

# Outside Employment Undertaken by University Employees Procedure



## 1 Purpose

**PLEASE NOTE: All human resource management policy instruments are currently under review to ensure alignment with the new Enterprise Agreement. Contact the People Portfolio for more information.**

To provide Information in relation to the undertaking of paid or unpaid employment external to the University whilst employed at the University.

## 2 Scope

This Procedure applies to all full-time and fractional continuing and fixed-term Employees.

Casual Employees are not subject to an obligation to seek prior approval for private work undertaken outside defined hours of employment with the University, provided the work does not represent a perceived, potential or actual Conflict of Interest between the Employee's personal interests or benefits, private interests either Pecuniary or Non-pecuniary, and their University Responsibilities, whereby the private or personal interests could improperly influence the performance of their Official Duties.

## 3 Procedure Overview

This Procedure details the conditions and entitlements relating to Outside Employment of University Employees.

## 4 Procedures

Participation in any level of work by an Employee, paid or unpaid, in addition to their employment at the University is regarded as Outside Employment. Outside Employment can include work undertaken for an outside entity or in a self-employed capacity. Outside Employment consists of the following categories:

- University Related/Sponsored Outside Employment and Consultancies
- Private Outside Employment and Consultancies
- Private Unrelated Outside Employment

- Exempt Outside Employment
- Committees, boards and tribunals.

## 4.1 University Related/Sponsored Outside Employment and Consultancies and/or Private Outside Employment and Consultancies

Employees must obtain **approval in advance** to undertake University Related/Sponsored Outside Employment and Consultancies and/or Private Outside Employment and Consultancies. Approval may be granted provided that:

- approval is sought and obtained in advance in writing, including for associated absences from campus, from the Category 4 Delegate or above, following discussion with the Employee's Supervisor. Approval must be obtained at an Employee's annual performance review for work that is of an ongoing nature with an agreement on the amount of time for outside work that year, with approval for work of an ad hoc or one-off basis throughout the year obtained in each separate instance;
- the work for which approval is sought is of a nature and standard compatible with the professional status of the Employee concerned and with the University's standing;
- the work does not interfere with the efficient discharge of the Employee's normal duties with the University, or impair their academic independence;
- the work does not involve a perceived, potential or actual Conflict of Interest between the Employee's personal interests or benefits, private interests either Pecuniary or Non-pecuniary, and their University Responsibilities, whereby the private or personal interests could improperly influence the performance of their Official Duties;
- the work does not raise a potential health risk or hazard that may prevent or limit the Employee's ability to carry out their University duties;
- the work does not involve a misuse of the Employee's position at the University; and
- work is not solicited by any form of public announcement or advertisement, except in instances where the discipline or area of professional practice or accreditation requires such an activity (e.g. a registered psychologist with an advertisement in the Yellow Pages, or registration on a public list as required by the profession and/or government legislative requirements).

## 4.2 Private Unrelated Outside Employment

Approval is **not required** for Private Unrelated Outside Employment provided that:

- the work is not related to an Employee's substantive position at the University;
- the work does not interfere with the performance of University duties and is undertaken outside normal working hours;
- the work does not involve the use of University resources;
- the work does not involve a perceived, potential or actual Conflict of Interest between the Employee's personal interests or benefits, private interests either Pecuniary or Non-pecuniary, and their University Responsibilities, whereby the private or personal interests could improperly influence the performance of their Official Duties;
- the work does not raise a potential health risk or hazard that may prevent or limit the Employee's ability to carry out their University duties; and
- the work does not involve a misuse of the Employee's position at the University.

Employees who are unsure as to whether their Outside Employment is categorised as Private Unrelated Outside Employment should seek advice from their Supervisor prior to undertaking the activity.

Where undertaking Private Unrelated Outside Employment may result in a breach of the requirements above, the Employee must notify their Supervisor immediately, lodge an application for approval as outlined in Section 4.5 Application process, and jointly take appropriate steps to remedy the situation, which may include but is not limited to, management of a Conflict of Interest situation in accordance with the Code of Conduct Policy and the Employee Conflict of Interest Procedure, alteration of working arrangements (e.g. reduced hours of work, period of leave) to ensure that work performance for the University is not adversely affected by the Outside Employment commitments, or discontinuing the Outside Employment.

