

# Outside Work Policy

## Section 1 - Introduction

(1) The University values, encourages and supports its staff engaging with government, industry and the community. Paid outside work performed in addition to a staff member's University employment may be highly beneficial to both the staff member and the University and can:

- a. improve the quality of teaching and research;
- b. cultivate and strengthen engagement and collaboration with external organisations including industry and government;
- c. maintain professional skills and standing; and
- d. increase community access to the benefits of academic research and professional expertise.

(2) As the University receives public funding, it is important that paid outside work has appropriate approvals, is disclosed and is conducted in accordance with this policy. This will ensure that staff and the University are acting with transparency and are compliant with relevant legislation.

## Section 2 - Purpose

(3) This policy sets out the obligations of staff seeking to undertake paid work in addition to their work as a University staff member.

(4) The purpose of this policy is to:

- a. provide a clear framework that enables staff to engage in paid outside work which may improve the quality of teaching, lead to further research opportunities and/or enable the University to develop and enhance relationships with government, industry and community partners;
- b. protect the University and its staff interests, resources and reputation by outlining the rights and obligations of the University and its staff with respect to paid outside work;
- c. provide certainty as to when and how paid and unpaid outside work may be undertaken, and when approval must be sought prior to the work commencing; and
- d. set out clear approval, reporting and monitoring requirements.

## Section 3 - Scope

(5) This policy applies to all full time and part-time, continuing or fixed-term staff including when:

- a. the outside work is to be undertaken outside of the staff member's normal University working hours;
- b. the staff member is on leave, including leave without pay; or
- c. the staff member is undertaking activities under the [Special Studies Program](#).

(6) This policy applies to casual staff where:

- a. the conduct of the outside work may affect or impair their ability to fulfill the inherent requirements of their role with the University;
- b. where the outside work has an association with the University; or
- c. where there is a potential, perceived or real conflict of interest.

(7) Persons who have a visiting, adjunct or conjoint appointment should refer to the [Honorary Academic Titles Policy](#).

(8) This Policy does not apply to persons performing work under the [Project and Consultancy Revenue Procedure](#).

## Section 4 - Audience

(9) This policy should be read and understood by all University staff.

## Section 5 - Types of Outside Work

### 5.1 What is paid outside work?

(10) Paid outside work is work undertaken by a staff member that is in addition to their employment with the University and where the staff member (or another person such as a family member) receives a financial benefit for doing the work. It includes where a staff member:

- a. performs work for a person or entity other than the University in the capacity of an employee or contractor for which they receive a financial benefit such as salary, consultancy fees, directorship fees or contractor payments;
- b. undertakes remunerated company directorships or committee appointments;
- c. performs work for a corporation, including a startup or University spinout, in which the staff member holds shares (either personally or through another company, trust or other structure), including work for a corporation which currently does not earn profit or pay dividends if the purpose of the corporation includes to make profit at some time; and
- d. performs work for a partnership where the staff member is part, even if there is currently no income made from the partnership and the purpose of the partnership includes to make a profit at some time.

(11) This policy outlines three types of paid outside work:

- a. Private Consultancy (including professional practice other than Clinical Academic Work);
- b. Clinical Academic Work; and
- c. Unrelated Work.

### 5.2 Exclusion of Common Academic Work

(12) Common Academic Work includes, but is not limited to:

- a. writing, reviewing and editing scholarly books and journal manuscripts;
- b. reviewing research grant applications;
- c. examining theses for other organisations;
- d. service on committees of learned societies and academies;
- e. the role of examiner and related activities for the NSW Board of Studies or other like bodies;
- f. creative performances and exhibitions;
- g. broadcasts, media publications and public lectures; and

h. organisation of and participation in academic conferences, symposia and seminars.

(13) Common Academic Work undertaken as part of the normal duties of an academic staff member for which the staff member may be remunerated up to \$1,000 does not require approval under this policy (except as noted in clause 14).

(14) Approval must be sought if undertaking the Common Academic work will negatively impact on the academic staff member's teaching and research obligations at the University, or pose significant reputational or other risks for the University.

(15) Approval of Common Academic Work, where required, is subject to the requirements of Section 6.

(16) A disclosure must be made under the University's [Conflict of Interest Policy](#) and [Procedure](#) if the academic staff member receives any financial benefit from undertaking Common Academic work.

## **5.3 PRIVATE CONSULTANCY**

### **5.3.1 Definition**

(17) Private Consultancy (including professional or private practice other than Clinical Academic Work, see clauses 26-28) is paid consultancy or practice that is undertaken privately by a staff member where the work being undertaken is related to the staff member's professional or academic expertise and qualifications.

