OUTSIDE EARNINGS OF ACADEMIC STAFF POLICY 2011

The Vice Chancellor, as delegate of the Senate of the University of Sydney, adopts the following policy.

Dated: 17/5/2011
Signature:
Name: Dr Michael Spence

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1 Name of policy

The name of this policy is the Outside Earnings of Academic Staff Policy 2011.

2 Commencement

This policy commences on 1 June 2011.

3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds the University, staff, students and affiliates.
4 Statement of intent

This policy:

(a) permits members of the University's academic staff to engage with government and industry through professional activity which assists them to stay in the forefront of their areas of expertise;

(b) sets out the circumstances in which academic staff may undertake outside earnings activities;

(c) articulates the differences between University commercial activities and private professional activities;

(d) provides for the appropriate approval and conduct of outside earnings activities; and

(e) ensures that the University's reputation and resources are protected from liability arising from the private professional activities of members of its academic staff.

5 Application

(1) This policy applies to all academic staff.

(2) This policy does not apply to activities specifically exempted under Clause 8.

(3) If there is any inconsistency between this policy and the Commercial Activities Guidelines, the Commercial Activities Guidelines will prevail.

(4) This policy does not address the commercial exploitation of intellectual property, which is addressed by the University of Sydney (Intellectual Property) Rule 2002.

6 Definitions

clinical academic means a member of the University’s academic staff involved in the delivery of clinical services.

Commercial Activities Guidelines means the Guidelines Concerning Commercial Activities made by the Senate under Section 26B of the University of Sydney Act 1989 (as amended)

executive supervisor means the relevant Dean, Director or other chief officer of an administrative unit, Deputy Vice-Chancellor or Vice-Chancellor, as the case may be.

outside earnings activity means professional activity outside the scope of the academic’s University employment which generates financial or in-kind benefits, including both private professional activity and University commercial activity.

private professional activity means outside earnings activity undertaken in a staff member’s private capacity, including an arrangement between the academic and an external client or other third party to which the University is not directly or indirectly a party.
Senior Medical Practitioner (Academic) means a clinical academic who is engaged part time by a New South Wales Area Health Service to deliver clinical services in New South Wales public hospitals.

University commercial activity means outside earnings activity, administered through the University, which provides professional services, products or advice to external parties and which generates financial or in-kind benefits.

University resources includes accommodation, technical or secretarial staff, facilities, equipment, telephone, computing or network links.

7 Eligibility to engage in outside earnings activity

Unless otherwise stated in an individual’s contract of employment, members of the University’s academic staff are eligible to engage in outside earnings activities subject to the provisions of this policy.

8 Exemptions from this policy

(1) The following are exempt from the provisions of this policy other than the insurance and indemnity requirements set out in clause 14:

(a) University initiated and controlled activities such as Unit or Faculty clinics, practices or businesses;
(b) activities governed by the Commercial Activities Guidelines;
(c) royalties received by a staff member for writing or publishing conventional scholarly works in his or her field of expertise;
(d) Senior Medical Practitioner (Academic) appointments;
(e) activities for which a modest fee is paid but which are otherwise within the usual scope of academic employment, including:
   (i) refereeing books or preparing journal articles;
   (ii) setting examinations or examining theses for other institutions;
   (iii) occasional broadcasts, lectures or similar appearances; or
(f) activities specifically exempted by the Vice-Chancellor or the relevant Deputy Vice-Chancellor.

(2) The private professional activities of staff members employed on a part-time basis are not subject to this policy, provided that:

(a) the activities occur outside the part-time work period; and
(b) the staff member does not represent the activities, or the staff member, as being connected with the University.

(3) Staff members employed on a part-time basis require approval under this policy for any outside earnings activities which occur during their normal University working week.
9 Approval of outside earnings activities

(1) Staff members wishing to engage in outside earnings activities must obtain the prior written approval of the relevant executive supervisor. Failure to do so could lead to disciplinary action.

