



Version	Approved by	Approval date	Effective date	Next full review
X.X	[to be completed]	XX Month Year	XX Month Year	Month Year
Policy Statement				
Purpose	<p>This policy sets out the obligations of academic staff seeking to undertake paid work in addition to their work as UNSW employees.</p> <p>The purpose of this policy is to:</p> <ul style="list-style-type: none"> provide a clear framework that enables academic staff to engage in high-quality paid professional activities which improve the quality of teaching, lead to further research opportunities and/or enable the University to develop new and enriched relationships with industry, business, government and community partners protect the University's interests, resources and reputation by clarifying the rights and obligations of the University and its academic staff with respect to paid outside work provide certainty as to when and how paid outside work may be undertaken set out clear and certain reporting and monitoring arrangements. 			
Scope	<p>This policy applies to all full time and part-time, continuing or fixed-term, academic staff (even when they are on leave, including leave without pay). This policy does not apply to casual academic staff.</p> <p>Professional staff should refer to their obligations under the UNSW Code of Conduct.</p> <p>Persons who have a visiting, adjunct or conjoint appointment should refer to Section 3 of the Conferring Academic Titles Policy.</p>			
Policy Provisions				

1. Introduction

UNSW values and supports its academics engaging with government, industry and the community and will facilitate this wherever it is consistent with its mission. UNSW recognises that paid outside work performed in addition to a staff member's UNSW employment can:

- improve the quality of teaching and research
- cultivate and strengthen engagement and collaboration with external organisations including industry and government
- maintain professional skills and standing, particularly where this is required so UNSW retains accreditation in a professional discipline
- increase community access to the benefits of academic research and expertise.

2. Types of Outside Work

2.1. What is paid outside work?

Paid outside work is work done by an academic staff member in addition to their employment with the University where the staff member (or another person such as a family member) receives a financial benefit for doing the work. It includes where a staff member:

- performs work for a person or entity other than UNSW in the capacity of an employee or contractor for which the staff member receives financial benefits such as salary, consultancy fees, directorship fees or contractor payments
- undertakes remunerated company directorships or committee appointments

- performs work for a corporation in which the staff member holds shares (either personally or through another company, trust or other structure), including work for a corporation which currently does not earn profit or pay dividends if the purpose of the corporation includes to make profit at some time
- performs work for a partnership of which the staff member is part, even if there is currently no income made from the partnership and the purpose of the partnership includes to make a profit at some time.

This policy outlines four types of paid outside work: University Consultancy, Private Consultancy (including professional practice other than Clinical Academic Work), Clinical Academic Work and Unrelated Work.

2.2. University Consultancy

2.2.1. Definition

University Consultancy is paid work undertaken by academic staff in addition to their regular duties that is managed by UNSW. University Consultancy is preferred by the University over Private Consultancy because it provides the following benefits to staff and the University:

- staff can undertake the work during their normal working hours for the University and, where approval is given, use University resources including laboratories, facilities and IT systems
- the activity is visible to UNSW as part of its broader engagement strategy and revenue will be recognised in knowledge exchange reporting for UNSW and by the host Faculty for the staff member's performance
- use of the UNSW brand
- insurance and support with contracting services and project management through UNSW.

2.2.2. Financial Arrangements

The following financial arrangements apply for staff engaged in University Consultancy:

- Charging for UNSW resources including indirect cost recovery must be in accordance with the [UNSW Competitive Neutrality and Pricing Policy](#) and [Pricing of Externally Funded Knowledge Exchange Procedure](#).
- The staff member undertaking the University Consultancy may direct that income received from the University Consultancy be used for personal payment through the UNSW payroll system or to support research or other University activities. All directions for use of income gained from a University Consultancy are subject to approval by the Head of School and must be consistent with satisfactory performance by the staff member and the best interests of UNSW.

2.2.3. Liability and Insurance

Staff undertaking University Consultancy will be covered by professional indemnity and public liability insurances maintained by the University.

