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Outside Work Procedure (MPF1129)

GOVERNING POLICY

This procedure is made under the Remuneration, Recognition and Working Conditions Policy.

SCOPE

This procedure applies to all fixed term and continuing staff at the University.

PROCEDURE

1. Academic staff

1.1 A full-time or part-time academic staff member may undertake paid outside work in a private capacity, provided that the staff member:

- obtains approval prior to commencement of the work
- subject to section 1.6, provides a statement acknowledging that the work is being done in a private capacity and indemnifying the University in writing against any claims, suits or demands made by any third party in relation to the work
- subject to section 1.7, provides evidence that they have in force, and written confirmation that they will continue to have in force, adequate professional indemnity and third party liability insurance at a level that is adequate to provide cover for the nature of the outside work proposed to be undertaken, and that this level of insurance is adequate to cover protection in the event of a legal claim subsequent to the work being completed
- makes a full disclosure of the nature of the work to be undertaken and how any conflict of interest will be managed
- provides details of time release sought, including paid time release if applicable
- states how they will cover normal academic duties, including arrangements for teaching and research supervision
- agrees to pay for any use of University facilities, equipment or resources.

1.2 The full-time or part-time academic staff member must complete an [Application for Approval to Undertake Paid Outside Work](#) form and forward it for approval to:

- for a staff member who is a dean, the Vice-Chancellor
- for a staff member who is a head of department, a dean
- for any other staff member the relevant level 2 delegate.

1.3 Where it is unclear whether the outside work will proceed (for example, where a staff member is part of a tender process), the staff member should notify the head of department at the time the outside work is first proposed.

1.4 The Vice-Chancellor, dean or level 2 delegate may approve the application to undertake outside work if a completed Application for Approval to Undertake Paid Outside Work form has been submitted prior to the commencement of the paid outside work and they are satisfied that:

- the work is of a nature and standard compatible with the professional status of the staff member concerned
- the nature of the work and the extent of time release being sought will not interfere with the proper discharge of the staff member's normal University activities, including responsibilities associated with supervision of research students
- the extent of time release being sought complies with section 1.11
- the nature of the work is such that it will not impair the staff member's academic independence or create a perceived or actual conflict of interest that is unable to be managed to the satisfaction of the University
- in the event that it is proposed that University facilities, equipment or services be used to undertake the work, there is no breach of University policy with respect to the use and the arrangements proposed for the reimbursement to the University for the costs associated with such use comply with cost recovery guidelines and advice provided by Finance and Planning Group
- the nature of the work is consistent with the staff member's obligations under Statute 14 Intellectual Property
- the staff member is taking adequate measures to protect themselves and the University from any risks or legal claim associated with the work.

1.5 The Provost may approve an application for paid outside work that fails to meet the criteria in section 1.4.

1.6 An academic staff member undertaking paid outside work is exempted from the requirement to hold personal professional indemnity and third party insurance if he or she:

- is working and paid as part of a peer-review committee
- is working at another Australian or overseas university under some form of engagement such as an accepted letter of offer or a contract
- is participating in an artistic, literary or musical performance such as a book reading, public lecture, exhibition or concert and the risk of liability is low
- has a contract as an employee or a contractor with another organisation which has appropriate insurance arrangements in place and the cover is clearly specified to extend to the staff member as employee or contractor
- has a contract with another organisation where the insurance arrangements are known and can be demonstrated to the head of department
- is acting as a director and is covered by the directors' liability insurance
- can demonstrate that adequate arrangements are in place
- can demonstrate that it would be unreasonable or not feasible to obtain personal professional indemnity and third party insurance because of the nature of the work and the level 2 or level 3 delegate has, subject to any advice from General Counsel, granted an exemption

1.7 An academic staff member undertaking paid outside work is exempted from the requirement to provide an acknowledgement that the work is being undertaken in a private capacity if they are:

- participating in a musical or artistic performance
- a medically qualified practitioner with appropriate insurance seeing a patient
- undertaking work which the General Counsel advises should be exempt.

