



RESEARCH AND CONSULTANCY ACTIVITIES PROCEDURES

Section	Research
Contact	Office of the Provost
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Purpose:

Research is a central characteristic of what defines a university. It is a core part of Massey University's mission and purpose, as expressed in the University Strategy. Research informs our teaching, creates new knowledge, solves critical problems, and builds future research capacity and capability. The University encourages academic staff to engage in Research and Consultancy activities, as aligned with their employment duties and expectations.

The *Research and Consultancy Activities Procedures (the Procedures)* cover:

- Applications and approvals for funded Research and Consultancy activities.
- Costing and indirect cost recovery for externally funded Research and Consultancy activities.
- Contracting of Research and Consultancy activities.
- Opening, administering, and closing Research and Consultancy project accounts.
- Appropriate expenditure of Research and Consultancy income.
- Distribution of balances of Research and Consultancy accounts at project end date.
- Project reporting obligations.
- Reimbursement for extra duties.
- Private Research and Consultancy activities, and
- Dispute resolution.

1.0 Applications, approvals and advisement of Research or Consultancy activities and funding

1.1 Responsibilities

1.1.1 Except as may be directed otherwise in these *Procedures*, staff are required to undertake all Research and Consultancy activities through the University and in accordance with the *Research and Consultancy Policy* and these *Procedures*. This offers the following general advantages to staff:

- expertise and support services of the Research Office
- professional indemnity insurance and access to specialised advice available from indemnity authorities
- advice regarding Te Ao Māori, Vision Mātauranga and Māori health achievement
- access to licensed digital and educational resources including Library databases and services
- support (secretarial and financial) to secure contracts
- use of office and telephone facilities at the University
- access to technicians and research infrastructure
- client billing and follow-up service
- support for dispute resolution
- taxation services, and
- income may be eligible for any external research assessment-related funding.



- 1.1.2 Project Leaders are responsible for developing a complete, accurate and timely application, proposal or tender, and for advising and seeking approval for Research or Consultancy activities as outlined in these *Procedures*. Alongside Heads of Units, Project Leaders are responsible for the quality of the research content. Project Leaders are responsible for liaising with the Research Office for support (in particular see Sections 1.1.5 to 1.1.7). In addition, Research Leaders developing proposals/applications for any of the major government funders (as specified in Section 1.1.5) are responsible for liaising with the Research Office about any issues relating to the funder or funding process and the Research Office is responsible for communicating issues to the funder.
- 1.1.3 Project Leaders are responsible for seeking approval from their Head of Unit for participating in any Research or Consultancy activity that is led by another organisation and that is submitted to one of the major Government funders (as specified in Section 1.15). In such cases staff are also responsible for advising the Research Office before the proposal is submitted.
- 1.1.4 Heads of Units or their delegates are responsible for:
- approving the submission of applications by Project Leaders for internally and externally funded Research or Consultancy activities
 - approving the submission of applications for private Research or Consultancy activities
 - approving the submission of applications by Massey University staff to participate in funded Research or Consultancy activities led by another organisation as outlined in Section 1.1.3, and
 - recommending approval for reimbursement for extra duties, as outlined in these *Procedures*.
- 1.1.5 The Research Office oversees Research and Consultancy activities at Massey University and is responsible for the submission of research proposals/applications to the following major government funders:
- Royal Society Te Apārangi
 - Ministry of Business, Innovation and Employment
 - Health Research Council of New Zealand
 - The New Zealand Lotteries Commission,
- and to any other research proposals/applications submitted via application portals that require Massey University institutional sign-in (rather than individual staff member sign-in).

The Research Office is responsible for communications between these funders and Massey University, and for the provision of support to ensure that:

- the development of research proposals follows Massey University's internal processes and timelines (which are developed so as to ensure conformation with the timelines and processes of the funder)
- the proposal/application and applicant meet funder eligibility requirements
- the content is appropriate for the fund including assessors, is suitably evidenced, and addresses details on the assessment rubrics that are necessary to score highly, and
- any issues arising around funder requirements, portals or submission processes are reported to the funder as soon as practicable.

The Research Office may also advise the Head of Unit where a proposal/application has the potential to meet the criteria listed in Section 1.3.4.