2.2.4. Time Allowance

Full-time academic staff must not exceed a total of 52 working days per calendar year undertaking University Consultancy and Private Consultancy. Part time staff must not exceed 52 working days on a pro-rata basis. This is a maximum and not an entitlement as undertaking the work depends on pre-approval by the Head of School and ongoing satisfactory performance of the staff member's duties.

2.2.5. UNSW Resources

Staff undertaking University Consultancy can, if approved by their Head of School, use UNSW resources on terms agreed with the Head of School. The costs of using these resources will be charged in accordance with section 2.2.2 of this policy.

2.2.6. Disclosure of University Consultancy

Once approved, all University Consultancy must be declared in the annual UNSW mandatory disclosure of interests process.

2.3. Private Consultancy

2.3.1. Definition

Private Consultancy (including professional or private practice other than Clinical Academic Work) is paid consultancy or practice that is undertaken privately by the staff member where the work being undertaken is related to the staff member's professional expertise and qualifications as an academic staff member.

2.3.2. Liability and Insurance

Staff undertaking Private Consultancy must provide evidence at the time of application that all appropriate insurances (eg professional indemnity and public liability insurance) will be in place to cover the activity.

Academic staff undertaking Private Consultancy may use their academic title and email address but must ensure that they do not represent the Private Consultancy as a University activity or as an activity which has University endorsement, affiliation, or other support. Staff must ensure that prior to commencement all other parties understand that UNSW is not responsible for, or associated with, the work being performed.

Private Consultancy will not be covered by University insurances and, as between UNSW and the academic, any risks arising from the work rest with the academic.

2.3.3. Time Allowance

Full-time academic staff must not exceed a total of 52 working days per calendar year undertaking University Consultancy and Private Consultancy. Part-time staff must not exceed 52 working days on a pro-rata basis. This is a maximum and not an entitlement as undertaking the work depends on pre-approval by the Head of School and ongoing satisfactory performance of the staff member's duties.

2.3.4. UNSW Resources

No UNSW intellectual property or other UNSW resources can be used by a staff member in performing Private Consultancy. No UNSW professional staff or UNSW students are to be involved in the Private Consultancy of an academic staff member.

2.3.5. Disclosure of Private Consultancy

Once approved, all Private Consultancy must be declared in the annual UNSW mandatory disclosure of interests process.

2.4. Clinical Academic Work

A medical practitioner employed as a member of academic staff in the Faculty of Medicine and Health who provides clinical and related services for public patients in public hospitals under the [Clinical Academics Employed in the NSW Health Service Policy Directive](#) may be employed as a Clinical Academic with the NSW Health Service in addition to their primary employment with UNSW.

A person employed as a Clinical Academic must spend at least three days per week (or pro-rata for part-time staff) performing duties arising from their UNSW employment.

A person employed as a Clinical Academic is otherwise subject to the same terms and approvals set out above in section 2.3 with respect to Private Consultancy.

2.5. Unrelated Work

Unrelated Work is paid work undertaken outside of the academic's normal work hours which has no connection at all with UNSW or the work performed by the academic for UNSW. Examples include refereeing football on the weekend, running a dog walking business or playing in a band. Any paid outside work which can only be done by a staff member because of their academic expertise or qualifications is not Unrelated Work. Unrelated Work does not require approval by the University unless the work will have an impact on the staff member's work performance at UNSW. All Unrelated Work must be done in the staff member's own time and not during their normal working hours.

2.5.1. Liability and insurance

Unrelated Work is undertaken at the academic's own risk and will not be covered by any University insurances. Academic staff undertaking Unrelated Work must ensure that they do not represent the Unrelated Work as having any connection, endorsement, or approval of the University.

2.5.2. UNSW Resources

No UNSW intellectual property or other UNSW resources can be used by a staff member in performing Unrelated Work. No UNSW professional staff or UNSW students are to be involved in any way in the Unrelated Work of a staff member.

2.5.3. Disclosure of Unrelated Work

Disclosure of Unrelated Work is not required. If there is any doubt about whether paid outside work is Unrelated Work the staff member must consult with their Head of School.