1.8 Academic staff do not require approval to undertake paid outside work or time release in relation to the following types of work:

- occasional broadcasts, telecasts or articles for media publications, public lectures, refereeing books or journal articles
- reviews and examination duties (including assessing theses) for other universities and bodies
- advice to parliamentary committees, tribunals and other public bodies
- other activities authorised by the Provost on the application of a staff member.

1.9 Where an academic staff member undertakes paid outside work obtained as a result of their association with the University:

- they will report on approvals for work undertaken and the extent of time release in the annual Performance Development Framework review using the [Declarations: Academic Staff](#) form
- heads and deans will certify in the annual Performance Development Framework review that all paid outside work has been undertaken in compliance with this procedure and file the report on the staff member's personal file.

1.10 Where there is a material change in the arrangements approved for paid outside work, including changes to the nature of the work undertaken, the extent of the time release required and any changes to insurance or indemnification arrangements:

- the staff member must advise the relevant level 2, 3 or 4 delegate and
- the level 2, 3 or 4 delegate must review the circumstances and determine if the previous approval requires variation or withdrawal.

1.11 Full-time academic staff and academic staff holding a conjoint appointment with a subsidiary company of the University undertaking paid outside work obtained due to their University responsibilities are eligible for paid time release of up to 13 days per quarter to undertake this work, unless additional time is authorised by the Vice-Chancellor.

1.12 The dean, or in the case of a staff member who is a dean, the Vice-Chancellor, may approve an arrangement whereby the days available for this time release are averaged over two quarters.

1.13 Part-time (including fractional full-time) academic staff are not entitled to paid time release without the prior approval of the Provost.

1.14 The following activities will not be approved for paid outside work:

- fees for private tuition of University students
- work solicited through any form of public announcement or advertisement
- paid teaching responsibilities for any other institution other than an institution which is a subsidiary or affiliate of the University, except where specifically approved by the head of department
- work from currently enrolled students or former students within two years of graduation from the University
- work from persons who may have a direct or indirect pecuniary interest in a decision or action for which the staff member is responsible
- work involving a conflict of interest
- work during periods of long service leave.

1.15 A staff member who undertakes paid outside work which has no connection or association with his or her University duties:

- does not require approval when it is undertaken on weekends or during annual leave and does not adversely impact on or create a conflict of interest with his or her duties
- requires prior approval from a level 2 delegate when it is undertaken at a time when the staff member should normally be expected to be available for University duties
- the level 2 delegate will only approve the work if there is no conflict of interest and full disclosure of the nature of the work.

1.16 A staff member who undertakes paid outside work which has no connection or association with his or her University duties must not:

- represent himself or herself as a staff member of the University
- use a University academic title in undertaking that work
- use any University business card or stationery
- provide to potential clients, or otherwise make use of, University telephone or fax numbers or email addresses to facilitate that work
- use any University equipment, staff or facilities to support that work.

2. Professional staff

2.1 Professional staff may seek approval for paid outside work subject to the following conditions:

- the nature of the work must not constitute a conflict of interest with the staff member's duties in the University
- the nature of the work must not include the application for personal profit of specialist skills and knowledge developed and owned by the University or an academic staff member
- where use of University equipment or services is contemplated, cost recoveries based on data provided by Finance and Planning Group must be agreed
- no responsibility for the work shall attach to the University for paid outside work done by a staff member in a personal capacity.
- the staff member will ensure that there is no financial or other risk to the University as a result of the work being undertaken
- the staff member will obtain written confirmation from the body for which the work is to be carried out that it acknowledges that the staff member is carrying out the work in a personal capacity and it releases the University from any liability to it or any of its associates which may arise in connection with the performance or non-performance of that work
- the staff member will not carry out paid outside work unless they have in force their own personal professional indemnity and third party liability insurances at a level that is adequate to provide cover for the nature of the outside work proposed to be undertaken
- the staff members who undertake paid outside work must specifically agree to indemnify the University in respect of any claim, suit or demand made by any third party arising from the outside work they undertake.