- 1.1.6 The Research Office at any time may specify its responsibilities to support the development, eligibility, quality and submission of research proposals/applications for other funders including international funders. This includes the specification of any forms, processes or electronic tools for submitting and tracking the development, approval and management of research proposals/applications (for example a Research Project Request e-form or similar).
- 1.1.7 The Research Office, where requested or at its own initiative, may support the development, quality and submission of other proposals/applications or tenders for Research or Consultancy activities as negotiated with Project Leaders.
- 1.2 Advisement of intention to apply for or carry out externally funded Research or Consultancy activities
- 1.2.1 Project Leaders are expected to advise the Research Office of their intention to apply for, or to carry out,



externally funded Research or Consultancy activities in advance of the submission of any application or proposal to an external funder or organisation to:

- i. Royal Society Te Apārangi (including Marsden Fund, Aotearoa New Zealand Tāwhia te Mana Research Fellowships)
- ii. Ministry of Business, Innovation and Employment
- iii. Health Research Council of New Zealand
- iv. The New Zealand Lotteries Commission
- v. International funders
- vi. Other funders as specified by the Research Office.

1.2.2 Project Leaders should advise the Research Office of their intention to participate in any external Research or Consultancy activity that is led by another organisation and that will be submitted to funders listed in Section 1.2.1 (including any funders specified under Section 1.2.1 (vi)), in advance of the submission of any application or proposal.

1.2.3 Project Leaders are expected to advise the Research Office of the result (successful or otherwise) of any submitted proposal, application or tender for external Research or Consultancy activities as soon as practicable.

1.2.4 Project Leaders should advise the Research Office of the result (successful or otherwise) of any application for external Research or Consultancy activity submitted to one of the funders listed in Section 1.2.1 (including any funders specified under Section 1.2.1 (vi)) led by another organisation and in which they are participants, as soon as practicable.

1.3 Approval for Research and Consultancy activities proposals, applications and tenders

1.3.1 Project Leaders are required to notify the Research Office and to provide any and all information requested prior to submitting an application, proposal or tender for any externally funded Research or Consultancy activities to:

- i. Royal Society Te Apārangi (including Marsden Fund, Aotearoa New Zealand Tāwhia te Mana Research Fellowships)
- ii. Ministry of Business, Innovation and Employment
- iii. Health Research Council of New Zealand
- iv. The New Zealand Lotteries Commission
- v. International funders
- vi. Other funders as specified by the Research Office.

1.3.2 Project Leaders are required to obtain the approval of their Head of Unit or delegate for Research or Consultancy activities prior to engaging in any such activities.

1.3.3 Massey University staff members are required to obtain approval of their Head of Unit or delegate before participating in an application or proposal for externally funded Research or Consultancy activity (including international funding) led by another organisation. Finance Business Partners or delegates are responsible for providing financial advice to Project Leaders as part of their role to oversee the financial management of the College including the management of funding for indirect costs. Heads of Units, drawing on advice from their Financial Business Partners or delegates, are responsible for final approval. The Research Office is responsible for advising on any accompanying Memorandum of Understanding or equivalent.

1.3.4 After notification of a proposal (including notification of intention to participate in an application or proposal for externally funded Research or Consultancy activity led by another organisation) the Head of Unit shall inform the staff member as to whether the work may proceed. The Head of Unit may decline work if any of the following apply to the proposal:

- it is likely to bring the University into disrepute and/or is illegal
- there are unmanaged conflicts of commitments or interest (as defined in the Massey University Conflict of Commitment and Interest Policy)
- the work falls outside the bounds of the University's Charter and Profile
- the work falls outside the strategic intent of the unit, College, or University
- the work will breach or is likely to breach standards set out in the University's ethics, research practice or



health and safety policies

- the proposal does not comply with the provisions in these *Procedures* and, upon being informed of non-compliance, the Project Leader had not provided the relevant information or otherwise resolved the compliance issues
- the work is of a trivial nature that offers no benefit to the staff member, unit, College or University
- if the workload may have an adverse impact on the health or safety of the staff member
- the staff member concerned does not have the skill to undertake the work (although the work may be allowed where skill gaps are offset by a partnership with those of appropriate skills and/or with assistance from subcontractors or from other staff members who do have relevant skills and competencies either within or outside the unit)
- the work may impair the performance of the staff member as an employee of the University, and/or
- where any subsidy by the University of the research and consulting work (e.g. in terms of unpaid staff time or indirect cost reimbursement) fails to meet the rationale for this practice as set out in the Research and Consultancy Activity Policy and in Section 2 of these *Procedures*.

1.3.5 The Head of Unit will inform the Project Leader of the decision to approve or decline to support the application, proposal or tender for Research or Consultancy activities in a timely manner including the grounds for the decision.

