



1.50.2 Outside Work and Business Interests for University Staff

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Contact Officer: Deputy Director, Human Resources

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Related Policies: [4.50.4 \(?policy=4.50.4\)](#) , [5.42.1 \(?policy=5.42.1\)](#) , [5.70.8 \(?policy=5.70.8\)](#) , [1.50.1 \(?policy=1.50.1\)](#) , [4.15.1 \(?policy=4.15.1\)](#) , [1.50.5 \(?policy=1.50.5\)](#) , [1.50.6 \(?policy=1.50.6\)](#)

Overview

1.1 As a general principle, the University supports members of its academic staff engaging in paid outside work with industry and government that enables them to stay at the forefront of their area of expertise and advances the wider interests of the University. Provided such commitments are congruent with the mission of the University and meet standards of public accountability they may be undertaken:

- through the University, or
- through one of the University's controlled entities, such as UniQuest, IMBcom or JKTech, or
- in a purely private capacity.

1.2 General staff have a primary commitment to the duties of their position with the University, but are not precluded from undertaking outside work or other activities, paid or unpaid, provided such commitments do not impinge on or take improper advantage of their appointment at the University.

1.3. Both academic and general staff with outside business interests in situations where **conflict of interest** (<https://ppl.app.uq.edu.au/content/1.50.11-conflict-interest>) might arise must obtain appropriate authorisation and comply with limits on dealings with the University to ensure probity. In some instances, conflicts of interests may not be able to be resolved and permission to undertake work may be refused.

Description

2 Scope

2.1 This policy covers the following matters:

- Types of outside work permitted and exceptions;
- Conditions for undertaking outside work;
- Business Interests;
- Conflicts of Interest; and
- Dispute Resolution.

2.2 Procedures for implementation of this policy are available [here](http://www.uq.edu.au/hupp/attachments/personnel/OWProcedures.doc) (<http://www.uq.edu.au/hupp/attachments/personnel/OWProcedures.doc>) .

2.3 A staff member who does not comply with this policy may become subject to disciplinary procedures under the relevant Enterprise Agreement.

TYPES OF OUTSIDE WORK

3. Types of Outside Work Permitted

3.1 University Related Outside Work. An academic or general staff member may undertake paid outside work related to their academic discipline or expertise, which is attributable to, or otherwise has some association with, the staff member's responsibilities within the University. It is administered through the University or one of its controlled entities and may be conducted during University working time.

- It usually takes the form of a consultancy or service and involves buying the skills and expertise (pre-existing know-how or intellectual property) of university staff and/or equipment/facilities to work on a specific task or project. This may be undertaken by one or more members of staff as employees of the University and may include:
 - provision of professional services, products, including programs and courses, and advice to external parties on behalf of the University;
 - provision of expert knowledge, the evaluation of data and products provided by the client, or an assessment of the current state of knowledge in a field; and
 - testing services where the expertise involves experimental measuring or testing for a client.
- Such activities are normally conducted on a contractual basis and may involve confidentiality and publication restrictions. In all cases, there will be an expected or assured outcome, unlike research where the outcome is uncertain and subject to peer review. Any fee arising is payable to the University or a controlled entity.

3.2 Private Academic Related Work. A continuing or fixed-term academic staff member may undertake paid private outside work related to their discipline or expertise in their own capacity independent of the University. The staff member is in effect selling professional services directly to an external client. The contractual arrangement is direct with the academic staff member, not the University. Such private work includes:

- provision of professional services to private patients/clients, for example, in medicine, law, dentistry, architecture or engineering;
- a series of lectures, broadcasts or performances given under the auspices of another institution or separate organisation; or
- work related business pursuits, such as development and sale of training packages, advisory or other consulting services.

3.3 Private Unrelated Outside Work. Academic and general staff may undertake paid or unpaid private work outside their University responsibilities in a personal capacity that is unrelated to the staff member's duties. Examples of private unrelated outside work include:

- employment with another employer, and
- providing services or selling products.