2.2 Professional staff may seek approval for paid outside work:

- involving one-off activities requiring a limited time commitment from a level 2 delegate
- in all other cases, the head of budget division must approve the application for outside work.

2.3 Full-time professional staff members or any entity in which they hold a principal or beneficial interest must not contract to provide goods and services to the University.

3 Directorships and board memberships

3.1 Subject to section 3.2, an academic or professional staff member may seek approval to become a director of a public or private company or organisation by completing an [Application for Approval to Hold Directorship](#) form and submitting the completed form for approval to:

- for a staff member who is a head of budget division, the Vice-Chancellor
- for a staff member who is a head of department or budget unit, the dean or head of budget division
- in all other cases, the head of department or budget unit.

3.2 An academic or professional staff member need not seek approval to become a director of a charitable or non-profit organisation or an organisation formed to deal solely with private affairs unless there is a conflict of interest between the work of the University and the board membership. Refer to the Conflict of Interest Procedure.

3.3 The relevant delegate may grant approval if they are satisfied that there has been a full and complete disclosure of the circumstances of the directorship, including any actual or potential conflict of interest, and is satisfied that the staff member has undertaken:

- to provide the head of department further information promptly should there be a change in any of the circumstances related to the company or the directorship
- to continue to declare his or her interest on each occasion where there are dealings by the University with the company or any related part of the company and to comply with the Conflict of Interest Procedure
- to carry out the duties of the directorship and any work for the company in accordance with the University's Outside Work Guidelines
- to deal with any intellectual property owned by the University or assigned to the staff member by the University in accordance with the University's Intellectual Property Statute.

Approval may be granted for a maximum period of two years from the date of the letter of approval, after which approval must be applied for again.

4 Consultancies for national and international bodies

4.1 A full-time academic staff member may seek approval for special leave to undertake work as a consultant for the United Nations, its specialist agencies or other national or international bodies:

- for a period of up to one month, from a level 2 delegate
- for a period of more than one month, from the head of budget division.

4.2 In applying for special leave under this section:

- for a consultancy of less than three weeks, the staff member may apply for special leave with salary
- for a consultancy of three weeks up to three months, the staff member may apply for four weeks special leave with salary and the remainder as leave without salary, provided that leave without salary is taken for at least half the total period of absence
- for a consultancy of more than three months, the staff member will apply for leave without salary for the whole period of absence
- long service leave entitlements for staff members granted leave without salary will be subject to negotiation.

5 Interdepartmental teaching

5.1 A full-time academic staff member may teach outside of his or her department but within the University with the approval of the head of department provided that normal departmental obligations are met.

5.2 In exceptional circumstances, a full-time academic staff member may be compensated for interdepartmental teaching.

RELATED DOCUMENTS

- [Statute 14.1 Intellectual Property](#)
- [Remuneration, Recognition and Working Conditions Policy](#)
- [Conflict of Interest Procedure](#)
- [Performance Planning and Review Procedure](#)
- Delegations Policy
- [Human Resources Delegations](#)
- Outside Work Guidelines
- [Application for Approval to Undertake Paid Outside Work](#) form
- [Declarations: Academic Staff](#) form
- [Application for Approval to Hold Directorship](#) form
- [Human Resources website](#)

DEFINITIONS

Nil

RESPONSIBLE OFFICER

The Executive Director, Human Resources is responsible for the development, compliance monitoring and review of this procedure and any associated guidelines.

IMPLEMENTATION OFFICER

The Director, HR Specialist Services is responsible for the promulgation and implementation of this procedure in accordance with the scope outlined above. Enquiries about interpretation of this procedure should be directed to the Implementation Officer.

VERSION HISTORY

Version	Authorised by	Approval Date	Effective Date	Sections modified
1	Senior Vice Principal	21 August 2012	21 August 2012	New version arising from the Policy Simplification Project. Loaded into MPL as Version 1.