

# Outside Work Policy (Academic)

This policy is being updated to reflect the new Enterprise Agreement and may currently contain out of date information. If you have any questions, please lodge an Ask HR ticket.

## Section 1 - Key Information

<b>Policy Type and Approval Body</b>	Administrative - Vice-Chancellor
<b>Accountable Executive - Policy</b>	Deputy Vice-Chancellor (Research and Innovation)
<b>Responsible Manager - Policy</b>	Executive Director, Research Strategy & Operations
<b>Review Date</b>	19 December 2026

## Section 2 - Purpose

(1) The purpose of this Policy is to:

- a. define permissible Outside Work which consists of University Consulting and paid Personal Work;
- b. outline expectations for approval and conduct of Outside Work;
- c. ensure transparency and accountability in the conduct and management of Outside Work; and
- d. support a flexible approach to Outside Work that recognises the value to all parties, while managing risks to the University.

## Section 3 - Scope

(2) This Policy applies to:

- a. all forms of paid Outside Work performed by staff of the University, whether via an employment arrangement, as a University consultant or independent consultant, contractor, business owner, or as a director or board member.

(3) This Policy does not apply to:

- a. secondments or unpaid volunteer work
- b. work which forms part of a staff member's workload allocation and/or University duties/position description which is managed by the School or Department and may include the following activities or types of activities, either externally funded or unfunded:
  - i. committee participation
  - ii. organising and/or attending meetings, forums, seminars etc
  - iii. community service

- iv. industry liaison and grant funding applications
- v. leadership
- vi. management and administration
- vii. occasional lectures for other institutions (but not courses of lectures)
- viii. examining higher degree theses
- ix. reviewing papers or books
- x. editorial work for an academic journal
- xi. participating in or organising academic conferences
- xii. assessing grant applications
- xiii. service of up to the equivalent of ten days per year on boards or committees (other than boards or committees of companies)
- xiv. occasional newspaper articles or other media contributions
- xv. undertaking Research and consulting activities that involve conducting Research, such as Research services commissioned by a client in accordance with the [Research Contracts and Grants Policy](#)
- xvi. writing scholarly works, whether commissioned or non-commissioned
- xvii. development and/or delivery of subjects and courses both award or non-award.

## Section 4 - Key Decisions

Key Decisions	Role
Veto proposed University Consulting engagements that are primarily funded by individuals or organisations involved in inappropriate activities; for example, individuals or organisations involved in the tobacco industry	Deputy Vice-Chancellor (Research and Innovation)
Approve Outside Work that exceeds the paid external outside work cap	Deputy Vice-Chancellor (Research and Innovation)
Approve Outside Work	Dean or Head of Administrative Division

## Section 5 - Policy Statement

(4) Undertaking Outside Work may have benefits for the individual staff member and the University. The University does not preclude such arrangements from occurring, provided:

- a. the staff member discloses the arrangements to the University;
- b. the arrangements do not interfere with the staff member's discharge of their professional duties or encroach unduly on work time;
- c. the arrangements do not create a conflict with other obligations that cannot be actively and appropriately managed; and
- d. the proposed activity is not contrary to the University's interests, values or reputation.

(5) Consulting delivered through the University by a staff member must be approved and negotiated in accordance with University policies and procedures.

# Section 6 - Procedures

## Part A - Outside Work

(6) Outside Work consists of:

- a. University Consulting which is fee for service work performed by a staff member (full or part-time) through the University for an external organisation or individual, which is over and above their workload allocation and/or University duties/position description; and
- b. Personal Work which is work performed by a full-time staff member in their personal capacity outside their contract of employment with the University.

(7) All staff members may engage in Outside Work:

- a. up to the paid external work cap, with approval through PRIME by the Dean or Head of Administrative Division; or
- b. above the paid external work cap if the approval has been agreed through PRIME and the Deputy Vice-Chancellor (Research and Innovation) or nominee has agreed through PRIME that the outside work does not compromise the interests of the University.

(8) The paid external work cap is set at, 5 working days in a month or 48 working days in a calendar year.

