

11.10 Paid Outside Work – Academic Staff

Document type: **Paid Outside Work Policy**
Administering Entity: **Human Resource Services**
Records management system number: **VCD08/5874**
Date endorsement by the Audit & Compliance: 28 July 2008
Date approved by Acting-Vice Chancellor: 8 September 2008
Indicative time for review: **3 years**
Related policies/documents:
Responsibility for review: **Vice-Chancellor's Committee**

Overview

The University recognises the right of staff to freedom of activity in their private capacity, including the right to engage in private work, provided there is no conflict of interest with their University work.

The University also recognises the right of staff to engage in appropriate paid outside work on behalf of the University, with the income apportioned fairly between the staff member and the University.

This policy does not cover outside work carried out in a private capacity which is entirely unrelated to the work the staff member performs within the University.

Policy

11.10.01 This policy applies to consultancy or contract research work carried out by University staff, which is paid for or contracted by a person or organisation other than UNE and which is either:

- (a) under the auspices of the University, in which case the contract is between the University and the other person or organisation; or
- (b) in a private capacity, but still utilising the skills and knowledge related to the staff member's work in the University, in which case the contract is between the individual and the other person/organisation.

11.10.02 While this policy is primarily focused on academic staff, the benefits will also apply to general staff who have been granted official approval to carry out consultancy work under the auspices of the University.

11.10.03 Where a staff member carries out work for another person or organisation by representing themselves as a staff member of the University and/or using the University's time, reputation, logo or resources, it falls into category **11.10.01(a)** above and approval in advance must be given by the University as set out in this policy.

11.10.04 No staff member is authorised to carry out private work on University time, or to use the UNE reputation or resources for private gain.

11.10.05 All staff must report annually all Paid Outside Work either carried out on behalf of the University or in their private capacity as set out in **11.10.01** above.

Activities Which do not require permission and are therefore exempt from the provisions of this policy

11.10.06 Some paid outside work activities may be carried out by a staff member as part of their employment. These activities include, but are not limited to

thesis examination;

editing or refereeing for academic journals;

occasional invited lectures in area of academic or professional expertise;

publishing of journal articles or books.

11.10.07 The activities outlined in **11.10.08**

do not require specific permission for each activity unless UNE Knowledge Assets are used where permission of the Intellectual Property Officer is needed;

will usually be undertaken by agreement between the staff member concerned and their line-manager;

may involve a payment to the staff member concerned;

must be carried out with due consideration of the section **17.01 Code of Conduct**, **17.02 Conflict of Interest** and section **11.07 Intellectual Property Policy**.

11.10.08 The onus is on the staff member to ensure that any such outside activities are consistent with and do not interfere with their obligations to the University or the performance of their other duties. Nor should such activities damage, or be likely to damage, in any way the reputation of the University.

Paid Outside Work on behalf of the University

11.10.9 Staff are encouraged to engage in externally funded work on behalf of the University which advances the interests of UNE subject to the prior approval of their supervisor.

11.10.10 All such work must be carried out under a contract signed by an authorised University representative, prior to the commencement of the work.

11.10.11 In doing so staff members are

covered by the University's umbrella of contracts and administration support;

able to utilise University resources, including but not limited to administration, legal advice, financial advice and services and facilities;

protected under the University's insurance policies for indemnity and public liability from liability and other risks.

11.10.12 Staff may

negotiate an agreed time commitment with the Head of Cost Centre up to an average of one day per week for full time staff (on a pro-rata basis for part time staff);

be provided with financial returns and/or other benefits individually or at the Cost Centre level, either in the form of research funds, salary or superannuation, and/or other lawful payments; and

use the University's name and reputation during the course of this work.

Private Paid Outside Work

11.10.13 A staff member may conduct private paid outside work independent of their role at the University provided that

The work complies with section **17.01 Code of Conduct**, **17.02 Conflict of Interest** and section **11.07 Intellectual Property Policy**.