4. Outside Work Exceptions

4.1 Some outside work falls outside the scope of this policy.

4.1.1 University related outside work does not include:

- the types of externally funded research listed at [Appendix 1 \(attachments/organisation-governance/HUPP1.50.2TypesExtFundedResearch.pdf\)](#) ; and

- University controlled activities such as School or Faculty clinics, practices or businesses. Such activities are subject to special approval, with the arrangements for the staff involved determined and documented during the approval process. The work undertaken by the staff involved, such as clinical work in teaching hospitals or University veterinary practices, will constitute all or part of their normal specified duties.

4.1.2 Part-time academic staff members do not require approval to undertake private academic related outside work in their own time. This assessment will be left to the staff member's discretion in the first instance, but any apparent conflict of interest will be dealt with by the relevant Head of School or Centre Director. Any activities involving the use of University resources and/or occurring in addition to the part-time appointment period must operate within this policy.

4.1.3 A staff member must not accept fees for providing private coaching to University of Queensland students. Nevertheless, in the interests of developing the academic side of college life, a Head of School may approve the giving of instruction and tutorials in residential colleges by staff members for reward in money or benefits.

4.1.4 This policy does not apply if the activity involves receipt of an honorarium or royalty for:

- a role in which the staff member is representing the University, either directly or indirectly (e.g. by sitting on a statutory board or board of an entity associated with the University); and
- preparation of books or articles, occasional outside lectures and performances, service for government committees and statutory bodies, refereeing of articles in learned journals, examining at a tertiary level, occasional radio and television performances and kindred activities.

4.1.5 General and academic staff members may be involved in activities with unions, professional associations, government committees and similar bodies. These activities require no prior approval, other than the normal approval for any time commitments during working hours. Likewise, work or service provided to charitable, sporting or other like organisations requires no prior acknowledgement.

4.2 Additional exemptions may be sought from the Pro Vice-Chancellor or Deputy Vice-Chancellor (Academic) (for academic staff) or the Secretary and Registrar (for general staff), with the endorsement of the staff member's Head of School or University/Faculty Centre Director.

CONDITIONS FOR UNDERTAKING OUTSIDE WORK

5. Time Allowed for Outside Work

5.1 Time permitted for University related outside work and private academic related outside work is restricted. The limit is 200 hours in a six month period (1 January to 30 June; 1 July to 31 December) for a full-time staff member. The staff member must report on the activity undertaken and the time spent to the Head of the organisational unit. However, no limit is placed on earnings.

5.2 The time limit does not apply if University related outside work is part of the staff member's normal duties, either as specified in the staff member's position description, or as directed by the Head of the organisational unit .

5.3 Normally, part-time staff may only undertake University related outside work, or private academic related outside work, at times outside their part-time appointment with the University and are therefore not subject to this time limit. However, in exceptional circumstances the Executive Dean may approve Outside Work on a pro-rata basis with the staff member's appointment fraction.

5.4 General staff who undertake private unrelated work must not do so during hours for which they are remunerated by the University, without prior notification and approval of an appropriate type of

leave from the Head of the organisational unit.

5.5 Academic staff members must ensure that private unrelated work does not impinge on their availability to perform duties that require them to be on campus, without prior notification and approval of an appropriate type of leave from the Head of School or Centre Director.

6. University Related Outside Work

6.1 Staff who contemplate taking on related outside work are encouraged to do so as University related outside work, within the conditions of this policy. The benefits include:

- provision of opportunities for staff members to broaden or maintain their professional skills,
- staff members are covered for worker's compensation, public liability and professional indemnity insurance,
- additional revenue can be generated for discretionary use within the organisational unit; and
- the University raises its profile with industry, government and the community as part of its community service role.

