Outside Work Procedure

1 Purpose

To enable Employees to undertake Outside Work to support their professional development and to promote engagement between the University, industry, and the community.

2 Scope

This procedure applies to all continuing, fixed-term, and contingent-funded Employees.

This procedure does not apply to:

- casual Employees;
- honorary or adjunct title holders;
- volunteers; or
- contractors.

This procedure does not apply to University Consultancy Work. Refer to the University Consultancy Procedure and the University Costing and Pricing Procedure (Research and Consulting).

3 Procedure Overview

This procedure defines Outside Work, describes the various categories of Outside Work, sets out the terms and conditions relating to Outside Work, and provides a process for seeking approval to undertake Outside Work.

4 Procedures

All Employees are required to prioritise their employment with the University and to devote their ordinary hours of work to their service of the University, in accordance with the terms and conditions of their employment agreement, the Enterprise Agreement, and their performance goals set during the performance planning and review process.

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4.1 Definition of Outside Work

Outside Work refers to any paid or unpaid work performed by an Employee, for any external organisation or for themselves, and includes, but it not limited to, self-employment, independent contracting, consulting, outside directorships, or employment by a family company or other entity.

Categories and Requirements for Outside Work

Categories of Outside Work	Definition	Approval Requirements
Outside directorship	Refers to an Employee's service on a board, management committee, or similar group which fulfills a governance function for an external organisation. Outside directorships may be considered related Outside Work, or unrelated Outside Work, depending on the nature of the outside directorship and its relationship to the Employee's duties.	Approval is required for outside directorships considered related Outside Work, considering the benefit and Risk to the University.
Related Outside Work	Related Outside Work that is related or similar to the Employee's position or role with the University, but which does not include the University as a party to the agreement for Outside Work.	Requires written approval and must not involve the University as a party.
Unrelated Outside Work	Unrelated Outside Work means any Outside Work that is neither related nor similar to the Employee's position or role with the University, and which does not include the University as a party to the agreement for Outside Work.	Does not require written approval unless it interferes with University duties, involves Conflicts of Interest, or misuses the Employee's position.

Outside Work may be approved provided it is consistent with the Employee's obligations under the Conflict of Interest Policy, and if:

- the Outside Work could not reasonably be undertaken by the employee as part of their role as an Employee;
- the Outside Work does not pose a Risk to the University;
- the Outside Work does not constitute a Conflict of Interest for the Employee that cannot be managed with a Conflict of Interest Management Strategy;

- the Outside Work is consistent with the outcomes of the performance planning and review process and the allocation of work to the Employee;
- the Outside Work will not impact or interfere with the Employee's ability to undertake the duties and responsibilities of their position or role with the University; and
- the Outside Work does not present a Risk to the health and safety of the Employee or others.

4.2 Application for Outside Work

Employees must obtain prior written approval for Outside Work as per section 4.1.

Some Outside Work is also prohibited and will not be approved under any circumstances. Outside Work is prohibited, as determined by the University, if it poses a Risk to the business, operation, profitability, brand, or reputation of the University, or is a Conflict of Interest for the Employee that cannot be effectively mitigated or managed.

4.2.1 Disclosure

New Employees must disclose any pre-existing Outside Work, prior to commencing their employment with the University.

Existing Employees must disclose all known and proposed Outside Work.

Employees are required to continually declare their interest in Outside Work on each occasion an opportunity for Outside Work arises, and to obtain written approval prior to undertaking the Outside Work as per section 4.1.

Employees are required to notify the University if there is any change in the circumstances which relate to the Outside Work, including changes in relation to the external organisation or the nature of the Outside Work being undertaken.

If an Employee becomes aware of this Procedure after commencing Outside Work, they must notify their Supervisor immediately and either cease the Outside Work, or seek approval for the Outside Work as soon as possible.

4.2.2 Application

Employees must request approval to undertake Outside Work in writing, by completing the approved form.

Employees are required to provide sufficient details of the Outside Work to enable the University to identify, assess, and manage any Conflicts of Interest (for example, use of University Intellectual Property) which may arise from the Outside Work, and fully consider and respond to the Employee's request for Outside Work.