It is not a type or carried out in such a manner that it may bring the University into disrepute;

It is in their own time and does not impinge on or restrict their normal hours and duties, or on their performance of their duties in any way;

The work is not on University property and does not use the University's name or resources including facilities, infrastructure, administration or Knowledge Assets.

11.10.14 In conducting paid outside work in their private capacity staff members must

take full responsibility for making their own professional indemnity or other legal, insurance, taxation and administrative arrangements; and

comply with the provisions of the University Code of Conduct specifically with regard to Conflicts of Interest and this Policy; and

understand that they will not be protected in any way by UNE for such independent work.

11.10.15 Where a staff member has any concern that independent work may impact on UNE or their work, they are obliged to discuss this with their line-manager and to obtain approval.

11.10.16 Any documentation between the staff member and the outside entity or organisation must

not invoke or use the University's name, reputation or Intellectual Property, or suggest that these assets are in any way part of the arrangements;

not suggest the University affiliation or endorsement of the work or the staff member;

make any contracting party explicitly aware that the staff member is acting in their private capacity and that the work is not associated with UNE in any way.

Procedures

11.10.17 Staff wishing to undertake Paid Outside Work must

- a) discuss the project fully with the Head of their Cost Centre or immediate supervisor (if not Head of Cost Centre).
- b) where relevant, prepare a project statement including staff time commitments, University resources required and other third party inputs.
- c) where relevant, complete form **11.10b** *Project Costing Table*, which includes a budget providing full cost recovery for all aspects of the project, and a statement about strategic or other direct benefits to the University and any claimed share of the benefits – to be negotiated;
- d) complete Form **11.10c** *Paid Outside Work Reporting Pro Forma*;
- e) complete Form **11.10a** *Request to Undertake Paid Outside Work* and lodge it, together with the above attachments, with the Head of Cost Centre.

11.10.18 The Head of Cost Centre will determine approval or otherwise of the application to undertake Paid Outside Work.

11.10.19 Upon completion of the work, the staff member must forward Form **11.10c** *Paid Outside Work Reporting Pro Forma*, to the PVC (Research) or delegate.

Roles and Responsibilities

11.10.20 Staff engaged in paid outside work on behalf of the University must adhere to the University's policies, procedures, guidelines and conditions, and must

- a) obtain the permission of their line-manager in writing before agreeing to undertake the work, as outlined in **11.10.17**;
- b) ensure that all contracts or agreements are signed by the designated University representative;

- c) negotiate their % benefit share of the Paid Outside Work with their Head of Cost Centre as on Form **11.10c** *Paid Outside Work Reporting Pro Forma*;
- d) ensure that costs to UNE are fully identified and benefits to the University are preserved as on Form **11.10b** *Project Costing Table*.

11.10.21 Prior to giving approval to paid outside work, Heads of Cost Centres must

- a) ensure that the appropriate policies and procedures have been followed;
- b) assess the staff member's ability to carry out the outside work, including the staff member's time commitments, their expertise and coverage of the staff member's normal duties;
- c) assess whether the involvement is in the interests of UNE (other than monetary benefits such as increased profile, enhanced reputation, strategic partnerships, inputs to inform current or future research or teaching);
- d) determine any existing or potential conflicts of interest;
- e) ensure that the detailed budget covers the full costs of doing the work, including the salary and on costs of the staff member involved and that the disbursements been clearly identified for payment (as on Form **11.10b** *Project Costing Table*);
- f) ensure that the upside for sharing between the University and the staff member(s) involved has been clearly identified, and that each staff member's share and payment details have been agreed (as on Form **11.10c** *Paid Outside Work Reporting Pro Forma*).

11.10.22 Subject to the merits of the application, the supervisor will not unreasonably withhold approval of Paid Outside Work.

Project Pricing

11.10.23 The Price to be charged for a project must ensure that
the full costs to the University are recovered; and
that legislative requirements for competitive neutrality are observed.

