

External Work Policy

Section 1 - Purpose and Context

(1) Western Sydney University recognises the importance of staff having the opportunity to undertake a limited amount of external work to enhance their practical and professional skills, to improve and disperse their research knowledge and professional expertise and to establish or continue good relations between the University and the community.

(2) Any external work by staff must be consistent with the objectives of the University. The work cannot present a conflict of interest, and must be conducted in a manner that protects the University and the employee from liability and risk.

(3) This policy applies to all continuing and fixed-term full-time staff members. It also applies to staff who are employed on a part-time basis where the conduct of external work affects their ability to fulfil the duties of their employment, where there is an association with the University, or where there is a potential conflict of interest.

Excluded Activities

(4) This policy does not apply to the following external activities that are considered part of the normal expectations of academic and professional work:

- a. the refereeing of journal articles, papers and books;
- b. occasional lectures, performances, exhibitions, conference participation, media appearances and the like;
- c. the undertaking of reviews related to academic programs, quality assessments and the like;
- d. writing, editing or publishing scholarly works or membership of editorial boards;
- e. examining for educational and professional bodies (e.g. theses); and
- f. service on educational, professional, and community committees and groups.

Consequences of a Breach of Policy

(5) A staff member may be subject to disciplinary action if the staff member breaches the provisions of this policy, including failure to make an annual declaration of External Work, where required.

Section 2 - Definitions

(6) Nil.

Section 3 - Policy Statement

(7) The University recognises two forms of External Work:

- a. External University Work, and
- b. External Private Work.

Part A - External University Work

Definition and Application

(8) External University Work is work undertaken with or for a party external to the University, including an entity of the University, and for which payment is made. The staff member remains as the employee of the University and receives remuneration for the outside work through the University finance and payroll system only if the work done is 'above load' and approved by the Dean, the Director, Research Institute or Director. However if the work is done 'within load' (for academic staff) or within normal work arrangements (for professional staff) the staff member does not receive payment for the external consulting work.

(9) Income from External University Work may be credited to School/unit entrepreneurial accounts as an alternative and/or in addition to payment to individuals. In such cases the funds are then applied to School/unit related purpose under delegation. That is, the account is not held by and 'attached' to the individual staff member.

Structure and Management

(10) All External University Work must be contracted through Research Services, or other University entities as approved by the Vice-Chancellor and President from time to time. This requirement provides:

- a. coverage under the University professional indemnity insurance;
- b. access to the University's 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 relevant activities in terms of research performance.

(11) Research Services, and other University entities approved by the Vice-Chancellor and President from time to time, for the management of External University Work 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 School /Research Institute /unit/University.

Approvals

(12) Staff members undertaking External University Work must obtain prior approval from their Dean, Director, Research Institute or Director, who must be assured that the work will not interfere with their teaching, research and administrative responsibilities.

(13) Deans, Directors of Research Institutes and Directors are responsible for maintaining records of External University Work undertaken by staff. Deans, Directors of Research Institutes or Directors should forward information about External University Work to the Office of People for filing on the staff member's Office of People TRIM file.

(14) Research Services, or other University entities approved by the Vice-Chancellor and President for managing External University Work, is required to register the work in accordance with the [Commercial Activities Guidelines](#).

Part B - External Private Work

Definition and Application

(15) External Private Work is work undertaken with or for a party external to and entirely unconnected with the University, conducted in the individual's name (or by a company or other party with which they have an interest or association) and for which payment is made to the individual (or company/other party) direct.

(16) This includes Directorships of companies, other than family companies or trusts, irrespective of whether remuneration is received.

(17) External Private Work may be undertaken by a staff member provided that:

- a. it is reported in the Academic Staff Annual Report on External Work (for academic staff);
- b. it is reported to the staff member's Dean, Director, Research Institute or Director (for professional staff);
- c. it does not impact on the staff member's performance of their normal teaching, research and administrative duties;
- d. it does not conflict with the University's [Conflict of Interest Policy](#);
- e. it does not fall within the category of prohibited external work;
- f. it is not in any way represented as being associated with the University or covered by University insurance and clients of the staff member are fully informed of that;
- g. the individual does not use his or her university position in representations to the client;
- h. it does not use any of the university's resources, equipment or intellectual property; and
- i. evidence is provided that the staff member has appropriate and separate insurance for the activities to be undertaken.

(18) The University provides no indemnification or insurance cover to staff undertaking External Private Work or to their clients. Staff members undertake such work entirely at their own liability and risk, and must be able to demonstrate that any client they work with is fully aware of that status. Clinical academics who engage in private professional practice to ensure that they maintain requirements for professional registration and standards must meet the requirements of this Part. A critical issue is to ensure that such activities are fully insured and that the University is indemnified against any claims.

(19) Staff members who undertake teaching at another educational institution must meet the requirements of this Part. When undertaking employment with another organisation, such staff are subject to the employment conditions of that organisation. Conflicts of interest, or potential conflicts of interest, must be declared and the University's resources and course materials may not be used.

