Paid Outside Work Policy

Section 1 - Background

(1) Australian Catholic University recognises the importance of staff having the opportunity to undertake paid outside work that is aligned to the University's strategic objectives, and which can enrich teaching, enhance professional skills, develop expertise and build important links with business, community and other entities. This Policy outlines the arrangements under which staff may undertake paid outside work and outlines expectations and alignment with the normal contracted duties of their employment and, as relevant, the arrangements for declaring conflict of interest and the management of University risk.

(2) There are two types of paid outside work with specific conditions that apply:

a. University-based paid outside work; and
b. private paid outside work.

Section 2 - Policy Statement

(3) The Paid Outside Work Policy provides a framework in which all outside work is considered for approval by a delegated officer so that the University is fully informed and staff are able to pursue professional development opportunities and earn additional income privately or for the University.

(4) All paid outside work must be approved in advance. The maximum time applicable to private paid outside work is as follows.

a. Academic Staff - up to twenty four (24) days per year (i.e. half a day for each working week discounting annual leave time)
b. Professional Staff - up to fifteen (15) days per year
c. Fractional or part time staff - the relevant maximum for Academic Staff or Professional Staff, as applicable, is pro-rated.

(5) Private paid outside work does not replace an individual staff member's annual hours of work or requirements for availability.

(6) This Policy does not restrict fractional or part time staff from undertaking fractional and/or part time employment with another organisation. In such circumstances staff should obtain the approval of the Member of the Executive as per the Code of Conduct for Staff by submitting the Outside Employment and Private Practice Declaration and Approval Form.

(7) There is no maximum time applicable for University-based outside work, which is at the discretion of the delegated officer.

Section 3 - Policy Purpose

(8) This Policy:

a. provides clarity of paid outside work definitions and who the Policy applies to;
b. outlines the conditions under which paid outside work that arises from a staff member's expertise may be undertaken;
c. outlines University and staff member roles and responsibilities in relation to paid outside work;
d. provides clarity about the process requirements for paid outside work to:
    i. enable the University to meet industrial, external reporting and auditing and other obligations; and
    ii. better understand the impact of the paid outside work on a staff member's normal work and on the University so informed decisions can be made by the University;
e. is designed to minimise risks and safeguard the interests of the University and its staff in undertaking paid outside work.

Section 4 - Definitions

(9) University-based paid outside work is the provision of professional services and products to external parties for a consideration. The University provides the services of a staff member in their capacity as a member of staff at ACU and accordingly the work is contracted through the University. Work may include teaching, consulting, relevant research, development activities and/or other services provided by the University to other organisations.

(10) Private paid outside work is paid outside work within the staff member's area of expertise undertaken for remuneration or other consideration by a staff member in her or his personal capacity as an individual or through a partnership, private company, trust or any similar entity, and is entirely independent of the University, as opposed to work undertaken in her or his capacity as an employee of the University.

Section 5 - Application of Policy

(11) This Policy applies to all continuing and fixed-term (fixed-term contracts of more than one year in duration), full-time, fractional and part-time staff of the University.

(12) This Policy covers University-based paid outside work and private paid outside work.

(13) This Policy does not cover:

a. paid work carried out in a private capacity which is entirely unrelated to the work the staff member performs within the University.
b. work undertaken by casuals and sessionals when such work has no relationship to their employment within the University.
c. work undertaken as part of any Commercial Research agreement or activities.
d. work undertaken by fractional or part time staff in another organisation. Whilst this Policy does not cover work undertaken by fractional or part time staff in another organisation, staff are required to obtain the approval of the Member of the Executive for other fractional and / or part time employment by submitting the Outside Employment and Private Practice Declaration and Approval Form and advise of any changes to these arrangements, normally as part of the Progress Plan.