11.10.24 In general the Price quoted to a client is the full cost plus some margin or upside to be shared as a benefit between the university and the staff member(s) conducting the project.

Benefit Sharing

11.10.25 All benefit-sharing arrangements must be transparent, and readily justifiable under public scrutiny.

- 11.10.26** The amount available to share is determined after all relevant costs have been deducted.
- 11.10.27** Disbursements are made in the following order
- a) Project direct costs such as Travel & Accommodation expenses, mileage or other vehicle expenses, purchases of equipment or consumables.
 - b) Project-specific facilities and equipment costs, and any other specific costs that have been incurred.
 - c) All payments made to project-specific staff including
Casual staff;
Contractors; and
Part-time staff.
 - d) Central Administration
 - e) Recovery of UNE infrastructure and facilities costs to the Cost Centre.
 - f) Any other outgoings
 - g) Payments to Cost Centres for teaching or other release of the UNE staff at full salary plus on-costs
 - h) Finally the upside which is to be negotiated between the Cost Centre and any staff who have contracted to carry out the project on a benefit sharing basis.

Dispute Resolution

- 11.10.28** Disputes on matters contained in this policy
- will be subject to determination by the PVC(Research) within 30 working days of the dispute being communicated to the PVC(Research); or
- if unresolved by the PVC(Research) will be referred to the Vice-Chancellor, who within 30 working days of referral from the PVC(Research), may either make a determination or at his or her absolute discretion may elect to refer the matter to an external mediator.

Further Information

Director, Research Services ext. 3707
Director, Human Resource Services ext. 2100

References

UNE Workplace Agreement 2006-2008, Clause 47

17.01 *Code of Conduct*

17.02 *Conflict of Interest*

11.07 *Intellectual Property*

Approved Vice-Chancellor: 8/9/08
RMO Document No.: VCD08/5874
Policy Review Date: Oct 2011
Responsibility for review: Vice-Chancellor's Committee

11.10Y Paid Outside Work Decision Tree

This decision tree will assist staff in deciding which process to follow when accepting an offer of work external to UNE.

Situation:

A UNE staff member receives an invitation to undertake paid work external to the University.

Decision Tree:

1. Is the work done as part of your regular duties ? (See Clause 11.10.4)

11.10.4 Some paid outside work activities may be carried out by a staff member as part of their employment. These activities include, but are not limited to

- thesis examination;
- editing or refereeing for academic journals;
- occasional invited lectures in area of academic or professional expertise;
- publishing of journal articles or books.

Yes It is OK to proceed under the conditions described in 11.10.5 and 11.10.6

11.10.5 The activities outlined in **11.10.4**

- do not require specific permission for each activity unless UNE Knowledge Assets are used where permission of the Intellectual Property Officer is needed;
- will usually be undertaken by agreement between the staff member concerned and their line-manager;
- may involve a payment to the staff member concerned;
- must be carried out with due consideration of the section **17.01 Code of Conduct**, **17.02 Conflict of Interest** and section **11.07 Knowledge Assets and Intellectual Property Policy**.

Knowledge Asset is a broad descriptive term meant to encompass any result of intellectual effort which is considered by the University to have value for ongoing teaching or research endeavours.

11.10.6 The onus is on the staff member to ensure that any such outside activities are consistent with and do not interfere with their obligations to the University or the performance of their duties. Nor should such activities damage, or be likely to damage, in any way the reputation of the University.

No Go to 2

2. Is the work related to your UNE Employment? (eg does it utilise the expertise for which you were employed?)

Yes Go to 3

11.10Y Paid Outside Work Decision Tree

No The work can be undertaken as Private work under the conditions described in 11.10.11, 11.10.12, 11.10.13 and 11.10.14.

