

Outside Work Policy

1. Purpose

- 1.1 The Outside Work Policy (the policy) sets out the arrangements for staff to undertake paid or unpaid work outside of UTS. Staff require approval to engage in outside work as defined in this policy.
- 1.2 This policy:
- protects the university's interests, resources and reputation by clarifying the rights and obligations of both UTS and its staff with respect to outside work
 - encourages staff participation in high-quality professional activities that improve the quality of teaching, lead to further research opportunities and/or enable UTS to develop new and enriched relationships with industry, business, government and community partners
 - provides a flexible framework to cover the diverse nature of outside work, which may be undertaken by staff across UTS
 - provides guidance to staff on when and how outside work may be undertaken
 - integrates, where possible, professional activities with UTS research and teaching objectives, and
 - sets out reporting and monitoring arrangements for all approved outside work.

2. Scope

- 2.1 This policy applies to:
- continuing and fixed-term academic, professional and senior staff, including when they are on leave, and
 - honorary title holders when the work they perform uses UTS's name or facilities.
- 2.2 This policy does not apply to:
- casual staff, however, casual staff must inform their supervisors of potential conflicts of interest and intellectual property issues in accordance with the [Code of Conduct](#) and the [Intellectual Property Policy](#), and
 - those forms of outside work that are exempt from this policy (refer [Exemptions to outside work requirements](#)).
- 2.3 This policy is subject to any outside work arrangements expressly provided for in a contract of employment.

3. Principles

- 3.1 UTS recognises that the skills and expertise of staff may be applied to commercial, industrial, technical and professional enterprises.
- 3.2 Outside work is not a right of staff but an activity that is undertaken with obligations on staff to perform satisfactorily and ensure that the work does not interfere with their university employment. The Vice-Chancellor may review outside work approvals and may place restrictions on outside work undertaken by staff.
- 3.3 Outside work should be in UTS's interest. In undertaking outside work staff members must be careful to avoid any real or apparent conflict of interest with the university including work that may be seen as in competition with the university (refer [Code of Conduct](#)).
- 3.4 UTS expects an academic staff member's participation in outside work to be related to their professional expertise and to be of a standard and character that will contribute to the reputation and standing of both the university and the staff member.
- 3.5 Outside work must be approved prior to the commencement of the work and in accordance with this policy. Approved outside work is subject to review and the Vice-Chancellor may place restrictions on outside work undertaken by staff.
- 3.6 All approved outside work must be recorded and reported in accordance with this policy.
- 3.7 UTS must be informed of all instances of outside work. The outside work approval process is outlined in this policy and in [Appendix 1](#) and supports:
 - the management of perceived, potential and actual of conflicts of interest (refer [Code of Conduct](#)), and
 - the development of appropriate workloads for staff.

4. Policy statements

- 4.1 UTS offers staff the opportunity to undertake paid or unpaid outside work, including professional activities, which may benefit the staff member and the university. Staff require approval to engage in outside work in line with this policy.
- 4.2 Staff have a primary employment obligation to UTS as their employer. Staff must ensure that any paid or unpaid outside work (or other activities) does not impinge on these obligations or take improper advantage of their appointment at the university. All outside work must be conducted in accordance with this policy.

Exemptions to outside work requirements

- 4.3 UTS has identified forms of work that, where certain conditions are in place, are exempt from the requirements of this policy. Staff should consult their supervisor if they have any doubt regarding whether an activity falls within one of these exemptions.

4.4 Community service, volunteer work and second jobs are not considered 'work for another employer' under this policy, provided that the service or work meets the following criteria:

- is unrelated to the staff member's standing or employment at UTS
- does not impact adversely on the performance of their duties at UTS
- does not involve use of UTS resources, and
- does not create any actual or perceived conflict of interest between the staff member's private interests and university responsibilities (refer [Code of Conduct](#)).

4.5 Work undertaken outside UTS which is approved by a supervisor as part of a staff member's academic or professional workload and recorded in the staff member's workplan is exempt from this policy where that work is categorised as:

- work that contributes to discipline, research field and scholarly community: this may include examination of theses, attending meetings, writing or publishing conventional scholarly works in the staff member's field of expertise (such as books, chapters, articles, reviews, editing), service on editorial boards or external review committees, and speaking engagements, exhibitions or performances and occasional guest lectures at other institutions. UTS regards these activities as professional contributions that do not require formal approval under this policy, however, staff should notify their supervisor to ensure that the impact of these activities can be managed and staff professional contributions may be recognised
- university consulting: refer to the provision of professional services to external parties for remuneration in the University Consulting Procedures (available at [Research](#))
- internal professional services and cross-faculty teaching: from time to time, the professional services of UTS staff may be sought by a faculty, institute or other unit within the university, or staff may be invited to teach in other faculties. Whether or not a fee or other consideration is provided, cross-faculty teaching and professional services (including consulting) are subject to approval by the appropriate supervisor and should be included in workplans and performance reviews. In considering a request to approve work for another unit or faculty in UTS, supervisors must consider a staff member's work and leave plans and performance, as well as the faculty's and the university's interests.

