invited lectures and presentations at other universities and academic conferences
- e) Authorship of academic books, articles and papers
- f) Reviewing grant applications for funding agencies
- g) Advising on senior academic-related appointments elsewhere

- h) Reviews and examination duties (including assessing theses) for other universities or bodies
- i) External examining or acting as a panel member for a Quality Assurance Agency or a professional or trade body
- j) Advice to governmental committees, non-governmental organizations, tribunals, board of trustees and other public or trade bodies
- k) Membership of the editorial board of a journal (separate permission should, however, be sought before undertaking the role of journal editor)
- l) Serving in an advisory capacity to, or on behalf of, professional bodies, or serving on committees of such bodies

3.7 **Community Service Work** refers to work that is undertaken for charity, community service or public purpose by a staff member in his or her professional capacity. A Community Service Work which involves payment which is directed to the staff member (other than for out-of-pocket expenses and / or a small gift or gratuity) constitutes a Commercial Work. Typical examples of Community Service Work include:

- a) Staff members serving on the Board of a government, public agency, or other university
- b) Attitudinal surveys for community groups
- c) Commissioned creative works or performances
- d) Practicing professional expertise in clinical/non-clinical services externally (e.g. medical doctors, pharmacy, etc) if no money is involved (i.e. service is offered free of charge)

3.8 **SEGi Led Work** includes all projects received via SEGi. Members of staff are appointed as consultants to assist SEGi in commissioning the study.

3.9 **Staff Led Work** means projects received or initiated via individual staff members.

3.10 **University Resources** means staff, funds, facilities and equipment.

3.11 **Specialised University Resources** means laboratory facilities and related services and equipment (excluding personal computers).

4.0 Procedures

4.1 Approval

4.1.1 External Work

- a) Members of staff wishing to undertake external work must obtain the prior approval of their Dean of School or Director.
- b) The relevant administrative division must be notified in every instance, as soon as is practicable, so that the University and its insurers are kept fully informed of the range of activities requiring coverage.
- c) The Centre for Research and Development should be notified as to proposed consultancies and other services rendered, whereas HR should be notified as to proposed training, short courses and conference activities.

4.1.2 Private Work

- a) Members of Academic Staff must obtain permission in writing to undertake such work.
- b) A Head of School or Director wishing to undertake private work must obtain permission from the Vice-Chancellor.
- c) The School maintains a central Register of private work carried out by the staff.

4.2 Permission

- 4.2.1** In arriving at a decision as to whether a member of staff may become involved in External Work, the following considerations will generally be taken into account by the Dean of School or Division and/or Vice-Chancellor, together with any further considerations that may be relevant to the particular case:

- a) The value of the activity to the work of the member of staff, to the School or Division, and to the subject of study, and the value of the member of staff's special knowledge as a contribution to society.

- b) The benefit to the University of increased staff contact with the professions, with industry and with other organisations outside the academic environment.

- c) The extent to which the work is consistent with the contractual duties of the member of staff. Subject to satisfactory performance of other University duties and available contracted time a member of staff may spend such time on University Services as is approved by their Dean of School or Directorate.

- d) Whether the commitment to the work may be detrimental to the member of staff's contracted University work or may add to the burden of colleagues
 - i. The work must not interfere with the efficient discharge of the staff member's normal duties of teaching, research and/or administration. The demand made on the staff member's time and University Resources must be acceptable to the Dean of School or Directorate and, in case of Dean of School or Director, to the Vice-Chancellor.
 - ii. The work should not deprive members of staff of the independence, which should characterise a member of the University's staff.

- e) Any actual or potential conflict of interest between the member of staff and/or the outside body for whom the work will be undertaken on the one hand and the University on the other
 - i. The work should not conflict with terms and conditions relating to other consultancy or contract research work undertaken by members of staff.
 - ii. Obligations relating to secrecy and confidentiality may survive expiry of research contracts by ten years.

4.2.2 External work may only be undertaken where sufficient time and other resources are available to enable the effective delivery of the project.

4.2.3 The University must consider on a case by case basis whether it is able to enter into a contract whereby a member of staff gives expert evidence in a Court of Law, a Public Enquiry or to a Parliamentary Committee. Any member of staff intending to undertake to give such evidence should seek further advice from Registry in the first instance.

4.3 Contracts and Costing

External work must follow the University Financial Regulations and Procedures for such contracts and costing. A personal payment to staff members may constitute a part of the budget for the work.

4.3.1 The full economic cost of the work should be determined in consultation with Research and Innovation Management Centre (consultancy and other services rendered) or HR (training and short courses) in line with the University research policy on profit sharing model.

- a) Income from the external work will be applied to meet the costs of all project staff and other Directly Incurred costs associated with the project.
- b) Approved fee payments to the member(s) of staff will normally be made after completion of the external work contract to the client's satisfaction and after recovery of all monies due to the University from the client.
 - i. Fee payments to staff will be made through the University payroll after deduction of income tax, EPF and other costs.
 - ii. If requested, the fee may be paid into a University account, without deductions, for the use of the individual, provided such use is restricted to furthering his/her research or other appropriate academic activities.