(14) This Policy does not apply to the following activities and no revenue will be received by the University:

a. examining for education and professional bodies e.g. theses;
b. honorariums including payments for external co-supervision of HDR students;
c. assessment of position classification or promotion;
d. attending meetings;
e. writing, editing or publishing scholarly works in the staff member's field of expertise (such as books, chapters, articles, reviews);
f. non-traditional research outputs such as art works, musical compositions, exhibitions, works of fiction, films, media productions in the staff member's field of experise;
g. refereeing of journal articles, papers and books;
h. honorary service on editorial boards;
i. occasional lectures, performances, exhibitions, conference participation and media appearances;
j. service on educational, professional and community committees and groups including membership of government commissions, councils, trusts or boards, school/college boards or Catholic Education Office advisory committees;
k. pro bono, community and voluntary work;
l. any other academic or related activity for which a workload allocation can be given under University policy.

(15) Whilst the activities outlined in clause 14 above are specifically exempt from the requirement to complete the relevant Paid Outside Work form and obtain appropriate approval prior to undertaking the activity, staff are required to notify such activities to their nominated supervisor, and this can occur through the Progress Plan.

(16) Exemption of other paid outside work activities may be approved from time to time by the Vice-Chancellor and President or delegate.

Section 6 - University-Based Paid Outside Work

(17) University-based paid outside work should be consistent with the purposes of the University, enhance the standing of the University and the professional reputation of its staff, result in important benefits to the University and to the community and uphold the distinctive ACU Mission, Identity and Values.

(18) Prior to a staff member undertaking University-based paid outside work, the University will enter into an agreement for the provision of services of the staff member. Staff should contact the Office of General Counsel for advice.

(19) A staff member undertaking University-based paid outside work is covered by the University's professional indemnity and public liability insurance policies, subject to the current terms and conditions of those policies.

(20) A staff member undertaking University-based paid outside work is entitled to use University resources within the conditions of this Policy.

(21) At minimum University-based paid outside work activities should be cost neutral, but they should normally generate additional income for the University.

(22) The management of income is covered under Process.

Section 7 - Private Paid Outside Work

(23) Private paid outside work includes company directorships and partnerships except where they are for the purpose of managing family affairs and the work of not-for-profit charitable companies, irrespective of whether remuneration is

received.

(24) Staff undertaking private paid outside work activities are not covered by the University's workers compensation, professional indemnity and public liability insurance. A staff member undertaking private paid outside work must:

a. ensure that the proposed private paid outside work does not compete with services otherwise provided by the University or a University company or within an area that would normally be held to be offered by the University on a commercial basis;
b. ensure that she or he holds professional indemnity insurance sufficient to cover all potential claims, damage or loss sustained during or as a result of private paid outside work activities (including paid outside work performed outside Australia) and that the University is indemnified against any claims;
c. ensure that their clients are aware that they are acting in a private capacity;
d. bear all costs of the work;
e. undertake all private outside work contractual and financial arrangements, including invoicing, without the assistance or involvement of the University; and
f. undertake all work in their own time.

(25) A staff member who undertakes private paid outside work must not:

a. represent themselves as a staff member of the University;
b. use a University academic title in undertaking that work;
c. use any University business card, stationery or symbols;
d. provide to potential clients, or otherwise make use of, University telephone or other contact details, postal, email, web addresses, physical or virtual meeting facilities to facilitate that work;
e. use any University equipment, staff or facilities to support that work; and
f. use any other information which might associate the University with the private paid outside work activity in any way (e.g. public announcements, advertisements, brochures or prospectuses)

(26) University facilities or equipment may only be used for private paid outside work with the prior written agreement of the authorising officer, who must be satisfied that such use will not interfere with normal University requirements and the University will not incur liability under Work, Health and Safety or other legislation. Where the authorising officer agrees to the use of University facilities or equipment, this will be on a cost recovery basis.

(27) No member of staff can undertake private paid outside work for ACU.

(28) No member of staff may accept fees or other gratuities for giving private academic coaching or tutoring style activities that assist students of this University.

(29) No staff member may directly or indirectly, or through any nominee, have business dealings with the University, nor shall a staff member accept paid employment with or hold a substantial beneficial interest in any firm having business dealings with the University, except with the prior written approval of the Vice-Chancellor and President. Such approved dealings must be disclosed on the University's Declaration of Interest Register.