However, in instances where the Private Unrelated Outside Employment is undertaken for the University (e.g. an Employee undertaking additional casual marking unrelated to their substantive position), approval must be obtained in accordance with the Appointments: Casual Procedure, Section 4.3 'Concurrent Appointments'.

## **4.3 Committees, boards or tribunals**

Employees must disclose all board memberships and directorships held in public or private companies or organisations. Disclosure is to be made at the commencement of employment and annually thereafter, at an Employee's performance review, and at the time of taking up any new appointment.

Where a board membership or directorship falls within Private Unrelated Outside Employment, approval to hold or continue to hold a directorship is not required unless any of the provisions of Section 4.2 of the Outside Employment Undertaken by University Employees Procedure apply.

Applications for permission to hold a directorship are considered by the Category 4 Delegate.

The Category 4 Delegate may grant approval for an Employee to accept appointment to a board membership or directorship if satisfied that there has been a full and complete disclosure as to the circumstances of the board membership or directorship, including perceived, potential or actual Conflict of Interest, and, if satisfied, that the Employee has undertaken:

- to provide to the Category 4 Delegate further Information promptly should there be a change in any of the circumstances related to the company or the directorship;
- to continue to declare their interest on each and every instance where there are dealings by the University with the company or any related part of the company and to alert the Category 4 Delegate to any perceived, potential or actual Conflict of Interest;
- to follow the directions of the Category 4 Delegate as to the management of any perceived, potential or actual Conflict of Interest;
- to carry out the duties of the directorship and any other work for the company in accordance with the University's Outside Employment arrangements;
- to deal with any intellectual property owned by the University or assigned to the Employee by the University in accordance with the University's Intellectual Property Policy and Procedure.

Approval is for a maximum period of one year from the date of approval, after which approval must be sought again through the Employee's performance review.

Where the University has been requested to nominate a representative to take up a directorship or position on a board, committee or tribunal, the duties of disclosure of perceived, potential or actual Conflicts of Interest and the undertakings listed above will also apply. An Employee who has been requested, and who takes up such a position will, in addition:

- provide regular reports to the University within the limits of confidentiality;
- on the Employee leaving University employment, resign from the position and provide the University with a signed letter of resignation; and will
- not receive any form of remuneration unless there is a written agreement between the Employee and the University for payment to occur under certain circumstances.

## 4.4 Other activities

Employees may not accept fees for private tuition of University of Southern Queensland Students. Employees may not undertake any form of academic activity including teaching,

Course writing or any other responsibilities for other institutions without approval from the Category 4 Delegate or above, excluding Exempt Outside Employment activities.

Applications to undertake outside work which are not approved are managed in accordance with Section 4.7 Review of Decisions.

## **4.5 Application process**

Participation in outside work is normally negotiated through annual performance management discussions, and in addition for academic Employees, through annual workload allocation discussions.

For outside work that is of an ongoing nature, approval is to be obtained on an annual basis at the Employee's performance review, with an agreement on the amount of time for outside work for that year. Approval to undertake outside work on an ad hoc or one-off basis throughout the year must be obtained in each separate instance.

An Application for Approval to Undertake Outside Employment form must be completed in respect of each activity to be undertaken. This form must indicate the nature, time requirements and any associated financial arrangements of the activity.

The application must firstly be discussed with the Employee's Supervisor who will make an appropriate recommendation and refer the request to the Category 4 Delegate or above for approval or otherwise.

The Category 4 Delegate or above will review the request in terms of these guidelines and indicate their approval or otherwise. The completed Application Form will then be provided to the People Portfolio who will advise the Employee in writing of the approval or otherwise and retain a copy on the Employee's personal file.