- iii. Categories of earnings which are subject to the above conditions may include fees for directorships of University Companies, and professional practice undertaken on behalf of the University.

4.3.2 The University must normally recover at least the full economic costs for University Services. Schools should also seek to charge a profit for such work where it is likely that the client will gain substantial commercial advantage from the work undertaken.

4.3.3 In the case of consultancy and other services rendered, a formal quotation for the work, authorised by the Director of Research and Innovation Management Centre (RIMC), will be issued to the client. The formal quotation incorporates the University's General Conditions of Contract. Upon receipt of the client's written acceptance (or signature by both parties of mutually acceptable, alternative conditions), the work may then proceed. The RIMC will issue the appropriate invoices to the client on request from the Research Centre, School or Directorate.

4.3.4 Sub-Contracting

Where elements of a contracted external work are to be sub-contracted to other organisations or individuals, the proportion of the work (by value) to be sub-contracted must normally be less than half of the total contract price.

4.4 Securing a Project

4.4.1 SEGi Led Work

A request for staff to undertake external work by SEGi University may occur in two ways:

- a) SEGi University submits a proposal and quotation to the client after consultation with the staff.
- b) Client requests for proposal via RIMC..

4.4.2 Staff Led Work

A request for permission to undertake external work on behalf of SEGi University initiated by staff may occur in two ways:

- a) Staff submits a proposal and quotation to the client via RIMC, in collaboration with the Research Unit/Centres, if applicable
- b) Client requests for a proposal via staff.

4.4.2 Research Centre Led Work

A request for permission to undertake external work on behalf of SEGi University initiated by a Research Centre (through the Centre Director) may occur in two ways:

- a) Staff submits a proposal and quotation to the client via the Research Centre, in collaboration with external parties, if applicable
- b) Client requests for a proposal via staff/research centre

4.5 Processing of Application for External Work and Private Work

4.5.1 External Work: SEGi Led Work

RIMC in consultation with the Dean will appoint staff as consultants according to expertise, interest and availability.

4.5.2 External Work: Staff Led Work

Staff in consultation with the Dean/RIMC will appoint co-consultants according to expertise, interest and availability.

4.5.3 External Work: Community Service Work

- a) The Staff Member must obtain the approval of their Dean

- b) In granting approval the Dean must ensure that the consultancy is a Community Service Consultancy, and that it does not expose SEGi's to any appreciable risk. If in doubt, the Dean should consult the RIMC.
- c) The contract for the consultancy may comprise either an exchange of letters or a formal contract.
- d) The RIMC will record the contract onto its consultancy database.

4.5.4 Private Work

- a) Permission to undertake private work must be obtained in writing a reasonable time prior to the commencement of any such work.
- b) A Head of School or Director wishing to undertake private work must obtain permission from the Vice-Chancellor.
- c) The School/Faculty maintains a central Register of private work using copies of the 'Request for Consent to Undertake Private Work' form and other information received from the member of staff.

4.6 Responsibility and Liability

4.6.1 External Work

- a) The head consultant is fully responsible for the implementation and success of the project.
- b) SEGi University will be liable for all approved projects undertaken by the staff.
- c) Nonetheless, a separate agreement or terms of reference for the project inclusive of the liability must be included to safeguard both SEGi University and the client.

4.6.2 Private Work

- a) Prior to undertaking Private Work, the member of staff must make it clear to the client that the work is carried out in a private capacity and that no liability will attach to the University for the Work. It is a requirement of the University that the client returns to the University, via the member of staff, a signed copy of a Disclaimer Letter, before the University will give its approval for the work to commence. A copy of the letter must be forwarded by the member of staff with the 'Request for Consent to Undertake Private Consultancy' Work (signed by the Dean of School).

- b) The member of staff is responsible for ensuring that full legal and financial responsibility for the activity are accounted for, including all insurance cover that may be required for the work. Professional indemnity cover is not provided under the University's insurance policy for any Private Work.

4.7 External Work Logistics

4.7.1 The head consultant must ensure that the final consultancy report is of the required level of quality and in a format acceptable to the client and the RIMC. All final report submissions to the client must be vetted by the RIMC in consultation with the Dean before they are made available to the client. The head consultant is also responsible for sending a copy of the final report to the RIMC and Dean for record purposes, within one-week after this report is submitted to the client.

4.7.2 When the final consultancy report is agreed to by the client, the RIMC will request the head consultant and the client to each submit a performance report for the consultancy work to RIMC.

4.7.3 Selection of Consultancy Team

- a) **SEGi Led Consultancy**
All appointments of the head consultants and members of the consultancy team will be done by RIMC and the Faculty.

b) **Staff Led Consultancy**

All appointments of the consultancy team will be decided by the head consultant (staff) in consultation with RIMC.

c) **Research Centre Led Consultancy**

All appointments of the consultancy team will be decided by the head consultant (staff) in consultation with RIMC.

4.7.4 Reporting

Copies of any reports submitted in connection with External Work must be retained in a secure and retrievable record system within the Faculty and RIMC. This is a requirement to meet the possibility of litigation against the University at a future date. Such copies are subject to appropriate security and confidentiality control measures.

