

# **LA TROBE UNIVERSITY**

## **Policy on Outside Work**

*(Approved by Council at its meeting on 6 December 1999 (m. 323.2.2))*

# Contents

<b>Section</b>	<b>Page number</b>
1. Preamble	1
<b>PART I: INTRODUCTION</b>	
2. Purpose	1
3. Context	2
4. Scope and application	3
5. Implementation and review	3
6. Prior approval	3
7. Reviews of decisions	4
<b>PART II: UNIVERSITY CONTRACTS</b>	
8. Introduction to Part II	4
9. Why undertake Outside Work under a University Contract?	4
10. Types of University Contract	5
11. Conflicts of interest	5
12. Approval required for all proposed University Contracts	6
13. General conditions of approval	6
14. Signing	7
15. Proceeds from University Contracts	7
15.1 Personal consultancy component of contract fee	7
15.2 Use of contract proceeds for University purposes	7
15.3 Personal payment of proceeds	7
16. R&D Contracts	9
16.1 Definition	9
16.2 Procedures	9
16.3 Prior approval of proposals	9
16.4 Contract negotiation and administration	9
16.5 Costing and pricing	9
16.6 Participation of students	9
17. Agreements for the design or delivery of training or teaching programs in Australia	10

17.1 Overview	10
17.2 Minor teaching for other universities	11
17.3 Other cases	11
<b>18. Clinical placements</b>	<b>12</b>
<b>19. International Agreements</b>	<b>12</b>
19.1 Range of International Agreements	12
19.2 Procedures for approval and signing	12
<b>20. Agreements to provide laboratory analytical services or routine statistical services</b>	<b>13</b>
<b>21. Agreements to licence external organisations to occupy or use University facilities</b>	<b>13</b>
<b>PART III: PERSONAL OUTSIDE WORK</b>	
<b>22. What is Personal Outside Work and when should approval be sought?</b>	<b>14</b>
22.1 Forms of Personal Outside Work	14
22.2 Private activities unrelated to duties for the University	14
22.3 Specific types of activity not requiring approval	15
<b>23. Approval</b>	<b>15</b>
<b>24. Paid and unpaid Personal Outside Work</b>	<b>15</b>
24.1 Unpaid Personal Outside Work: approval by Deans	15
24.2 Paid Personal Outside Work	16
<b>25. Academic and General Staff</b>	<b>16</b>
<b>26. Non-full-time staff</b>	<b>16</b>
26.1 Work outside of hours of employment by the University: approval not required	16
26.2 Personal Outside Work within hours of employment by the University	17
<b>27. Personal Outside Work undertaken outside of normal working hours</b>	<b>17</b>
<b>28. Conflicts of interest</b>	<b>17</b>
<b>29. General conditions of approval for Personal Outside Work</b>	<b>18</b>
<b>30. Additional conditions for paid Personal Outside Work</b>	<b>18</b>
<b>31. The use of University resources or facilities in connection with Personal Outside Work</b>	<b>19</b>
<b>32. Approval procedure</b>	<b>19</b>
<b>33. Professional practice</b>	<b>20</b>
<b>34. Participation in the design or delivery of educational courses for other institutions: not Personal Outside Work</b>	<b>20</b>

## Preamble

1. The University's objects defined in the *La Trobe University Act 1964*, section 5(a) are 'to serve the community . . . (i) by making knowledge available to the community for the benefit of all and (ii) by providing an institution in which all enrolled students will have the opportunity of fitting themselves for life as well as becoming learned in a particular branch or branches of learning'.

Outside Work by staff of the University directly contributes to these objects by:

- providing opportunities for staff of the University to apply their skills and knowledge to the specific needs of community organisations, companies and public authorities;
- enabling staff to strengthen their teaching programs by making use of insights they have gained from having undertaken relevant professional, clinical and applied work, thus providing an opportunity for students to 'fit themselves for life'.

In addition, Outside Work can bring the following auxiliary benefits to the University:

- to attract income to the Schools and Faculties of the University which assists them in meeting their academic objectives;
- to enable staff to extend their professional experience and skills outside the University which will facilitate the career development of staff;
- to initiate relationships with outside bodies which may become the foundation for ongoing mutually beneficial interactions (e.g., opportunities for collaborative research, publicising the University among prospective students, providing employment opportunities for students).

## Part I: Introduction

### 2. Purpose of this Policy

The purpose of this Policy is to:

- encourage staff to engage in Outside Work for the benefit of the University and its staff and students;
- contribute to an understanding by staff seeking to engage in Outside Work and officers called upon to make decisions relating to the approval, conduct or management of Outside Work, about the objects to be promoted, the principles and interests to be taken into consideration in decisions, and the officers authorised to make decisions about different types of Outside Work;
- support consistent and transparent decision-making from case to case, over time and between the Schools and Faculties of the University.