3. Criteria for Approval of University Consultancy and Private Consultancy

University Consultancy and Private Consultancy are not a right of staff. Staff must obtain approval for any proposed University Consultancy and Private Consultancy before commencing this work by completing an [Application for Approval to Undertake Paid Outside Work](#) available through myUNSW.

Approval must be obtained again at any point at which there is a significant change in the approved University Consultancy or Private Consultancy. A significant change includes a change to the time commitment involved in the work, or a change to the extent or manner in which UNSW resources are proposed to be used or UNSW professional staff or students proposed to be engaged.

Approval to undertake University Consultancy or Private Consultancy may be granted subject to conditions.

University Consultancy or Private Consultancy can only be undertaken where it can be conducted consistently with satisfactory performance of the staff member's duties to UNSW and without interference with the staff member's UNSW employment responsibilities and functions. Approval must also be consistent with any applicable Faculty workload allocation. Approval of an application for University Consultancy or Private Consultancy is at the discretion of the University and will be made having regard to the criteria identified in sections 3.1 to 3.3 below, and any other relevant issues and circumstances.

Paid outside work approved in accordance with the Paid Outside Work Policy in force prior to this policy may continue for 12 months from the effective date of this policy. After that time, a new approval must be sought under this policy.

3.1. Approval Requirements for University Consultancy and Private Consultancy

All University Consultancy and Private Consultancy requires approval by the staff member's Head of School (or in the case of Heads of School, by their Dean). The staff member must submit an application for approval in such form as UNSW requires from time to time and the Head of School must be satisfied that:

- a) the application sets out full details of the proposed University Consultancy or Private Consultancy
- b) the University Consultancy or Private Consultancy will not interfere with the staff member's employment obligations at UNSW
- c) the staff member is performing their duties as an employee of the University satisfactorily and there is no reason to believe that undertaking the University Consultancy or the Private Consultancy will adversely impact the staff member's performance
- d) giving approval for the staff member to undertake the University Consultancy or the Private Consultancy is in the best interests of the University
- e) the University is not exposed to unreasonable legal, financial or reputational risk as a result of the staff member undertaking the University Consultancy or the Private Consultancy
- f) the work performed does not compete with UNSW teaching, research or other programs and could not be performed by the academic staff member as part of their normal duties including, for fractional staff, by increasing their fraction.

All approvals are conditional upon these requirements (and any other requirements imposed by the Deputy Vice-Chancellor Planning and Assurance in their discretion) continuing to be met. Staff members must inform their Head of School whenever there are changes relating to these requirements and immediately make a new application for approval. A staff member who fails to inform their Head of School of such a change and make a new application will be in breach of this policy and may face disciplinary action.

3.2. Approval of University Consultancy

In addition to section 3.1, before approving an application for University Consultancy, the Head of School must be satisfied that:

- a) participation in the University Consultancy is related to the staff member's professional expertise and will contribute positively to their reputation and standing and that of the University
- b) where the Head of School approves that the work can be carried out with the support of UNSW professional staff, the School, Faculty or Division as applicable will be fully reimbursed for the time worked
- c) where UNSW students will be involved in the University Consultancy:
 - a student's involvement will not adversely affect or prejudice the study program of the student;
 - for postgraduate students, the time involved will not exceed the time allowed for paid work as specified in the conditions for Australian Postgraduate Awards, or any other scholarship award conditions that might apply at the time; and
 - all students will be fully remunerated for any work done in accordance with applicable industrial instruments.
- d) where appropriate, a written agreement has been entered into between UNSW, the staff member and any relevant third parties that sets out matters to protect UNSW and the staff member including:
 - the amounts to be deducted by UNSW for its costs from the revenue received for the University Consultancy
 - ownership of any intellectual property arising from the University Consultancy and use of any other intellectual property (whether owned by the third party or UNSW)
 - the terms on which any UNSW professional staff and students will be involved, and any UNSW resources used, in the University Consultancy.

