

# STETSON UNIVERSITY

## Outside Consultants

This policy is designed to facilitate the appropriate use and oversight of outside consultants. A “consultant” is an individual or organization engaged to provide professional advice or services for a fee and has the legal status of an independent contractor. Faculty members, employees, and guest lecturers, speakers, or performers are not considered consultants.

- A. Approval Process:** Before a consultant can be retained, the unit requesting a consultant must demonstrate that a substantial need exists, the services can be better provided by a non-university employee, funds are available, no conflict of interest exists, and the proposed cost is reasonable. When possible, more than one consultant should be considered. The unit leader must submit a written recommendation and justification to the appropriate approving authority listed below for review and a decision. When more than one unit will be responsible for the cost, all units involved must concur in the recommendation. Any additional requirements set forth under an external contract or grant also must be followed and included in the written recommendation. When one of the approving authorities initiates the process, the same factors will be used and documented.

Final approval for DeLand and Celebration academic units rests with the Vice President for Academic Affairs and Provost. Final approval for DeLand and Celebration administrative units rests with the Vice President for Business and CFO. For College of Law units, the Vice President and Dean for the College of Law will first approve all consulting agreements before seeking the approval of the Vice President for Academic Affairs and Provost or the Vice President for Business and CFO, as applicable.

**B. Contracting Process:**

1. After a specific consultant is approved, but before work is performed or payments are made, a written contract for services must be negotiated and then signed by an authorized University representative. A standard contract form is available from the Finance Office for DeLand and Celebration units, and from Legal Affairs for College of Law units.
2. Although consultant agreements will vary, they typically must include a brief description of the engagement; the cost and scope of work; specific deliverables and expectations; key dates and the end date; appropriate language regarding independent contractor status; an indemnification clause; payment terms (a consultant cannot be paid through University payroll); and when applicable, provisions related to insurance requirements, conflict of interest, audit rights, and confidentiality.
3. The term of a consulting agreement generally should not exceed 12 months. Contract renewals and extensions must be reevaluated and reapproved at least annually using the factors and process in Section A above.

- C. Oversight:** The unit leader who initiated the request, or another person designated by the appropriate approving authority, must monitor contract performance and compliance, which includes ensuring all contract conditions and requirements are met, necessary paperwork (e.g., W-9 forms or insurance certificates) is collected, invoices are timely paid, promised deliverables are received on schedule, and the consultant’s work product is shared with appropriate units and individuals within the University. Issues regarding the consultant’s work should be reported immediately to the appropriate approving authority.