

Outside Work and Private Practice - Operational Policy

1. Purpose of policy

1.1 The policy recognises that the University considers it desirable that the special experience and skills of staff members should be available to the community at large and that it will exercise its legal right to regulate the activities of employees where the University's interests are at stake.

1.2 This policy specifies the principles for outside work and private practice.

2. Policy scope and application

2.1 This policy applies to all staff of the University of the Sunshine Coast including full-time and fractional on 50 per cent or above fixed-term or on-going appointments, as well as when they are on paid leave.

3. Definitions

Please refer to the University's Glossary of Term for policies and procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Conflict of interest is a situation where a conflict arises for an individual between two competing interests. These are often, but not exclusively, interests of public duty versus private interests. This refers to a reasonably perceived, potential or actual conflict of interest. Conflicts of interest can involve financial or non-financial interests of the staff member and the interests of a business partner or associate, family member, friend or person in, or has had a close personal relationship with the staff member.

Conflict of commitment is a situation where a staff member has interests personal or within the university that may harm or interfere with the productivity and ability of that staff member to fulfil their responsibilities to the University. It may concern the staff member's distribution of efforts between employment obligations to the University and to outside activities.

Consulting engagement with the University is a situation where a University employee enters into a separate contractual arrangement directly with the University, outside the normal scope of their role at the University to provide additional services to the University. This type of arrangement falls within the definition of Outside Work, should be discouraged wherever possible, and requires a business case to be presented to the Chief Operating Officer for approval.

Directorship/partnership is the involvement in the running of an organisation either as a sole owner or as a partner or a member of the governing board. Involvement in not-for-profit or charitable organisations is exempt from the application of this policy unless there is potential for conflict of interest or intellectual property issues with respect to the University.

Outside work is defined as a professionally based activity undertaken by staff outside the normal scope of their role at the University or for external parties in areas directly related to the staff member's activities at the University. There needs to be an exchange of service for remuneration or other consideration paid to the staff member by the external party or University. Activities may include:

- private practice
- directorships and partnerships
- work for another employer
- approved consulting engagements with the University

Private practice is work completed by a staff member in delivering services directly related to the professional component of their discipline. This typically involves a staff member acting in their professional 'practicing' capacity, such as, a practicing lawyer, engineer, or health professional. This would also apply in the case of visual and performing artists who conduct privately commissioned exhibitions and/or performances.

APPROVAL AUTHORITY

Vice-Chancellor and President

RESPONSIBLE EXECUTIVE MEMBER

Deputy Vice-Chancellor (Academic)

DESIGNATED OFFICER

Director, People and Culture

FIRST APPROVED

5 November 2013

LAST AMENDED

27 May 2019

REVIEW DATE

1 April 2024

STATUS

Active

4. Key principles

All outside work as described in this policy is governed by the following principles:

Principle 1 Benefit to the University: There should be a demonstrable benefit to the University in the conduct of the outside work, i.e. enhanced research profile, professional accreditation requirement, enhanced relationships with the community, government and industry, and expanded expertise of the University staff member.

Principle 2 Maintaining Priorities: The priority activity for the staff member is to fulfil their contractual obligations to the University. Outside work must not result in a conflict of commitment affecting the staff member's availability and capacity to perform their University duties

Principle 3 Ethical Behaviour: In discharging their contractual obligations and in any other external liaison with members of the community, a staff member will display the highest possible ethical standards. A staff member who has a position of influence in a business that may provide goods or services to the University must declare their interest in writing to their Dean of School/Cost Centre Manager using a Conflict of Interest Declaration Form (staff login required), prior to a decision being made to order goods or services from the business. A staff member in this situation cannot be involved in the procurement decision and the procurement process is to be conducted in accordance with the Financial Management Practice Manual (FMPM – staff login required) Procurement Statement and Guidelines.

Principle 4 Legal and Financial Arrangements: The University does not accept liability for the conduct and activities of staff involved in outside work. The staff member is responsible for their own financial obligations, professional indemnity and public liability insurance when engaged in outside work. Staff must ensure that their client is aware that they are acting in a private capacity.

Principle 5 Market Competition: The outside work should not compete with University business (either with services otherwise provided by the University or with a competitor organisation). Any activities that could otherwise be performed by the University should be dealt with as a University Consultancy (refer to the University Consultancy Work – Managerial Policy).

Principle 6 University Resources: The outside work must not use intellectual property owned or licensed by the University. The activity must be undertaken outside of the University premises and must not involve use of the University name or any University facilities.

Principle 7 Income: Staff engaged in approved outside work activities shall be entitled to the proceeds of such work.

5. Approval and responsibilities

The following authorities are delegated under this policy:

ACTIVITY	UNIVERSITY OFFICER
Approve applications from staff which are consistent with Key Principles (Section 4) to undertake outside work activities as identified in this policy for Private Practice, Directorships and Partnerships and work for another employer.	Dean of School/Cost Centre Manager
Approve applications from staff which are consistent with Key Principles (Section 4) to undertake outside work activities as identified in this policy for consulting engagements with the University.	Chief Operating Officer
Dissemination of information and education in relation to this policy.	Dean of School/Cost Centre Manager
Negotiate and approve leave without pay or a part-time appointment to enable staff to undertake outside work if there is likely to be an impact on allocated workload.	Dean of School/Cost Centre Manager

END

RELATED DOCUMENTS

- Conflict of Interest - Governing Policy
- Health, Safety and Wellbeing - Governing Policy
- Intellectual Property - Governing Policy
- Intellectual Property: Commercialisation - Procedures
- Intellectual Property: Commercialisation Revenue - Procedures
- Intellectual Property: Student IP - Procedures
- Intellectual Property: Transfer of Rights to Creators - Procedures
- Outside Work and Private Practice - Procedures
- Resolution of Complaints (Staff) - Guidelines
- Risk Management - Governing Policy
- Staff Code of Conduct - Governing Policy
- University Consultancy Work - Operational Policy
- University Consultancy Work - Procedures

LINKED DOCUMENTS

- Outside Work and Private Practice - Procedures