- protect the University and its members by ensuring that Outside Work does not:
  - (a) direct resources and energies away from existing teaching and research priorities of the University;
  - (b) cause inequitable workload distributions in Schools or other organisational areas of the University;
  - (c) undermine proper scholarly freedom and independence;
  - (d) unfairly affect the intellectual property rights of the University and members of the University, including students;
  - (e) bring excessive liability risks to the University; or
  - (f) breach government requirements under the principle of ‘competitive neutrality’ for the costing and pricing of services.
- to encourage staff wherever appropriate to undertake Outside Work on behalf of the University under a University Contract and to this end, to define incentives available to staff to undertake University Contracts.

### 3. Context for this Policy

This Policy replaces Part A (‘Outside Work’) of the *Policy and Guidelines on Outside Work and Intellectual Property* which was approved by the Council of the University in December 1994. Part B (‘Intellectual Property’) of the *Policy and Guidelines on Outside Work and Intellectual Property* remains in force until it is replaced by a new *Policy on Intellectual Property*.

This Policy on Outside Work revises certain sections of the *Personnel Policies and Procedures Manual* and becomes part of that Manual.

This new Policy arose from the need to respond to and reflect a number of changes within the University and externally, as well as a desire to provide for the University’s future needs in continuing to develop interactions with other organisations through activities that are cognate to the University’s mission.

The following specific developments which took place since the previous Policy was approved are reflected in this Policy:

- a steady growth in the number and range of agreements under which the University was providing services or undertaking work with other organisations;
- a change in administrative arrangements for research contracts, which became part of the responsibility of the Research and Graduate Studies Office (1995);
- a *Policy on Conflicts of Interest* (1997);
- the *1997 Enterprise Agreement* which contained new arrangements for personal consultancies; and

- the implementation by the Commonwealth and all the States in 1997 of the National Competition Code which, among other things, confirmed the application to universities of Trade Practices and Fair Trading legislation and also created a ‘competitive neutrality’ principle which was to be applied to universities, along with government departments and agencies in any services offered in market competition with other providers.

#### **4. Scope and Application of this Policy**

- 4.1 This Policy applies to any work by a staff member of the University, for persons or organisations outside of the University, which relates in any way to that staff member’s academic, professional or other duties for the University (‘Outside Work’). Outside Work includes work undertaken personally (‘Personal Outside Work’) or on behalf of the University in which the legal relationship is between the University and the other person or organisation (‘University Contract’). University Contracts are the subject of Part II of this Policy and Part III concerns Personal Outside Work.
- 4.2 The Policy applies to academic staff and to general staff.
- 4.3 The Policy applies generally to full-time staff and to part-time and casual staff except that non-full-time staff are not subject to an obligation to seek prior approval for work undertaken on a personal basis outside defined hours of employment for the University ([see section 26.1 below](#)).
- 4.4 While the focus is on staff members, the involvement of students in some forms of Outside Work undertaken on behalf of the University is also dealt with.

#### **5. Implementation and review of this Policy**

The officer with overall responsibility for the implementation and ongoing review of this Policy is the Deputy Vice-Chancellor (Research). The Deputy Vice-Chancellor, through the Director (Personnel), has particular responsibility with respect to the operation of the Policy as it concerns Personal Outside Work. Various officers are responsible for different classes of University Contract as specified in Part II.

#### **6. Prior approval**

- 6.1 Except where otherwise provided in this Policy, all Outside Work must have the University’s prior approval.
- 6.2 All applications for approval should be considered on their merits according to the conditions described in this Policy. The conditions of approval for Personal Outside Work and for University Contracts differ significantly and are dealt with separately below.
- 6.3 A failure by any staff member of the University to seek prior approval for Outside Work, or to comply with any other requirement of this Policy, may result in disciplinary action being taken against that member.

## **7. Reviews of decisions**

- 7.1 Any interested member of the University dissatisfied with any decision made under this Policy may:
- (a) request reconsideration of the decision from the decision-maker;
  - (b) request a review by the Vice-Chancellor; or
  - (c) seek a review or appeal in accordance with the University's [Statute 39: Reviews and Appeals](#).
- 7.2 Complaints or queries about any decision may be addressed at any stage to the University Ombudsman.

## **Part II: University Contracts**

### **8. Introduction to Part II**

Outside Work undertaken by staff on behalf of the University entails contractual relationships between the University and outside parties and is therefore referred to within this Policy as University Contracts. In this Part II of the Policy the benefits of undertaking work under a University Contract are summarised, various typical categories of University Contract are identified, conditions of approval are outlined and procedures for approving, signing and administering University Contracts are described.