6.2 University related outside work may be conducted through the University, subject to approval from the Head of the organisational unit and appropriate documentation being processed through the University Legal Office and Office of the Secretary and Registrar. In this event:

- staff members may use the University's facilities, with full cost recovery from the client, plus an appropriate margin;
- they may use their academic title and University letterhead, stationery, postal address, phone number, etc; and
- the University provides administrative, legal and professional support needed to undertake the activity.

6.3 Alternatively, University related outside work duly approved by the Head of the organisational unit may be undertaken through one of the University's controlled entities, which include Uniquet, IMBcom and JKTech. The University's main commercialisation arm, UniQuest, has been established to market the University's services and facilities and to protect and exploit its intellectual property. Considerable expertise resides within UniQuest, and Schools/Centres/Units are encouraged to use its services.

6.4 Generally, the client would expect to own the intellectual property (advice) arising from the paid consultancy or service and would also expect complete confidentiality on the part of the staff involved and the University or controlled entity.

6.5 The activity should not compete with another University activity, nor create unfair competition with the relevant profession outside the University, or with such external community activity that may be adversely affected by unfair competition.

6.6 Staff must apply in writing to the Head of their organisational unit for approval to undertake University related outside work prior to the activity being undertaken. Executive Deans require approval from the Deputy Vice-Chancellor (Academic), Directors of Institutes require approval from the Deputy Vice-Chancellor (Research), Directors of Central Divisions require the approval of the Secretary and Registrar or relevant Deputy Vice-Chancellor. Members of the Vice-Chancellor's Executive require approval from the Vice-Chancellor.

6.7 Approval must be on the basis of a minimum of full-cost recovery (all staff direct costs x 1.6; other direct costs x 1.1), with an appropriate margin or other benefit accruing to the University. See the University [Recovery of Infrastructure and Services Costs in Research Budgets \(http://ppl.app.uq.edu.au/content/4.10.12-recovery-indirect-costs-research-funding-and-consultancy-contracts\)](http://ppl.app.uq.edu.au/content/4.10.12-recovery-indirect-costs-research-funding-and-consultancy-contracts) policy for instructions on costing. The price charged for the work should be a commercial rate consistent with market expectations for similar work from non-university service providers.

6.8 If University related outside work to be undertaken by a staff member is additional to their specified duties or normal workload, then appropriate adjustments should normally be made to the

staff member's workload. If the contribution being made cannot be accommodated in this way, additional remuneration may be paid in accordance with the relevant University industrial arrangements.

6.9 Regulatory Compliance and Ethical Review

6.9.1 Staff undertaking Related Outside Work through the University or controlled entities such as UniQuest must comply with the regulations and ethical guidelines applicable to the conduct of that work.

6.9.2 Biosafety, Genetic Manipulation, Radiation clearances and occupational health and safety matters are managed through the Occupational Health and Safety Unit. See the [OH&S web site \(http://www.uq.edu.au/ohs/\)](http://www.uq.edu.au/ohs/) at for further information.

6.9.3 The Research and Research Training Division administers animal and human experimentation clearance. See the [Research and Research Training Division web site \(http://www.uq.edu.au/research/ \)](http://www.uq.edu.au/research/) for further information.

7. Private Academic Related Outside Work

7.1 The following criteria apply to decide the appropriateness of approving private academic related work:

- the work must be of a character likely to enhance the good relationship between the University and the community;
- any resulting contact between the staff member and cultural, scientific, industrial or commercial organisations of repute should improve the quality of teaching and research; and
- the work should not compete with a University activity, nor create unfair competition with the academic's profession outside the University, or with any external community activity.

7.2 The work may be undertaken as an individual, through a partnership or company in which the staff member has a proprietary interest or through Uniquest or other commercial entity as a private arrangement. In certain cases, staff may be required by the terms of their employment contract to conduct such work through one of the University's controlled entities.