1.3.6 Staff may undertake the following funded activities without approval: occasional radio, television, or online media appearances or performances; hobby or recreation related work; preparation of books or articles; refereeing of articles in learned journals; examining and minor opinion work, and other such work for which honoraria are received.

1.3.7 Non-compliance with the provisions of this Section may result in delays in processing projects or remedial actions by the director of the Research Office or delegates on behalf of the University. Such actions include but are not limited to a request for withdrawal or suspension of Head of Unit support for the application.

2.0 Costing and indirect cost recovery for funded Research and Consultancy activities

2.1 Externally funded Research and externally funded Consultancy activities should provide for the full costs (including indirect costs) necessary to support such activities, to contribute to the ongoing provision of services to support research and researchers at the University.

2.2 Project Leaders are responsible for ensuring applications, proposals and tenders to provide Research or Consultancy services to external funders or organisations (including private companies/industry) identify and record all direct and indirect costs associated with the service to the full extent that this is known at the time of the application.

2.3 The indirect cost recovery components of externally funded research and consultancy activity are calculated by applying the University's official audited indirect costs rate to the salary and professional time components of the costs of the projects, or at the upper cap of the funder guidelines. The official indirect costs rate can be found by applying to the Research Office.

2.4 It is acknowledged that some externally funded Research or Consultancy activities will not cover fully or contribute towards the indirect costs of the University in relation to those activities ('fully funded'). Where funders do not pay the full costs of Research or Consultancy activities (for example where funder guidelines do not allow for indirect costs), identifiable costs (such as project management and coordination, laboratory operational expenses, a share of technical time, or other expenses for use of University facilities and resources) should be included wherever possible as direct costs.

2.5 Activity that is not priced to recover the full costs of Research or Consultancy may be supported where it:

- supports the wider strategic objectives of the unit, College and/or the University.
- enhances the reputation of the University.
- represents grants in aid for existing or intended academic research.
- provides direct and clearly stated education benefits to students.



- brings high prestige for the University (e.g. national or international fellowships and awards), and/or
- allows for the University to capture a significant share of the IP ownership or benefits arising from the activity.

Staff should not be dissuaded by applying for such activities solely on the basis of their partially funded nature.

- 2.6 Head of Unit or delegate approval for applications, proposals or tenders for external Research or Consultancy activities that are not fully funded must record (a) the reason(s) for supporting the activities and (b) the provisions to meet indirect costs (e.g. the unit will subsidise the remaining costs).
- 2.7 Where staff are engaged in externally funded Research or Consultancy activities that include reimbursements for salary recovery (professional time), this is used towards the salary costs of those staff and such transfers from project accounts are coded as salary. At the discretion of the Head of Unit, those staff may be granted workload release from normal duties. Consideration should be given to maintaining the staff members' duties or services by appointing suitably qualified replacements. Where replacements cannot be readily found the funds are applied at the discretion of Heads of Units.

3.0 Contracting of Research and Consultancy activities

3.1 Responsibility for contracting Research or Consultancy activities

- 3.1.1 Project Leaders are responsible for ensuring that all externally funded Research or Consultancy activity is supported by a written Agreement that includes: the nature of the activity, expected outputs, conditions of service, start and end dates, reporting requirements, budget/funding amount, and expectations for the return of any unspent funds. Project Leaders should seek the advice of Finance Business Partners or delegates and the Research Office when developing budgets (including budgets for externally subcontracted activity). All written agreements must be reviewed by the Research Office. All Massey University staff members are responsible for ensuring Agreements are signed by relevant parties and in accordance with the Delegations of Authority Policy. Project Leaders must seek the advice of the Research Office to ensure that Agreements are appropriate and legally sound prior to such Agreements being signed.
- 3.1.2 Project Leaders are responsible for ensuring any Variation to the terms of the original Agreement (for example changes or delays to budgets, milestones, outputs, or project end dates) are agreed and signed by all parties to the original Agreement in accordance with Section 3.1.1 of these *Procedures*. Unless otherwise specified under the terms of the original Agreement, Variations must be signed by all parties before any changes are initiated and prior to the end date of the original Agreement. Project Leaders should contact the Research Office for advice about the process or need for a Variation.
- 3.1.3 The Research Office is responsible for providing timely advice to ensure that Agreements and any subsequent Variations are appropriate and legally sound, and that Agreements and any subsequent Variations are retained against the relevant Research or Consultancy project account in Massey University's research management system. The Research Office is responsible for entering the data from approved budgets into the University's research management system in a timely manner.
- 3.1.4 It is the responsibility of the Project Leader to ensure that, before any student is recruited or included as part of any Research or Consultancy Agreement, prior confirmation in writing is obtained that the student meets the applicable academic entry requirements for Massey University.