### **9. Why undertake Outside Work under a University Contract?**

University Contracts provide the following benefits:

- Additional income for Schools and Faculties to support academic activities by supplementing restricted public funding.
- Staff members performing work under University Contracts have the protection of the University's professional indemnity, public liability and other insurances.
- The University's legal resources are available to staff to ensure that professional and academic interests are protected and legal liability is properly managed. To streamline and facilitate contract formation, a suite of sample-form agreements and short-form standard agreements has been developed by the Solicitor to the University.
- Faculties and Schools have the scope to provide tangible benefits to staff, including:
  - payments to a staff member's Outside Earnings account to support the staff member's work;

- personal payments to staff (which may alternatively be taken in the form of salary packaging benefits) (see further section 15 below);
- or, instead of personal payments, adjustments to the staff member's normal workload to enable the staff member to concentrate on work under a University Contract;
- in the case of part-time or fixed term staff, to increase the fraction or term of their employment.

## 10. Types of University Contract

The most common types of University Contract are:

- research contracts and consultancy contracts for the provision of research-related services (together called 'R&D Contracts' within this Policy);
- agreements for the design or delivery of training or teaching programs;
- agreements under which clinical services are provided at other institutions ('Clinical Placement Agreements');
- agreements involving the delivery of services or the mounting of programs at overseas locations ('International Agreements');
- agreements to provide analytical services; and
- agreements to licence external organisations to occupy University space or use facilities.

## 11. Conflicts of Interest

As is the case with proposals for Personal Outside Work, staff proposing to undertake work under a University Contract must conform at all times to the University's policy on Conflicts of Interest as described in the University's [Personnel Policy and Procedures Manual at section 4.21](#). The Conflicts of Interest policy requires that staff declare any proposed activity or engagement or interest which may give rise to a possible conflict of interest or a perception of a conflict of interest.

## **12. Approval required for all proposed University Contracts**

- 12.1 The University wishes to ensure that proposals to undertake work on behalf of the University are appropriate in terms of their subject matter, are feasible in terms of the availability of staff and resources, are appropriately costed and generally reflect well on the University and its members. It is therefore important that, before submission to another body, all proposals be reviewed by authorised officers of the University in accordance with procedures defined in and pursuant to this Policy.
- 12.2 Staff should also be aware of the fact that, where a proposal is made by any member of the University to an outside body to undertake any work for that outside body on behalf of the University, that proposal may become a legally binding promise if it is accepted in its terms by the other body. Legal obligations of this sort are particularly likely in the context of formal tender processes, but are not confined to tender processes.
- 12.3 Nothing in this section or this Policy is intended to restrict staff from engaging in preliminary discussions with or submitting draft proposals for comment to outside organisations before lodging proposals for University approval. Where it is possible to do so, it is a good practice to attempt to define a potential client's needs and interests before lodging a proposal, providing that the essentially exploratory and non-promissory nature of the interaction is clear to both parties.

## **13. General conditions of approval for University Contracts**

Approval procedures will vary according to the type of University Contract. The following conditions apply to all University Contracts, whether falling within any of the common categories identified above or not:

- 13.1 The proposal for approval must clearly identify the work to be performed, the staff who will undertake it and any University facilities to be used.
- 13.2 The work must not interfere with the efficient discharge of staff members' normal University duties or with the use of any facility for existing teaching and research activities.
- 13.3 The work proposed to be undertaken by members of academic staff is not likely to compromise academic independence.
- 13.4 Proposals for University Contracts must be costed, the fee proposed to be charged must be set and the proposed distribution of proceeds (after direct costs) between School, Faculty and central University funds and individual staff must be identified in accordance with the University's *Costing and Pricing Guidelines*.
- 13.5 Funds paid under University Contracts must be paid into a University account and administered in accordance with any financial conditions under the contract.

## 14. Signing University Contracts

- 14.1 A University Contract must be in a form approved by the Office of the Solicitor to the University.
- 14.2 No person may sign a University Contract unless authorised to do so in accordance with the Contract Signing Delegations in [section 10.2 of the University's Business Procedures Manual](#).

## 15. Proceeds from University Contracts

- 15.1 Personal consultancy component of contract fees

The University wishes to encourage staff to undertake University Contracts. The University also recognises the knowledge, hard work and skill involved in attracting University Contracts and managing them through to successful completion. Therefore staff may include a personal consultancy component in the contract fee which may be used to support their individual research or other University activities ([section 15.2](#)) or received as a personal payment ([section 15.3](#)). A personal consultancy component should be identified clearly in the statement of costs accompanying requests for approval of proposed University Contracts (see [section 13.4](#) above).

- 15.2 Use of contract proceeds for University purposes

- 15.2.1 After a University Contract has been acquitted and all costs have been met, including all School, Faculty and central University indirect costs for which recovery is required, any personal consultancy component of the fee will be available to the individual staff who have conducted the project to use at their discretion in support of any approved University activity. For instance, staff may apply proceeds to support their scholarly activities by funding approved teaching release, purchasing equipment, funding approved travel, employing research assistants or attending conferences relevant to their academic interests. Other uses of proceeds within University purposes may relate to the support of teaching or clinical activities within the University.