7.3 Private work must not interfere with the discharge of a staff member's academic responsibilities. **The staff member must continue to undertake a full academic workload, commensurate with their appointment fraction.**

7.4 When academic staff members undertake any private work they must ensure they do not represent the work as a University sponsored activity. It is a condition of approval that the staff member makes clear to the person or body for whom the work is being conducted that it is being undertaken in a private capacity and that the University is not liable for the work.

7.5 Arrangements for private academic related outside work must be entirely independent of the University. Such activities must not involve use of the University's name in ways that the work could be construed as a University activity. The University accepts no liability for any matters arising out of these arrangements. Staff members undertaking such work are not covered by University insurance policies (including; Worker's Compensation, Public Liability and Professional Indemnity). Staff members must hold current professional indemnity and, if relevant to the work public liability insurance, cover as a condition of approval.

7.6 Staff members should not solicit private academic related work by advertisement in the media, the web, billboards or direct mail that mentions the University of Queensland.

7.7 Monies generated from private work cannot be paid into University accounts unless they are formally donated to the University, and there is an arms length arrangement between the donor and the application of the donation at school level.

7.8 Conversion to Part-time Academic Appointments

7.8.1 Academic staff members who do not wish to operate within the 200 hour per six month time limit for private work may apply for a variation to their terms of engagement to work part-time (minimum 20% appointment). In that event, private academic related outside work can only be conducted at times outside the part-time appointment with the University.

7.8.2 Requests to vary a staff member's terms of engagement must be referred in the first instance to the Head of School or University/Faculty Centre Director for recommendation to the relevant Executive Dean for approval. The variation may be for a specified period or may be a permanent arrangement.

7.9 Use of University Resources.

7.9.1 A staff member who wishes to use University facilities or equipment in connection with approved private work must obtain the prior written approval from the relevant Head of School, Centre Director or other University officer responsible for the facilities or equipment in question. Such use must not take priority over the University's academic requirements.

7.9.2 The staff member must pay for the full cost of the use of facilities and equipment, plus an appropriate margin. See the University policy on **Recovery of Infrastructure and Service Costs in Research Budgets** (<http://ppl.app.uq.edu.au/content/4.10.12-recovery-indirect-costs-research-funding-and-consultancy-contracts>) for instructions on costing. Details regarding the duration of the work, use of facilities and any long-term consequences should be clarified at time of application for approval. Otherwise, use of University facilities must be in accordance with the University policy on **Use of University Facilities**. (<https://ppl.app.uq.edu.au/content/6.20.01-acceptable-use-uq-ict-resources>)

7.9.3 Other University resources, including support staff and stationery, must not be used in the administration of the work, including the billing arrangements.

7.9.4 Private Practice in University Teaching Hospitals. Clinically qualified staff who have been approved to conduct a limited consulting practice in teaching hospitals as private work may see private patients in teaching hospitals during the course of their normal duties.

7.10 Eligibility and Approval.

7.10.1 Private academic related work is considered a matter of privilege and not of right. Unless otherwise stated in their contract of employment with the University, full-time academic staff members engaged in teaching and research who are employed under the University's academic enterprise agreement are eligible to apply for approval to undertake private academic related outside work. Academic staff members employed by the University from external funds (non Source 1) may only seek to undertake such work where the funding body allows such activities.

7.10.2 Research-only academic staff at Level B and above who are working full-time on research and who are paid from external funds may undertake private academic related work, with written prior approval from the Head of School or Centre Director, providing that this work does not conflict with the requirements or contractual obligations of the research projects on which they are engaged. Further, in the case of research staff, other than the Chief Investigator, the private work must be deemed to be in the interests of the project by the Chief Investigator(s).

7.10.3 Where the external funding body has attached rules and conditions relating to such activities, both those rules and those of the University must be followed, as appropriate. Where there is a conflict between the two sets of rules, the conflict must be referred to the Deputy Vice-Chancellor (Research) for a ruling.