- 11.10.11** A staff member may conduct private paid outside work independent of their role at the University provided that
- the work complies with section **17.01 Code of Conduct**, **17.02 Conflict of Interest** and section **11.07 Knowledge Assets and Intellectual Property Policy**;
 - It is not a type or carried out in such a manner that it may bring the University into disrepute;
 - It is in their own time and does not impinge on or restrict their normal hours and duties, or on their performance of their duties in any way;
 - The work is not on University property and does not use the University's name or resources including facilities, physical or electronic infrastructure, administration or Knowledge Assets.
- 11.10.12** In conducting paid outside work in their private capacity staff members must
- take full responsibility for making their own professional indemnity or other legal, insurance, taxation and administrative arrangements; and
 - comply with the provisions of the University Code of Conduct specifically with regard to Conflicts of Interest and this Policy; and
 - understand that they will not be protected in any way by UNE for such independent work.
- 11.10.13** Where private work *will* adversely affect UNE's reputation it must not be undertaken. Where a staff member has any concern that private work *may* impact on UNE or their work, they are obliged to discuss this with their Head of School or Cost Centre and obtain approval before undertaking the work. The Head of School or Cost Centre will undertake the necessary risk assessment and record his or her findings, together with the Application Form 11.10a.
- 11.10.14** Any documentation between the staff member and the outside entity or organisation must
- not invoke or use the University's name, reputation or Knowledge Assets and Intellectual Property, or suggest that these assets are in any way part of the arrangements;
 - not suggest the University affiliation or endorsement of the work or the staff member;
 - make any contracting party explicitly aware that the staff member is acting in their private capacity and that the work is not associated with UNE in any way.

Staff can use one of, or a combination of, the following times to undertake private work:

- after hours;
- weekends and public holidays;
- annual leave, and long service leave.