### Non-permissible Outside Work

(9) The following activities are not permissible and will not be approved for Outside Work:

- a. work involving a conflict of interest or foreign interaction concern where the concern is not able to be adequately addressed;
- b. paid private tuition of La Trobe University students;
- c. for full-time staff members, paid design or delivery of courses for any other institution other than a subsidiary or affiliate of the University, except where specifically approved by the University;
- d. work for persons who may have a direct or indirect material interest in a decision or action for which the employee is responsible at the University; and
- e. work during periods of long service leave (in accordance with the [Long Service Leave Act 2018](#)).

### Approval of Outside Work: Within Paid External Work Cap

(10) Deans or Heads of Administrative Divisions are responsible for approving Outside Work within the paid external cap limit, if and only if:

- a. they are in possession of a completed record and declaration in PRIME
- b. they are satisfied that the record and declaration in PRIME is true and complete
- c. the outside work does not compromise the interests of the University

(11) Deans or Heads of Administrative Divisions have the discretion to withhold approval if:

- a. a staff member proposing to undertake outside work fails to lodge a completed PRIME record and declaration in PRIME fourteen (14) days before the work is proposed to commence, unless otherwise agreed and approved; or
- b. they believe that there is a risk that the proposed work may interfere with the staff member's ability to perform their University duties.

(12) Deans or Heads of Administrative Divisions may stipulate reasonable conditions as part of any approval in PRIME. They must complete the approvers comments field in PRIME to record any decisions, provide reasons and stipulate any conditions.

(13) Deans or Heads of Administrative Divisions must communicate any decisions at least seven (7) days before the date on which the work is proposed to commence to the staff member making the proposal through PRIME.

(14) Reviews and approvals by relevant approvals will be facilitated through PRIME after submission to the Research Office.

### **Approval of Outside Work: Exceeding Paid External Work Cap**

(15) The approval of the Deputy Vice-Chancellor (Research and Innovation), or their nominee is required where the paid external work cap would be exceeded.

(16) The Deputy Vice-Chancellor (Research and Innovation), or their nominee, may approve proposals to undertake outside work exceeding the, cap if and only if:

- a. the Dean or Head of Administrative Division has provided approval in accordance with these Procedures; and
- b. the Deputy Vice-Chancellor (Research and Innovation), or their nominee is satisfied that the proposed outside work is not against the interests of the University.

### **Compliance with this Policy**

(17) Deans and Heads of Division are responsible for:

- a. ensuring staff in their relevant School or Division comply with the process and requirements outlined in this Policy; and
- b. monitoring the approved Personal Work Records for their relevant School or Division via the reporting functionality available in PRIME.

## **Part B - University Consulting**

(18) University Consulting is work performed by a La Trobe staff member (full-time or part-time) for an external organisation or individual:

- a. on behalf of the University on a fee-for-service basis for an agreed cost;
- b. is over and above the staff member's workload allocation and/or University duties unless approval is provided; and
- c. is administered by the University Research Office and Research Finance.

(19) University Consulting work must:

- a. be limited to the Paid Outside Work Cap, unless exceeding the cap is approved by the Deputy Vice-Chancellor (Research and Innovation);
- b. fall within the expertise and capabilities of the staff member proposing to undertake it;
- c. be appropriate to the University and unlikely to infringe the general freedom of enquiry of the University;
- d. not place the interests of the staff member above that of the University;
- e. include management of any potential conflicts of interest;
- f. consider potential reputational risk and risk of Foreign Influence or Foreign Interference and complies with the Foreign Arrangement Scheme;

- g. identify financial contributions and the use of University space and facilities;
- h. use Competitive Neutrality principles;
- i. not be aimed at or likely to result in harm to the life or wellbeing of any person; and
- j. not involve students, except in fulfillment of an approved course requirement or otherwise only with voluntary consent and for fair payment and not compromising their studies and subject to appropriate documentation and agreement.

## **Benefits of University Consulting**

(20) Staff members undertaking University Consulting through the University benefit by:

- a. having coverage under the University's professional indemnity and public liability insurance policies;
- b. access to the University's finance system to invoice the external organisation for funding, expend project costs and distribute any surplus;
- c. access to University resources, such as technical staff, equipment, administration, PRIME and other telecommunications, if approved by the Dean or Head of Administrative Division;
- d. entitlement to use the University's name, providing it is not brought into disrepute;
- e. entitlement to make reference to their University position and title in connection with the work; and
- f. entitlement to share in the surplus of their consultancy fees in accordance with the distribution of Consulting Revenue Proceeds.