- 15.2.2 The use of proceeds made available to staff in accordance with sub-section 15.2.1 must be consistent at all times with the University's [Business Procedures Manual](#).

- 15.3 Personal payment of proceeds

- 15.3.1 In general the University expects that staff will choose to devote proceeds from University Contracts to support their research, teaching or other work at the University. It is recognised however that on occasions some staff may desire to obtain the personal benefit of a personal consultancy component in addition to their normal salary. Staff wishing to obtain proceeds as a personal payment must apply for approval.

### 15.3.2 Considerations applying to requests to approve personal payments

A request by a staff member to be paid the personal consultancy component of the proceeds of a University Contract must address the following considerations:

- (a) Is the proposed payment a just reward for additional work? Approval should be in recognition of the staff member having devoted additional time and effort to the successful performance of work under a University Contract over and above the staff member's normal duties and without detracting from the staff member's performance of other duties.
- (b) Does the particular staff member have any particular resource needs in supporting his or her research or other University activities? If it is clear, on the advice of a Head of School, that good use of any proceeds could be made by a staff member in supporting his or her work at the University, then approval for personal payment of those proceeds may be withheld.
- (c) Has there been full recovery of all University costs? It is important, both for the individual staff member's sake and the good of his or her colleagues and the University as a whole, that all such payments are completely free of any element of individual gain at public cost. Therefore personal payment of proceeds will only be approved if the proceeds in question derive from contracts in which there has been full recovery of all University costs as identified in the University's *Costing and Pricing Guidelines*. Requests should include evidence, which may be in the form of an endorsement from the office responsible for the establishment of the Contract (which will depend on the type of University Contract), attesting to the fact that the contract has been acquitted and that all University costs have been fully recovered. Where the University accepts a contract at less than full cost recovery (as it may do for a variety of legitimate reasons) then there should be no personal payment of the proceeds. Proceeds in such cases will be available for use by staff for University purposes in accordance with section 15.2 above.

### 15.3.3 Who approves the personal payment of proceeds?

Personal payment of the proceeds of University Contracts will require the approval of the Vice-Chancellor (or the Vice-Chancellor's nominee), on the recommendation of the relevant Head of School and Dean of Faculty.

### 15.3.4 How may personal payments of proceeds be made?

Staff payments for involvement in a University Contract can be in the form of an agreed ex-gratia payment paid as a fortnightly allowance or a one-off payment. The payment can be taken as cash after tax or packaged to maximise the benefits. Any decision to package must be in keeping with the laws which govern such arrangements.

## 16. Research and Development Contracts

### 16.1 Definition of R&D Contracts

Research and Development Contracts include agreements for the provision of research-related consultancy services as well as agreements involving the conduct of more open-ended research projects from which the contracting party stands to obtain some benefit. This Policy is not intended to apply to research grants, although many of the principles are applicable.

### 16.2 Procedures for R&D Contracts

Detailed procedures relating to the decision-making process to be followed in obtaining, negotiating and finalising Research and Development Contracts are described in the University's *Procedures for Research and Development Contracts*. The *Procedures for Research and Development Contracts* also address University requirements in relation to joint ventures.

### 16.3 Prior approval of proposals

All proposals for R&D Contracts must be reviewed and approved by the Research and Graduate Studies Office before submission.

### 16.4 Contract negotiation and administration

The Research and Graduate Studies Office administers the negotiation, approval and signing of Research and Development Contracts. It also oversees the financial administration and acquittal of all Research and Development Contracts.

### 16.5 Costing and pricing

As with all other University Contracts, costing and pricing decisions with regard to Research and Development Contracts must be consistent with the University's *Costing and Pricing Guidelines*. Budgets for Research and Development Contracts must include a provision for central University legal and administration costs. Currently this is 10% of the total of all other costs.

### 16.6 Participation of students in R&D Contracts

#### 16.6.1 Undergraduate students

Undergraduate students, including Honours students, must, without exception, be able to meet all the requirements for their courses, including sitting examinations, oral or written, and presenting seminars. Students must have the right to freely discuss and publish the results of any research undertaken. Since the length of their investigational program is necessarily short, it is expected that undergraduate students should not be involved in research projects known at the time of the student's selection of the project to be likely to lead to the generation of intellectual property requiring protection by confidentiality.