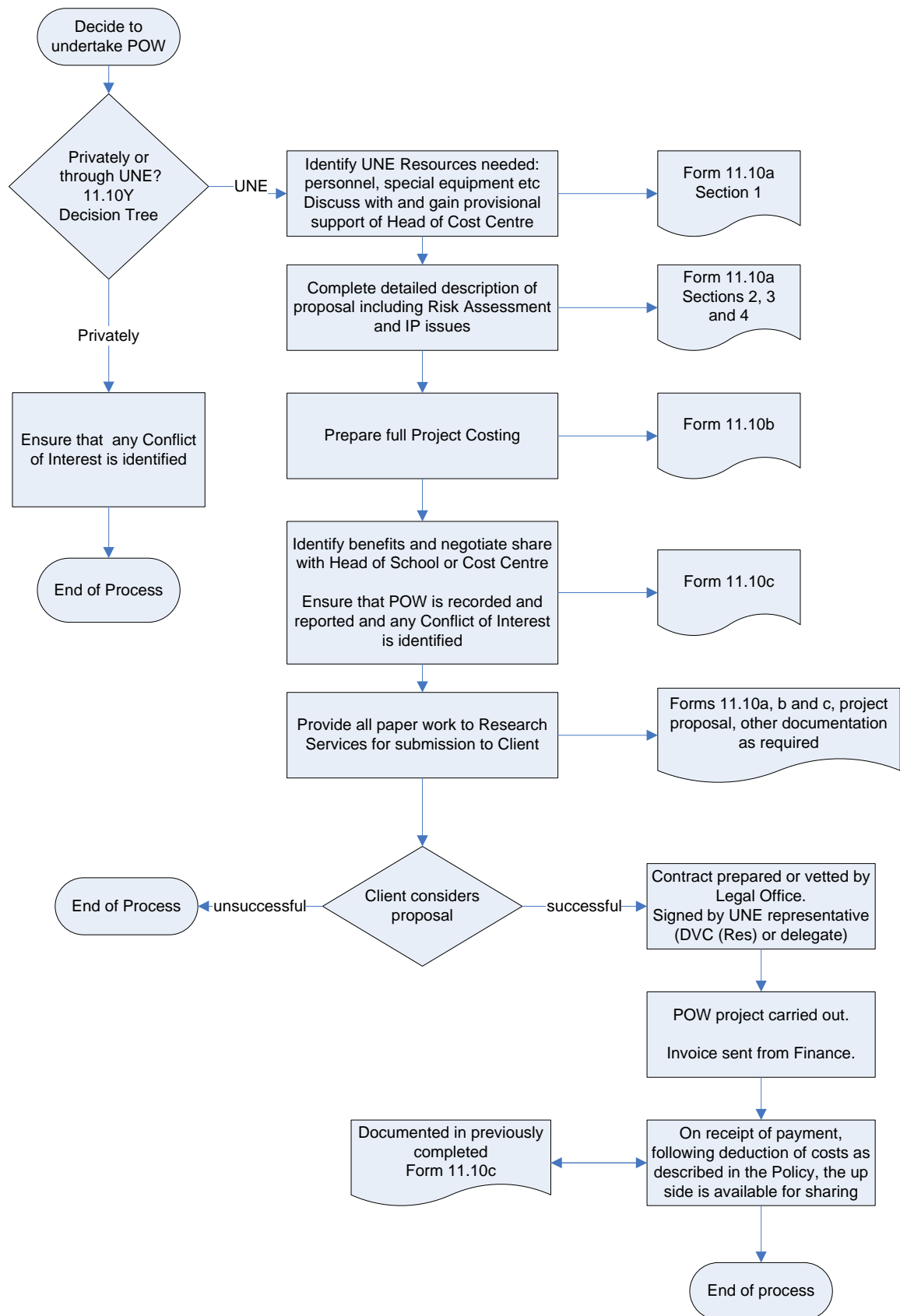
11.10Y Paid Outside Work Decision Tree

3. Does the work require the use of UNE resources, (including staff time)

Yes The Paid Outside Work Policy applies. The work must be undertaken under the auspices of the University and the process described in Flow Chart 11.10Z must be followed.

No The work can proceed as Private Work provided it does not interfere with, nor is in conflict with your UNE Employment obligations, under the conditions described in 11.10.11, 11.10.12, 11.10.13 and 11.10.14 (listed above)

11.10Z Paid Outside Work Process Flow Chart



11.10a Application to Undertake Paid Outside Work



7 June 2007

SECTION 1 – for initial discussion with Head of School or Cost Centre

1. Project Applicant *(please read Applicant's Certification - Item 11 of this form)*

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2. Title of Project

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3. Client

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4. Human Resources

UNE STAFF					
Name	Cost Centre	Role in Project	Time Involved	Email	Ext.
<i>Duplicate rows as required</i>					
EXTERNAL PARTIES					
Will any parties OUTSIDE UNE be working on this project? If YES, please also indicate whether they will be paid by UNE for their input.			YES/NO		
Name and title	Organisation	Role in Project	Email	To Be Paid by UNE?	
<i>Duplicate rows as required</i>				YES/NO	

5. Facilities

UNE Facilities to be Used	Period of Use	Cost of Use (to be included in Budget)
<i>Duplicate rows as required</i>		

6. Period of Project

If dates are not yet known, please provide estimates.

Commencement Date	Completion Date

In Principle Approval to proceed with full proposal

(to be obtained by the Applicant)

_____ Signature (Head of Cost Centre)	_____ Date
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SECTION 2

7. Client Details

Name:	
Street Address:	
Postal Address:	
ABN/ACN:	
Contact Person and Position:	
Telephone:	
Fax:	
Email:	
Website URL	

8. Type of Contractual Arrangements

- | | |
|---|---|
| <input type="checkbox"/> UNE is Sole Party directly to the Funding Agency/Client | <input type="checkbox"/> Other – please explain
.....
..... |
| <input type="checkbox"/> UNE is Sub-Contractor to an External Party who holds a contract to the Funding Agency/Client | |
| <input type="checkbox"/> UNE is Lead Partner in a Consortium | |
| <input type="checkbox"/> UNE is Co-Partner in a Consortium where another party takes the lead role | |

9. Risk Assessment and Management

Please complete the Risk Management worksheet, available from the Financial Services website: <http://www.une.edu.au/finance/forms/riskmanwork.pdf>

Take the form to your Faculty's Risk Management Coordinator.