### **5.3.2 Liability and Insurance**

(18) Staff undertaking Private Consultancy must provide evidence at the time of application that all appropriate insurances (for example, but not limited to, professional indemnity and public liability insurance) will be in place to cover the activity. If such insurance is not available or appropriate for the work this should be stated on the Application for Approval to Undertake Paid Outside Work.

(19) University staff must ensure that they do not represent the Private Consultancy as a University activity or as an activity which has University endorsement, affiliation, or other support. Staff must ensure that prior to commencement all other parties understand that the University is not responsible for, or associated with, the work being performed.

(20) Private Consultancy will not be covered by University insurances and any risks arising from the outside work are the responsibility of the staff member.

### **5.3.3 Time Allowance**

(21) Full-time staff must not exceed a total of 52 working days per calendar year undertaking Private Consultancy. Part-time staff must not exceed 52 working days on a pro-rata basis. This is a maximum and not an entitlement as undertaking the work depends on pre-approval by a delegate and ongoing satisfactory performance of the staff member's duties.

(22) Part-time staff do not require approval for private consultancy work performed in their own time provided the private consultancy:

- a. is not associated with the University or inconsistent with their duties of employment at the University;
- b. does not affect or impair their ability to fulfil the inherent requirements of their University role; and
- c. does not use University facilities or resources.

### **5.3.4 Use of University Resources**

(23) Staff undertaking Private Consultancy may make reasonable use of their academic title, University email address

and University-supplied IT equipment providing this has been declared in the Application for Approval to Undertake Paid Outside Work and approved by the delegate.

(24) No University intellectual property or other University resources can be otherwise used by a staff member in performing Private Consultancy, except where the resources are provided on arms-length commercial terms.

### **5.3.5 Disclosure of Private Consultancy**

(25) All Private Consultancy must be declared in accordance with the University's [Conflict of Interest Policy](#) and [Procedure](#).

## **5.4 CLINICAL ACADEMIC WORK (FOR NSW HEALTH SERVICE)**

(26) A medical practitioner employed as a member of academic staff in the College of Health, Medicine and Wellbeing who provides clinical and related services for public patients in public hospitals under the [NSW Health Clinical Academics Employed in the NSW Health Service Policy Directive](#) may be employed as a Clinical Academic with the NSW Health Service in addition to their primary employment with the University.

(27) A person employed as a Clinical Academic must spend at least three days per week (or pro-rata for part-time staff) performing duties arising from their University employment.

(28) A person employed as a Clinical Academic is otherwise subject to the same terms and approvals set out in this Policy for Private Consultancy or Unrelated Work.

## **5.5 UNRELATED WORK**

(29) Unrelated Work is paid work that has no connection with the University or the work performed by the staff member for the University. Examples include, but are not limited to, refereeing football on the weekend, running a dog walking business or playing in a band.

(30) Any paid outside work which can only be done by a staff member because of their academic or professional expertise or qualifications is not Unrelated Work. Refer to Private Consultancy.

(31) All Unrelated Work must be done in the staff member's own time and not impact their duties at the University.

(32) Unrelated Work for which the staff member receives a financial benefit must be disclosed to the staff member's supervisor.

(33) Subject to the staff member disclosing the unrelated outside work to their supervisor, approval of unrelated work is not required unless the work:

- a. affects or impairs their ability to fulfil the inherent requirements of their University role;
- b. involves a misuse of the staff member's position at the University; or
- c. involves a conflict of interest.

(34) Approval of unrelated outside work, where required, is subject to the requirements of Section 6.

(35) Where a staff member has privacy or confidentiality concerns with informing their supervisor of the unrelated outside work, the staff member may instead inform their Human Resources Business Partner. The Business Partner will disclose the outside work to the next level up manager.

### **5.5.1 Liability and Insurance**

(36) Unrelated Work is undertaken at the staff member's own risk and will not be covered by any University

insurances.

(37) Staff undertaking Unrelated Work must ensure that they do not represent the Unrelated Work as having any connection, endorsement, or approval of the University.

### **5.5.2 Use of University Resources**

(38) No University intellectual property or other University resources can be used by a staff member in performing Unrelated Work.

### **5.5.3 Disclosure of Unrelated Work**

(39) Disclosure of Unrelated Work is required in accordance with the [Conflict of Interest Policy](#) and [Procedure](#). If there is any doubt about whether paid outside work is Unrelated Work the staff member must consult with their supervisor.

## **Section 6 - Criteria for Approval of Outside Work**

(40) The University supports and encourages paid outside work that is beneficial to the staff member and to the University. Staff must obtain approval for any proposed Outside Work before commencing this work.

