

CHAPTER XVII

RIGHTS OF THE COMMISSION/ HIGHER EDUCATIONAL INSTITUTIONS/ INSTITUTES OVER ITS EMPLOYEES

1. Service Outside the University System
2. Private Consultancy and/ or Teaching Services
3. Copy-right
4. Inventions and Patents

CHAPTER XVII

RIGHTS OF THE COMMISSION/ HIGHER EDUCATIONAL INSTITUTIONS/ INSTITUTES OVER ITS EMPLOYEES

1. Service Outside the University System

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| 1.1 The Commission/Higher Educational Institution/ Institute has a total claim to the time, knowledge talents and skills of persons employed by such institution and their salaries are fixed on that assumption unless specifically provided for otherwise. | Total claim to time etc. |
| 1.2 A person employed in the Commission or Higher Educational Institution/ Institute should not accept any paid employment while on leave without prior approval of the Chairman of the Commission or the Principal Executive Officer of the Higher Educational Institution as the case may be. Persons working in a Campus / Institute, attached/ affiliated to a University, should obtain the approval of the Vice-Chancellor of the University to which it is attached/ affiliated. | Paid employment while on leave |
| 1.3 A person employed in the Commission or a Higher Educational Institution/ Institute should not undertake any work or render any service for fee or reward to any Government Department, Local Government Body, Public Corporation, Statutory Board or to any private organization or individual except as specifically provided in sub-paragraph 2.3 below. In instances not covered by such provisions, prior approval of the Chairman of the Commission or the Principal Executive Officer of the Higher Educational Institution should be obtained. Persons working in a Campus / Institute attached/ affiliated to a University, should obtain the permission of the Vice-Chancellor of the University to which it is attached/ affiliated. | Work for fee or reward |
| 1.4 A person employed in the Commission or a Higher Educational Institution / Institute should not undertake any private agency/ private | Private Agency |

consultancy/professional undertaking which may contravene with his responsibilities with the Commission / Higher Educational Institution / Institute concerned.

2. Private Consultancy and/ or Teaching Services

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| 2.1 Teachers/officers of the Commission / Higher Educational Institutions / Institutes may undertake private consultancy and/ or teaching services subject to the following conditions; | Conditions |
| (a) All private consultancy and/ or teaching services shall have the prior approval of the Commission or the Governing Authority of the Higher Educational Institution/ Institute as the case may be. | Approval of Governing Authority |
| The Application for approval should be forwarded through the Head of the Department of Study and the Dean of the relevant Faculty or Head of the Institute/ Registrar of the University as the case may be and should be supported by; | Application for approval |
| (i) The letter of invitation from the organization or individual who desires the work to be done or service to be rendered, in which should be set out the details of the work or service, the period of time required and the fees proposed for the work or service; | Details of work or service |
| (ii) A statement from the applicant as to whether the work or service will be done outside his normal working hours or not; whether the laboratory and laboratory staff, materials, stationery and equipment belonging to the Institution/ Institute will be used, and if so an estimate of the cost of such services and materials; and whether the fee for the work or service proposed by the individual/organization has been agreed to by him; | Statement on how work / service will be done |

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| (iii) The report of the Head of the Department of Study / Dean of the relevant Faculty or Head of the institution/ Registrar of the University as to whether the granting of approval will affect the work of the Higher Educational Institution/ Institute; and a recommendation as to the charge to be recovered as replacement cost of materials used and as overtime and other charges to be paid to the staff involved, if any. | Recommendation to the Governing Authority |
| (b) The Governing Authority shall ensure that no teacher / officer will undertake private consultancy/ teaching service/ professional undertaking at the expense of his commitment to the Commission/ Higher Educational Institution/ Institute, which are his prime responsibilities. | Not at the expense of his commitment to the institution |
| (c) No teacher/ officer shall be permitted to undertake private consultancy / teaching services / professional undertaking for any internal examination of any Higher Educational Institution/ Institute; | Not for any University Examination |
| <p>Provided that where the Commission has recognized under Section 25 of the Act any institution for the purpose of providing courses of study approved for the examinations of a Higher Educational Institution, any teacher/ officer of such Higher Educational Institution may be permitted to undertake private consultancy and/ or teaching services in respect of such recognized institution.</p> | Exemption |
| (d) No teacher/ officer shall be permitted to undertake private consultancy and /or teaching services for the G.C.E (Advanced Level) Examination or for any other examination recognised as a pre-requisite for entry to any Higher Educational Institution/ Institute. | Not for G.C.E. (A/L) etc. |
| (e) No teacher/ officer shall be permitted to own, or to be shareholder of any private organization | Connection with private |

