

Outside Work Policy

Section 1 - Introduction

(1) The University of Newcastle recognises that it can be advantageous for staff to engage in a limited amount of outside work where such work can enhance a staff member's skills and knowledge, disperse their knowledge and professional expertise and/or establish beneficial relations between the University and the community.

(2) It is also recognised that outside work by staff members can create risk or cost to the University if not appropriately managed. Outside work must be undertaken in a way that appropriately addresses the risks associated with such arrangements and ensures that staff members meet their obligations to the University.

Section 2 - Audience

(3) This policy applies to all University staff members.

(4) In relation to casual staff, only Clauses 6 - 8 shall apply.

Section 3 - Interpretation

(5) In the context of this document 'Senior Manager' means Pro Vice-Chancellor, Deputy Vice-Chancellor, Chief Operating Officer or Vice-Chancellor.

Section 4 - Policy

Outside Work Not Allowable

(6) Outside work is not allowed where (as determined by the University):

- a. it would create, or is likely to create, an adverse consequence for the University or otherwise affect a legitimate interest of the University; or
- b. A conflict of interest occurs or may reasonably be likely to occur in relation to the outside work, including but not limited to:
 - i. where it could be in competition with the University; or
 - ii. where the University wishes to pursue the work; or
 - iii. where the work would impact on the University's ability to pursue other work;
- c. the use of University resources would have an adverse effect on the operations of the University or where the costs of such use cannot be reimbursed; or
- d. the staff member's involvement in the outside work is likely to create a negative impact or hostile work environment or otherwise adversely affect morale of staff reasonably affected or impacted by the staff member's involvement in the outside work or the outside work itself; or
- e. there is the potential for the outside work to be perceived as affiliated or associated with the University in

circumstances where the University does not wish to be affiliated or associated with the outside work; or

- f. the capacity of the staff member to perform their duties or organisational functions in the University competently and safely is, or may be, adversely affected; or
- g. the reputation, standing or performance of the University (or any part thereof) is, or may be, adversely affected; or
- h. a risk for the University exists or may be created in the course of performing the outside work and the risk cannot be effectively managed.

(7) In the case of an actual, potential or perceived Conflict of Interest arising from any type of outside work, the Head of School, Director or Senior Manager may determine appropriate duties and processes to avoid the Conflict of Interest (so far as is reasonably practicable).

(8) A Head of School, Director or Senior Manager may withdraw approval for outside work.

Exempt Academic Activities

(9) Provided that:

- a. the activity is not of a type that is 'not allowable' in accordance with Clauses 6-8; and
- b. the activity is related to the staff members' employment at the University; and
- c. a commercial fee is not received, and any remuneration is by way of reimbursement, gratuity or honorarium;
- d. the following activities are considered to be part of normal academic work and do not require additional approval under this policy:
 - i. refereeing of articles, papers and books and similar scholarly work
 - ii. examining for educational and professional bodies (e.g. theses)
 - iii. delivering occasional guest lectures, seminars and conference papers or sessions
 - iv. providing occasional performances, exhibitions, media contributions and appearances
 - v. writing, editing and reviewing of scholarly works
 - vi. membership of editorial boards
 - vii. membership of grant review committees and similar duties for granting bodies
 - viii. service on community, educational, and professional committees or groups
 - ix. activity servicing educational, community engagement or professional purposes
 - x. any other activity for which a staff member receives approval from the relevant senior manager as an exempt academic activity under this policy.

Outside Work Allowed

(10) There are four types of outside work that are allowable or may be allowable with appropriate approval: University outside work, private outside work, Outside Directorship and unrelated outside work.

(11) A staff member who proposes to engage in allowable outside work must inform their supervisor that they propose to engage in the work, and must take advice from their supervisor as to whether or not approval for the outside work needs to be sought (other than as described in Clause 2).

(12) Where outside work requires approval (refer below), it must not be engaged in by the staff member without prior approval from the University.

University Outside work

(13) Other than Exempt Academic Activities (Clause 9), if the University's name, or brand is being associated with the

outside work, the work must be managed and requires approval as University outside work.

(14) Where outside work uses University resources (other than as described in Clause 20(d), the outside work will be managed and approved as University outside work.

(15) University outside work must be undertaken under a contract to which the University is a party (unless otherwise approved in writing by the University). The [Guidelines for Commercial activities](#) outline the process to be followed.

(16) University outside work will be undertaken outside the workload allocation for an academic staff member or outside normal working hours for a professional staff member unless otherwise approved by the Head of School or Director. A Head of School or Director may only provide this approval where the outside work provides a material contribution to the University.