## 16.6.2 Postgraduate Students

- (a) Postgraduate students must, without exception, be able to meet all the requirements of the relevant higher degree regulations in force at the time of commencement of candidature.
- (b) If, at the time of selection of a research project, a student is offered a project that is likely to involve work directed to the generation of intellectual property, or a project that is funded by a contractual arrangement or involves a collaborative venture with a party external to the University, the student must be fully informed in writing of any conditions or agreements which might restrict disclosure of information by oral or written means and the extent to which communication with University colleagues is possible during the course of the work and on its completion. This applies, for example, to all students undertaking research which is funded under an Australian Postgraduate Research Award (Industry). Any company or other body involved in such a project should be clearly informed of the University policy regarding student involvement.
- (c) It would normally be expected that an external body will not have the right to require a delay in publication eg., while patentability is investigated and patent specifications are drawn up and lodged, for longer than nine months. Any such right must be drawn to the attention of the student. If the student agrees to take part in such a project, a written agreement on the conditions involved, for example, as to disclosure of information, must be concluded over the signatures of the student, principal investigator(s) of the project and Head of the School(s) concerned. This agreement must be in a form approved by the Office of the Solicitor to the University and it must be lodged with the Research and Graduate Studies Office.

## 17. Agreements for the design or delivery of training or teaching programs in Australia

### 17.1 Overview

The University recognises the value of collaborations between academic staff in different universities in the conduct and design of teaching programs. Within reasonable time commitments, universities should facilitate open collaborations between staff in the delivery of their programs and remuneration should not be involved for the delivery of limited amounts of teaching. Where the delivery of teaching is for an organisation other than a university, or the delivery of teaching at another university involves a significant commitment of time, or where staff propose to be engaged in the design of courses to be offered by another university (or other organisation), then resource issues, intellectual property questions and other matters must be settled and reflected in an agreement. Accordingly, permission to design and/or deliver training/teaching programs at or for other institutions and organisations in Australia will be subject to the following conditions described in [sections 17.2 and 17.3 below](#).

17.2 Minor teaching for other universities

Under normal circumstances staff who seek to deliver a small amount of teaching (lectures, demonstrations or the like amounting to less than 10 hours in total) at or for institutions which are members of the Unified National System shall, with the approval of the relevant Head of School and Dean of Faculty, be permitted to do so on the basis that:

- (a) the institution at or for which the teaching is provided accepts total responsibility for such accreditation as may be necessary and for any quality assessment as may be appropriate;
- (b) the individual member of staff and the School or Faculty of La Trobe University should make no claim for payment for the delivery of the teaching service; and
- (c) the institution for which the teaching service is provided indemnifies La Trobe University from any claims which might arise from the delivery of the teaching at that institution.

17.3 In all other cases staff who wish to design and/or deliver training or teaching programs at or for another institution or organisation should seek approval to provide such programs under the terms of a formal agreement between the University and the other institution or organisation. The following conditions should apply:

- (a) a staff member wishing to design and/or deliver training/teaching programs at or for another institution or organisation should first obtain the approval of the relevant Head of School and Dean of Faculty, who should not withhold approval unreasonably;
- (b) normally, intellectual property in course materials to be produced by staff of the University as part of such a program should remain the University's unless a satisfactory licence arrangement is agreed under which the University retains the right to make use of those materials for its own teaching purposes;
- (c) it is incumbent on the institution or organisation at or for which the teaching is provided to gain such approval or accreditation as is necessary within its own terms of reference;
- (d) the fee for the design or delivery of the training/teaching program should be set in accordance with the University's *Costing and Pricing Guidelines* and in consultation with the Contracts and Intellectual Property unit of the Research and Graduate Studies Office of La Trobe University and should be set at not less than the minimum hourly rate for a casual lecture, demonstration or relevant category of teaching;
- (e) a contract should be drawn up through the Contracts and Intellectual Property unit of the Research and Graduate Studies Office; and

- (f) the income derived from a contract should be distributed in accord with this Policy and the *Costing and Pricing Guidelines*.

## 18. Clinical Placement Agreements

- 18.1 It is the University's policy that arrangements under which staff of the University engage in clinical practice at another institution should be made under agreements between the University and the other institution.
- 18.2 Clinical Placement Agreements in the standard form provided by the Solicitor to the University may be approved and signed on behalf of the University by the relevant Dean of Faculty.
- 18.3 This Policy is not intended to affect the ability of staff in accordance with the *Personnel Policies and Procedures Manual* to apply for leave of absence to undertake clinical practice outside the University.

## 19. International Agreements

### 19.1 Range of International Agreements

There is a range of International Agreements which may involve the University in delivering services or in other activities with an international focus. The most common possibilities are:

- *exchange agreements with overseas universities*, which may take the form either of a general 'Memorandum of Understanding' to facilitate the further development of specific areas of mutual interest, or of an 'Agreement for Academic Exchange and Cooperation' in which specific student exchange arrangements are established;
- *agreements for the delivery of teaching programs offshore*;
- *international consultancies* in which members of the University provide services overseas; and
- *Language Centre Agreements* in which the Language Centre provides language services to government.
- *Agency Agreements*, involving the contracting of agents overseas to recruit students or to provide other services to the University in support of its international objectives.

