

Outside Work Vice-Chancellor's Directive

Abstract

This Directive sets out the arrangements under which staff may undertake paid or unpaid outside work. Staff require approval to engage in outside work as defined within the Directive. A purpose of the Directive is to protect the University's interests, resources and reputation by clarifying the rights and obligations of both the University and its staff with respect to outside work. Arrangements for reporting and monitoring all approved outside work are set out within the Directive.

Dates	Directive approved	8/12/2009
	Directive takes effect	8/12/2009
	Directive is due for review	01/05/2014
	Amendment approved	07/12/2010
	Amendment takes effect	07/12/2010
Approved by	Vice-Chancellor	
Implementation Officer	Deputy Vice-Chancellor (Corporate Services)	
Relevant to	All staff (including support staff, academic staff and senior staff) and honorary appointees	
Related documents	Code of Conduct (HR Manual 7.3) Staff collective agreements : <ul style="list-style-type: none"> Academic Staff Agreement 2010 Senior Staff Group Collective Agreement 2007 Support Staff Agreement 2006 Faculty / area academic workload allocation policies Performance and Development – Principles and Procedures (HR Manual 6.5) Honorary Appointments VC's Directive (HR Manual 3.15) Intellectual Property Policy Council's Directives for UTS Commercial Activities Register of Standing Delegations Outside Work Application Form (PDF 83kb) (restricted access: Staff Connect)	
Legislation	Competition and Consumer Act 2010 (Cwlth) Corporations Act 2001 (Cwlth) Income Tax Assessment Act 1997 (Cwlth)	
File number	UR06/481	

Superseded documents	Outside Work (Academic Staff) Policy Outside Work (Academic Staff) Vice-Chancellor's Operational Directives
Review notes	This document is to be reviewed at least once every five years, taking into account changes in the external environment. This document will be monitored annually by the Deputy Vice-Chancellor (Corporate Services) based on annual reports provided by Deans and Directors.

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1. Purpose

The University offers staff the opportunity to undertake a limited amount of paid outside work including professional activities which may provide benefits to the staff member and the University. Staff require approval to engage in outside work as defined within this directive.

The purpose of the directive is:

- to protect the University's interests, resources and reputation by clarifying the rights and obligations of both the University and its staff with respect to outside work;
- to encourage staff participation in high-quality professional activities which improve the quality of teaching, lead to further research opportunities and/or enable the University to develop new and enriched relationships with industry, business, government and community partners;
- to provide a flexible framework to cover the diverse nature of outside work which may be undertaken by staff across the University;
- to provide guidance to staff as to when and how outside work may be undertaken;
- to integrate, where possible, professional activities with the University's research and teaching objectives; and
- to set out reporting and monitoring arrangements for all approved outside work.

2. Scope

Staff have a primary employment obligation to the University as their employer. However, they may undertake paid or unpaid outside work or other activities provided such commitments do not impinge on these obligations or take improper advantage of their appointment at the University and are conducted in accordance with the terms of this directive.

2.1 Application

This directive applies to the following:

- continuing, fixed-term and reversionary academic, support and senior staff, including when they are on leave
- honorary appointees (including visiting and adjunct appointees) and conjoint staff when the work they perform uses the name of the University or University facilities.

This directive does not apply to casual staff; however, casual staff must ensure that they inform their supervisors of potential conflicts of interest and intellectual property issues with respect to the University, in accordance with the Code of Conduct and Intellectual Property Policy.

This directive is subject to any outside work arrangements expressly provided for in a contract of employment.

2.2 Exemptions

The following forms of work are exempt from this directive.

2.2.1 Community service, volunteer work and second jobs

Provided that the service or work:

- is unrelated to the staff member's standing or employment at UTS
- does not impact adversely on the performance of their duties at UTS
- does not involve use of UTS resources
- does not create any actual or perceived conflict of interest between the staff member's private interests and University responsibilities.

