

YESHIVA UNIVERSITY ADMINISTRATIVE POLICY
USE OF OUTSIDE CONSULTANTS

Policy No. 4.5

Issued By: Date Issued
Elliot Feder 01/09/2001

Approved By:
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Emanuel Genn

PURPOSE:

To set forth policies and procedures for the use of outside consultants by the University.

RESPONSIBILITY:

The Directors of Finance for the University and for the College of Medicine are responsible, as appropriate, for interpretation and administration of this policy.

GENERAL:

The provisions of this policy are applicable to arrangements with outside consultants; it applies to the procurement of consulting services from individuals, firms or organizations.

For the purposes of this policy, a "consultant" is an individual, firm or organization who is engaged to give professional advice or services, for a fee, and who has the status of an independent contractor. Consultants cannot be on the payroll of Yeshiva University as they cannot be employees of Yeshiva University.

Factors characteristic of the independent contractor relationship include those listed below, although not all must necessarily be present in every independent contractor relationship, and no single factor is necessarily controlling. In general, however, the independent contractor:

Is subject to the control of the University merely as to the tasks to be accomplished by the work and not as to the means and methods of accomplishment;

Is not subject to discipline or discharge under University personnel policies;

Does not have a continuing relationship with the University.

Is paid a fee or contracted amount for their services;

Follows an independent profession, trade, or business that offers services to the public.

It is University policy that: 1) before a consultant can be engaged there be a determination that the services are essential and cannot be provided by employees of the University, 2) the consultant actually engaged be the most qualified person available and 3) the charge agreed upon be appropriate considering the qualifications of the consultant, their normal charges, and the nature of the services rendered. Further, it is University policy that consulting fees will not be paid to employees of the University nor to any member of the immediate family of the persons involved in the selection of the individual consultant nor to organizations or firms where a senior officer, partner or employee is a member of the immediate family of one or more of the persons involved in the selection of the consultant or where similar relationships raise questions to the consultant selected.

CONSULTANT FEES CHARGED TO GRANTS AND CONTRACTS:

The above policy complies with the requirements of our major grantor agencies.

However, specific awards may include more stringent requirements such as imposing prior approval conditions, limiting the per diem rate, which can be paid, etc. These requirements supersede the University policy and must be adhered to.

PROCEDURE:

AUTHORIZATION FOR CONSULTANT SERVICES:

Prior to engaging a consultant, the AUTHORIZATION FOR CONSULTANT SERVICES, Yeshiva University Form No. FIN. 3 must be completed. Approvals as follows must be obtained, depending on the source of funds to be used to pay the consultant:

University funds-AECOM

Department Head and AECOM

Director of Finance

University funds-Manhattan Campus

Department Head and Manhattan Campus

Director of Finance

Grant or contract funds

Principal Investigator and Deputy Controller for

Grants and Contracts.

The character and extent of the services performed by the consultant must be specified with clarity and with sufficient detail to preclude questions as to the eligibility and qualifications of the consultant, the scope of the services that will be covered by the agreement and the method of computing charges. An estimate of the total cost of the services to be provided is also necessary.

If a number of individuals are being contracted to perform essentially the same service (e.g., a group of lecturers for an education program) one authorization can be prepared for all, using a separate list of names and fees as well as other required data.

CONFLICT OF INTEREST QUESTIONNAIRE AND CERTIFICATION:

Consultants must become familiar with the University "Policy on Conflict of Interest". The "Conflict of Interest Questionnaire" and "Certification" must be completed.

PURCHASE ORDER:

When the "Authorization for Consultant Services" is approved and the "Conflict of Interest Questionnaire" and "Certification" have been completed a purchase order can be executed. The purchase order should clearly indicate the total amount to be invoiced and the funding source to be charged. Approvals must be obtained, depending on the source of funds to be used to pay the consultant (see page 2).

INVOICING AND PAYMENT:

Payment will be made using the normal Accounts Payable procedure. Consultant's invoices should be sent to the Accounts Payable Department for processing. Any claim for travel or other than personal services must be supported by travel vouchers, invoices, receipts or other documentation as appropriate.

To view the authorization form click on [Authorization For Consultant Form](#)

8/2001

Yeshiva University