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4.2.3 Decision

Following discussion with the Employee, and upon receipt of the Employee's request for Outside Work, the Supervisor will either:

- refer the Employee's request for Outside Work back to the Employee for further details in relation to the Outside Work and management of Conflicts of Interest or other concerns; or
- forward the Employee's request for Outside Work to the relevant Category 3 Delegate, or the relevant supervisor if the Employee is a Category 3 Delegate or above, for consideration and Decision.

The relevant Category 3 Delegate, or the relevant supervisor if the Employee is a Category 3 Delegate or above, will either:

- refer the Employee's request for Outside Work back to the Employee for further details in relation to the Outside Work and management of Conflicts of Interest or other concerns;
- approve the Employee's request for Outside Work; or
- deny the Employee's request for Outside Work on the basis that it does not meet the requirements of this Procedure and/or is inconsistent with the Employee's obligations under the Conflict of Interest Policy.

The relevant Category 3 Delegate may seek advice and guidance from the relevant Category 2 Delegate in relation to making a Decision in accordance with this Procedure.

4.2.4 Notification

The Employee and their Supervisor will be notified of the Decision.

4.3 Remuneration

Employees who undertake Outside Work will not be entitled to remuneration from the University for the Outside Work.

4.4 University Resources

Employees who undertake Outside Work will not be provided with access to University

resources and will not be permitted to use their University position title or their affiliation with the University.

Additionally, Employees undertaking Outside Work:

- must not promote the Outside Work as being sponsored by or undertaken on behalf of the University; and
- must direct all communications relating to the Outside Work to the external organisation or other contact, other than the University.

Employees undertaking Outside Work, do so in in their private capacity and not as an Employee or representative of the University.

4.5 Allocation of Work

Employees who undertake Outside Work must do so outside their allocated workload (if they are an Academic Employee), or outside their ordinary hours of work (if they are a Professional Employee).

The relevant Delegate may approve a period of unpaid leave, or a variation in the Employee's Full Time Equivalent (FTE) to a part-time working arrangement, to support the Employee to undertake Outside Work.

4.6 University Insurance

Employees who undertake Outside Work will not be covered under the University's professional Indemnity Insurance.

4.7 Outside Directorships

If an outside directorship is considered related Outside Work, the Employee must obtain written approval prior to accepting the outside directorship. Specifically:

- if the Employee is a University appointee or nominee, or can otherwise reasonably be considered as a representative of the University in respect of the outside directorship, they must obtain prior written approval from the relevant Category 2 Delegate; and
- if the Employee is not a University appointee or nominee, and cannot otherwise reasonably be considered as a representative of the University in respect of the outside directorship, they must obtain prior written approval from relevant Category 3 Delegate, or the relevant supervisor if the Employee is a Category 3 Delegate or above.

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An outside directorship which is considered related Outside Work, may only be approved if the outside directorship:

- has been assessed as bringing significant benefit to the University; and
- has been assessed as not exposing the University to significant Risk.

If an outside directorship is considered unrelated Outside Work, the Employee is not required to obtain approval prior to accepting an outside directorship, provided the outside directorship is not prohibited Outside Work and is consistent with the Employee's obligations under the Conflict of Interest Policy.

4.8 Withdrawal of Approval

The relevant Category 3 Delegate, or the relevant supervisor if the Employee is a Category 3 Delegate or above, may withdraw approval for Outside Work at any time, with reasonable Notice to the Employee.

4.9 Health and Safety Risks

If Outside Work creates a Risk to the health and safety of the Employee or others, the Employee who undertakes the Outside Work must notify the University as soon as they become aware of the Risk and must take appropriate steps to mitigate or eliminate the Risk.

4.10 Breaches of Procedure

A breach of this Procedure may be considered a breach of the Code of Conduct Policy and may constitute Disciplinary Action being taken by the Employee.

If Outside Work changes in a way that results in the breach of this Procedure, the Employee who undertakes the Outside Work must notify their Supervisor as soon as they become aware of the breach and must take appropriate steps to remedy the breach in accordance with the Conflict of Interest Policy and with this Procedure.

4.11 Complaints

Complaints regarding a Decision made in accordance with this Procedure, will be managed in accordance with the Employee Complaints Procedure. Employees are encouraged to raise their concerns with their Supervisor or the relevant Category 3 Delegate in the first instance.