If a second job does not fulfil the above criteria then it would fall under the definition of "work for another employer" which is a form of outside work (refer to Section 3, specifically 3.5).

Staff should consult their supervisor if they have any doubt regarding whether an activity falls within this exemption.

2.2.2 Work approved as part of academic or professional workload

This directive does not apply to work undertaken outside the University which is approved by a supervisor as part of a staff member's workload and recorded within the staff member's workplan, including the following:

(a) Contributions to discipline, research field and scholarly community

The University recognises that some staff members undertake activities or are retained for certain professional activities that contribute to their discipline, research field(s) or scholarly community. Such activities include examination of theses; attending meetings; writing or publishing conventional scholarly works in the staff member's field of expertise (such as books, chapters, articles, reviews, editing); service on editorial boards or external review committees; and speaking engagements, exhibitions or performances and occasional guest lectures at other institutions.

The University regards these activities as professional contributions which do not require formal approval under this directive. Staff members should consult their supervisor about the requirements of the unit, faculty or institute for approval and monitoring and reporting of their contributions so that the impact of these activities can be managed and staff professional contributions may be recognised.

(b) University consulting

University consulting covers the provision of professional services to external parties for remuneration which makes use of any of the following: the University's name; services; space; facilities; equipment or paid work time. This directive does not apply to University consulting. University consulting is subject to Council's Directives for UTS Commercial Activities, and the Intellectual Property Policy and Vice-Chancellor's Directives.

(c) Professional services and cross-faculty teaching within UTS

From time to time, the professional services of UTS staff may be sought by a faculty, institute or other unit within the University, or staff may be invited to teach in other faculties. Whether or not a fee or other consideration is provided, cross-faculty teaching and professional services (including consulting) are subject to approval by the appropriate supervisor and should be included in workplans and performance reviews. In considering a request to approve work for another unit within the University, such as cross-faculty teaching, the supervisor will take into account a staff member's work and leave plans and performance, as well as the faculty's and the University's interests.

3. Definitions

For the purposes of this directive, the following words shall have the meanings given below.

3.1 Director means Director of a Unit or Institute or the University Librarian.

3.2 Dean and Director or Dean or Director should be read as the member of the Senior Executive who supervises the applicant where the applicant is a Dean, Director, Registrar, Deputy Vice-Chancellor, Senior Deputy Vice-Chancellor or Vice-Chancellor.

3.3 Senior Executive includes Deputy Vice-Chancellors, the Senior Deputy Vice-Chancellor and Vice-Chancellor.¹

3.4 Outside work: means any work performed by the staff member outside UTS, including work:

- for another employer
- as a professional service
- as a private consultant
- as a teacher at another institution
- as a partner or director of a business or firm
- on a pro bono basis for charity, community or public purpose.

Each of the above examples is defined below. Work undertaken outside the University which is described under section 2.2 above (Exemptions) is excluded from the definition of outside work and the application of this directive.

Outside work makes no use of University resources or the reputation of the University and all liability rests with the staff member. The University is not associated with or liable for any actions arising out of outside work. Staff undertaking approved outside work are not covered by the University's workers compensation, public liability, professional indemnity or other insurances.

3.5 Work for another employer: any paid work for an employer other than UTS, except where exempt as per section 2.2.1 above. If the work involves teaching at other institutions refer to section 3.8 below.

3.6 Professional services: are paid services being offered by a staff member as a member of a profession, for example as a barrister, lawyer, journalist, engineer or architect either through the conduct of a business practice or as an employee of a business. If the professional services are provided to the University in accordance with section 2.2.2(c) above then they will be exempt from the application of this directive.

3.7 Private consulting: refers to consulting undertaken for remuneration by a staff member in his or her personal capacity as an individual, as opposed to his or her capacity as a staff member of the University. Private consulting is consulting that utilises the same professional skills and knowledge for which the staff member is employed by the University. If the consulting is undertaken as University Consulting in accordance with section 2.2.2(b) above then it will be exempt from the application of this directive.