Limitations on outside work

4.6 Full-time academic staff and academic managers must not exceed, on average, one working day per week or 48 working days per year of approved outside work as defined in this policy. This allowable time establishes a maximum, not an entitlement.

4.7 For part-time and sessional academic staff and academic managers, the maximum time allowable for outside work is calculated on a pro-rata basis of the maximum time allowable for full-time staff. It is recognised that part-time and sessional staff may have second jobs or work outside their UTS employment. The maximum time does not apply to such non-UTS work, however, such work must not interfere with the performance of the staff member's duties at UTS and supervisors must be informed of potential conflicts of interest and intellectual property issues between the outside UTS work and UTS (refer [Code of Conduct](#) and the [Intellectual Property Policy](#)).

- 4.8 For full-time, part-time and part-year professional or senior staff, it is expected that outside work will not impact adversely on the performance of their duties at UTS. Approved outside work will normally be undertaken outside of normal working hours however, flexible working arrangements may be negotiated. Employment as a casual academic at UTS should occur outside normal work commitments (unless it is managed as an exemption in line with this policy) but is not considered outside work.
- 4.9 The maximum time allowable for honorary appointees is the same as for academic staff and academic managers. If this maximum is considered by the supervisor to be restrictive or inappropriate, the dean or director may approve the waiving of the time restriction for that individual (where they may be associated directly or indirectly with professional activities in their own right or in collaboration with academic colleagues).

Conditions of outside work

- 4.10 Annual leave must not be deferred or accumulated to accommodate outside work. Normally, approval of outside work will not be granted to staff who do not have a leave plan in place.
- 4.11 UTS resources may be used in outside work only where access to such resources is generally available to members of the public. In such cases, applicable charges will be the same as those charged to members of the public. The use of university resources for outside work must comply with any applicable licence agreements.
- 4.12 Staff undertaking outside work are bound by the [Intellectual Property Policy](#) and procedures. Intellectual property (IP) refers to all statutory and property rights including the university's right to confidentiality. Materials and other IP used in outside work must not be associated with UTS and materials must not be supplied from the resources of UTS.

Outside work application, approval and review

- 4.13 Staff must apply to undertake outside work using the Outside work form (available at [Access HR forms](#) (Staff Connect)). Outside work must be approved before the outside work starts. Staff must provide sufficient information to allow the dean, director or Provost (as appropriate) to assess the application against the criteria for approval of outside work (refer [Criteria for approval of outside work](#)).
- 4.14 Approval for outside work must be sought for each project or engagement (for example for private consultancy and teaching at other institutions). The maximum period of approval is for the calendar year in which the approval is given. If the outside work is ongoing, then the staff member must seek approval for each calendar year by submitting the application form by 31 January each year.
- 4.15 Deans and directors are authorised to approve applications for outside work (on the recommendation of supervisors) except for directorships or partnerships which must be recommended by the dean or director and approved by the Provost.
- 4.16 Supervisors and deans or directors should note that:
- approval will not normally be given for academic staff to provide private tuition or coaching to UTS students in the subjects they teach, and

- in approving applications to undertake teaching at other institutions, supervisors must be satisfied that staff will not be advantaging competitor institutions to the detriment of UTS.

4.17 Outside work approvals may be reviewed at any time by the dean or director (or, in the case of a directorship or partnership, the Provost). Following review, approval of outside work may be withdrawn if it is believed to:

- impact on a staff member's ability to effectively perform their duties
- pose an unacceptable risk or impact to UTS, the unit and/or faculty, or
- no longer meet the criteria for approval of outside work in line with this policy.

Criteria for approval of outside work

4.18 Before recommending or approving a request to undertake outside work, the supervisor and dean or director (or, in the case of a directorship or partnership, the Provost) must be satisfied that the following criteria have been met:

- the outside work is consistent with the staff member's approved leave plan for the current calendar year
- the outside work activity will not interfere with the staff member's employment obligations at UTS
- the staff member is performing their work at UTS satisfactorily
- in the case of academic staff, that the participation in these activities is related to the staff member's professional expertise and is of a standard and character that will contribute to their reputation and standing and that of UTS, and the work is in the interest of UTS
- the staff member will, for the duration of the outside work, avoid any real or apparent conflict of interest with UTS, including involvement in work that may be seen as in competition with UTS and the staff member understands the conflict of interest and other requirements of the [Code of Conduct](#)
- UTS is not exposed to legal, financial or reputational risk (this will require the staff member to take out adequate professional indemnity insurance, particularly if the outside work involves professional practice, private consulting, directorships or partnerships)
- UTS's resources and facilities will not be used unless payment is made for their use (refer [Limitations on outside work](#)), and
- the staff member understands and accept that, while undertaking outside work they:
 - are not covered by UTS's workers compensation, public liability, professional indemnity or other insurances
 - will not act in their capacity as an employee of UTS (for example, they may not use their university title or position)
 - will not use UTS's emblem, logo, letterhead, stationery, postal address, phone number, fax number, email address or web address or any other information that might associate UTS with the outside work in any way

- are responsible for ensuring that UTS will not be liable, and is indemnified in respect of, any loss or claim connected with contracts that are entered into with other people or organisations.