3.2 Authority for approving Research and Consultancy Agreements

- 3.2.1 It is required that all Research and Consultancy Agreements and any subsequent Variations are approved by the Vice-Chancellor or duly authorised delegate, in accordance with the provisions of the Delegations of Authority Policy. This is normally the director of the Research Office or delegate.
- 3.2.2 Those with delegated authority can conclude Research or Consultancy Agreements for the provision of services subject to the following conditions:
- All relevant criteria in Massey University Policies on research practice, intellectual property, financial and legal liabilities, health and safety, and ethical conduct are met.



- The Agreement is clearly identified as Research or as Consultancy activity. Where both activities occur in the same Agreement, the dollar amount agreed for each must be recorded.
- The Agreement is identified either as an Exchange or a Non-exchange Transaction (as required to meet University annual financial reporting and audit rules).
- The Agreement details are stored in Massey University's research management system.

4.0 Opening Research and Consultancy project accounts

- 4.1 To ensure accountability, it is required that all externally and internally funded Research and Consultancy activities must be managed through a project account in Massey University's research management system.
- 4.2 Project Leaders are responsible for providing the Research Office with full and accurate information regarding the project, in a timely manner, including budget, payment schedules, invoicing details and the names or roles of Massey University staff, students and other parties involved in the project. Project Leaders can seek the advice of the Research Office in negotiating with external parties to provide the required information.
- 4.3 Research and Consultancy accounts will be opened by the director of the Research Office or delegates upon receipt of a signed Agreement *and all relevant project information* (as specified in the *Research and Consultancy Policy* and these *Procedures*).
- 4.4 The Research Office may open project accounts for internally funded scholarships for named students at the request in writing of the Head of Unit. In such cases, funds must be transferred from the Unit account and may not be transferred directly from another research project account. The Research Office may also open expenses-only project accounts for named students at the request in writing of the Head of Unit where the project timeframe extends beyond one calendar year and where the budget is no less than \$30,000. In such cases, funds must be transferred from the Unit account and may not be transferred from another project account. No other internally funded unit-level project accounts may be opened.
- 4.5 At its discretion the Research Office may open project accounts for externally funded Consultancy activity below a specified value. These accounts, known as School Small Consultancy Accounts or 'SCON Accounts', will be operated in accordance with these *Procedures* and any additional conditions set by the Research Office. SCON Accounts will be reviewed annually by the Research Office. Unauthorised operation may lead to the closure of accounts.

5.0 Administering research and consultancy project accounts

- 5.1 It is important for risk management and accountability that internal funding is spent as agreed by the awarding committee or equivalent in the letter/notification of approval. Similarly, and to ensure the University meets its legal obligations, external funding must be spent in accordance with the Agreement and any subsequent Variation, regardless of any unit, College or University guidance or Massey University policy.
- 5.2 Project Leaders are responsible for managing their approved projects to ensure that:
- funding for direct costs is spent in accordance with the Agreement and any subsequent Variation.
 - all expenditure is authorised in accordance with the financial delegations for the relevant Unit and as per the Agreement, and
 - all staff and other parties participating in the project understand and abide by the terms, obligations and responsibilities of the Agreement, any ethics and regulatory requirements that may be applicable, and any conditions imposed on administering or managing costs, revenue, and activities of the project.
- 5.3 All transactions and commitments relating to Research or Consultancy project accounts should be finalised promptly by the project end date. In situations where it is not possible to meet project commitments by the end date in the Agreement, it is the responsibility of the Project Leader (with the support of the Research Office) to negotiate a Variation to the end date as set out in these *Procedures*.