## **4.6 Breach of Procedure**

Failure to comply with Policy or Procedure provisions will be managed and dealt with under the relevant University Policy Instruments and employment contracts as applicable. A failure to comply with these Policy or Procedure provisions may result in disciplinary action.

## **4.7 Review of Decisions**

The Chief People Officer shall, on request by the Employee, review the Decision by the Category 4 Delegate.

The Chief People Officer Decision in this matter is final.

## **5 Delegated Responsibilities**

Approver	Level of Delegation
Chief People Officer	Review Decisions
Category 4 Delegate or above	Approve or otherwise applications

## 6 References

Nil.

## 7 Schedules

This procedure must be read in conjunction with its subordinate schedules as provided in the table below.

## 8 Procedure Information

<b>Accountable Officer</b>	Chief People Officer
<b>Responsible Officer</b>	Chief People Officer
<b>Policy Type</b>	University Procedure
<b>Policy Suite</b>	<a href="#">Code of Conduct Policy</a>
<b>Subordinate Schedules</b>	<a href="#">Categories of Outside Employment - Conditions and Entitlements Schedule</a>
<b>Approved Date</b>	21/11/2023
<b>Effective Date</b>	21/11/2023
<b>Review Date</b>	3/4/2024
<b>Relevant Legislation</b>	<a href="#">Enterprise Agreement</a> <a href="#">Fair Work Act 2009</a>
<b>Policy Exceptions</b>	<a href="#">Policy Exceptions Register</a>
<b>Related Policies</b>	<a href="#">Intellectual Property Policy</a> <a href="#">Working Hours and Arrangements Policy</a>
<b>Related Procedures</b>	<a href="#">Commercialisation of Intellectual Property Procedure</a>

	<a href="#">Employee Conflict of Interest Procedure</a>  <a href="#">Intellectual Property Procedure</a>  <a href="#">Work Allocation Procedure</a>
<b>Related forms, publications and websites</b>	<a href="#">Conflicts of Interest Website</a>  <a href="#">Outside Employment Application Forms</a>
<b>Definitions</b>	<b>Terms defined in the Definitions Dictionary</b>  <a href="#">Conflict of Interest</a>  <p>If a University Member has an interest that conflicts or may conflict with the discharge of the University Member's duties the University Member should Declare the nature of the interest and the conflict to the University Member's Supervisor as soon as practicable after the relevant facts come to the University Member's knowledge and must not take action or further action relating to a matter that is or may be affected by the conflict until authorised. An Executive Leader may direct a University Member to resolve a conflict or possible conflict between an interest of the University Member and the University Member's duties. A reference to an interest or to a Conflict of Interest is a reference to those matters within their ordinary meaning under the general law, and, in relation to an interest, the definition in the Acts Interpretation Act 1954, Schedule 1, does not apply. A Conflict of Interest will arise when a University Member's Private Interests conflict with their duty to the University or to serve the public interest as a University Member. The risk of having a conflict of interest increases where a University Member's responsibilities include the authority to make decisions. A conflict of interest may be potential, perceived or actual - when a University Member is in a role where future decision making may be influenced by their Private Interests if a certain condition is fulfilled, they have a potential conflict of interest; a perceived conflict of interest arises where it appears that decisions a University Member make in the course of their University employment may be influenced by their Private Interests, whether or not this is in fact the case; an actual conflict of interest exists where a University Member's actions could be unduly, improperly or excessively influenced by their Private Interests. Serious misconduct can occur when a conflict of interest is concealed, understated, mismanaged or abused.</p> <a href="#">Course</a>  <p>A discrete element of a program, normally undertaken over a single Study Period, in which the Student enrolls, and on completion of which the Student is awarded a grade.</p>



### [Decision](#)

A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the University.

### [Delegate \(noun\)](#)

Delegate (noun) means the officer, Employee or committee of the University to whom, or to which, a delegation of authority has been made under this Policy.

### [Employee](#)

A person employed by the University and whose conditions of employment are covered by the Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.

### [Enterprise Agreement](#)

University of Southern Queensland Enterprise Agreement 2023-2026.