(17) Approval for University outside work is required from the relevant Head of School, Director or Senior Manager. The approval must specifically include authorisation prior to the work commencing for the:-

- a. use of any University intellectual property; and
- b. use of University resources, and arrangements for any reimbursement of costs to the University, as determined by the Head of School or Director; and
- c. conduct of any University outside work within the workload allocation or normal working hours of the staff member.

(18) University outside work may provide access to the following, subject to approval by the Head of School or Director:

- a. coverage under the University's professional indemnity insurance;
- b. access to the University's resources and proper costing of these resources;
- c. use of the staff member's University title;
- d. organisational support with respect to contractual arrangements; and
- e. recording relevant activities in terms of research performance.

Private Outside Work

(19) Other than for exempt academic activities (Clause 9) a staff member must obtain written approval from the relevant Head of School, Director or Senior Manager prior to commencement of private outside work.

(20) For private outside work to be approved, the following conditions must be satisfied:-

- a. None of the conditions described in Clauses 6-8 apply;
- b. The process for approval must be carried out through [HRonline](#);
- c. The nature, proposed duration and frequency of the work does not affect the performance of the staff member's duties nor the operations of the University (as determined by the University);
- d. University resources are not used, or the University is fully recompensed for any resources used and such use is approved by a senior manager. The use of any University resources must be clearly specified by the staff member in [HRonline](#) as part of the approval process including the reason this work is not being completed as University outside work;
- e. An appropriate assessment of risk is carried out and the risk is acceptable to the approver;
- f. the staff member maintains adequate insurance coverage (as determined by the University) in relation to the private outside work and evidence of this is provided to the University; and
- g. a statement is provided in writing from the staff member to all external clients or customers for whom the work is to be conducted (or otherwise associated with the private outside work) stating that:

- i. the work is being undertaken by the staff member in a private capacity; and
- ii. the University is in no manner involved in the particular activity.

(21) The staff member must provide a copy of this statement to their Head of School, Director or Senior Manager on request. The staff member must also provide any additional statement or notice to its clients, customers and those associated with the private outside work required by the University to clarify that there is no affiliation or association with the University.

(22) Where a staff member has a specific written agreement, including a reference in the contract of employment with the University to undertake particular private outside work, further approval and reporting is not required under this policy, provided that the nature of the outside work does not change or evolve over time from that which was approved in the contract of employment.

(23) Where the outside work is proposed as private outside work by the staff member but the University considers it is or should be carried out as University outside work or otherwise carried out by the staff member in the course of their employment with the University, the University may choose not to provide approval for the outside work.

Outside Directorships

(24) The Vice-Chancellor (or delegate) must approve any Outside Directorship where the staff member is a University of Newcastle appointee or nominee or otherwise can reasonably be considered as a representative of the University.

(25) For the purposes of this policy, an Outside Directorship is part of a staff member's University duties if:

- a. it has been approved as per Clause 24 for Outside Directorships where the staff member is a University of Newcastle appointee or nominee; or
- b. it has been approved by the relevant senior manager where the staff member is not a University of Newcastle appointee or nominee but where:
 - i. it has been assessed as bringing significant benefit to the University and not exposing the University to significant risk, and
 - ii. it is directly related to the staff member's employment with the University, and
 - iii. it has been recorded in the staff member's Performance Review and Development plan.

(26) Where an Outside Directorship is not part of a staff member's university duties, the Outside Directorship will be considered private outside work or unrelated outside work (depending on the nature of the outside work) and the General Principles in Clause 32-36 will apply.

Unrelated Outside Work

(27) Subject to a staff member informing their supervisor of unrelated outside work approval is not required provided that the work does not:

- a. fall into a category of work that is not allowed, as described in Clauses 6-8; or
- b. interfere with the performance of their University duties; or
- c. involve the use of University resources; or
- d. involve a conflict of interest; or
- e. involve a misuse of the staff member's position at the University.

(28) A staff member is not required to inform their supervisor of unrelated outside work where the work:

- a. does not fall into a category of work that is not allowed, as described in Clause 6-8: and is either

- b. Volunteer work with a local community, sporting, industrial or political organisation where there is no payment or potential for payment (other than reimbursement of expenses);or
- c. Charitable work for a charity registered on the ACNC register.

(29) Where a staff member has privacy or confidentiality concerns with informing their supervisor of unrelated outside work, the staff member may instead inform their Human Resources Business Partner.

(30) The conditions set out in Clause 32 also apply to unrelated outside work.