- 5.4 Finance Business Partners or delegates are responsible for providing financial advice to Project Leaders as part of their role to oversee the financial management of the College including the management of funding for indirect costs. College administrators are responsible for providing all operational support to Project Leaders throughout the duration of the project.
- 5.5 The Research Office oversees the monitoring of funding activity through project accounts to ensure funding is spent in accordance with Agreements and any subsequent Variations, and also oversees the provision of support to Project Leaders to ensure project accounts are managed in accordance with the *Research and Consultancy Activities Policy* and these *Procedures* and reporting of any issues arising to Project Leaders.
- 5.6 All invoicing for Research and Consultancy activities will take place through the Research Office, in accordance with provisions in signed Agreements.
- 5.7 Project Leaders are required to take all reasonable steps to ensure that contracts, invoices, and payments associated with Research or Consultancy activities are stated in New Zealand dollars, to minimize any foreign exchange risk. Where payments are required in a foreign currency, these are charged at the exchange rate on the day the invoices are generated/funds transferred. The effects of any fluctuations in the exchange rate over the life of a project are the responsibility of the unit.
- 5.8 Where an Agreement involves the use of Massey University capital research equipment, this should be paid from the Research or Consultancy project account at the appropriate usage rate or rates for the equipment set at the time the Agreement was signed.
- 5.9 The University recognises external Research and Consultancy revenue at the point it is expended. Project Leaders are required to advise the Research Office of any significant delays in completion of milestones or any factors that might affect when and what funding is invoiced.
- 5.10 Project Leaders of externally funded Research or Consultancy activities (including Fellowships) intending to leave Massey University employment must notify the Research Office in writing at least one month prior to the date of termination of their employment, to ensure that appropriate steps and any necessary Variations can be agreed and finalised with funders to ensure the orderly exit of the project (e.g. completion, transfer, termination or other form of management process).

6.0 Appropriate expenditure of Research and Consultancy income

- 6.1 Expenditure must be for the purposes of achieving the contracted or agreed objectives or deliverables of the project, should not exceed the project budget, and must comply with the University's audit and financial reporting requirements. Accurate evidence must be retained and provided in respect of all transactions (e.g. invoices coded to correct item codes) for audit purposes. Should an account for Research or Consultancy Activities be in deficit at the end date of the project, any such deficits are the responsibility of the relevant Unit as specified in Section 8.2.
- 6.2 Direct costs should align closely with the budget categories established in the Agreement with the funder. Where this is not possible, a Variation will be required, approved through the Research Office as set out in the *Procedures*. In determining what can or cannot be charged to a specific project account, it is important to consider (a) whether the cost is essential to achieving the contracted or agreed objectives or deliverables of the project, and (b) whether, if the cost had been itemised in the original application or budget, it would have complied with the funder's requirements.
- 6.3 Direct costs must be charged to the actual project they relate to and not to any other projects, even where such projects may be associated for the same funder and for related research.
- 6.4 Where funded Research activity includes payments or other tokens of appreciation (often in the form of gift cards) to research participants in acknowledgement of their expenses and the knowledge they contribute to the research project, such tokens of appreciation should be appropriate to the commitment and the level of expertise they contribute to the research, the purpose of the research and the situation of the recipients. Any such tokens of appreciation must be consistent with University policies including the Sensitive Expenditure and Gifts Policy and the Koha Policy.



- 6.5 Funds are not to be transferred (journalled) between project accounts unless it is to correct errors in the original charging. The College administrator or delegate is required to notify any such correctional transfers to the Project Leader in writing, including information on the purpose and implications of the transfer.
- 6.6 Salaries for staff solely employed to work on a Research or Consultancy activity is charged directly to the project account. Where staff are paid from the General Ledger, a salary recovery transfer may be charged to the project account.
- 6.7 Non-compliance with the provisions of this Section may result in delays to processing expenditure or remedial actions by the director of the Research Office or delegates on behalf of the University. Remedial actions will be determined in consultation with Heads of Units as appropriate. Such actions include but are not limited to freezing the relevant project account(s).

7.0 Project reporting obligations

- 7.1 Reporting dates for Research or Consultancy activities are specified when the project account is established or as a result of a Variation. Project Leaders are responsible for fulfilling the reporting requirements of the funder by the dates specified in the Agreement or any subsequent Variation. This includes ensuring the fulfilment of any obligation to report in collaboration with community groups where these are participants in the Research or Consultancy activity. Project Leaders reporting to the major government funders (as listed in Section 1) are responsible for liaising with the Research Innovation and Impact team in the Research Office regarding reporting requirements and the Research Innovation and Impact team is responsible for communicating with the funder (see Section 7.3).
- 7.2 For activities funded by the major government research funders (as specified in Section 1), the Research Office is responsible for advising Project Leaders of upcoming reporting dates a month in advance of due dates, and for following up (initially with Project Leaders, then to Heads of Unit or delegates) if draft reports are not submitted. Project Leaders are required to provide draft reports to the Research Office at least 10 days in advance of due dates. The Research Office will work with Project Leaders to ensure the reports fulfil contractual obligations and that the content is suitable for the funder. Project Leaders should always advise the Research Office well in advance of reporting deadlines of any factors that might mean they cannot meet reporting dates and outline how they propose to do to address the issues. The Research Office will seek to identify any remedial measures and, where appropriate, work with Project Leaders to negotiate a Variation.
- 7.3 The Research Office is responsible for liaising with the main government funders (as outlined in Section 1.1.5) regarding project reporting including any associated issues. The Research Office will liaise between Project Leaders and the funders to resolve issues.
- 7.4 The Research Office is responsible for the monitoring and reporting of Research or Consultancy activities for the University, including income received, and external research income that meets the eligibility criteria for funding under the Performance Based Research Fund (or any equivalent Government funding mechanism).

