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 is work performed for an entity that is not the University that is in addition to a staff member's University employment. Working for an external entity 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 is disclosed, has appropriate approval, 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 laws and the University's other policies and procedures, including the Disclosure of Interest Policy and its associated Procedure.

Section 2 - Purpose

(3) This Policy sets out the obligations of staff seeking to undertake paid work for an entity that is not the University that is in addition to their work as a University staff member. Paid outside work must not be undertaken unless it is permitted by or approved in accordance with this Policy.

(4) The purpose of this Policy is to:

a. provide a clear framework to enable 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 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.

(5) This Policy should be read in conjunction with the Disclosure of Interest Policy and Procedure. Both paid and unpaid work outside work have the potential to create an actual, perceived, or potential conflict of interest that needs to be managed.

Section 3 - Scope

(6) 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.

(7) 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. the outside work has an association with the University; or
c. there is an actual, perceived, or potential conflict of interest or otherwise where the University's Disclosure of Interest Policy and Procedure may be breached.

(8) Persons who have a visiting, adjunct, or conjoint appointment at the University should refer to the Honorary Academic Titles and Visiting Appointments Policy.

(9) This Policy does not apply to work performed the Project and Consultancy Procedure. Persons who undertake commercial activities within the scope of their employment, as defined in the Commercial Activities Policy, and including project and consultancy services, must undertake that work in accordance with the Commercial Activities Policy. Noting the requirements of this clause, the University will not administer any payments for paid outside work undertaken by a staff member.

Section 4 - Audience

(10) This Policy should be read and understood by all University staff.

Section 5 - Definitions

(11) In the context of this document the following definitions apply:

a. "University spin-out" means a company or other entity that is founded by University staff or students, and in which the University may or may not hold an interest, for the purpose of commercialising intellectual property developed by the University with the University's consent and agreement.

Section 6 - Types of Outside Work

What is paid outside work?

(12) Paid outside work is:

a. work undertaken by a staff member for an entity that is not the University;
b. that is in addition to their employment with the University; and
c. where the staff member (or another person such as a family member) receives a financial benefit for doing the work.

(13) Paid outside work includes where a staff member:

a. performs work for a person or entity, other than the University, in the capacity of an employee, officer, or contractor (including as a member of a committee) for which they receive any form of financial benefit such as salary, consultancy fees, directorship fees or contractor payments, whether or not such payments are received personally, by an affiliate, or through a company, trust, or other structure;
b. performs work for a corporation (including as a director), including a startup or University spin-out, in which the staff member holds shares or any financial, equitable, proprietary, or other interests (including membership in a company limited by guarantee, options to hold shares, interests in the corporate property such as royalties on sales of product, or bonds) whether 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 or powers of the corporation includes to make profit at some time or to otherwise disburse income to individuals or other entities; and
c. performs work for a partnership of which the staff member is part, even if there is currently no income made from the partnership and the purpose or powers of the partnership includes to make a profit at some time or to otherwise disburse income to individuals or other entities.

(14) This Policy outlines four types of paid outside work:

a. private consultancy (including professional practice other than clinical academic work);
b. clinical academic work;
c. unrelated work; and
d. directorships and board memberships (whether paid or unpaid).

(15) There may be other paid outside work that does not fall within the four types of paid outside work listed in clauses 13 and 14 but otherwise falls within the scope of clause 12. This work must also be approved in accordance with Section 6 of this Policy.

Exclusion of common academic work

(16) 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 research grant applications for other organisations;
d. service on committees of learned societies and academies;
e. performing the role of examiner and any 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.

(17) 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 18).

(18) Despite clause 17, 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.

(19) Approval of common academic work, where required, is subject to the requirements of Section 6.

(20) A disclosure must be made under the University's Disclosure of Interest Policy and Procedure if the academic staff member receives any financial benefit from undertaking common academic work or the work has the potential to otherwise create a conflict of interest.

Part A - Private Consultancy

Definition

(21) Private consultancy (including professional or private practice other than clinical academic work, see clauses 30-32) is paid consultancy or practice that is undertaken privately by a University staff member where the work being undertaken is related to the staff member's professional or academic expertise and qualifications.

Liability and Insurance

(22) At the time of applying for approval of outside work staff who wish to undertake private consultancy must provide evidence that all appropriate insurances are in place to cover the activity, (for example, but not limited to, professional indemnity and public liability insurance). If the required insurances are not available or appropriate for the private consultancy this should be stated in the Outside Work Declaration.

(23) 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.

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

Time Allowance

(25) 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 private consultancy work is subject to pre-approval by a delegate and ongoing satisfactory performance of the staff member's University duties.

(26) 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 (including space, equipment, intellectual property, or other staff).

Use of University resources

(27) 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 Outside Work Declaration and approved by the delegate.

(28) No University intellectual property or other University resources (including any University space, facilities, equipment, intellectual property, or staff) can be otherwise used by a staff member in performing private consultancy, except where the resources are provided with the consent of the University and on arms length commercial terms.

Disclosure of Private Consultancy

(29) All private consultancy must be declared in accordance with the University's Disclosure of Interest Policy and

Procedure.

Part B - Clinical Academic Work (for NSW Health Service)

(30) 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.

(31) 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.

(32) 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 (see clauses 21–29, 33-43, and section 6).

Part C - Unrelated Work

(33) 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.

(34) Unrelated work does not include paid outside work which can only be done by a staff member because of their academic or professional expertise or qualifications (see the requirements for private consultancy above).

(35) All unrelated work must be undertaken in the staff member's own time and must not impact their duties at the University.