### [Information](#)

Any collection of data that is processed, analysed, interpreted, organised, classified or communicated in order to serve a useful purpose, present facts or represent knowledge in any medium or form. This includes presentation in electronic (digital), print, audio, video, image, graphical, cartographic, physical sample, textual or numerical form.

### [Non-Pecuniary Interest](#)

Does not involve a financial component but may arise from personal or family relationship or involvement in sporting, social or cultural activities. It can include but is not limited to any favour or prejudice from friendship, animosity or other personal involvement that could lead to actual or potential bias in the exercise of judgement or discretion or the making of a Decision.

### [Pecuniary Interest](#)

Involves an actual or potential financial gain or loss. For example: Existing proprietary, contractual and employment rights Existing liabilities / obligations Interests created by, in, or under a decision or transaction effected by the University Indirect economic relationships



(share price value) Expectancies (future economic interests, employment opportunities etc.)

### [Policy Instrument](#)

A Policy Instrument refers to an instrument that is governed by the Policy framework. These include Policies, Procedures and Schedules.

### [Procedure](#)

An operational instruction that sets out the process to operationalise a Policy.

### [Student](#)

A person who is enrolled in a UniSQ Upskill Course or who is admitted to an Award Program or Non-Award Program offered by the University and is: currently enrolled in one or more Courses or study units; or not currently enrolled but is on an approved Leave of Absence or whose admission has not been cancelled.

### [University](#)

The term 'University' or 'UniSQ' means the University of Southern Queensland.

## **Definitions that relate to this procedure only**

### **Exempt Outside Employment**

Includes the following paid or unpaid activities undertaken by an Employee: occasional broadcasts and performances, telecasts, public lectures, examination or doctoral supervision duties for other universities, writing or editing of newspaper or journal articles and monographs for publication, whether for sale or otherwise. These activities are not subject to the provisions of this Procedure.

### **Official Duties**

Job requirements as stated in an Employee's position description, duty statement or contract of employment.

### **Outside Employment**

Participation in any level of work by an Employee, paid or unpaid, in addition to their employment at the University is regarded as Outside Employment. Outside Employment can include work undertaken for an outside entity or in a self-employed capacity.

## **Private Outside Employment and Consultancies**

Includes paid or unpaid work undertaken by an Employee that is related to their academic discipline or professional expertise including work certified by a professional body required to retain professional accreditation or registration, where the activity is agreed directly between the Employee and an outside entity or client.

## **Private Unrelated Outside Employment**

Includes paid or unpaid activities that are undertaken by an Employee in a private capacity outside normal working hours which are not related to an Employee's substantive position at the University.

## **Supervisor**

Any person responsible for leading the activities of others. In the context of this Procedure, a Supervisor includes Employees at any classification level or title who have responsibilities for leading, managing or supervising work teams and/or individual Employees.

## **University Related/Sponsored Outside Employment and Consultancies**

Includes paid or unpaid work undertaken by an Employee related to their academic discipline or professional expertise that contributes to the strategic goals and objectives of the University, where the activity is agreed between the University and an outside entity formalised through contractual documentation. Work may be initiated by the Employee or the University may approach an Employee to undertake such work.

## **University Responsibilities**

University Responsibilities include administrative obligations derived from:

- *Financial Accountability Act 2009*
- *Financial and Performance Management Standard 2019*
- *University of Southern Queensland Financial Management Practice Manual*
- *Right to Information Act 2009*
- *Crime and Corruption Act 2001*

	<ul style="list-style-type: none"> <li>• <i>Judicial Review Act 1991</i></li> <li>• <i>Libraries Act 1988</i></li> <li>• <i>University of Southern Queensland Act 1998</i></li> <li>• <i>Queensland Procurement Policy</i>, and</li> <li>• Individual's contract of employment</li> </ul> <p>They also include ethics obligations derived from:</p> <ul style="list-style-type: none"> <li>• <i>Public Sector Ethics Act 1994</i></li> </ul> <p>Performance obligations are derived from instructions for the task in hand.</p>
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