### 19.2 Procedures for approval and signing

#### 19.2.1 Approvals

The Vice-Chancellor, or the Pro-Vice-Chancellor (International) acting on

a delegation of authority, are responsible for approving proposals for International Agreements including arrangements for project management and budget control. Advice about identifying opportunities, developing proposals and managing projects may be obtained from the International Programs Office. Some proposals for International Agreements may be referred at the direction of the Pro-Vice-Chancellor (International) to the University's company, La Trobe International.

#### 19.2.2 Signing

The [Business Procedures Manual](#) at section 10.2 sets out the authorities for signing International Agreements.

## 20. Agreements to provide laboratory analytical services or routine statistical analyses

- 20.1 Where an outside organisation or person wishes to engage the University to perform laboratory analyses or testing of tendered samples or routine statistical analyses or compilations of tendered data, the general conditions relating to University Contracts should be observed, including those relating to costing and pricing. No laboratory analyses or testing or statistical analyses may be performed except under a University standard-form Agreement for the Provision of Analytical Services, or such other form as approved by the Solicitor to the University.
- 20.2 For any proposed laboratory analyses or tests or statistical analyses, the prior approval must be obtained of the Head of the School who has responsibility for the laboratory or other relevant facility. The Head of School may sign standard-form Agreements for the Provision of Analytical Services, provided that no condition is altered, added or removed except upon the advice of the Solicitor to the University. The School is responsible for keeping full financial and contractual records.
- 20.3 Upon execution, a copy of an Agreement for the Provision of Analytical Services should be provided promptly to the Research and Graduate Studies Office.
- 20.4 If, in relation to the provision of laboratory or statistical analytical services, the outside organisation or person wishes to obtain more than quantitative results of an analysis or test, and requires interpretation of results or advice about the use of results, then the agreement must be handled instead as an R&D Contract.

## 21. Agreements to licence external organisations to occupy or otherwise use University facilities

- 21.1 Any proposal to allow an outside organisation or person to occupy space or otherwise use any facilities within the research and teaching areas of the University must be approved by the Head of the relevant School, the Dean of the Faculty and the Vice-Chancellor or the Vice-Chancellor's nominee.
- 21.2 Proposals must be fully costed and must demonstrate that the University's teaching and research activities will not be compromised.

- 21.3 A licence agreement must be entered into in all cases. The licence agreement must be approved by the Office of the Solicitor to the University prior to execution. A short form standard licence agreement is available and is suitable for use in the case of straight-forward short term arrangements.
- 21.4 A Head of School or Dean of the Faculty may sign a licence agreement within his/her expenditure authority as set out in the *Business Procedures Manual* provided that the licence agreement only relates to the use of space and facilities and does not have a collaborative or commercial element. Otherwise, advice should be sought from the Office of the Solicitor to the University as to the appropriate signatory.

### **Part III: Personal Outside Work**

#### **22. What is Personal Outside Work and in what circumstances should approval be sought?**

- 22.1 Personal Outside Work may take various forms which, without excluding other possible forms, include the following:
- personal consultancies;
  - significant service (i.e., more than the equivalent of ten days per year) on boards or committees outside the University;
  - directorships of proprietary companies or public companies;
  - participation in the delivery of training or other educational programs other than by or on behalf of the University (see further section [34 below](#));
  - engaging in professional practice (see further section [33 below](#)); and
  - other business involvements.
- 22.2 This Policy is not concerned with a staff member's private work or activities that by their nature are unrelated to his or her academic or professional position at, or duties for, the University, provided that:
- there is no reasonable possibility in the circumstances that the staff member may be perceived by others to be acting as a representative of or on behalf of the University; and
  - the staff member's activities in question do not impinge upon any defined hours of work for the University (where hours are defined) and in any case do not interfere with the staff member's ability to perform his or her duties for the University; and

- the staff member observes at all times the obligation to declare any possible conflict of interest.

Activities by a staff member which are unrelated to the staff member's position at or duties for the University do not require approval under this Policy. However, if there is any possibility of doubt about the relationship between a particular activity and that staff member's position at or duties for the University, or about how that relationship may be perceived by others, the staff member should seek approval.

22.3 In addition, the following types of activity do not require approval under this Policy because they involve relatively limited commitments of time to community service or they are germane to scholarly endeavour:

- service of up to the equivalent of ten days per year on boards (other than boards of proprietary or public companies - see [22.1 above](#)) or committees;
- occasional outside lectures or performances;
- occasional newspaper articles or other occasional media contributions;
- examination of postgraduate theses;
- refereeing articles in learned journals; and
- writing scholarly works, whether commissioned or non-commissioned.

## 23. Approval

23.1 Unless specific arrangements have been agreed in the staff member's Contract of Employment, or unless approval is not required under this Policy (refer to [sections 22.2, 22.3 and 26.1](#)), staff proposing to undertake Personal Outside Work must in each instance seek prior approval.