8.0 Closing Research and Consultancy project accounts

- 8.1 The Research Finance team in the Research Office is responsible for closing Research and Consultancy project accounts.
- 8.2 Project accounts for Research and Consultancy activities should not be in deficit at the end date of the project (as specified in the Agreement or any subsequent Variation). Any deficits are the responsibility of the relevant Unit.
- 8.3 Project accounts for internally funded Research activities will remain open for a maximum of three months after the project end date as specified in the award notice, to allow for the processing of financial commitments made up to the project end date. Any credit balance remaining in an account at the time it is closed will be returned to the originating funding source.
- 8.4 The project end date for externally funded Research and Consultancy activity is the date specified in the



Agreement. Unless otherwise specified in the contract, externally funded projects will remain open for a maximum of three months after the expiry date so that financial commitments made up to the project end date can be processed.

- 8.5 Credit balances remaining in externally funded Research or Consultancy project accounts after all financial commitments have been processed will be treated as specified in the Agreement or as may otherwise be agreed in writing with the funder.
- 8.6 Where an externally funded Research or Consultancy project account has a credit balance at the end date of the project and the funder has agreed that these are not to be returned but instead may be spent on a further programme of work, the balance will be retained in the project account. Such an arrangement requires either a new Agreement or a Variation, including updated budget and project end date, recorded in Massey University's research management system.
- 8.7 Where an externally funded Research or Consultancy project account has a credit balance at the end date of the project and where the Agreement does not specify a further programme of work or return to funder of such credit, the balance will be transferred to the nominated Budget Centre (under item code 1208) on the basis that the project has been completed to the satisfaction of the funder and all objectives met.

9.0 Reimbursements for extra duties ('overload compensation')

- 9.1 Applications for overload compensation from staff carrying out externally funded Research or Consultancy activities must be made in writing to the relevant Head of Unit.
- 9.2 The Head of Unit may recommend approval of an application for overload compensation where:
- the work is clearly separate from and in addition to the normal full workload for the staff member.
 - it is understood that the overload compensation is an extraordinary and temporary arrangement for a specified and limited period.
 - the period is stipulated in the relevant contract.
 - the work will not and is unlikely to breach standards set out in the University's ethics, research practice or health and safety policies.
 - the workload will not have an adverse impact on the health or safety of the staff member.
 - the work does not in any way impair the performance of the staff member as an employee of the University.
 - total time commitment for compensation does not exceed 350 hours or 20% of the base salary or equivalent (whichever occurs first) in any one University financial year.
 - the work is fully costed and fully funded according to the provisions in these *Procedures*, and
 - the proposed arrangements for compensation do not conflict with terms set out in the staff member's employment agreement or the University's legal obligations.

In addition, where an application for compensation is made by a part-time staff member, the Head of Unit should consider instead a temporary extension of the staff member's normal workload to cover the externally funded activity.

- 9.3 The recommendation by a Head of Unit for approval of applications for overload compensation must be made in writing to the relevant Pro Vice-Chancellor (or equivalent). The approval by the Pro Vice-Chancellor (or equivalent) must also be made in writing prior to signing any contract for compensation. The Head of Unit is required to confirm to the relevant staff member that the application has been approved by the Pro Vice-Chancellor, and to note any conditions imposed. The Head of Unit is also responsible for retaining a record of the decision.
- 9.4 Overload compensation will be paid at a level which is calculated as total revenue, less overheads, expenses, and personal income tax.



