PROCEDURE

PAID OUTSIDE WORK

1 PURPOSE

These procedures have been developed to provide a framework which enables CQUniversity staff members to interact with the community, their professional disciplines and other approved entities via the undertaking of approved paid outside work.

The University recognises that it is appropriate and often beneficial to the University and the staff member for members of its staff to undertake a limited amount of paid outside work in circumstances in which the resulting contact between the staff member and organisations or individuals can improve the quality of their University work and can establish or continue good relations between the University and the community. For example, staff members may have specific abilities or talents which are not otherwise available to the community. Through consulting or other services they may be able to provide such skills to the community and, in so doing, assist the University to make a positive contribution to its mission of community service.

It is also recognised that in professional disciplines, staff may need to be involved in professional practice or similar activity to maintain professional registration and/or professional profile.

In circumstances outlined above, the University may approve a staff member to undertake limited additional paid work. Since the primary obligations of members of staff who receive a full-time salary are to the University, any approved outside work must not interfere with the efficient discharge of the member’s University responsibilities.

The award under which the University’s academic staff are employed does not specify hours of work, as it is expected that academic staff will be fully occupied in the service of the University.

2 SCOPE

This procedure applies to all employees within CQUniversity.

3 EFFECTIVE DATE 01/03/2016

4 LEGISLATIVE AUTHORITY

Nil

5 PARENT POLICY

There is no parent policy.

6 PROCEDURE

Normal Activities

6.1 The following activities are considered part of the normal activities of a University Employee and do not require approval and are not regulated by this document:

- the writing of books, articles, scripts and similar items,
- occasional outside lectures, talks, demonstrations,
- refereeing of articles in learned journals,
- external examining of theses, etc.,
• occasional radio, television and stage performances and kindred activities (note – interactions between staff and the media should occur in accordance with the University's Media Relations Procedures),
• holding office in professional bodies, sporting clubs or charitable organisations, and
• voluntary service for government committees or statutory bodies or paid service (via honoraria) for such bodies not involving a block release from normal duties.

Outside Work Requiring Approval

6.2 The following proposed work will require University approval and is divided into two classes:
• No Financial Impact:
  • consultancies where the staff member acts totally independently of the University and does not claim any affiliation with the University,
  • paid work for a unit of the University which is different from the staff member's home unit, for example, teaching for another faculty,
  • professional counselling or professional practice,
  • acting as a Director, Secretary, Public Officer or Executive Officer of a private or public company as a result of their position within the University, whether or not the staff member will be paid for performing that role,
  • part-time teaching for another organisation,
  • service for government committees or statutory bodies involving a release from normal duties,
  • owning and/or operating a business,
  • all other paid professional activity not covered above, and
  (The above examples do not result in a financial exchange between the University and an external party)
• Resulting in Financial Impact:
  • consultancies where the staff member performs the consultancy, as agent for the University and the University is the contracting party.
  (Whereby the outside work results in a financial payment to the University, then sections 6.11–6.14 will apply)

Time Commitment

6.3 The University’s operational requirements are its primary concern before approving paid outside work. Therefore, before any application for paid outside work can be approved, the applicant must be able to show that there will be no impact upon the operations of the University or their supervisor must be able to arrange suitable back fill. The time commitment of an individual staff member’s paid outside work should be negotiated within the operational requirements of the University.

Decision Making Process

6.4 Any correspondence, either verbal or written, between the applicant and the decision maker which informs the decision making process must be recorded.

Approval

6.5 The decision maker will advise the staff member in writing of their approval for paid outside work outlining the extent of the approval. A copy of such approval will be attached to the request and filed on the employee’s personal file within the People and Culture Directorate.

Non-Approval

6.6 In a situation where approval is not provided, written notification must be given to the staff member outlining the reasons for the decision. A copy of such correspondence will be attached to the request and filed on the employee’s personal file within the People and Culture Directorate.

Approval for Outside Work

6.7 Approval for paid outside work shall be conditional upon the following conditions being met:
• the work should always be of a character likely to enhance the status of the individual concerned and of the University community,
• the work shall be conducted in such a way that University work responsibilities and performance
always remain paramount. A staff member should be readily available to other staff and students, in accordance with the relevant policies/procedure and guidelines of the department,
- the work shall not be of a character or be done under conditions which would jeopardise the University staff member’s independent status,
- work should not be sought by any form of public announcement or advertisement which links the individual with the University,
- in a professional field, a staff member must charge at least the customary fees generally accepted in that profession for the type of work and must not engage in unfair competition with other practitioners,
- proposals for the continuation of paid outside work shall be considered annually after an assessment of the staff member’s performance of their University duties in that year,
- where private practice is required by and regulated by a professional association, then the University will trust that body to adequately monitor the staff member’s performance. Where the relevant professional body does not actively regulate professional practice, then the University reserves the right to scrutinise carefully each proposal for professional practice on a case by case basis.

6.8 Any paid outside work must, as envisaged by 6.2 above, have prior approval as per the following schedule:

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<thead>
<tr>
<th>Employee</th>
<th>Approval By</th>
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<tbody>
<tr>
<td>Staff Member</td>
<td>Head of Organisational Area/Director</td>
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<tr>
<td>Head of Organisational Area/Director</td>
<td>Deputy Vice-Chancellor</td>
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<td>Deputy Vice-Chancellor</td>
<td>Vice-Chancellor and President</td>
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<td>Vice-Chancellor and President</td>
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6.9 A staff member who wishes to engage in approved paid outside work must enter into a signed agreement with the University declaring acceptance of the principles and requirements set down for such work. This agreement will be maintained on the staff member's personal file within the People and Culture Directorate.