## **Consultancy Submission, Costing, Pricing and Approval**

(21) University Consulting proposals should be submitted by staff for approval via PRIME prior to submission to a prospective client.

(22) All resources required to undertake the proposed project should be identified in the proposal and costed using the budget tool in PRIME or the Consulting Rate Card.

(23) Reviews and approvals by relevant approvers will be facilitated through PRIME after submission to the Research Office.

(24) The School/Division will be responsible for any over-expenditure.

(25) University consultancies must abide by [Australian Competition and Consumer Law](#). See the University's [Factsheet](#) on Australian Competition and Consumer Law, the University's [Contracts Policy](#), and the [ACCC](#) website, for further information.

## **University Consultancy Agreements**

(26) Any legal conditions must either accord with a University's standard form Consulting Agreement or be reviewed and approved by the Research Office and/or Legal Services in accordance with the [Contracts Policy](#).

(27) University Consulting Agreements may only be signed by an authorised signatory in accordance with the University's [Contract Signing Delegations](#).

## **Consulting Revenue Proceeds**

(28) Revenue for University Consulting must be paid into the University's bank account and managed in accordance with the University's financial procedures by the Research Finance Team.

(29) University Overheads are calculated and distributed by Research Finance to the Deputy Vice-Chancellor

(Research and Innovation) and to the staff member's School/Division:

- a. 35% of consulting rates (excluding expenses) distributed as follows:
  - i. 17.5% to the Deputy Vice-Chancellor (Research and Innovation); and
  - ii. 17.5% to the staff members School or Administrative Division.

(30) After recovery of University Overheads and project expenses, the balance of consulting revenue will be transferred to employees' nominated outside earnings accounts or paid through payroll (less required taxes and SGC superannuation).

(31) Any balances of staff outside earning accounts will remain with the University upon termination or departure from the University by the staff member.

## **Conduct During University Consulting**

(32) Staff members engaged in University Consulting must not:

- a. use the University's resources or intellectual property to benefit a third party without University approval by the Dean or head of Administrative Division;
- b. take any action or make any statement as part of their University Consulting which may serve to bring the University into disrepute by association; and
- c. allow their private interests or the interests of others to interfere or be perceived to interfere with their obligation to act in the best interest of the University.

(33) It is a condition of approval that the employee confirms that they remains bound by all University policies with respect to conduct, particularly the [Code of Conduct](#), while performing the University Consulting.

## **Part C - Personal Work**

### **Declaration of Proposed Personal Work**

(34) Full-time staff members proposing to engage in any Personal Work, whether for payment or not, must submit a completed personal work record and declaration in PRIME for approval by their Dean or Head of Administrative Division at least fourteen (14) days before the personal work is proposed to commence or sooner by agreement with approval.

(35) Certain Personal Work is deemed to be automatically approved unless a real, potential or perceived conflict of interest exists as follows:

- a. work where there is no connection or association with the employee's University duties, the work is undertaken outside of normal University hours of work and does not adversely impact on or create a conflict of interest with their University duties;
- b. directorships of for-purpose organisations, or organisations formed to deal solely with private affairs;
- c. advice to parliamentary committees, tribunals and other public bodies; and
- d. support, organisation and administration for professional bodies directly linked to the staff member's role or professional disciplinary conferences.

(36) Staff members (full-time or part-time) engaged in Personal Work must:

- a. manage any possible conflict of interest, and intellectual property and foreign interference following the [Conflict](#)

[of Interest Policy](#), and [Intellectual Property Statute 2009](#), [Foreign Influence](#), and the associated policy and procedures;

- b. ensure the work does not inhibit or detract from the standards of performance of duties for the University; and
- c. advise third parties for whom such work is undertaken that it is not being undertaken on behalf of the University.

(37) If Personal Work is undertaken:

- a. such work is not covered by any University insurances. The staff member must maintain adequate insurance coverage including professional indemnity and public liability coverage in relation to the work; and
- b. the financial proceeds must not be deposited into University accounts.