The Project Leader at UNE takes responsibility for all risks to UNE associated with the project.

I confirm that the risks provided by the Project Leader have been entered into the database:

Signature of Risk Management Coordinator

Date

For work off-campus you will also need to complete an OH&S Field Risk Assessment form, available from the website of Human Resources.

SECTION 3

10. Intellectual Property & Confidentiality

Will existing UNE-owned Intellectual Property be used in the project? Yes No

Description		
Owners	% Owned at Commencement	% Owned at Completion
<i>Duplicate rows as required</i>		

Will a third party be using UNE-owned IP? Yes No

Will staff be accessing confidential information from a third party? Yes No

[If YES to any of the above please contact Research Services](#)

11. Type of Activity

- Commissioned Research
- Fee-for-Service Consultancy
- Combined Research/Fee-for-Service of which ___ % research/ ___ % fee-for-service

[If activity contains research please complete Section 4](#)

12. Applicant Certification and Signature

I certify that I am able and available to carry out the services I have described in this application and that I am aware of and will abide by UNE policies and School/Centre and/or Faculty regulations or decisions relating to this application. In particular, I certify that there are no current or potential conflicts of interest relating to this application.

In the event that this proposal is successful, I agree that my documentation may be shown to other UNE staff as an aid in preparing future proposals.

Name of Project Leader	Signature
Name of UNE Team Member/s <i>(if applicable)</i> (each UNE member should sign)	Signature
<i>Duplicate rows as required</i>	

13. Approvals *(to be obtained by the Applicant)*

Signature (Head of Cost Centre(s))	Date

SECTION 4 – to be completed for consultancies containing research

14. Research Classifications

(a) Type of Research

	%
Pure basic research: experimental and theoretical work undertaken to acquire new knowledge without looking for long term benefits other than the advancement of knowledge	
Strategic basic research: experimental and theoretical work undertaken to acquire new knowledge directed into specified broad areas in the expectation of useful discoveries. It provides the broad base of knowledge necessary for the solution of recognised practical problems.	
Applied Research: original work undertaken primarily to acquire new knowledge with a specific application in view. It is undertaken either to determine possible uses for the findings of basic research or to determine new ways of achieving some specific and predetermined objectives	
Experimental development: systematic work, using existing knowledge gained from research or practical experience, that is directed to producing new materials, products or devices, to installing new processes, systems and services, or to improving substantially those already produced or installed	
	= 100%

(b) Research Theme Area

Chose one DEST classification provided below:

- Arts, Humanities and Social Science
- Science & Technology
- Health & Medical Research

(c) RFCD Classification Code

Research Fields, Courses and Disciplines Classification Code (RFCD)	RFCD	%
Find codes at http://www.une.edu.au/research-services/detya/DEST_CODES/rfcd.pdf Please enter at least one subject level code* in the box provided. If more than one subject code applies, please provide the % weight per code.	1.	
	2.	
	3.	
* <i>The subject level code looks like 240401, i.e. it cannot end in zero.</i> TOTAL:		=100%

(d) SEO Classification Code

Socio-Economic Objective Classification Code (SEO)	SEO	%
Find codes at http://www.une.edu.au/research-services/detya/DEST_CODES/seo.pdf Please enter at least one class level code* in the box provided. If more than one class code applies, please provide the % weight per code.	1.	
	2.	
	3.	
* <i>The class level code looks like 620302, i.e. it cannot end in zero.</i> TOTAL:		=100%

11.10b Project Costing Table

Part A: To be completed by the staff member

For attachment to Form 11.10a Application to Undertake Paid Outside Work.

Staff Member(s): _____

Cost Centre: _____

Ext No: _____ E-mail: _____

Title of the Project: _____

In conducting Paid Outside Work, the FULL COST to the University must first be recovered before any profit is shared.