3.8 Teaching at other institutions: refers to any paid teaching activity at an educational or training institution other than the University of Technology, Sydney. (Note: Insearch is another institution for the purposes of this directive).

¹ Where necessary, this term should be read to include the Chancellor as the approval authority for outside work applications for the Vice-Chancellor.

3.9 Directorship/partnership: refers to involvement in the running of a business or firm either as a sole owner or with one or more other people; or as a partner or a member of the governing board.

3.10 Pro-bono work: refers to unpaid professional services undertaken for charity, community or public purpose by staff members. Typical examples of pro-bono work are guest lectures and tutorials for another institution or for a not-for-profit community organisation; strategic planning for community groups. Sometimes such work may attract an honorarium.

In some cases, at the discretion of the supervisor, pro bono work may be undertaken within the staff member's capacity as a UTS employee and as part of a staff member's workload and is therefore exempt from the application of this directive.

4. Directive principles

The University recognises that opportunities exist whereby the skills and expertise of all staff may be applied to commercial, industrial, technical and professional enterprises.

The University expects an academic's participation in professional activities to be related to the academic's professional expertise and to be of a standard and character that will contribute to the reputation and standing of both the University and the individual concerned.

Outside work is not a right of staff but an activity which is undertaken with obligations on the staff member to perform satisfactorily and ensure that outside work does not interfere with the efficient discharge of University employment responsibilities.

In undertaking outside work staff members must be careful to avoid any real or apparent conflict of interest with the University including work that may be seen as in competition with the University. Outside work should be in the interest of the University.

Outside work must be approved prior to the commencement of the work and in accordance with this directive. Approved outside work is subject to review and the Vice-Chancellor may place restrictions on outside work undertaken by staff.

All approved outside work must be recorded and reported in accordance with this directive.

5. Directive statements

5.1 Limitations on outside work

5.1.1 Maximum time allowable

(a) Academic staff and academic managers

Full-time academic staff and academic managers must not exceed on average, one working day per week or 48 working days per year of University-approved outside work as defined in this directive. This allowable time establishes a maximum, not an entitlement.

For part-time and sessional academic staff and academic managers, the maximum time allowable within the UTS employment for outside work is calculated on a pro-rata basis of the maximum time allowable for full-time staff. It is recognised that part-time and sessional staff may have second jobs or work outside their UTS employment. The maximum time does not apply to such non-UTS work; however, such work must not interfere with the performance of the staff member's duties at UTS and supervisors must be informed of potential conflicts of interest and intellectual property issues between the non-UTS work and UTS.

(b) Support staff and senior staff in non-academic aligned roles

For full-time, part-time and part-year support or senior staff, it is expected that outside work will not impact adversely on the performance of their duties at UTS. Approved outside work will normally be undertaken outside of normal working hours. However, flexible working arrangements may be negotiated in accordance with HR policy. Employment as a casual academic at UTS should occur outside normal work commitments (unless managed in accordance with clause 2.2.2) but is not considered outside work.

(c) Honorary appointees

The maximum time allowable for honorary appointees is the same as for academic staff and academic managers (refer to (a) above). If this maximum is considered by the supervisor to be restrictive or inappropriate, the Dean or Director may approve the waiving of the time restriction for that individual (where they may be associated directly or indirectly with professional activities in their own right or in collaboration with academic colleagues).

5.1.2 Annual leave

Annual Leave must not be deferred or accumulated to accommodate outside work. Normally, approval of outside work will not be granted to staff who do not have a leave plan in place.

5.1.3 Use of UTS resources

University resources may be used in outside work only where access to such resources is generally available to members of the public. In such cases, applicable charges will be the same as those charged to members of the public. The use of University resources for outside work must comply with any applicable licence agreements to which UTS is a party.