(31) Where undertaking the work may result in a breach of the requirements in Clause 27, the staff member must take appropriate steps to remedy the situation in conjunction with their Head of School, Director or Senior Manager. Appropriate steps may include discontinuing the outside work.

General Principles

(32) A member of staff undertaking private outside work or unrelated outside work:-

- a. may only use their University affiliation or academic title with the prior written approval of the relevant Senior Manager. Approval will only be given if the outside work involves an appointment of distinction and having appropriate assessment of risk and otherwise on such terms and conditions as determined by the University;
- b. must not use University stationery or letterhead or otherwise promote the work as being sponsored or undertaken by the University;
- c. must direct mail, email, telephone and other communications relating to the private work to a place other than the University (including facilities and any information technology); and
- d. must not use any University intellectual property unless specifically approved to do so by the relevant Senior Manager.
- e. must not employ students of the University unless specifically approved to do so by the relevant Senior Manager.

(33) Where a staff member becomes aware of this policy after commencing outside work they must take immediate steps to notify their supervisor, and seek any approval or discontinue the work as soon as reasonably practicable.

(34) Outside work that requires approval cannot be undertaken unless approved in writing.

(35) Where outside work that requires approval continues beyond a period of twelve months, staff will be required to make an annual declaration and obtain annual approval for continuation of the outside work.

(36) Information regarding outside work recorded in [HRonline](#) and in other University records for University outside work may be used for University purposes including audit, reporting, compliance monitoring and other purposes required by legislation or University agreements, rules, policies or procedures.

Resolution of Concerns

(37) Any issues or concerns regarding determinations made under this policy should be referred to relevant Senior Manager, or to the Chief People and Culture Officer.

Breach of Policy

(38) A breach of this policy may be dealt with by the relevant Senior Manager in the following ways:

- a. conditions being placed on the approval for the outside work;
- b. withdrawal of approval to conduct the outside work;

- c. withdrawal of eligibility to apply to undertake outside work;
- d. a direction from the University to cease and/or not undertake the outside work;
- e. invoking the relevant [Enterprise Agreement](#) misconduct/ serious misconduct provisions; and/or
- f. any other action considered necessary by the relevant Senior Manager or Chief People and Culture Officer.

Section 5 - Roles and Responsibilities

(39) Staff members are responsible for:

- a. ensuring they are aware of and comply with this policy;
- b. obtaining any approvals prior to outside work being undertaken;
- c. where there is uncertainty, discussing with their supervisor, and if necessary Head of School, Director or Senior Manager.

(40) Supervisors are responsible for ensuring compliance with this policy, and assisting staff members to understand the policy.

Status and Details

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Effective Date	8th December 2022
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Responsible Executive	Martin Sainsbury Chief People and Culture Officer martin.sainsbury@newcastle.edu.au
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Glossary Terms and Definitions

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

"Risk" - Effect of uncertainty on objectives. Note: An effect is a deviation from the expected, whether it is positive and/or negative.

"Academic staff" - An academic employee holding a substantive academic position of 0.5 full-time equivalent or above where the contract length is twelve months or longer.

"Course" - When referring to a course offered by the University, a course is a set of learning activities or learning opportunities with defined, assessed and recorded learning outcomes. A course will be identified by an alphanumeric course code and course title. Course types include core courses, compulsory courses, directed courses, capstone courses and electives. For all other uses of this term, the generic definition applies.

"Student" - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

"Intellectual property" - Intellectual property (IP), as defined by the World Intellectual Property Organisation, refers to creations of the mind: inventions; literary and artistic works; and symbols, names and images used in commerce. Intellectual property is divided into two categories: Industrial property includes patents for inventions, trademarks, industrial designs and geographical indications; and Copyright covers literary works (such as novels, poems and plays), films, music, artistic works (e.g. drawings, paintings, photographs and sculptures) and architectural design. Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and broadcasters in their radio and television programs.

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.

"Supervisor" - Staff members with direct supervisory responsibility for other staff within the workplace (a Supervisor may also be member of Senior Management, with duties as an Officer as defined in the Work Health and Safety Act 2011, or any replacing legislation).

"Term" - When referring to an academic period, term means a period of time aligned to an academic year for the delivery of a course in which students enrol and for which they are usually charged fees for example semesters, trimesters, summer, winter or full-year term. The academic year for a term is determined by the academic year in which the course commences, not concludes. For all other uses of this term, the generic definition applies.

"University resources" - Any resources of the University including the staff member's work time or duties, facilities, equipment, systems, IT networks, other staff resources and the University's name, logo or any other identifying mark or brand of the University.