Record management and confidentiality

4.19 All outside work applications and approvals must be managed in line with the provisions of the [Records Management Policy](#) and the [Privacy Policy](#) as follows:

- a copy will be retained by the faculty or unit for the period required for annual monitoring and reporting purposes (refer [Monitoring and reporting](#))
- for directorships or partnerships, a copy will also be forwarded to the Research Office
- the original must be forwarded to the People Unit for filing on the staff member's personal file (applies to all approved outside work application forms including for directorships or partnerships).

Responsibilities of staff while undertaking outside work

4.20 Staff must demonstrate that they will manage, on an ongoing basis, any real or perceived conflict of interest with UTS in line with the requirements of the [Code of Conduct](#). Particular care must be taken in relation to:

- consulting work that competes with, and/or could be managed as, university consulting, and
- teaching for other institutions.

4.21 While undertaking outside work, staff are not covered by the university's workers compensation, public liability, professional indemnity or other insurances and are acting as individuals totally independent of the university, except where a staff member is employed by UTS as a casual academic.

4.22 In addition, a staff member engaged in outside work as a private consultant, in professional practice or as a director or partner is strongly encouraged to:

- seek independent advice regarding their risks and obligations in undertaking outside work
- take out professional indemnity insurance coverage to cover all potential damage or loss that may be sustained as the result of negligence carried out in the course of performing services in relation to the private consultancy, directorship or partnership
- register as a provider and have an ABN as required under the [A New Tax System \(Australian Business Number\) Act 1999 \(Cwlth\)](#).

4.23 Staff must provide their supervisor with documentary evidence of professional indemnity insurance and their ABN. This will assist their supervisor to sign off on the criteria for approval (refer [Criteria for approval of outside work](#)).

Monitoring and reporting

4.24 Staff undertaking outside work must report on their activities annually to their supervisor. Normally this reporting will be part of the annual workplanning, performance and development process but may occur at any time.

- 4.25 Supervisors are responsible for monitoring approved outside work (including whether the criteria for approval of outside work outlined in this policy continue to be met) and reporting concerns to their dean or director.

Policy breaches and complaints

- 4.26 Deans and directors are responsible for reporting instances of non-compliance with this policy to the Director, People.
- 4.27 Failure to comply with this policy may be treated as misconduct/serious misconduct and result in disciplinary action in line with the [Code of Conduct](#) and [Enterprise agreements](#).
- 4.28 Any complaints relating to the management of outside work under this policy are managed in accordance with the [Staff Complaints Policy and Procedures](#).

5. Policy ownership and support

- 5.1 **Policy owner:** The Director, People is responsible for policy enforcement and compliance, ensuring its principles and statements are observed. The Director, People is also responsible for the approval of any associated university level procedures and for advising the Vice-Chancellor and senior executive on the implementation (including monitoring, reporting and reviewing instances of non-compliance).
- 5.2 **Policy contact:** The Director, People will be supported in this role by the People Unit, who are the primary point of contact on matters relating to monitoring and reporting of outside work including maintaining the central register of outside work.
- 5.3 **Others:**

The Vice-Chancellor may review outside work approvals and may place restrictions on outside work undertaken by staff.

The Provost is responsible for the approval of directorships or partnerships on the recommendation of the dean or director.

Supervisors are responsible for:

- ensuring applications meet the criteria and requirements outlined in this policy before recommending that applications for outside work (except those related to directorships or partnerships) be approved by the dean or director, and
- reporting outside work to their dean or director.

Deans and directors are responsible for:

- approving applications for outside work (except applications for directorships or partnerships) on the recommendation of supervisors
- recommending applications for directorships or partnerships for approval by the Provost
- ensuring that outside work they approve meet the criteria and requirements outlined in this policy

- reviewing outside work approvals as necessary or required should circumstances change or if there is any doubt that the criteria continue to be met.

All staff must:

- comply with this policy and seek approval of outside work (using the form available at [Access HR forms](#) (Staff Connect)) before starting the outside work
- take out adequate professional indemnity insurance if there is any potential the outside work will expose the staff member or UTS to any legal, financial or reputational risk
- seek independent advice as necessary in relation to professional indemnity insurance and other personal legal obligations relating to the performance of outside work.