3.3. Approval of Private Consultancy

In addition to section 3.1, before approving an application to undertake Private Consultancy, the Head of School must be satisfied that the staff member understands and accepts that while undertaking Private Consultancy they:

- a) are not covered by the University's workers compensation, public liability, professional indemnity or other insurances
- b) must not act in their capacity as an employee of the University
- c) must not use the University's name, trademarks, logo, letterhead, stationery, postal address, phone number, fax number, web address or any other information which might associate the University with the Private Consultancy in any way
- d) must ensure that any third party involved in the Private Consultancy understands that UNSW has no involvement in and does not endorse or stand behind the work.

3.4. Approval Process

University Consultancy or Private Consultancy applications are considered by the Head of School.

The Head of School must consult with their Human Resources Business Partner, Dean or the Deputy Vice-Chancellor Planning and Assurance as appropriate, including if they are concerned that the University Consultancy or Private Consultancy may involve reputational damage for the University or is in competition with other UNSW activities.

Deans, the Human Resources Business Partnering team and the Deputy Vice-Chancellor Planning and Assurance must be notified of:

- all approvals of University Consultancy and Private Consultancy
- the payment arrangements approved by the Head of School in relation to how revenue received from University Consultancy will be distributed.

If a Head of School receives an application for University Consultancy which cannot be approved under this policy, but the Head of School considers it may be in the best interests of the University that the application is approved, the Head of School may refer the application to their Dean and the Deputy Vice-Chancellor Planning and Assurance. The Deputy Vice-Chancellor Planning and Assurance may approve such an application in exceptional circumstances if they consider it to be in the best interests of UNSW to do so.

The Dean, the Chief Human Resources Officer and Deputy Vice-Chancellor Planning and Assurance all have the authority to revoke an Application to Undertake Paid Outside Work after approval by the Head of School where they believe the approval criteria have not been met.

4. Compliance with other UNSW Policies

The conduct and approval of University Consultancy or Private Consultancy must also comply with all other relevant UNSW policies as listed in the Related Documents section at the end of this policy document.

In particular the staff member and Head of School must ensure that:

- staff undertaking University Consultancy or Private Consultancy and the Head of School approving University Consultancy or Private Consultancy comply with the [Code of Conduct](#) including the overarching obligation of all staff to act in the best interests of the University at all times
- there is disclosure and management of any conflicts of interest which are or could result or arise from the University Consultancy or Private Consultancy in accordance with the [Conflict of Interest Disclosure and Management Policy](#).

5. Termination of approved paid outside work

If after approval is given to undertake paid outside work, any of the general approval requirements are not met, the University may withdraw approval of the University Consultancy or Private Consultancy.

6. Failure to comply with this policy

Failure to comply with this policy will be managed in accordance with the provisions of the *Code of Conduct*, *Conflict of Interest Disclosure and Management Policy*, the *UNSW (Academic Staff) Enterprise Agreement 2018*, contracts of employment and/or any other applicable UNSW policies or procedures. Breach of this policy may give rise to disciplinary action.

Accountabilities	
Responsible Officer	Chief Human Resources Officer
Contact Officer	Head of HR Business Partnering, Division of Operations
Supporting Information	
Legislative Compliance	This policy supports the University's compliance with the following legislation: <i>Independent Commission Against Corruption 1988 (NSW)</i> <i>University of New South Wales Act 1989 (NSW)</i>
Supporting Documents	Application for Approval to Undertake Paid Outside Work (available through myUNSW) Application to Expend the Proceeds of University Consultancy
Related Documents	Code of Conduct Competitive Neutrality and Pricing Policy Conflict of Interest Disclosure and Management Policy Conflict of Interest Disclosure and Management Procedure Intellectual Property Policy Pricing of Externally Funded Knowledge Exchange Procedure Privacy Policy Research Code of Conduct Procurement Policy Procurement Procedure University of New South Wales (Academic Staff) Enterprise Agreement UNSW Guidelines for Commercial Activities
Superseded Documents	Paid Outside Work by Academic Staff Policy, v2.13

File Number	[For Governance Use]			
Definitions and Acronyms				
No terms have been defined				
Revision History				
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##	[to be completed]	[to be completed]	[to be completed]	[to be completed]

Consultation draft