

External Work Policy

Section 1 - Introduction

- (1) Staff members are encouraged to consider undertaking external work, which bring opportunities and benefits to the University, the individuals concerned, and the community.
- (2) External work should only be undertaken where the operational requirements of the University are not impacted.

Section 2 - Statement of Authority

- (3) The authority behind this policy is the [Charles Darwin University Act 2003](#) part 3, section 15.

Section 3 - Compliance

- (4) This is a compliance requirement under the University's [Code of Conduct - Staff](#).

Section 4 - Intent

- (5) This policy provides a framework for staff members when undertaking work external to the University.

Section 5 - Relevant Definitions

- (6) In the context of this document:
 - a. Client means an external party;
 - b. Commercial-in-confidence means the ordinary legal definition;
 - c. External Work means a discrete work activity performed by a staff member for a client including any controlled entity of the University and includes:
 - d. University-sponsored external work; and
 - e. Private work;
 - f. Governance document means a formally approved document that outlines non-discretionary governing principles and intentions, in order to guide University practice. Governance documents are formal statements of intent that mandate principles or standards that apply to the University's governance or operations or to the practice and conduct of its staff members and students they include the [Charles Darwin University Act 2003](#), by-laws, policies, procedures, guidelines, rules, codes and the Enterprise Agreement;
 - g. Intellectual Property means the ownership of intellectual property created by staff members and students of the University as determined by the University [Intellectual Property Policy](#);
 - h. Register of Approval for External Work means a registered list held by the relevant Senior Executive with the staff member's name, approved external work activity and the date approved;
 - i. Senior Executive means a staff member of the University holding the position of Vice-Chancellor, Provost,

- Deputy Vice-Chancellor, Pro Vice-Chancellor or Vice-President Finance and Corporate or equivalent;
- j. Staff member means anyone employed by the University and includes all continuing, fixed-term, casual, adjunct or honorary staff or those holding University offices or who are a member of a University committee;
 - k. Statement of Compliance means a written statement from the staff member indicating that the requirements of this policy have been complied with in relation to external work; and
 - l. University resources means any resources of the University. This includes the staff member's University work arrangements, work time and/or impact on duties set out in a Position Description or Enterprise Agreement; other staffing resources; University equipment; facilities; finance and other systems; ICT resources; and the University's name, logo or any other identifying mark of the University.

Section 6 - Policy

(7) The University management's preference is, where appropriate, that external work be conducted through the University.

(8) Any external work which would involve or implicate the University by association must be consistent with the objectives of the University. The work must be conducted in a manner that protects the University and the staff member from liability and risk. Any conflict of interest must be declared and be capable of being managed to the satisfaction of the University (refer to the University [Conflicts of Interest Policy](#) and [Conflicts of Interest Procedure](#) for further information).

(9) The University will define through this policy its expectations of the types of external work, including providing guidance as to the range of work, which, either directly or by implication can be undertaken using the University's name, services or resources.

(10) The University will provide a flexible management framework that covers the range of external work opportunities available to its staff.

(11) The principles set out within this policy will apply irrespective of whether or not a specific activity involves remuneration.

University - Sponsored External Work

(12) University-sponsored external work is work undertaken with, or for, a client to the University, for which payment is made. Income will be credited to the relevant cost centre account for approved use, as negotiated between the staff member and the cost centre manager.

(13) A staff member may undertake University-sponsored external work on the following conditions - satisfaction of which is the responsibility of the staff member:

- a. The work has the prior written approval of the relevant Academic Pro Vice-Chancellor or Deputy Vice-Chancellor, Operations (for all other staff);
- b. the activity is not likely to compromise the reputation of the University and any conflicts of interest with the University and any identifiable risks for the University, have been properly addressed, managed or resolved to University management's satisfaction;
- c. no University intellectual property will be used in the work or, prior approval to use University intellectual property has been obtained in writing from the Deputy Vice-Chancellor. A written agreement between the University and the client must also be entered into, regarding the use of University intellectual property and/or other commercial-in-confidence information;
- d. the staff member has made prior arrangements with the relevant Academic Pro Vice-Chancellor or Deputy Vice-

Chancellor, Operations to reimburse the University agreed costs for access to any University resources to be used in carrying out the activity;

- e. there will generally be a suitable contract between the University and the client before the activity is undertaken, which will address issues including intellectual property, physical damage or injury indemnities; and
- f. the staff member must provide a Statement of Compliance by 31 December each year to the relevant Academic Pro Vice-Chancellor or Deputy Vice-Chancellor, Operations, which states that “in undertaking the University-sponsored external work, the staff member has complied with this policy and has reimbursed the University in full for any costs incurred under and of the above”.

(14) All University sponsored external work must be facilitated through the Business Development and Strategic Partnerships of Research and Innovation. This requirement provides:

- a. coverage under the University professional indemnity insurance;
- b. access to University resources and proper costing of these resources;
- c. use of the staff member's University title;
- d. organisational support with respect to contractual arrangements; and
- e. recording of relevant activities in terms of research performance.

(15) Research and Innovation will recover all costs incurred for the use of University equipment and facilities, charge management fees appropriate to the services provided and ensure a financial return to the relevant cost centre/University.

Private Work

(16) Private work is work undertaken with, or for, a client that is entirely unconnected with the University. Private work is conducted in the staff member's individual name or by a company or other party with which the individual has an interest or association. Payment for private work is made to the individual (or company/other party) directly.

(17) Private work also includes for example, directorships of companies, family trusts or other boards, irrespective of whether remuneration is received.