(36) Unrelated work for which the staff member receives a financial benefit must be disclosed in an Outside Work Declaration.

(37) Delegate 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 an actual, perceived, or potential conflict of interest.

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

(39) Where a staff member has privacy or confidentiality concerns with informing their supervisor of the unrelated work, the staff member should contact Human Resources Client Services who will advise them of an appropriate approver to nominate in the Outside Work Declaration.

Liability and insurance

(40) Unrelated work is undertaken at the staff members own risk and will not be covered by any University insurances.

(41) Staff undertaking unrelated work must ensure that they do not represent the unrelated work as having any connection, endorsement, or approval of the University.

Use of University resources

(42) No University intellectual property or other University resources can be used by a staff member in performing unrelated work.

Disclosure of unrelated work

(43) Disclosure of unrelated work may be required in accordance with the Disclosure 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.

Part D - Directorships and Board Memberships

(44) Subject to clause 45, staff must submit an Outside Work Declaration and receive approval from an appropriate delegate prior to taking up a directorship or board membership position in a public or private company, or other organisation or entity, where that staff member is not taking up that directorship or board membership as an approved representative of the University.

(45) A staff member is not required to seek approval to become a director (or otherwise become a member of the board or governing body) of a charitable or non-profit organisation, or the directorship or board membership otherwise constitutes unrelated work, unless the directorship or board membership:

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 the use of University resources (including space, facilities, equipment, intellectual property, or other staff); or
c. involves an actual, perceived, or potential conflict of interest.

Liability and insurance

(46) Directorships and board memberships are undertaken at the staff member's own risk and will not be covered by any University insurances.

(47) Staff who accept a directorship or board membership must ensure that they do not represent their position as a director or board member as having any connection, endorsement, or approval of the University, or that the staff member acts or makes decisions on behalf of the University in the context of the directorship or board membership.

Use of University Resources

(48) No University intellectual property or other University resources (including any University space, facilities, equipment, or other staff) can be otherwise used by a staff member in performing their duties as a director or member of a board, except where provided with the consent of the University and on arms-lengh commercial terms.

Disclosure of directorships and board memberships

(49) Disclosure of a directorship or board membership may be required if this constitutes a personal interest or conflict of interest, or if the staff member is required to disclose personal interests, under the Disclosure of Interest Policy and Procedure.

Section 7 - Criteria for Approval of Outside Work

(50) 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.

(51) 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.

(52) Approval of outside work is at the discretion of the University and will be made having regard to the criteria identified in clauses 53-59 below, and any other relevant issues and circumstances.

Approval requirements for outside work

(53) Before approving an application to undertake outside work, 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 a staff member 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.

(54) 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 of their University duties;
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;
g. the work does not give rise to any concerns that the staff member cannot comply with the University's Staff Code of Conduct;
h. the work will not impair the staff members ability to perform their duties as a staff member of the University in accordance with the Work Health and Safety Policy; and
i. any real, potential, or perceived conflicts of interest have been declared and, in such instances, can be appropriately managed in accordance with the Disclosure of Interest Policy and Procedure.

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

(56) Staff members must promptly inform the delegate in writing whenever there are changes relating to these requirements and immediately make a new application for approval to undertake outside work, via the Outside Work Declaration form. 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 be subject to disciplinary action.

Approval Process

(57) Unless otherwise specified in this Policy, all outside work requires approval by an appropriate delegate by completing an Outside Work Declaration.

(58) Approval will be granted for activities that provide benefits to both the staff member and University and are

consistent with this Policy.

(59) If a request to undertake outside work is not approved, the staff member will be notified in writing and the delegate will discuss why the application was unsuccessful with the staff member.

Section 8 - Conduct of Outside Work

(60) Whilst undertaking outside work the staff member must continue to comply all other relevant University policies. In particular the staff member must:

a. comply with the Staff Code of Conduct including the overarching obligation of all staff to act in the best interests of the University at all times;
b. disclose and any conflicts of interest which are or could result or arise from the outside work in accordance with the Disclosure of Interest Policy and Procedure; and
c. report any risks, illnesses or injuries stemming from the outside work that may impair the staff members ability to perform their duties as a staff member of the University, in accordance with the Work, Health and Safety Policy.

Section 9 - Termination of Approved Paid Outside Work

(61) The Vice-Chancellor has the authority to revoke an Outside Work Declaration after approval by a delegate in cases where the approval criteria has not been met.

Section 10 - Failure to Comply with this Policy

(62) Failure to comply with this Policy will be managed in accordance with the provisions of the Staff Code of Conduct, Disclosure 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

Status	Current
Effective Date	6th March 2025
Review Date	8th April 2027
Approval Authority	Chief People and Culture Officer
Approval Date	25th November 2024
Expiry Date	Not Applicable
Responsible Executive	Martin Sainsbury Chief People and Culture Officer martin.sainsbury@newcastle.edu.au
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Glossary Terms and Definitions

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

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

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

"Academic staff" - A person employed as an academic staff member or appointed as an academic honorary appointee (including adjunct, clinical conjoint, visiting, honorary and conjoint appointments), but does not include persons who are employed solely as teachers or professional staff.

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

"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 refers to the range of penalties that may be applied under 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.

"Foreign interference" - Foreign interference occurs when activities are carried out by, or on behalf of, a foreign actor that are coercive, clandestine, deceptive or corrupting and are contrary to Australia's sovereignty, values and national interests.

"Delegate" - (noun) refers to a person occupying a position that has been granted or sub-delegated a delegation of authority, or a committee or body that has been granted or sub-delegated a delegation of authority.