- whose work is in any way connected with or related to providing teaching or other services for any examination of a Higher Educational Institution/ Institute, or to be a director or a member of the governing body of any such organization;
- (f) As external examinations conducted by the Higher Educational Institutions are an extension activity, any teacher may be permitted to undertake private consultancy and/or teaching services in respect of any such examination, provided;
- (i) that the teacher will participate in no work (such as setting/ moderating and/ or translating question papers and marking answer scripts) associated with such examination;
 - (ii) that such private consultancy and/or teaching service will in no way adversely affect the responsibilities of the teacher's own Department of Study for conducting such external examination or for work connected with or relating to the Department's internal examinations ; and
 - (iii) that the teacher will under no circumstances permit the use of the name of the Higher Educational Institution to which he belongs for the purpose of any advertisement or publicity.
- 2.2 Apportionment of fees earned by private Consultancy and / or Teaching Services and / or Professional Undertaking:
- Every teacher/ officer who undertakes private consultancy and/ or teaching service and/ or professional undertaking shall pay to the Commission/ Higher Educational Institution/ Institute to which he belongs a portion of the fees received by him in respect of such services. Such portion shall be determined in the following manner;

organizations

External
ExaminationsPortion of fees
for Higher
Educational
Institution/
Commission

<p>(i) Cost of materials and overheads:</p> <p>The entirety of that part of the fees received in respect of materials and overheads contributed by the Commission/ Higher Educational Institution/ Institute concerned, which should include overtime payments to staff involved at official rates for work after normal working hours.</p>	<p>Full cost of materials and overheads</p>
<p>(ii) For work done outside working hours:</p> <p>(a) No portion of the fees shall be payable if the consultancy was in respect of research and/or publications of an academic nature;</p> <p>(b) In any other case, where the total fee received is in excess of an amount as decided by the Commission/ Governing Authority of the Higher Educational Institution on a case by case basis, one-tenth (1/10) of the fee shall be payable, subject to a ceiling of one-half (1/2) of the total emoluments for the period during which private consultancy and/ or teaching services were undertaken by him.</p>	<p>Total appropriation by teacher/ officer</p> <p>Part payment to University subject to ceiling</p>
<p>(iii) For work done during working hours:</p> <p>(a) One-tenth(1/10) of the fees shall be payable if the consultancy is in respect of research and/ or publication of an academic nature;</p> <p>(b) In any other case, one-third (1/3) of the fee shall be payable.</p>	<p>Part payment to University</p>
<p>(iv) Fees received in respect of visiting lectures given in another Higher Educational Institution/ Institute / any other recognized institution need not be refunded to his Institution/ Institute.</p>	<p>Payment for Visiting lectures need not be refunded</p>
<p>2.3 Works/ Services undertaken by teachers/ officers for Public Sector Organizations:</p> <p>The contents of this paragraph are also applicable to</p>	<p>Services for Public Sector Organization</p>

work or services undertaken by teachers/ officers of the Commission/ Higher Educational Institutions/ Institutes to public sector organizations for a fee.

2.4 Payment to staff:

Staff engaged in such work after their normal office hours shall be paid overtime to which they are entitled, but shall not be paid any other fees in this connection. The overtime payments should be considered as a part of the cost of services provided by the Institution/ Institute and paid by the Institution/ Institute.

Normal overtime

3. Copy-right

The copy-right in respect of the following will rest with the Commission/ Higher Educational Institution/ Institute as the case may be.

- (a) Any publication of the Commission / Higher Educational Institution/ Institute by whom-so-ever prepared.
- (b) Any thesis or dissertation submitted by an officer or teacher or other employee of the Commission / Higher Educational Institution/ Institute in connection with any course of study or training for which he is granted leave and / or other facilities by or on behalf of the Commission / Higher Educational Institution/ Institute.
- (c) Any manuscript prepared by a person employed in the Commission/ Higher Educational Institution/ Institute in the course of his official duties or with the knowledge and skill acquired and the facilities placed at his disposal by or on behalf of the Commission/ Higher Educational Institution/ Institute as a result of his employment in such institution.
- (d) Notes of courses given in any Higher Educational Institution/ Institute.
- (e) Question papers at examinations of any Higher Educational Institution/ Institute.

Publications

Thesis/
dissertation

Manuscript

Notes of Courses

Question papers

4. Inventions and Patents

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| <p>4.1 A Higher Educational Institution/ Institute has a right over any invention made by any person employed in the institution in the course of his duties or with the knowledge and skills acquired and the facilities placed at his disposal by or on behalf of the institution as a result of his employment in the institution concerned.</p> | <p>Right of the institution over any invention</p> |
| <p>4.2 Applications for patents Sri Lanka or abroad by persons employed in any Higher Educational Institution should be made through the Principal Executive Officer of the Higher Educational Institution. In the case of a Campus or Institute, the application should be made through the Vice Chancellor of the University to which the Campus / Institute is attached /affiliated.</p> | <p>Applications for patents</p> |
| <p>4.3 The Vice-Chancellor will determine the rights which may be allowed and the conditions which may be imposed on the person seeking patent. The Vice-Chancellor may obtain the assistance of competent persons or body of persons to advise him in this connection.</p> | <p>Determination of extent of rights</p> |