4.12 Delegations

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Position	Delegation
Category 2 Delegate	• Approve, reject, or withdraw outside directorships when the Employee is a University appointee or nominee.
Category 3 Delegate	• Approve, reject, or withdraw an Employee's request for related Outside Work. • Approve, reject, or withdraw outside directorships when the Employee is not a University appointee or nominee.

5 References

Nil.

6 Schedules

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

7 Procedure Information

Accountable Officer	Chief People Officer
Responsible Officer	Chief People Officer
Policy Type	University Procedure
Policy Suite	Conflict of Interest Policy
Subordinate Schedules	
Approved Date	2/12/2024
Effective Date	5/12/2024
Review Date	5/12/2029
Relevant Legislation	
Policy Exceptions	Policy Exceptions Register

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Related Policies	Code of Conduct Policy
Related Procedures	Conflict of Interest Procedure Consultancy Procedure (under development) Costing and Pricing (Research) Procedure Employee Complaints Procedure
Related forms, publications and websites	Contract Management Framework Undertake Outside Employment Form
Definitions	**Terms defined in the Definitions Dictionary**
	Academic Employee As defined in the University of So u thern Queensland Enterprise Agreement 2023 - 2026 . Conflict of Interest 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

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influenced by their Private Interests. Serious misconduct can occur when a conflict of interest is concealed, understated, mismanaged or abused.

Decision

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

Disciplinary Action

Action by the University to discipline an Employee for misconduct or serious misconduct and includes: formal censure or counselling; demotion by one or more classification levels or increments; withholding of an increment; suspension with or without pay; or termination of employment for serious misconduct only.

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.

Indemnity

To compensate for loss or damage; to provide security for financial reimbursement to an individual in case of a specified loss incurred by the person.

Insurance

The equitable transfer of the Risk of a loss from one entity to another in exchange for payment. It is a form of Risk Management primarily used to hedge against the Risk of a contingent, uncertain loss. An Insurer, or Insurance carrier, is a company selling the Insurance. The insured, or policyholder, is the person or entity buying the Insurance policy for a premium. The insured receives a contract (called the Insurance policy), which details the conditions and circumstances under which the insured will be financially compensated.

Intellectual Property

The result of an individual's intellectual endeavours that is capable of being protected by legal rights. Examples include, but are not limited to: inventions and discoveries in relation to new products and processes that can be protected by a patent; Copyright in Teaching Materials; other works in which Copyright subsists including literary works (including computer programs), dramatic works, musical works, artistic works, films, sound recordings, broadcasts, published editions and certain types of performances; industrial designs, which protect the shape, configuration, pattern or ornamentation of a product, that is, what gives a product a unique appearance; plant breeders' rights, which protect varieties of plants and trees; trademarks, which protect the branding, reputation and goodwill of products and services; circuit layout rights, which protect the layout plans or designs of electronic components in integrated circuits, computer chips, or semi-conductors used in personal computers and computer-reliant equipment; and trade secrets and know-how, that is, knowledge about products, processes, and inventions and discoveries: prior to the time they are incorporated into a publication or become the subject of a patent or design application; or which are never made the subject of an application for Intellectual Property registration.

Notice

A Notice from the University is a document, whether physical or electronic. A Notice may be: given by hand to the addressee or delivered to the address provided by the addressee to the University; or sent by registered or pre-paid mail to the address provided by the addressee to the University; or sent by electronic communication to the University-issued email account provided by the University to a Student during the period of Enrolment until the completion of their program; or sent by electronic communication to the email address provided to the University by an addressee not enrolled at the University. A Notice is taken to be received if: given by hand to the addressee or delivered to the address provided to the University by the addressee; or sent by registered or pre-paid mail - three University Business Days after the date of posting; or sent by electronic communication - at the time that would be the time of receipt under the Electronic Transactions Act 1999 or its succeeding legislation. A Notice that would be deemed to have been received out of business hours or on a non-University Business Day will instead be deemed received on the next University Business Day.

Outside Work

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

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	Risk The effect of uncertainty on objectives. University The term 'University' or 'UniSQ' means the University of Southern Queensland.
	Definitions that relate to this procedure only
	University Consultancy Work University Consultancy Work is the provision of services by University employees on behalf of the University on a commercial basis to an external organisation.
Keywords	Outside, work, employ, employment, director, directorship, consultant, consultancy, consultancies, volunteer, paid, unpaid
Record No	13/374PL

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