The Benefit to be shared between the university and the staff member conducting the project is the difference between the COST of the project and the PRICE charged to the client. First the project must be accurately costed.

Project Direct Costs		Cost Calculation	Cost
Consumables	<i>Itemise expenses</i>		
Travel Accommodation	<i>Itemise expenses</i>		
Other out of pocket expenses			
Use of special equipment charged at a depreciation over the period of use	<i>Provide detailed calculation</i>		
Third party costs: Sub-contractors/collaborators	<i>Price as quoted.</i>		
		SUB-TOTAL	
UNE Costs <i>(includes all insurances, infrastructure and support provided by the university)</i>		Cost Calculation	Cost
1. Project staff: Salary plus on costs for the time period engaged on the project (recovered by School/Cost Centre)	<i>Calculate for each staff member</i>		
		SUB-TOTAL	
2. Profit (x 1 salary plus on-costs) shared between staff and school/cost centre			
3. Central support 0.2 x total cost (1 + 2)			
10% GST			\$
	TOTAL COST OF PROJECT		

Full Recovery of UNE Costs identifies the cost incurred by the University for providing staff and infrastructure, as well as support services.

It does NOT cover the cost of the use of special equipment, which should be added to the price on the basis of depreciation costs divided by the period of use for the project.

Project Direct Costs consist of for example: the cost of using specialised equipment (either on campus or elsewhere), third party costs (sub-contractors or external collaborators), travel, accommodation, per diems, medical checks and vaccinations, visa, vehicles, petrol, materials purchases etc.

A spread sheet can be obtained from Research Services to assist with budget calculations.

Daily cost of an individual staff member is calculated as follows:

Daily cost = Annual Salary plus on-costs divided by 240 (the number of working days in a year).

The most up to date Staff pay rates and on-costs can be found at the following Human Resources website: <http://www.une.edu.au/hrs/pay.htm>

Comments:

Signature: _____
Staff Member

Date: ____/____/____

Part B: For Cost Centre Use

Signature: _____
Head of Cost Centre

Date: ____/____/____

11.10c Paid Outside Work Reporting Pro-Forma



7 June 2007

This form should be completed by the staff member:

- at the time of discussing a Paid Outside Work project with their Head of School or Cost Centre, or
- for reporting on Private Paid Outside Work covered by the University's Policy *11.10 Paid Outside Work*. (Sections 1 to 6 only need completing)

For POW projects under the auspices of the University:

- one copy of the form should accompany Form 11.10a *Application to Undertake Paid Outside Work* when submitting to Research Services.
- a second copy should be retained by the Head of School or Cost Centre for reporting on Paid Outside Work activities.

1	Staff Member (s):	<i>Duplicate rows as required</i>
2	Client:	
3	Dates of Project:	/ / to / /
4	Project Title:	
5	Brief Project Description:	
6	Current or Potential Conflict of interest? Y / N If Yes conflict must be registered with Head of School or Cost Centre	
7	Full Costs (<i>from 11.10b</i>):	\$.....
8	Price Charged / Invoiced to client (<i>from project contract</i>):	\$.....
9	Benefit = Price minus Cost:	\$.....
10	Other strategic or deferred benefits to UNE:	
11	Share to the university:%
12	Share to the Staff Member(s):%
13	Distribution of Benefit:	UNE: \$..... Staff Member(s): \$.....
<i>Duplicate rows 14 - 17 for each Staff Member involved</i>		
14	Staff Member(s) share to be paid as follows:	<i>Insert Staff Member's name</i>
15	APF? Y/N.Account number
16	Through Payroll? Y/NStaff number
17	Other such as through a company (requires external contractor approvals)	<i>Details of arrangements</i>

Duplicate signature blocks for each staff member and each cost centre involved

Signature: _____ Date: ____/____/____
Staff Member

Part B: For Cost Centre Use

Signature: _____ Date: ____/____/____
Head of Cost Centre