(41) Outside Work can only be undertaken where it can be conducted consistently with the safe and satisfactory performance of the staff member's duties to the University and without interference with the staff member's University employment responsibilities and functions.

(42) Approval of an [Application for Approval to Undertake Paid Outside Work](#) is at the discretion of the University and will be made having regard to the criteria identified in sections 6.1 to 6.3 below, and any other relevant issues and circumstances.

(43) Outside work approved in accordance with the Outside Work Policy in force prior to this policy must be resubmitted for consideration and approval under this policy.

### **6.1 Approval Requirements for Outside Work**

(44) Before approving an application to undertake Outside, the delegate must be satisfied that the staff member understands and accepts that while undertaking Outside Work they:

- a. are not covered by the University's workers compensation, public liability, professional indemnity or other insurances;
- b. must not act in their capacity as an employee of the University;
- c. must not use the University's name, trademarks, logo, letterhead, stationery, postal address, phone number, web address or any other information in a manner which might associate the University with the Outside Work; and
- d. must ensure that any third party involved in the Outside Work understands that the University has no involvement in the work.

(45) The delegate can approve an outside work application where they are satisfied that:

- a. the application sets out full details of the proposed Outside Work;
- b. the Outside Work will not interfere with the staff member's employment obligations at the University;
- c. the staff member is performing their duties as an employee of the University satisfactorily and there is no reason to believe that undertaking the Outside Work will adversely impact the staff member's performance;
- d. the University is not exposed to unreasonable legal, financial, wellbeing health and safety, or reputational risk

as a result of the staff member undertaking the Outside Work;

- e. the work performed does not compete with University teaching, research or other programs and could not be performed by the staff member as part of their normal duties including, for fractional staff, by increasing their fraction;
- f. the work does not place the University, or the nation, at risk of foreign interference; and
- g. any real, potential or perceived conflicts of interest have been declared and, in such instances, can be appropriately managed.

(46) The delegate can give approval conditional on these requirements being met.

(47) Staff members must inform the delegate whenever there are changes relating to these requirements and immediately make a new application for approval. A staff member who fails to inform the delegate of such a change and make a new application will be in breach of this policy and may face disciplinary action.

## 6.2 Approval Process

(48) All Private Consultancy requires approval by an appropriate delegate by completing an [Application for Approval to Undertake Paid Outside Work](#) available through [HROnline](#).

(49) Approval will be granted for activities that provide benefits to both the staff member and University and are consistent with this policy.

(50) If a request to undertake outside work is not approved, the delegate will discuss why the application was unsuccessful with the staff member.

## Section 7 - Compliance with other University Policies

(51) The conduct and approval of outside work must also comply with all other relevant University policies. In particular the staff member and delegate must ensure that:

- a. staff undertaking outside work and the delegate approving outside work must comply with the [Code of Conduct](#) including the overarching obligation of all staff to act in the best interests of the University at all times;
- b. there is disclosure and management of any conflicts of interest which are or could result or arise from the Private Consultancy or Unrelated Work in accordance with the [Conflict of Interest Policy](#) and [Procedure](#); and
- c. the outside work does not impair the staff members ability to perform their duties as a staff member of the University in accordance with the [Health and Safety Policy](#).

## Section 8 - Termination of Approved Paid Outside Work

(52) The Vice-Chancellor has the authority to revoke an [Application to Undertake Paid Outside Work](#) after approval by a delegate in cases where the approval criteria has not been met.

## Section 9 - Failure to Comply with this policy

(53) Failure to comply with this policy will be managed in accordance with the provisions of the [Code of Conduct](#), [Conflict of Interest Policy](#) and [Procedure](#), the applicable [Enterprise Agreement](#) or any relevant contract of employment, and any other applicable University policies or procedures. A person found to be in breach of this policy may be

subject to disciplinary action.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	7th August 2023
<b>Review Date</b>	7th August 2028
<b>Approval Authority</b>	Chief People and Culture Officer
<b>Approval Date</b>	7th August 2023
<b>Expiry Date</b>	7th April 2024
<b>Responsible Executive</b>	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.

**"Working day"** - Any day other than Saturday, Sunday, or a public holiday in Newcastle, on which business may be conducted.

**"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.

**"Disciplinary action"** - When used in relation to staff of the University, this is as defined in the applicable and current Enterprise Bargaining Agreement, or the staff member's employment contract. When used in relation to students of the University, this is as defined in the Student Conduct Rule.

**"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.

**"Research"** - As defined in the Australian Code for the Responsible Conduct of Research, or any replacing Code or document.

**"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).