10.0 Private research and consultancy

- 10.1 The University acknowledges that staff may conduct some Private Research or Consultancy work outside of their employment with the University, where such work relies on their special knowledge and expertise, and where it may enhance the reputation of the University. In such cases staff are required to ensure that mechanisms are in place to manage any Private Research and Consultancy activities in a way that creates value and reduces risk for both the University and staff.
- 10.2 In all cases where staff wish to engage in Private Research or Consultancy activity, this:
- *must* take place outside staff members' paid hours of employment, and
 - *must not* entail any use of the University's facilities or branding, and
 - *must not* use Library licensed digital resources, and
 - *must not* impinge on staff members' conduct of their work as University employees or be in conflict with activities that should be or are being pursued through the University, and
 - *must not* be for any institution or organisation which can be considered to be in competition with any part of Massey University, or to constitute an unmanaged conflict of commitment or interest (as defined in the Massey University Conflict of Commitment and Interest Policy), and
- staff undertaking Private Research or Consultancy activity are required to ensure that they do not imply or state that such work relates to their employment by the University.
- 10.3 Staff wishing to carry out any Private Research or Consultancy activities are required to obtain the written approval of their Head of Unit prior to engaging in such activity. Staff should provide sufficient information on the proposed activity to enable the Head of Unit to make an informed decision. In making a decision the Head of Unit should take into account the current research workload commitments (including any overload compensation) of the staff member in their University employment.
- 10.4 Staff may need to submit a suitable Conflict of Interest Declaration to the Office of Governance and Assurance prior to commencing any approved Private Research or Consultancy activities. To avoid a conflict of interest, no staff member may lead or participate in Private Research or Consultancy activity funded by major New Zealand or international funders (including those identified under Section 1 of these *Procedures*) regardless of whether the activity is led by Massey University staff members or by members of an external organisation.
- 10.5 The use of the University's facilities, equipment or resources (including those specified in Section 1.1.1, and excluding Library licensed digital resources as specified in Section 10.2) will only be permitted for Private Research and Consultancy activities where agreement for such use is received in writing from the relevant Head of Unit beforehand, and specific details pertaining to the particular facilities, equipment and/or resources are set out clearly in such agreement. Normally, where University facilities and resources are used for the purposes of Private Research and Consultancy, then the University should be recompensed for that time and use of facilities, and this should operate as a standard commercial agreement.
- 10.6 Intellectual Property created through Private Research or Consultancy activities may be subject to the University's Intellectual Property (IP) Policy. It is the responsibility of staff members engaging in Private Research or Consultancy activities to familiarise themselves with the provisions of the University's IP Policy, and in particular with the University's rights to claim ownership of Intellectual Property, including copyright under certain circumstances. This is particularly relevant where staff members engage in Private Research and Consultancy activities for financial benefit where the University has a clear interest in sharing the outcomes of that research or has an IP interest in that research. Such arrangements need to be disclosed by the staff member and approved with the Head of Unit prior to the commencement of the research.
- 10.7 Heads of Units are responsible for maintaining a record of staff engaged in Private Research and Consultancy activities including details of approved and declined requests, staff names and the grounds for decisions and, for approved requests, staff time commitments, the nature of the activity including the funding organisation, and specific details of approved use of the University's facilities, equipment or resources.
- 10.8 Staff members engaging in Private Research or Consultancy activities assume personal responsibility and liability including for:
- the preparation, signing and fulfilment of any Agreement to which they are, or become, a party



- the maintenance of records of any financial transactions/accounts relating to their research or consultancy activities
- insurances and indemnity against liability and access to specialised advice from indemnity authorities, and
- tax liability arising from their activities (including Income Tax, and Goods and Services Tax).

- 10.9 In the absence of an agreement regarding Private Research or Consultancy activities between the University and the relevant staff member, all other research or consultancy activities will be deemed University Research and Consultancy activity.
- 10.10 Continued involvement by a staff member in any approved Private Research or Consultancy activity is dependent upon evidence of that staff member's acceptable performance in teaching, research, and administrative duties. Where the time taken on private Research or Consultancy activity is such that the staff member is not able to meet their University duties, the staff member must either negotiate a fractional appointment with the University or cease some of their outside activities.

11.0 Dispute resolution

- 11.1 In the event of a conflict or dispute arising between an individual staff member and the Head of Unit or University in relation to the approval of Research or Consultancy activities (either University or Private), and/or fulfilment of a University Research or Consultancy contract, and/or the use of University resources in relation to fulfilment of a private contract, resolution of this dispute shall be sought in accordance with the procedures set out in Massey University employment agreements for staff.
- 11.2 Where no resolution is reached within a reasonable time, the matter may be referred to the Provost for resolution.
- 11.3 In the event of any conflict or dispute between partners to an externally funded Research or Consultancy application or activity, the Project Leader should seek advice as soon as possible from the Research Office in the first instance.

Definitions:

The following terms are used commonly throughout these *Procedures* and the *Research and Consultancy Activity Policy*, and, unless indicated otherwise, have the meanings ascribed to them below.