23.2 Generally the approval of the Deputy Vice-Chancellor, as the delegate of the Vice-Chancellor, is required. In some circumstances approval may be given by a Dean (refer to [section 24.1.3](#)). Procedures for approval are described in [section 32](#) below.

## 24. Paid and unpaid Personal Outside Work

Staff members undertaking Personal Outside Work may be paid for the work or may do the work without remuneration.

24.1 Unpaid Personal Outside Work: Approval by Deans

24.1.1 Staff who undertake voluntary and pro bono work for others contribute in a major way to fulfilling the University's community service role in

accordance with its mission and in accordance with the true function of a university.

24.1.2 At the same time it is important to ensure that proposals to undertake Personal Outside Work are consistent with the performance of a staff member's duties at the University. It is also necessary to identify any risks of liability or damage affecting the staff member and to ensure that those risks are properly managed so that there can be no possibility of their redounding upon the University. Notwithstanding the absence of payment, staff must show that they are conscious of any reliance placed upon them by another party and that their expertise and skills are appropriate to the task. Accordingly, the requirement to seek prior approval for Personal Outside Work should not be waived simply because no remuneration is involved.

24.1.3 Approval to engage in unpaid Personal Outside Work may be given by the Dean of the staff member's faculty, in the case of academic staff and general staff attached to a faculty, or in the case of other general staff, by the relevant Head of the administrative division (e.g., University Secretary).

## 24.2 Paid Personal Outside Work

24.2.1 Specific conditions of approval pertaining to paid Personal Outside Work are dealt with in [section 30](#) below. The Deputy Vice-Chancellor is responsible for approving paid Personal Outside Work (see [section 32](#)).

24.2.2 Staff proposing to undertake Personal Outside Work for payment should consider carefully the advantages, both to them and to the University, of pursuing the work under a University Contract (see further [section 9](#) above). Further, proposals by staff to undertake paid personal consultancies will only be approved if it is deemed not appropriate for the work to be undertaken under a University Contract.

## 25. Academic and general staff

The requirement to seek approval for Personal Outside Work under this Policy applies to academic staff and general staff.

## 26. Non-full-time staff

### 26.1 Work outside of hours of employment at the University

Part-time or casual staff of the University who engage in any work outside of their hours of employment at the University are not obliged to seek the University's prior approval. It is the responsibility of part-time or casual staff in relation to any such work:

- (a) to declare to the University any possible conflict of interest;

- (b) to ensure that the work does not inhibit or detract from the performance of duties for the University;
- (c) to ensure that University facilities or resources are not used;
- (d) to ensure that third parties for whom such work is undertaken are aware that it is not being undertaken on behalf of the University;
- (e) where work for a third party is not undertaken under a contract of employment (e.g., a consultancy or company directorship), to secure adequate indemnities and insurance coverage.

#### 26.2 Personal Outside Work within hours of employment by the University

Part-time or casual staff of the University must not engage in any Personal Outside Work during their hours of employment by the University unless with the University's prior approval in accordance with this Policy.

### 27. Personal Outside Work undertaken outside normal working hours

- 27.1 For full-time staff the requirement to seek approval for Personal Outside Work under this Policy is not confined to activities taking place during 'normal working hours'. The general conditions of approval will apply ([section 29](#) below) and the University must satisfy itself that the proposed Personal Outside Work will be managed in such a way that it does not detrimentally affect the welfare and reputation of the University, for example, in affecting intellectual property interests of other members of the University or in attracting liability to the University.
- 27.2 Under the University's *1997 Enterprise Agreement*, additional approval conditions apply to paid Personal Outside Work undertaken wholly or partly during working hours, i.e., 8am to 6pm on normal working days. Personal Outside Work that is proposed to be undertaken entirely outside these hours, or that is not to be undertaken for payment, is not subject to the additional approval conditions set out in [section 30](#) below.

### 28. Conflicts of interest

All staff must observe the policy on Conflicts of Interest in the University's *Personnel Policies and Procedures Manual* at section 4.21. The policy on Conflicts of Interest requires that staff declare any proposed activity or engagement or interest which may give rise to a possible conflict of interest or a perception of a conflict of interest.

## 29. General conditions of approval for Personal Outside Work

The following conditions apply to all proposals to undertake Personal Outside Work:

- 29.1 The proposed activity will not impinge upon the staff member's duties to the University.
- 29.2 The staff member has appropriate academic or professional expertise for the work proposed.
- 29.3 There is no possible conflict of interest (as defined from time to time in the *Personnel Policies and Procedures Manual*) or loss of academic independence.
- 29.4 The staff member and the body for whom the Personal Outside Work is proposed to be undertaken acknowledge in writing that:
  - (a) the work is to be undertaken in a personal and private capacity;
  - (b) the University accepts no liability for any act or omission in any way connected with the staff member's work; and
  - (c) the staff member indemnifies the University against any liability in any way connected with the work.
- 29.5 The staff member has effected appropriate public and products liability insurance and professional indemnity insurance. Normally this condition will not apply to unpaid Personal Outside Work.
- 29.6 The staff member identifies and is given approval for any proposed use of University facilities and resources in connection with the work (see further [section 31](#) below).