6.10 A proposed consultancy as envisaged by 6.2 dot point 2 will require the approval of the relevant Deputy Vice-Chancellor or Vice-Chancellor and President or nominee. Staff members seeking such approval will be required to submit their request in writing to the relevant person.

Consultancies Where the University is the Contracted Party (Financial Impact)

6.11 A situation where the University is the contracted party does not strictly constitute paid outside work as the individual is still paid by the University. However, approval under this procedure is required because there may be a significant workload involved in undertaking such a consultancy and in most cases the individual will initiate the consultancy through their industry/community contacts. Where the University is the contracting party, the individual is fully covered by the University's insurances. Any consultancy arrangements should be factored into a staff member’s workload allocation in discussion with their supervisor.

6.12 Where the individual's supervisor agrees to allow a consultancy to proceed, for the purposes of costing, the funds earned through the consultancy will be used to pay the salary of the individual concerned.

6.13 Undertaking a consultancy of this kind will mean that University resources will be used in the delivery of the outcomes and therefore the compulsory charges needs to be included into the overall cost of the consultancy.

6.14 Where the University is the contracting party, all revenue is earned by the University and therefore cannot be distributed to the individual as salary and wages unless a separate agreement is entered into between the University and the individual performing the consultancy. In the absence of such an agreement the University could make additional funds available to the individual through a Consultancy Benefit Account which can provide additional funds for the individual to attend Conferences or undertake additional professional development. These funds at all times are the University's funds and cannot be taken as salary when the individual leave the employ of the University.

Separate Agreements – refer 6.14

6.15 Where the individual enters into a separate agreement, the following financial allocation will apply.
6.16 Where the individual enters into an agreement with the University that profits arising from the consultancy (after meeting costs of salary and compulsory charges) are to be shared with the individual then there are two ways in which these funds can be dealt with:

a) they can be paid out to the individual as salary with relevant taxation and superannuation implications, or
b) utilised to fund unbudgeted work related expenses such as Conference Fees and Travel Expenses.

Funds should be spent, where possible, in one calendar year. Any carry forward balances must be approved, and maintained at the lesser of 10% of gross income or $10,000. Funds carried forward must be factored into subsequent year budgets.

**Note: Should FBT be incurred as a result of any spend down of funds, then the FBT liability will be taken from the fund balance.**

6.17 Assets that are bought as a result of the consultancy agreement and through either a benefit account or through salary sacrifice remain the property of the University at all times. Should assets transfer to individuals a Property Fringe Benefit liability will arise.

**Consultancies Where the Individual is the Contracted Party (No Financial Impact)**

6.18 Where an individual wishes to undertake a consultancy in their own name, they must seek permission from the University to do so as the University has an obligation to ensure that undertaking additional work of this nature will not create workload problems for the individual and that if release from regular duties is sought,
that proper backfill is available for the individual.

6.19 Where the individual contracts in their own name to undertake a consultancy they will not be covered by the University’s insurances and therefore, should seek appropriate advice and coverage.

6.20 Where an individual contracting in their own name, wishes to use University facilities or resources these will be dealt with as indicated in section 6.21.

Use of University Resources

6.21 A staff member who wishes to use University resources and/or personnel in connection with outside work must obtain the prior approval, in writing, of the Head of Organisational Area or other University officer responsible for those resources and an arrangement made for the reimbursement to the University to cover the cost of the use of such resources. The use of facilities for outside work must not take priority over the University’s academic requirements.

Individual Consultancy Accounting, Insurance and Expenditure

6.22 For clarity, an approved consultancy as per 6.2 is work undertaken by the staff member as an individual having received prior University approval. In this case, the individual is not covered by the University’s insurance policies and the legal entity for contractual purposes is the individual. The financial transactions relating to such work must not be conducted through the University (as the contract is not in the University’s name) and any taxation liability accrues to the individual.

Reports

6.23 In order that the University may monitor the extent of staff involvement in approved outside work, every member of staff who has received approval for such work shall report by the end of February of the following year on that activity through the supervisor to the People and Culture Directorate. A pro-forma will be provided giving information on the content/topic of the outside work, income received, time spent on the activity, and the title of any reports supplied.

Leave

6.24 Recreation and long service leaves are intended for rest, recuperation and rejuvenation and are not intended to provide time for alternative employment.

Disputes

6.25 Disputes which cannot be resolved by the Head of Organisational Area or by the relevant Deputy Vice-Chancellor/Provost will be dealt with under the University’s Grievance Resolution Procedures.

7 RESPONSIBILITIES

Compliance, Monitoring and Review

7.1 The Director, People and Culture is responsible for ensuring the policy document complies with relevant legislation and University requirements; is implemented and monitored, and is reviewed to evaluate continuing effectiveness.

7.2 Any provisions regarding funding and costing arrangements will be administered and monitored by Financial Services.

Records Management

7.3 All correspondence between parties regarding these arrangements must be kept and maintained on the staff member’s personal file.
8 DEFINITIONS

Refer to the University glossary for the definition of terms used in this policy and procedure.

9 RELATED LEGISLATION AND DOCUMENTS

Related Legislation and Supporting Documents

- Media Relations Procedures
- Code of Conduct
- Calculations of the Costing and the Pricing of Externally Funded Consultancy Activities Procedures

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<td>Administrator</td>
<td>Director, People and Culture</td>
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<td>Amendment Authority and Date</td>
<td>Vice-Chancellor and President 14/03/2011; Vice-Chancellor and President 29/10/2014; Vice-Chancellor and President 10/02/2016</td>
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