Agreement: a written contractual document that is negotiated and usually signed between the University and other relevant parties including external funders. This may be a Research or Consultancy Contract, an indicative agreement, an email/letter offering/confirming a funding award, or an email/letter offering funds for a non-exchange transaction.

Conflict of Commitment: as defined in the Massey University Conflict of Commitment and Interest Policy: a situation in which the activities of a staff member interfere with that staff member's fulfilment of obligations to students, colleagues, or the University.

Conflict of Interest: as defined in the Massey University Conflict of Commitment and Interest Policy: a situation in which the activities of a staff member outside their employment obligations to the University lead to material personal benefit to the staff member concerned, either directly or indirectly (e.g. through a family member, associated entity or external agency), to the detriment of the University.

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.

Direct costs: costs that can clearly and solely be attributed to the project or programme.



Exchange transactions: transactions funded or supported by a party external to Massey University in exchange for outputs and reporting obligations (including goods, services, and use of assets) that are defined in an Agreement between the parties.

Full costs: the total direct and indirect costs of providing the services incurred by the university.

Funded Research and (or) Consultancy activity: means the provision by Massey University staff of expert or professional advice, information and/or service to individuals or organisations (whether internal or external), or research as agreed by contract and resulting in the receipt of a negotiated fee or payment.

Head of Unit: this term refers to the appointed manager of a division of the University including a unit, school or research or specialist centre, and should be taken to mean line manager where the Head of Unit is the Project Leader or otherwise a Massey staff member undertaking or planning to undertake funded Research and Consultancy activity.

Indirect costs: costs necessary to support the research activities for which external funding has been supplied that cannot be readily attributed to any one project or programme. These include central administrative costs (e.g. financial services, HR services) and central facilities like libraries, rooms, and laboratories.

Non-exchange transactions: transactions funded or supported by a party external to Massey University where an Agreement does not define expected outputs that must be produced in exchange for the funding provided (for example gifts and donations).

Price: consideration agreed with the client. This may be above (surplus) or below (loss) the full cost of the service.

Private Research and (or) Consultancy means any work undertaken by Massey University staff (as a private individual) for any person or body other than the University that does not materially or legally involve the University.

Procedures: the *Research and Consultancy Activities Procedures*.

Project Leader: the person nominated to lead a research or consultancy project (such as a principal investigator or consultancy holder), and who is entered as such in the University's research management system.

Research: the definition of research is as defined by the Tertiary Education Commission, namely: investigation or inquiry leading to new, recovered, or reinterpreted knowledge or understanding which is effectively shared and capable of rigorous assessment by the appropriate experts.

Research and (or) Consultancy activities/services/work means the provision by Massey University staff of expert or professional advice, information and/or service to individuals or organisations (whether internal or external), or research as agreed by contract and resulting in the receipt of a negotiated fee or payment.

Research and (or) Consultancy project account refers to a specific account for each research or consultancy contract, which is opened and operated for the purpose of managing all receipts of funds and payments in relation to that research or consultancy contract.

Research Project Request e-form or equivalent: refers to an electronic form completed prior to the submission of all applications for externally funded Research and Consultancy activity, to ensure the necessary information is provided for approval, support and reporting purposes.

Research Office: a generic term to describe the main department or unit tasked with the management of research at a university and which at Massey University is known as Research Operations.

Research Contract means a legally binding agreement that governs the provision by Massey staff of research-based and related academic services to a third party.

Variation: a change to the nature, quantity or quality of work to be undertaken, made after execution of the Agreement and after the price is agreed, and which may result in additional time being allowed and/or an increase in the agreed cost.



Audience:

- Massey University staff and students engaged in funded research and/or consultancy
- Research Office staff, Finance Business Partners and other professional staff engaged in the support of funded research and/or consultancy
- Non-Massey University staff, students and contractors engaged in research and/or consultancy activity hosted by Massey University, or in terms of a Research or Consultancy Contract

Relevant Legislation:

Legal Compliance:

Related Policies and Procedures:

- Academic Freedom Policy
- "Massey University Staff Collective Employment Contract" and any other conditions of employment staff might have with Massey University.
- Code of Responsible Research Conduct
- Delegations of Authority Policy
- General Disposal Authority for New Zealand Universities
- Intellectual Property Policy
- Research and Consultancy Activity Policy
- Policy on Staff Conduct
- University Workloads Policy
- Conflict of Commitment and Interest Policy
- Fraud and Corruption Policy
- 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
- Sensitive Expenditure and Gifts Policy
- Koha Policy
- Any relevant Service Level Agreement

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