## 30. Additional conditions of approval for paid Personal Outside Work during normal working hours (see the *1997 Enterprise Agreement*, section 12)

In addition to the general approval conditions described in [section 29](#) above, the following conditions relate specifically to proposals to undertake paid Personal Outside Work wholly or partly between the hours of 8am and 6pm on normal working days:

- 30.1 For work involving more than the equivalent of one half-day per week and no more than one day per week, approval will be conditional on a temporary reduction in time-fraction by the staff member with no reduction in the amount of the University's superannuation contribution.
- 30.2 For work involving more than the equivalent of one day per week, approval will be conditional on a temporary reduction in time-fraction by the staff member and the University's superannuation contribution shall be reduced proportionately.

30.3 In general payments for Personal Outside Work must not be deposited with the University except in the following circumstances:

- (a) A staff member may be required to reimburse the University for the approved use of facilities (see [section 31](#) below), in which case the reimbursement must be made by the staff member and not the party for whom the Personal Outside Work is undertaken.
- (b) A staff member, having received payment for approved Personal Outside Work, later decides that it would be beneficial to donate the income to the University to support his or her University-related activities. In such cases the staff member must acknowledge in writing to the University, when making the offer of a donation, that he or she is responsible for the tax liabilities in relation to that income.

### **31. Conditions of approval for the use of University resources or facilities in connection with any proposed Personal Outside Work**

31.1 In general, the use of University facilities and resources in connection with Personal Outside Work is discouraged, especially in the case of personal consultancies, because the use of University facilities may implicate the University in liability for the performance of the work. However there may be cases in which the use of facilities is appropriate, and will involve little risk of liability attaching to the University.

31.2 Where a staff member proposes to use any University facilities or resources in connection with any Personal Outside Work, the staff member must, as part of an application for approval for the Personal Outside Work:

- (a) undertake to reimburse the University for the full cost of the use of those facilities or resources; and
- (b) submit a costing estimate in accordance with the University's *Costing and Pricing Guidelines*; and
- (c) where a staff member is attached to a Faculty, obtain the endorsement of the Dean of Faculty or, if the staff member is a member of an academic unit, centre of institute not attached to a Faculty, the endorsement of the Director, or in the case of other staff, the University Secretary.

### **32. Approval procedure for Personal Outside Work**

32.1 Applications must be prepared in the required form ('Application for Approval to Engage in Personal Outside Work'). Forms are available from Office of the Director (Personnel). Any proposal to use University resources or facilities in accordance with [section 31](#) above must be included with the application for approval.

- 32.2 Applications should be lodged for endorsement with the Head of School (or equivalent) in the first instance, then the relevant Dean (or equivalent). Applications to undertake Personal Outside Work without remuneration may be approved by the relevant Dean ([section 24.2](#)). Endorsed applications for permission to undertake paid Personal Outside Work should be forwarded through the Office of the Director (Personnel) for the approval of the Deputy Vice-Chancellor.
- 32.3 Applicants who are Heads of Schools (or equivalent) should seek the endorsement of the relevant Dean (or equivalent). Applicants who are Deans of Faculties should seek the approval of the Deputy Vice-Chancellor.

### **33. Professional practice**

- 33.1 For some staff members it may be necessary to engage in professional practice in order to maintain relevant skills or to fulfil registration requirements. It is recognised that it may not be appropriate in some cases that such work be undertaken on behalf of the University. Proposals to engage in professional practice privately, rather than on behalf of the University, will be required to demonstrate why it would not be more appropriate for the work to proceed under a University Contract.
- 33.2 Professional practice may be episodic and irregular in nature and accordingly it may be onerous or impracticable to apply to the University for prior approval in relation to each proposed engagement. In such cases staff may apply for ‘blanket approval’ each year. Applications should specify as much as possible the nature of the practice and the anticipated frequency of the work. The requirements of this Policy will apply in all other respects, including the conditions of approval ([sections 29, 30 and 31](#)) and the approval procedures ([section 32](#)).
- 33.3 Clinical engagements

Staff whose work at the University is related to the possession of professional qualifications and skills of a clinical nature may seek to engage in clinical practice outside the University. The procedure for enabling staff to accept clinical placements at other institutions is to do so under a University Contract (see [section 18](#) above). Where clinical placements are full-time, leave of absence may be explored as an alternative.

### **34. Participation in the design or delivery of educational courses for other higher education institutions**

Proposals by staff members to engage in the design or delivery of courses for another higher education institution normally will not be approved as Personal Outside Work. The appropriate basis for such engagements is an agreement between the University and the other higher education institution (see [section 17](#) above).