6. Definitions

The following definitions apply for this policy and all associated procedures. These are in addition to the definitions outlined in [Schedule 1, Student Rules](#). Definitions in the singular also include the plural meaning of the word.

Dean and/or director means, for the purposes of this policy, deans, unit directors (or equivalent), members of the senior executive or other individuals responsible for the supervision of staff and affiliates.

Outside work means any work performed by staff outside UTS, that makes no use of UTS resources or reputation and all liability rests with the staff member undertaking the outside work. UTS is not associated with or liable for any actions arising out of outside work. Staff undertaking approved outside work are not covered by UTS's workers compensation, public liability, professional indemnity or other insurances. Outside work includes all of the following categories:

- **Work for another employer** means any paid work for an employer other than UTS, except where exempt in line with this policy (refer [Exemptions to outside work requirements](#)).
- **Professional services** means paid services being offered by UTS staff as a member of a profession (for example, as a barrister, lawyer, journalist, engineer, architect or IT professional) or trade either through the conduct of a business practice or as an employee of a business. Professional services provided to UTS in the form of an 'internal professional services or cross-faculty teaching' are exempt from this policy (refer [Exemptions to outside work requirements](#)).
- **Private consulting** means consulting undertaken for remuneration by staff in their personal capacity as an individual, as opposed to their capacity as UTS staff, though private consulting utilises the same professional skills and knowledge applied at UTS. This is separate from university consulting (refer [Exemptions to outside work requirements](#)).

- **Teaching at other institutions** means any paid teaching activity at an educational or training institution other than UTS. (Note: Insearch is another institution for the purposes of this policy).
- **Directorship/partnership** means involvement in the running of a business, firm or company either as a sole owner or with one or more other people; or as a partner or a member of the governing board or board of directors. Businesses, firms or companies that are of a charitable or non-profit nature or formed to deal solely with private affairs are normally exempt from the application of this policy unless there is an actual, perceived or potential conflict of interest (refer [Code of Conduct](#)) or intellectual property issue with respect to UTS (refer [Intellectual Property Policy](#)).
- **Pro bono work** means unpaid professional services or private consulting undertaken for charity, community or public purpose by staff. Sometimes such work may attract an honorarium. Typical examples of pro bono work are guest lectures and tutorials for another institution or for a not-for-profit community organisation and strategic planning for community groups. Where appropriate, and at the discretion of the supervisor, pro bono work may be undertaken within the staff member's capacity as a UTS employee and as part of a staff member's workload and is therefore exempt from the application of this policy.

University consulting is defined in the University Consulting Procedures (available at [Research](#)).

Approval information

Policy contact	Director, People
Approval authority	Vice-Chancellor
Review date	2022
File number	UR06/481
Superseded documents	Outside Work (Academic Staff) Policy Outside Work (Academic Staff) Vice-Chancellor's Operational Directives Outside Work Vice-Chancellor's Directive 2009 (UR06/481)

Version history

Version	Approved by	Approval date	Effective date	Sections modified
1.0	Council, (COU/08-3/51)	18/06/2008	18/06/2008	Operational directive approved.
2.0	Vice-Chancellor	08/12/2009	08/12/2009	Policy renamed as a directive and merged with existing directive. Rationalisation and reorganisation of information. Broadening of scope to cover support and senior staff. Elaboration of reporting requirements

3.0	Vice-Chancellor	07/12/2010	07/12/2010	Deans and Directors made approval authority for outside work applications and changes to the application of the Directive to casual staff and part-time staff.
3.1	Director, Governance Support Unit (Delegation 3.17 (now 3.14.1))	11/12/2014	10/10/2017	Changes to implement 2014 Senior Executive restructure.
		27/05/2015		Changes to update references to the role of Registrar (part of the 2014 restructure).
3.2	Director, Governance Support Unit (Delegation 3.14.1))	07/12/2020	17/12/2020	Changes to reflect new reporting obligations following digitisation of the outside work form in Service Connect and the resulting automation of workflow and the new University Consulting
	Deputy Director, Corporate Governance (Delegation 3.14.2)	19/11/2020		Amendment to change UTS Insearch to Insearch Limited.
4.0	Vice-Chancellor	28/04/2022	28/04/2022	Changes and updates to reflect new ownership under portfolio realignment under Fit for 2027 project, template transfer, general updates and change title from 'Vice-Chancellor's Directive' to policy.

References

[Code of Conduct](#)

[Commercial Activities Policy](#)

[Enterprise agreements](#)

[Honorary Titles and Awards Policy](#)

[Intellectual Property Policy](#)

Outside work form (available at [Access HR forms](#) (Staff Connect))

[Workplanning, probation and review](#) (Staff Connect)

[UTS Delegations](#)

Appendix 1: Outside work approval pathway