(30) The Vice-Chancellor and President may approve requests that a full-time member of the Academic or Professional Staff be permitted to accept an unpaid or paid appointment, as a member of a government commission, council, board or trust, or a scientific or professional body, or as an adviser or consultant to such an organisation. Where payment is made to the staff member, in the case of private paid outside work appointments, if the work involved is such so as to require a reduction in the staff member's normal University duties, arrangements may be made for part or all of any payment for such private paid outside work to be made to the University for allocation to the work unit to compensate for the staff member's absence.

(31) A staff member may not direct funds to a Professional Pursuits Account for private paid outside work activities.

(32) No administrative or technical area of the University (including, but not limited to, Properties and Facilities, Finance and Planning, People and Capability, Information Technology, Library, Student Administration and Research and Enterprise) is to provide services for any private paid outside work activity. Monies utilised in private paid outside work shall not be paid into or through any University account unless they are formally donated to the University.

(33) Staff members who undertake private paid outside work of any type are required annually to provide to their nominated supervisor and relevant Member of the Executive a written statement outlining this work and certifying their compliance with relevant University policies and ethical standards. This statement will normally be provided as part of the Progress Plan as discussed between the staff member and their nominated supervisor.

Section 8 - Roles and Responsibilities

(34) Staff are responsible for notifying their nominated supervisor of their proposed University-based or private paid outside work activities and ensuring that their paid outside work is formally approved prior to accepting or agreeing to undertake the activity. Paid outside work shall be deemed to be approved only when the relevant application for approval form has been completed and signed by the delegated officer (as defined in the Delegations of Authority Policy and Register).

(35) In relation to University-based and private paid outside work the University's rights and obligations are to ensure that:

a. the work will not impinge upon the normal operations of the University or the satisfactory performance of the responsibilities of the member of staff as an employee of the University;
b. the work will not impact upon the staff member's required hours of work;
c. University resources are not used without prior approval and regard to full compensation to the University;
d. where approved, University resources are used ethically and appropriately;
e. the principles of competitive neutrality are observed such that a subsidised service is not provided to the client (applies to University-based paid outside work);
f. the activity or the outcome of the activity is not injurious to the reputation of the University;
g. the work is not of a character, or performed under conditions that would compromise the staff member’s ethical, professional or in the case of Academic Staff her/his independent academic status;
h. the University is protected from vicarious liability in any legal action arising from private paid outside work activities;
i. the work flows from the staff member’s academic or professional expertise and is of an appropriate nature (applies to University-based paid outside work);
j. the activity does not create a conflict of interest for the staff member or interfere with the efficient discharge of her/his responsibilities; and
k. the University does not become liable to pay Goods and Services Tax (GST) on revenue earned by staff in private consulting.

(36) The obligations of staff undertaking paid outside work are to ensure that:

a. they seek and are granted approval to undertake the work prior to commencement of the paid outside work;
b. the work does not compete with services otherwise provided by the University or a University company or within an area that would normally be held to be offered by the University on a commercial basis;
c. the work is not inconsistent with and does not impact on the performance of their ACU duties, or impinge upon the normal operations of their organisational unit;

d. the work does not interfere with their requirements for availability and undertaking their normal workload;
e. University resources are not used without prior approval and regard to full compensation to the University;
f. University resources are used ethically and appropriately where staff are entitled to do so within the conditions of this Policy;
g. the activity or the outcome of the activity is not injurious or likely to be injurious to the reputation of the University;
h. the work is not of a character, or performed under conditions that may compromise the staff member's ethical, professional or in the case of Academic Staff their status as an independent academic;
i. the work flows from the staff member's academic or professional expertise and is of an appropriate nature (applies to University-based paid outside work);
j. the activity does not create a conflict of interest or perception of conflict of interest for the staff member or interfere with the efficient discharge of their responsibilities.
k. Provide a written statement outlining the work and certifying their compliance with relevant University policies and ethical standards annually to their nominated supervisor, normally as part of the annual Performance Review and Planning process. Members of the Executive (as defined in the relevant Delegations of Authority Policy and Register) are responsible for maintaining a register of private paid outside work undertaken, declared by staff, and annual written statement received for staff in their organisational area; and report all occurrences to the Member of the Senior Executive at the end of each calendar year, for annual reporting to the Deputy Vice-Chancellor (Corporate) and Vice-Chancellor and President. This register will include details of the organisation, nature of the work, and date of receipt of annual written statement by staff member.