Staff undertaking outside work are bound by the UTS Intellectual Property Policy and Directives. UTS Intellectual Property (IP) refers to all statutory and property rights including the University's right to confidentiality. Materials and other IP used in outside work must not be associated with UTS and materials must not be supplied from the resources of UTS.

5.2 Approval for outside work

5.2.1 Applying for outside work Approval

Staff must apply to undertake outside work on the [Outside Work Application Form](#) (PDF 83kb) (restricted access: Staff Connect). The outside work must be approved before the outside work commences.

Staff must provide sufficient information within the Application Form to allow the application of the criteria for approval of outside work (refer to section 5.2.3).

Approval for outside work must be sought for each project or engagement (eg for private consultancy, teaching at other institutions, etc). The maximum period of approval is for the calendar year in which the approval is given. If the outside work is of an on-going nature, then the staff member must seek approval for each calendar year by submitting the Application Form by 31 January each year.

5.2.2 Approval authority

Deans and Directors are authorised to approve applications for outside work (on the recommendation of supervisors) except for directorships or partnerships which must be recommended by the Dean or Director and approved by the Senior Deputy Vice-Chancellor.

5.2.3 Criteria for approval of outside work

Before approving a request to undertake outside work, the supervisor (or in the case of a directorship or partnership, the Senior Deputy Vice-Chancellor) must be satisfied that:

- a) the outside work is consistent with the staff member's approved Leave Plan for the current calendar year;
- b) the outside work activity will not interfere with the efficient discharge of the staff member's employment obligations at UTS
- c) the staff member is performing his/her work within the University satisfactorily
- d) in the case of academic staff, that the participation in these activities is related to the staff member's professional expertise and is of a standard and character that will contribute to his/her reputation and standing and that of the University and; the work is in the interest of the University
- e) the staff member will for the duration of the outside work be careful to avoid any real or apparent conflict of interest with the University, including involvement in work that may be seen as in competition with the University
- f) the University is not exposed to legal, financial or reputational risk
- g) the University's resources and facilities will not be used unless payment is made for their use (refer to section 5.1.3); and
- h) the staff member understands and accept that, whilst undertaking outside work he/she:
 - is not covered by the University's workers compensation, public liability, professional indemnity or other insurances
 - will not act in his/her capacity as an employee of the University. For example, he/she may not use their University title or position
 - will not use the University's emblem, logo, letterhead, stationery, postal address, phone number, fax number, e-mail address or web address or any other information which might associate the University with the outside work in any way

- is responsible for ensuring that the University will not be liable, and is indemnified in respect of, any loss or claim connected with contracts that entered into with other people or organisations.

Supervisors should also note the following:

- Approval will not normally be given for academic staff to provide private tuition or coaching to UTS students in the subjects they teach.
- In approving applications to undertake teaching at other institutions, supervisors must be satisfied that staff will not be advantaging competitor institutions to the detriment of UTS.

Approved outside work Application Forms will be filed as follows:

- a copy will be retained by the Faculty or Unit for the period required for annual monitoring and reporting purposes (refer to section 5.5 Monitoring and reporting)
- for directorships or partnerships, a copy will also be forwarded to the Research and Innovation Office
- original forwarded to Staff Services in the Human Resources Unit for filing on the staff member's personal file (applies to all approved Outside Work Application Forms including for directorships or partnerships).

5.2.4 Review of approved outside work

Outside work approvals may be reviewed at any time by the supervisor or more senior manager. Approval of outside work may be withdrawn if, for example, it:

- impacts on a staff member's ability to effectively perform their duties
- poses a risk or impact deemed to be unacceptable.

5.2.5 Confidential applications

If a staff member has reason to keep their outside work confidential from their supervisor and/or other staff, they may submit their application to the appropriate Dean or Director, Director Human Resources or Deputy Vice-Chancellor (Corporate Services) for approval. While details of the application will not be disclosed to the supervisor or other staff, consultation may be required with the supervisor in order to ensure that the approval of the outside work will not interfere with the efficient discharge of the staff member's employment obligations at UTS.