7.10.4 Eligible academic staff members must apply in writing to their Head of School or University/Faculty Centre Director for approval before undertaking the work. Executive Deans require approval from the Deputy Vice-Chancellor (Academic) and members of the Vice-Chancellor's Executive require approval from the Vice-Chancellor. Continued permission is dependent upon satisfactory reporting on the activity and time taken, together with evidence of sustained high quality performance in teaching, research and administrative duties as applicable.

8. Private Unrelated Outside Work

8.1 The following conditions apply to staff who undertake private unrelated outside work:

- it must not interfere with the performance of University duties, or adversely affect work efficiency or availability;
- it must not represent an actual or apparent conflict of interest with University responsibilities;
- staff members must not use their position or association with the University as the basis for obtaining work;
- staff members must not use the University's name, stationery or facilities (including physical or intellectual property),
- staff members are responsible for all financial arrangements, including billing, insurance and taxation; and
- the University accepts no responsibility for any private unrelated outside work.

BUSINESS INTERESTS

9. Business Interests are a company directorship and/or other business involvement resulting from a staff member's professional work, qualification, shareholding, proprietary or other personal interest, including University spin-offs; or other position of influence with a business or company, but excluding private companies whose sole purpose is to act as trustee for a family trust.

10. Directorship of External Companies

10.1 A position as a director or officer of any company entails onerous obligations under the Corporations Law. Fulfilling these obligations (whether as an executive or non-executive director) can take up a significant amount of time and impinge on the ability of staff members to carry out their University duties.

10.2 Staff members must ensure that the name of their private company is not similar to units, projects or activities within the University. Nor is the University's name to be used.

10.3 A staff member must obtain the prior written approval of the Vice-Chancellor before accepting a position as a director, secretary, public officer or executive officer of any company, whether or not the position is paid. This requirement does not apply to positions in companies whose sole purpose is to act as a trustee for a family trust, charitable organisations, sporting clubs, or professional bodies.

10.4 If the Vice-Chancellor, after consultation with the staff member decides that it is in the best interests of the University for the staff member to resign from a company position, the staff member must do so as soon as possible.

10.5 Any staff member who is currently a director of company and does not have formal approval must seek approval immediately.

CONFLICTS OF INTEREST

11. A staff member must avoid situations where there is or may reasonably be perceived to be a conflict of interest in undertaking any outside work or business interest. A situation of conflict, or potential conflict of interest, arises where a staff member is in, or is seen to be in, a position to influence a decision of the University that may favour the staff member personally, associates of the staff member, or some other business interest or activity of the staff member. Conflicts of interest may arise between a person's role as a staff member and the duties as a company director.

12. Staff members who have a position of influence in a business that may provide goods or services to the University must declare their interest, in writing, to their Head of School, Director of Division

or Centre. In particular, an interest or a relationship with a business must be disclosed before a decision is made by the University to order goods or services, or to undertake other financial or contractual obligations. A staff member in this situation must not be involved in such a decision.

13. Staff members must also declare their interest in situations of potential conflict of interest. A potential conflict is created in the case of a staff member being in a position of influence with a business, which is dealing with the same type of goods or services as that area of the University in which the staff member is employed. It could also occur with the conduct of research where the outcomes could influence market expectations about financial results of a company in which the researcher has an interest.

14. Where there is some cause for concern regarding a conflict, this must be discussed with the Head of the organisational unit and must be noted on the application for approval.

15. Further information regarding conflicts of interest is included in the University's **Code of Conduct policy** (<http://ppl.app.uq.edu.au/content/1.50.01-code-conduct>).

DISPUTE RESOLUTION

16. Disputes over the implementation of this policy, which cannot be resolved by the relevant Head of School, Division or Centre Director, will be referred to the relevant Executive Dean or member of the Vice-Chancellor's Executive for resolution. If unresolved, the matter will be dealt with under the University's policy on **Staff Grievance Resolution** (<http://ppl.app.uq.edu.au/content/5.70.08-staff-grievance-resolution>).