(18) A staff member may undertake private work provided that:

- a. the nature, proposed duration and frequency of the work does not impact on the staff member's performance of their normal teaching, research and/or administrative duties;
- b. it does not require the use of any University resources or equipment or the University is fully compensated for any resources or equipment used and such use only occurs with the prior written consent of the relevant Academic Pro Vice-Chancellor or Deputy Vice-Chancellor, Operations (for all other staff);
- c. it does not use the University's intellectual property;
- d. it does not fall within the category of prohibited external work;
- e. it does not conflict with the interests of the University and the University is not exposed to any risk;
- f. the staff member may only use his or her University position or academic title in representations to the client with the prior written approval of the relevant Academic Pro Vice-Chancellor or Deputy Vice-Chancellor, Operations (for all other staff);
- g. the staff member must not use the University letterhead or stationery and must direct any communications associated with the private work, including mail, email, telephone and other communications to a place other than the University (refer to the University [Information and Communication Technologies Acceptable Use Policy](#) and [Email Acceptable Use Policy](#));
- h. where relevant, evidence is available to be sighted upon request, that the staff member has adequate and

- separate insurance, including professional indemnity coverage for the activities to be undertaken;
- i. where relevant, evidence is available to be sighted on request that the client for whom the work is to be conducted, has received a statement, in writing, from the staff member, stating:
 - j. the staff member is undertaking the work in a private capacity; and
 - k. the University is in no way connected to the particular activity and provides no indemnification or insurance cover for staff undertaking private work;

(19) The staff member must provide a Statement of Compliance with this policy, by 31 December each year to the relevant Academic Pro Vice-Chancellor or Deputy Vice-Chancellor, Operations. The Statement of Compliance will state that the staff member has complied with this policy in undertaking any private work and has reimbursed the University for any costs incurred in full.

(20) A staff member wishing to undertake private work must do so in their own time, or apply for Paid Annual Recreation Leave (refer to the Staff - Paid Annual Recreation Leave Procedures). However, the request to use PARL to undertake private work is subject to the operational requirements of the University. For example, a Teaching-Focused Academic Staff member may be refused leave during a period of teaching.

Exempt Activities

(21) The following activities are exempt from the operation of this policy:

- a. Refereeing of journal articles, papers and books and similar scholarly works;
- b. writing, editing and reviewing of scholarly works or membership of editorial boards;
- c. examining for educational and professional bodies (e.g. theses);
- d. occasional lectures, performances, exhibitions, conference participation, media appearances and similar activities;
- e. University Council or Vice-Chancellor appointments or nominations to company or other boards;
- f. service on professional, community or educational committees or groups;
- g. any activity serving professional, community or educational purposes, where any remuneration is not a commercial fee for service but is limited to a reimbursement, a gratuity or an honorarium (as these terms are commonly understood);
- h. any approved external work that is undertaken to maintain and enhance the professional experience, skills and credibility of an academic staff member in relation to their teaching responsibilities within their discipline; and/or
- i. any other activity for which a staff member receives approval to conduct as an exempt activity under this policy.

(22) Approval to conduct an activity as an exempt activity must be obtained in writing by the staff member from the relevant Academic Pro Vice-Chancellor or the Deputy Vice-Chancellor, Operations (for all other staff), prior to commencing the activity.

(23) Where the approval of the Deputy Vice-Chancellor, Operations is sought, there must first be approval from the staff member's line manager. If the activity is already being undertaken when this policy commences, the staff member shall have thirty (30) days from the commencement date of the policy in which to obtain such written approval.

(24) A Senior Executive seeking approval to conduct an activity as an exempt activity must obtain permission in writing from the Vice-Chancellor, prior to commencing the activity.

(25) An exempt activity must not be undertaken by a staff member if any of the conditions outlined below apply.

Prohibited External Work

(26) External work must not be undertaken where:

- a. conducting the activity represents a conflict of interest with the staff member's employment relationship with the University that cannot be managed or resolved to the University's satisfaction. For example, if the proposed work is in an area in which the University could reasonably claim to have the expertise to undertake the work this would be considered by the University to be a conflict of interest;
- b. the activity may adversely affect the capacity of the staff member, or their organisational unit, to perform duties or organisational functions within the University;
- c. the activity is inconsistent with the University's values and/or governing documents or, would adversely affect the reputation, standing or strategic interests of the University, or, creates a risk to the University that is not able to be managed or resolved to the University's satisfaction; or
- d. University resources are or will be used without the consent of the University or where the costs of such use cannot be recouped.

(27) Notwithstanding the above, the Vice-Chancellor may, with express approval in writing, waive any of the above.

Register of Outside Work and Statements of Compliance

(28) A register of approvals for external work and Statements of Compliance submitted by staff members will be maintained by each Academic Pro Vice-Chancellor or Deputy Vice-Chancellor, Operations.

(29) Information maintained on each register may be used for legitimate University purposes. Such purposes may include audit, compliance monitoring, reporting, and any other purposes required by government legislation and/or University governing documents.

Breach of the Policy

(30) Breaches of this policy, including failure to submit a Statement of Compliance annually, may constitute misconduct giving rise to disciplinary action under the [Enterprise Agreement](#).

Status and Details

Status	Historic
Effective Date	15th January 2022
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Approval Date	13th December 2021
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Responsible Executive	Fiona Coulson Vice-Chancellor
Implementation Officer	Peta Preo Director People and Culture
Enquiries Contact	Brendon Douglas Vice-President Governance and University Secretary