

# Externally Funded Research Contracts procedure

## Section 1 - Preamble

- (1) This Procedure was approved by Academic Board on 22 March 2011.
- (2) This Procedure is pursuant to the [Contracts policy](#).

### Governing Law

- (3) The law governing externally funded research contracts at Deakin includes:
  - a. [Financial Management Act 1994 \(Vic\)](#)
  - b. [Trade Practices Act 1974 \(Cth\)](#)
  - c. [Commonwealth Competitive Neutrality Policy Statement](#)

## Section 2 - Purpose

- (4) To document the procedures that apply to contracts arising from externally funded grants and consultancies for research purposes.

## Section 3 - Scope

- (5) This Procedure covers all externally funded grants and consultancies for research purposes including:
  - a. grants and contract research
  - b. commissions for creative works
  - c. consultancies where staff members consult in the name of the University and that usually lead to a financial surplus for the University
  - d. individual consultancies where individual staff members consult with external organisations in their own name or the name of their company.

## Section 4 - Policy

- (6) Refer to the [Contracts policy](#).

## Section 5 - Procedure

- (7) Academic staff are encouraged to secure external funding to support research activities that:

- a. further the University's interests
- b. are consistent with the expertise of the staff undertaking the work
- c. do not restrict general freedom of inquiry of the University and the staff concerned
- d. do not create risks that cannot be effectively managed
- e. do not create conflicts of interest or perceptions of conflicts of interest that cannot be effectively managed.

(8) The University recognises that funding bodies are entitled to specify the scope of the research project and that contracts are a matter of negotiation between the parties, however it will generally not accept agreements where:

- a. the funder requires a dominant position in the appointment of relevant staff
- b. the funder has authority to interfere in, alter or prevent publication while noting that delaying publication for commercial or other legitimate reasons may be acceptable
- c. a student may be limited or prevented from meeting the examination requirements associated with course requirements noting that some confidentiality conditions may be applied with the examination of a thesis and that provisions exist for an embargo to be placed on finalised theses, where appropriate to meet the confidentiality conditions of a contract
- d. funding is proposed to be provided by an organisation in the Tobacco industry or from a foundation which accept funds from the Tobacco industry.

(9) Where there is significant use of university resources in undertaking such work, reimbursement to the University from the revenue received may occur in order to defray the costs of university overheads.

(10) Contracts must cover financial management, intellectual property, authorship and publication, consultancies and secondments, ethics approval, and ownership and storage of data, materials and equipment, to the extent that they are relevant to the project.

### **Compliance with Research policy and procedures**

(11) All research contracts entered into must comply with the requirements of the [Australian Code for the Responsible Conduct of Research](#) and the [Research Conduct policy](#).

### **Compliance with Contracts policy and procedure**

(12) All research contracts entered into must comply with the [Contracts policy](#).

### **Costing and pricing**

(13) Grants and consultancies must be entered into with a proper understanding of the costs of the work to the University and provisions for recovery of those costs where appropriate.

(14) For grant applications, funding agency guidelines usually prescribe what can be included in the budget and in many cases will not accept expenditure on overheads or indirect costs. Where a funding agency will accept such costs these must be included in the application.

(15) Research Contracts will be priced at full commercial rates and include provision for overheads and indirect costs.

(16) For consultancies, competitive neutrality with external organisations must be observed, i.e. consultancies must be priced at full commercial rates and the client must pay for all costs including overheads and indirect costs.

### **Insurance cover and indemnity**

(17) The University maintains professional indemnity and other insurances. Staff should seek assistance from the Risk

and Compliance Office when required.

## **Intellectual property ownership**

(18) Ownership of Intellectual Property will be as agreed with the funding organisation and will accord with Deakin University policy and procedures. (Refer [Intellectual Property Policy \(Staff\)](#); [Intellectual Property Policy \(Students\)](#); [Intellectual Property Procedure](#))

## **Time restrictions**

(19) No time restrictions apply on academic staff involvement in research and university consultancies other than those imposed by the funding organisation, provided the Head of School or Director of Institute is satisfied that any other responsibilities of the staff member, including teaching, are not adversely affected or are sufficiently dealt with through other mechanisms such as provision of teaching relief funded by the contract.

(20) General staff may work on University consultancies subject to approval by their supervisor and the Head of School/Director of Institute.

## **Staff entitlement to remuneration**

(21) A staff member is entitled to remuneration for activities undertaken from grants and research only if such a payment meets the conditions of the grant agreement or research contract.

(22) General staff may be entitled to receive additional remuneration subject to approval by their supervisor and the Head of School/Director of Institute. The grounds for such remuneration may be that the work was substantially completed outside of normal hours worked or involved accessing skills, knowledge or expertise not currently recognised in the staff member's existing role and classification. Advice on managing these situations should be sought from the Human Resources Division.

## **Promotions criteria**

(23) The University recognises performance in consultancies and the contribution associated with attracting external grants in promotions criteria.

## **Reporting and accountability**

(24) Reporting and accountability will be as agreed with the funding agency.

## **Inclusion in commonwealth government funding calculations**

(25) Research and some consultancy income contribute to funding the University receives through a number of government schemes and it is critical therefore that wherever possible proposed arrangements ensure eligibility for recognition under the relevant scheme's criteria.

## **Clinical trials**

(26) Externally funded clinical trials must be approved by the Deputy Vice-Chancellor Research.

(27) Clinical trials are potentially a high risk activity. Externally funded clinical trials must provide for the funding agency to indemnify the University against risks arising from the clinical trial. Arrangements for insurance and indemnity must be approved by the Risk and Compliance Office of the University prior to completion of the contract.

(28) All clinical trials must comply with the requirements of the [Therapeutic Goods Administration](#).

(29) Clinical trials must be registered with a recognised clinical trial registry. Advice on this is available from the

## Section 6 - Definitions

(30) For the purpose of this Procedure:

- a. Contract: as defined in the [Contracts policy](#), that is, an agreement between parties which is enforceable at law.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	1st February 2016
<b>Review Date</b>	1st February 2019
<b>Approval Authority</b>	Academic Board
<b>Approval Date</b>	22nd March 2011
<b>Expiry Date</b>	4th May 2016
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