Section 9 - Process

(37) Nominated Supervisors are required to assess and determine if the proposed paid outside work would:

a. affect the capacity of the staff member, or their organisational unit, to perform the duties of their position or organisational function with the University;
b. represent a conflict of interest or perceived conflict of interest with the staff member's employment at the University;
c. adversely affect the reputation and standing of the University;
d. and make informed decisions around their approval or non approval of the request.

(38) Private paid outside work will not be approved:

a. for staff who are not performing all the requirements of their role, and/or who are underperforming (i.e. where the staff member has been assessed as not performing their duties to a satisfactory standard for a competent staff member through the annual performance review and planning process);
b. for Academic Staff who do not have a minimum annual academic workload of 1515 hours (or pro rata for fractional Academic Staff)
c. if the paid outside work will impede the capacity of the staff member to take recreation leave.

(39) Any work outside the University that the University considers may have a detrimental effect on a staff member's performance of University work or on the University's reputation will not be endorsed or approved and any current approval may be withdrawn.

(40) If a staff member is engaged, without approval, in any type of private paid outside work activities as defined in this Policy, or breaches the provisions of this Policy, they may be subject to disciplinary action in accordance with the provisions of the Code of Conduct for Staff and the relevant Enterprise Agreement.

(41) Income generated by University-based paid outside work by professional or academic staff will be fully retained by the University.

(42) Academic Staff may, with prior written approval, undertake University-based paid outside work as a part of their normal workload. Any and all income earned from the outside work activity will be retained by the University.

(43) University-based paid outside work activities undertaken by Professional Staff must not otherwise be covered by the overtime arrangements prescribed by the Enterprise Agreement.

(44) Other arrangements may be negotiated on a case-by-case basis to specify the terms upon which staff may participate in University-based paid outside work as defined in this Policy.

(45) It is an Audit requirement that Members of the Executive (as defined in the Delegations of Authority Policy and Register) maintain a register (Section 13) of private paid outside work undertaken, declared by staff, and annual written statement received for staff in their organisational area. The register is reported to the Member of the Senior Executive at the end of each calendar year, for annual reporting to the Deputy Vice-Chancellor (Corporate) and Vice-Chancellor and President. Staff and nominated supervisors should be aware that the University is subject to audits by and for various external bodies/authorities.

Section 10 - Revisions made to this Policy

(46) The revision table includes revisions up until this document was migrated into the current policy platform. Any later changes will show in the Status and Details tab.

Date	Major, Minor or Editorial	Description
20 September 2016	Major	This policy has been updated to meet the University's changing requirements and provide better clarity around paid outside work arrangements. Further minor revision made in 2016 to clarify that any monies associated with the exempt activities listed in section 5.2.4 of the policy will not be received by the University.
18 February 2019	Editorial	Updated to include reference to ACU Staff Enterprise Agreement 2017-2021.
23 Nov 2021	Major	Clarify the maximum time for the different types of paid outside work.

(47) The University may make changes to this Policy and procedures from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about the Policy may forward their suggestions to People and Capability.

Section 11 - Further Assistance

(48) Any staff member who requires assistance in understanding this Policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further information or advice be required staff should visit Service Central.

Section 12 - Associated Information

(49) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab.

Status and Details

Status	Current
Effective Date	19th December 2023
Review Date	23rd November 2026
Approval Authority	Vice-Chancellor and President
Approval Date	19th December 2023
Expiry Date	Not Applicable
Responsible Executive	Angelle Laurence Chief People Officer
Responsible Manager	Angelle Laurence Chief People Officer
Enquiries Contact	Bernardine Lynch ER and Safety Committees and Policy Officer People and Capability