5.3 Staff member responsibilities while undertaking outside work

5.3.1 Managing conflict of interest

The staff member must demonstrate that they will manage on an ongoing basis any real or perceived conflict of interest with the University. Refer to the Code of Conduct for further information about managing conflict of interest. Particular care must be taken in relation to:

- consulting that competes with, and could be managed as, University consulting; and
- teaching for other institutions.

5.3.2 Managing personal risk

While undertaking outside work, staff are not covered by the University's workers compensation, public liability, professional indemnity or other insurances and are acting as individuals totally independent of the University, (except where a staff member is employed by UTS as a casual academic).

A staff member engaged in outside work as a private consultant, in professional practice or as a director or partner is therefore encouraged to take out professional indemnity insurance coverage to cover all potential damage or loss that may be sustained as the result of negligence carried out in the course of performing services in relation to the private consultancy, directorship or partnership.

In addition, a staff member engaged in outside work as a private consultant or in professional practice is also encouraged to register as a provider (i.e. have an ABN number) as required under the *A New Tax System (Australian Business Number) Act 1999 (Cth)*.

Documentary evidence of professional indemnity insurance and providing an ABN number will assist the supervisor to sign off that the criteria for approval (refer to section 5.2.3) have been met.

5.4 Grievances

Grievances arising out of the implementation of this directive will be managed in accordance with the Handling Staff Grievances Directive.

5.5 Monitoring and reporting

It is essential that the University is informed of all instances of outside work. Reporting outside work supports:

- all staff, Units, Divisions and Faculties to comply with the Outside Work Vice-Chancellor's Directive;
- the minimisation and management of conflicts of interest and potential conflicts of interest; and
- the development of appropriate workloads for staff.

Outside work reporting responsibilities under this directive are summarised below and represented diagrammatically in [Attachment 2](#).

5.5.1 Staff undertaking outside work

Staff undertaking outside work have responsibility for reporting on their activities annually to their supervisor. Normally this reporting will be part of the annual performance and development process.

5.5.2 Supervisors

Supervisors are responsible for monitoring and reporting outside work to their Dean or Director.

5.5.3 Deans and Directors²

Deans and Directors must maintain a local register of all outside work which has been approved in relation to staff in their Faculty, Unit or Division. The local register must contain the information prescribed in [Attachment 1](#).

Deans and Directors may delegate the ongoing maintenance of their local register to a Designated Area in their Faculty, Unit or Division. However, Deans and Directors must periodically review their local register to ensure it is being maintained in accordance with this directive.

Deans and Directors must forward the local outside work register for the previous year to the Deputy Vice-Chancellor (Corporate Services) annually (normally by 31 March each year, unless advised otherwise by the Deputy Vice-Chancellor (Corporate Services)).

Deans and Directors are responsible for reporting instances of non-compliance with this directive to the Deputy Vice-Chancellor (Corporate Services), as they arise throughout the year.

5.5.4 Deputy Vice-Chancellor (Corporate Services)

The Deputy Vice-Chancellor (Corporate Services) will be responsible for overseeing the aggregation of local Outside Work Registers to form a central outside work register. The Executive Officer to the Deputy Vice-Chancellor (Corporate Services) will be responsible for maintaining the central register. This register will be kept for record-keeping purposes.

5.5.5 Research and Innovation Office

A register of directorships and partnerships approved by the Senior Deputy Vice-Chancellor will be maintained by the Research and Innovation Office.

The registers may be made available to other members of the senior executive and senior staff group if determined necessary by the Deputy Vice-Chancellor (Corporate Services).

6. Roles and responsibilities

6.1 Staff

It is the responsibility of staff to comply with this directive and seek approval of outside work on the [Outside Work Application Form](#) (PDF 83kb) (restricted access: Staff Connect) before commencing the outside work.