4.8 Payment and Remuneration

4.8.1 Types of Payment

There are four types of payment involved in any consultancy work.

a) **Overhead Payment**

There is no overhead payment for External Work.

b) **Professional Fees/Consultation Charges and Payment Rates**

Payment is as given in Appendix 1

c) **Management Fees**

- i. For SEGi Led Work, there is no management fee.
- ii. For Staff Led Work and Research Centre Led Work, there will be a management fee (10% for project value below RM200K and 5% for project value above RM200K).

4.8.2 SEGi Led Work

- a) Staff providing consultancy services should receive their remuneration from SEGi via payroll or some other appropriate structure in accordance with SEGi University financial policies and procedures.
- b) All payment claims related to the consultancy project must be submitted using SEGi's staff claim form.

4.8.3 Staff Led Work

- a) Staff providing consultancy services should receive their net remuneration (less payment percentage to SEGi) from SEGi via payroll or some other appropriate structure in accordance with SEGi University financial policies and procedures.
- b) All payment claims related to the consultancy project must be submitted using SEGi's staff claim form

4.8.4 Research Centre Led Work

- a) Staff providing consultancy services or projects through centres should receive their net remuneration (less payment percentage to SEGi) from SEGi via payroll or some other appropriate structure in accordance with SEGi University financial policies and procedures.
- b) All payment claims related to the consultancy project must be submitted using SEGi's staff claim form

4.8.5 Private Work

- a) Subject to all clauses within this Policy and Procedures, a member of staff is entitled to all earnings arising from Private Work and the University will have no interest in any rights arising from the activity. Staff are reminded of the need to declare any such earnings to the relevant authorities, including the Income Tax Department and Customs.
- b) In order to obtain a measure of the volume of Private Work being undertaken, the Vice-Chancellor or his nominee may require any member of staff to provide a statement of the time devoted to and remuneration received from Private Work in any given year.
- c) Categories of earnings which are subject to the above conditions include fees for directorships of outside companies and private professional practice (including private clinical practice) unconnected with the work of the University. Staff are reminded of the need to disclose any private interests to Human Resources using the appropriate form.

4.9 Demand of Time

- 4.9.1 The demand made on the Academic Staff member's time for all External Work, must be within the accepted Academic Workload and must not interfere with the efficient discharge of the staff member's contractual duties to the University.
- 4.9.2 The work should not deprive members of staff of the independence which should characterise a member of the Academic Staff of the University.
- 4.9.3 Staff may only undertake private work when sufficient uncommitted time is available to enable them to complete the assignment without interfering in any way with their University responsibilities.

4.10 Use of University Resources

4.10.1 SEGi Led Work

When a consultancy project uses the materials, premise, services or equipment of SEGi's, the usage payment is termed "facilities charges" and this is to be included as part of the expenses incurred for the project.

4.10.2 Staff Led Work

SEGi University is under no obligation to provide facilities for staff led consultancy projects, but the consultant may apply to use the facilities with due payment. Permission is granted subject to availability, when there are no other demands on the facilities usage and with no priority over any official SEGi usage.

4.10.1 Research Centre Led Work

When a consultancy project uses the materials, premise, services or equipment of SEGi's, the usage payment is termed "facilities charges" and this is to be included as part of the expenses incurred for the project.

4.11 Intellectual Property

4.11.1 External Work

Intellectual Property rights of all External Work (consultancy and university services), is subject to the terms and conditions of the contractual agreements between the University and the respective contracting clients.

4.11.2 Private Work

a) While all patentable inventions must be disclosed to the University (under the "University Policy on Intellectual Property Rights"), inventions arising solely from approved private consultancy work without any use of University Resources need not be assigned to the University (or its patent-holding company).

- b) Where a member of staff undertaking private work is requested to assign or transfer any item or items of intellectual property to a client, the facts must be disclosed to the University, in writing to the Director of Research and Development.

- c) It is the responsibility of the member of staff to review carefully all agreements relating to his/her private work to ensure that they do not conflict with any obligations of the member of staff under University policies. In particular, a member of staff cannot use University intellectual property (which includes any intellectual property generated from research grants or contracts held in the University) in pursuit of any private activity without appropriate prior written agreement, including (where appropriate) the payment to be made in respect of such use.

4.12 PROFIT SHARING CALCULATION & INCOME SHARING PERCENTAGE FOR RESEARCH CONSULTANCY PROJECT

For All SEGi Led Consultancy/ Projects

PROFIT SHARING	CONSULTANT/TEAM	RIMC, SEGi UNIVERSITY
		30%

** After deducting operational cost*

Staff Led Consultancy/ Projects

PROFIT SHARING	CONSULTANT/TEAM	RIMC, SEGi UNIVERSITY
		70%

** After deducting operational cost*

Research Centre Led Consultancy/ Projects

PROFIT SHARING	CONSULTANT/TEAM	RESEARCH CENTRE, SEGi UNIVERSITY	RIMC, SEGi UNIVERSITY
		70%	20%

** After deducting operational cost*