Approvals

(20) Staff members undertaking External Private Work must obtain prior approval from their Dean, Director, Research Institute, or Director who must be assured that the work will not interfere with their teaching, research and administrative responsibilities.

(21) Deans, Directors of Research Institutes or Directors are responsible for maintaining records of External University Work undertaken by staff. Deans, Directors of Research Institutes or Directors should forward information about External University Work to Office of People for filing on the staff member's Office of People TRIM file.

Conflict of Interest

(22) Conflicts of interest are dealt with in the University's [Code of Conduct](#) and the [Conflict of Interest Policy](#), and cover situations where a staff member's personal interests affect the actions or decisions of the staff member on behalf of the University, or affect the operations of the University. Such a conflict may be real or perceived.

(23) Real and potential conflict of interest situations need to be declared and dealt with in discussion with supervisors and formally recorded on the staff member's Office of People TRIM file. The [Code of Conduct](#) includes a simple ethics test that can be used.

Use of University and Academic Titles

(24) Staff members may not use their University or academic (or other) titles when undertaking External Private Work.

(25) In exceptional circumstances, while a person may be undertaking work in a private capacity, there may be some rationale for the person to continue to use their academic title. Where such activities represent minimal risk to the University and involve work consistent with the mission, objectives and values of the University, the Dean, Director, Research Institute, or Director may give approval to the use of the title.

Clinical Academics

(26) Clinical academics undertaking private practice for professional reasons are required to abide by the provisions of this Policy. Approval must be obtained from the Dean using the approval form along with disclosure of relevant details.

(27) Evidence needs to be provided that such persons have full insurance cover dealing with current and future liabilities.

(28) It is not uncommon for clinical practice to be conducted on campus and staff must ensure that formal arrangements have been entered into for the use of the University's premises. In these circumstances it is essential that proper measures are put in place to ensure that patients are fully aware that the practice is fully private and has no association with the University. Acknowledgements by patients of this fact must be contained in patient documentation. This also extends to signage that may be present in the clinic location.

Part C - Prohibited External Work

(29) External work that is prohibited is work that:

- a. represents a conflict of interest with the staff member's employment at the University, such as engaging in activities that compete directly with the University's activities and including the private tuition of University students;
- b. directly affects the capacity of the staff member, or their organisational unit, to perform the duties of their position or organisational function with the University; or
- c. adversely affects the reputation and standing of the University, creates a risk for the University or is inconsistent with the University's values, codes of conduct and policies. This includes inter alia work for tobacco companies.

Part D - Time Limitation

(30) A full-time staff member is permitted to engage in External Work to a maximum of 350 hours each year provided such work complies with all aspects of this policy.

(31) Where the staff member proposes to engage in External Work which requires a time commitment in excess of 350 hours per year or which requires a period of continuous work free from normal teaching, research or administrative responsibilities, then approval must be sought from the Dean, Director, Research Institute or Director.

Part E - Obligations to Declare External Work

(32) All academic staff members covered by this policy are required to declare, by 28 February each year, whether or not they have undertaken any External University Work or External Private Work in the previous calendar year and declare that any such work was consistent with the requirements of the External Work Policy. Professional staff members should also declare any External Work but do not have to complete a return if no External Work was done.

(33) Deans, Directors of Research Institutes and Directors are required to maintain a register of External University Work and External Private Work undertaken and declared by staff in their unit. Any use of University facilities or resources, including academic titles must be recorded along with the associated conditions of use. External Work should also be recorded on the staff members Office of People TRIM file.

(34) The register and all associated documentation evidencing the status and nature of the External Private Work must be retained on the University's TRIM files in accordance with the [Records and Archives Management Policy](#). Such information does constitute personal information and must be managed in accordance with the University's [Privacy Policy](#).

Part F - Honorary Appointments with Other Universities or Organisations

(35) Appointments to honorary positions at other universities such as visiting or adjunct appointments must be reported and approved. Approval is given by the Dean, Director, Research Institute or Director.

(36) When considering and approving these appointments particular regard must be had to:

- a. the prohibition on the use of University intellectual property including course material, noting that the appointee remains an employee of the University and that the provisions of the [Intellectual Property Policy](#) will apply;
- b. the need for a written agreement between the parties relating to the creation of any intellectual property where this is likely;
- c. the potential for any conflict of interest situations that might arise. For example a staff member's research standing could potentially divert prospective research students away from the University; and
- d. the need to ensure that the research output of the staff member is credited through their University affiliation for the purpose of the [Department of Education](#) Higher Education Research Data Collection (HERDC) and other research reporting.

(37) Formal clarifications or agreements should be reached with the appointing institution so that the appointment can proceed on the basis of certainty among the parties. In particular a written agreement must be entered into between the University and the host organisation where there are intellectual property considerations.

Section 4 - Procedures

(38) Nil.

Section 5 - Guidelines

(39) Nil.

Status and Details

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