Staff seeking to engage in outside work are responsible for taking out adequate professional indemnity insurance if there is any potential the outside work will expose the staff member or UTS to any legal, financial or reputational risk. Staff should seek independent advice in relation to professional indemnity insurance and other personal legal obligations relating to the performance of outside work.

Failure to comply with this directive may be treated as misconduct/serious misconduct and result in disciplinary action.

² Refer to definition of Dean and Director at Clause 3.1 and 3.2

6.2 Supervisors

The supervisor may recommend to the Dean or Director that applications for outside work (except those related to directorships or partnerships) be approved.

The supervisor must ensure that the principles set out in this directive are met and have been adhered to before making a recommendation to the Dean or Director.

Supervisors are responsible for reporting outside work to their Dean or Director.

6.3 Deans, Directors³ and Senior Executive

Deans, Directors and the Deputy Vice-Chancellor (Corporate Services) may review outside work approvals.

Approval of directorships or partnerships requires the recommendation of the Dean or Director and the approval of the Senior Deputy Vice-Chancellor.

Deans and Directors (including Deputy Vice-Chancellors, the Senior Deputy Vice-Chancellor and the Vice-Chancellor) are responsible for the following within their area of responsibility:

- communicating and implementing the Outside Work Directive and
- monitoring and reporting on outside work (refer section 5.5).

6.4 Research and Innovation Office

The Research and Innovation Office is responsible for maintaining a register of directorships and partnerships in accordance with this directive.

6.5 Deputy Vice-Chancellor (Corporate Services)

The Deputy Vice-Chancellor (Corporate Services) has responsibility for monitoring and promoting compliance with this directive and advising the Vice-Chancellor on matters relating to the directive and implementation (including monitoring, reporting and reviewing instances of non-compliance). Deputy Vice-Chancellor (Corporate Services) will be supported in this role by the Executive Officer to the Deputy Vice-Chancellor (Corporate Services) who should be the primary point of contact on matters relating to monitoring and reporting of outside work including maintaining the central register of outside work.

6.6 Vice-Chancellor

The Vice-Chancellor may review outside work approvals and may place restrictions on outside work undertaken by staff.

7. Acknowledgements

This directive was developed taking into account of the NSW Parliament Legislative Assembly Public Accounts Committee Inquiry into Academic's Paid Outside Work (Report 7/53(15)) published in September 2004, a 1999 review of policies for paid outside work in all universities in NSW by the Audit Office of NSW, and of paid outside work policies in other comparable Australian and overseas universities.

³ Refer to definition of Dean and Director at Clause 3.1 and 3.2

8. Version control and change history

Date	Version	Approved by	Amendment
01/08/2006	1	Council COU/06/070	Approved as the Outside Work (Academic Staff) Policy
18/06/2008	1	Council COU/08-3/51	Rescinded by Council effective from the date of issue of a Vice-Chancellor's operational directive.
8/12/2009	2	Vice-Chancellor	Policy renamed as a directive and merged with existing directive. Rationalisation and reorganisation of information. Broadening of scope to cover support and senior staff. Elaboration of reporting requirements.
07/12/2010	3	Vice-Chancellor	Deans and Directors made approval authority for outside work applications and changes to the application of the Directive to casual staff and part-time staff.

Attachment 1 – Local Outside Work Register

The local Outside Work Register must contain:

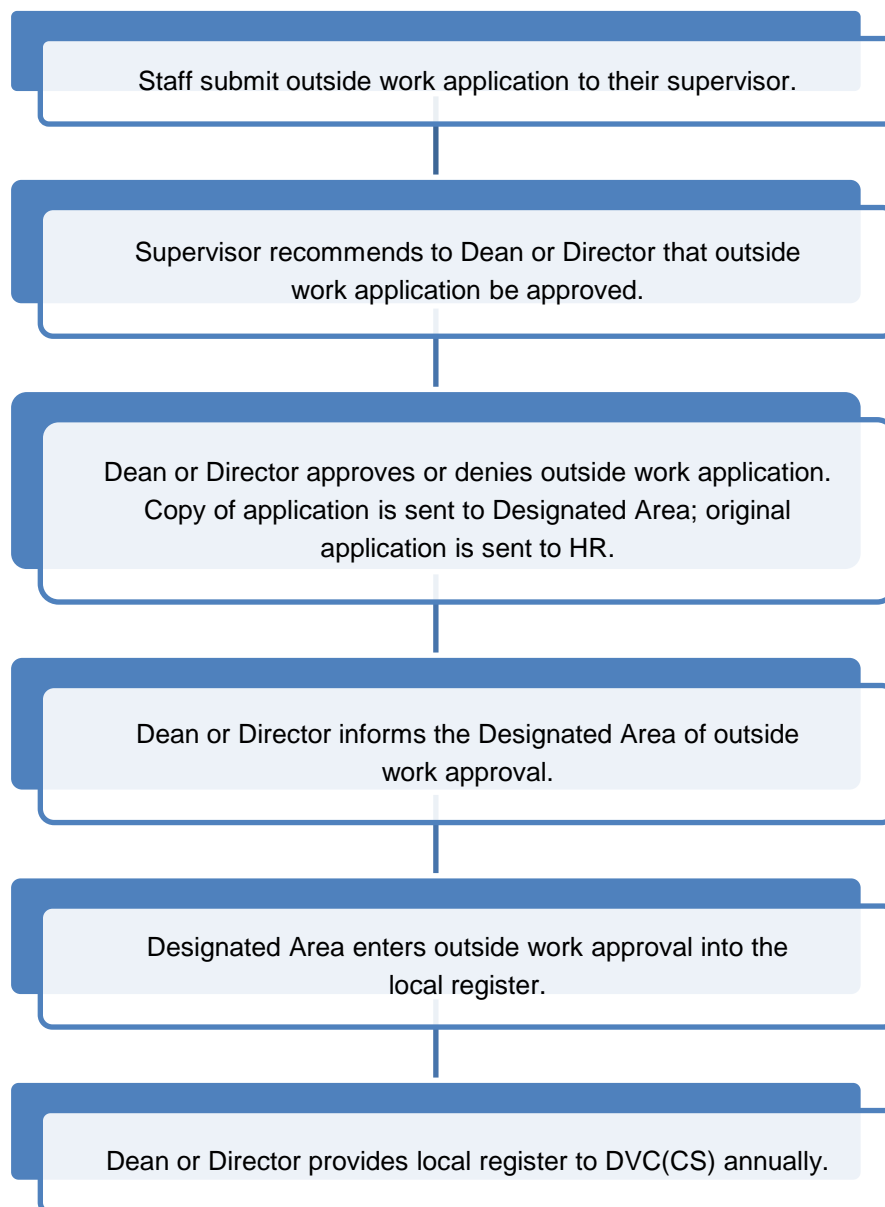
- The name of the faculty, division or institute employing the staff member;
- The name of the staff member;
- The name of the person who approved the outside work;
- The date of the approval;
- The start date of the outside work;
- The end date of the outside work;
- The approximate number of hours or days of outside work that have been approved;
- The type of activity (i.e. teaching, professional practice, private consultancy, partnership, directorship etc);
- A description of the activity; and
- The company or organisation which the work will be performed for.

Refer to the following webpage for a template for a [Local Outside Work Register](#).

Attachment 2 – Outside work reporting responsibilities

A. Outside work excluding partnerships and directorships

The following flowchart represents the responsibilities and process detailed in the Outside Work Vice-Chancellor's Directive for reporting outside work (excluding partnerships and directorships).



B. Partnerships and directorships

The following flowchart represents the responsibilities and process detailed in the Outside Work Vice-Chancellor's Directive for reporting partnerships and directorships.