## **Conduct During Personal Work**

(38) Staff members engaged in Personal Work must not:

- a. use the University's resources or intellectual property to benefit a third party without University approval from the Dean or Head of Administrative Division;
- b. take any action or make any statement as part of their Personal Work which may serve to bring the University into disrepute by association;
- c. undertake any activity for which the University may be held legally liable;
- d. allow their private interests or the interests of others to interfere or be perceived to interfere with their obligation to act in the best interest of the University; and
- e. represent themselves as speaking or acting on behalf of the University.

(39) It is a condition of approval that staff confirm that they remains bound by all University policies with respect to conduct, particularly the [Code of Conduct](#), while performing the Personal Work.

## **Additional Work**

(40) Work undertaken in other parts of the University is not Outside Work. The University is a single employer and may elect to utilise employees across the University as required. The University does have a [Paid Additional Work Within the University - Full Time Staff Procedure](#).

(41) Resources on Additional Work are available via HR [intranet](#).

## **Part D - Complaints and Breach of this Policy**

(42) Staff should refer to the [Enterprise Agreement](#) or their contract of employment with respect to complaints pertaining to conditions of Outside Work. The complaint should be progressed in accordance with the [Workplace Issue Resolution \(Staff\) Procedure](#) as per [La Trobe University Enterprise Agreement 2023](#).

(43) A breach of this Policy may be dealt with by the relevant approver by:

- a. reviewing the approval for the Outside Work and amending or withdrawing approval;
- b. referring the matter as per [La Trobe University Enterprise Agreement 2023](#) to consider whether action should be taken; and
- c. any other action considered necessary by the Deputy Vice-Chancellor (Research and Innovation), or their nominee.

## Section 7 - Definitions

(44) For the purpose of this Policy and Procedure:

- a. Foreign Arrangement Scheme is the scheme created by Australia's [Foreign Relations \(State and Territory\) Act 2020](#) ("the Act") to ensure Australian entities do not adversely affect Australia's foreign relations and are not inconsistent with Australia's foreign policy. The Act requires the University to notify the Minister of Foreign Affairs of all arrangements that the University has and proposes to enter with foreign entities. Further information and guidance is available [here](#).
- b. Foreign Influence: Activities carried out by or on behalf of a foreign actor conducted in an open and transparent manner, are a normal aspect of international relations and diplomacy and can contribute positively to public debate. Further information and guidance is available [here](#).
- c. Foreign Interference: Activities carried out by, or on behalf of, a foreign actor, which are coercive, covert, deceptive or corrupting and are contrary to Australia's sovereignty, values and national interests. Further information and guidance is available [here](#).
- d. Outside Work: means work undertaken not for the University or as part of the normal duties of the employee's role and includes employment or any other form of paid work external to the University, including proprietorship, directorships, independent contracting, or consultancy.
- e. Personal Work: is work performed by a full-time staff member in their personal capacity outside their contract of employment with the University.
- f. PRIME: the University's platform to manage the development, approvals and management of Research Grants, Collaborations and Consulting proposals and projects including non-research consulting, ethics and personal work processes. You can access PRIME here: <https://prime.latrobe.edu.au/portal/s/>
- g. University Consulting: fee-for-service work performed by an employee through La Trobe where net revenue is to be transferred to an outside earnings account, or paid into salary. Consulting is over and above an employee's workload allocation and/or University duties unless otherwise agreed, and does not include Research or the development or delivery of subjects and courses both award or non-award.
- h. University Overheads: costs that are related to the day-to-day running of the University, which typically includes costs associated with the use of facilities (for example lights, power, telephone, computer and certain equipment), administrative support, legal costs, insurance costs, project administration, audit and financial management costs.

## Section 8 - Authority and Associated Information

(45) This Policy is made under the [La Trobe University Act 2009](#).

(46) Associated information includes:

- a. [Research Contracts and Grants Policy](#)
- b. [Intellectual Property Policy](#)
- c. [Conflict of Interest Policy](#)

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	19th December 2023
<b>Review Date</b>	19th December 2026
<b>Approval Authority</b>	Academic Board
<b>Approval Date</b>	19th December 2023
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<b>Responsible Manager - Policy</b>	Alistair Duncan Executive Director, Research Strategy & Operations
<b>Author</b>	Amanda Smith Senior Manager, Consulting and Contracts
<b>Enquiries Contact</b>	Research Office

## Glossary Terms and Definitions

**"staff"** - Staff means any person employed by the University as per the definition in the La Trobe University Act 2009 (Vic).