(2) Unless exempted under clause 8, clinical academics who derive income or in-kind personal benefits from the billing of patients treated by them are considered to be engaging in private professional activities, and will therefore require approval to do so. This is so even if the patients are made available for research or teaching purposes.

(3) The Director, Human Resources may prescribe a form or forms for the purposes of this clause.

(4) An executive supervisor may only approve a proposed outside earning activity if satisfied that:
   (a) it will not prevent the staff member from fulfilling his or her normal duties of employment;
   (b) subject to clause 11, the amount of time taken by the staff member to perform all relevant outside earnings commitments will not exceed, on average, 20% of the staff member’s normal University working week; and
   (c) there will be no unauthorised use of University intellectual property.

(5) In addition to subclause (4), an executive supervisor may only approve a proposed private professional activity if satisfied that:
   (a) there will be no material use of University resources in the conduct of the activity;
   (b) the applicant’s direct supervisor does not object;
   (c) the activity is not materially in competition with services offered by the University;
   (d) there is no conflict of interest between the activity and the applicant’s normal University duties;
   (e) no University letterhead or postal address will be used in connection with the activity;
   (f) there is no implication that the activity is being conducted on behalf of the University; and
   (g) the applicant has obtained:
      (i) any necessary professional registration to undertake the activity; and
      (ii) appropriate professional indemnity insurance.

(6) An executive supervisor may grant a standing approval to a staff member if:
   (a) the outside earnings activity is ongoing or allowed under the staff member’s contract of employment; or
   (b) the services being performed involve a number of minor projects of a similar nature; or
   (c) the outside earnings activity involves a company director role.

(7) Standing approvals must:
   (a) clearly specify the activities for which approval is given; and
(b) be reviewed at least every two years.

(8) Any change in the nature of outside earnings activities the subject of a standing approval will require a further application for approval.

10 Use of University logo

(1) The University's logo may not be used in connection with a staff member's private professional activities otherwise than as provided in this clause.

(2) Members of the University's academic staff may apply to the relevant executive supervisor for permission to use the University's logo on letterhead used in their private professional activity.

(3) An application for permission under this clause must be made in writing, and the Director, Human Resources may prescribe a form for this purpose.

(4) Staff members who use the University logo on letterhead used in their private professional activity must ensure that:
   
   (a) any contract, letter or other document which records the terms of the staff member's engagement to undertake private professional activity contains an acknowledgement that the staff member is not being engaged in the course of employment by the University; and
   
   (b) any letterhead on which the University's logo appears also contains a statement to the effect that any communication made on that letterhead is not made in the capacity of an employee of the University.

11 Time allowed for outside earnings activities

(1) Staff may be permitted to use up to 20% of their normal University working week to undertake approved outside earnings activities.

(2) Additional time above 20% may be allowed for University commercial activity if, in the opinion of the relevant executive supervisor:
   
   (a) the activities are to the overall benefit of the University; and
   
   (b) the time required will not adversely impact Category 1 peer reviewed research, contract research or the faculty or unit’s teaching and administrative activities.

(3) Additional time above 20% may be allowed for private professional activity if, in the opinion of the relevant executive supervisor:
   
   (a) it is possible for the private professional activity to be done concurrently with University research work; and
   
   (b) the research value of the combined work justifies the granting of additional time; and
   
   (c) the additional time required will not adversely impact on Category 1 peer reviewed research, contract research or the faculty or unit’s teaching and administrative activities.
12 **Conduct of University commercial activities**

(1) University commercial activities will be administered through the University and conducted under its auspices.

(2) Income derived for individuals and faculties from participation in University commercial activities must be paid:
   (a) to individuals as remuneration through the University payroll; or
   (b) to faculties through the relevant specific University accounts

13 **Conduct of private professional activities**

(1) The University will not be a party to any contract or agreement for the private provision of professional services by members of its academic staff.

(2) Except as provided in clause 14, the University will accept no liability for any matters arising out of private professional activities.

(3) Income generated from private professional activities must not be paid into University accounts otherwise than as a donation to the University as a whole.

(4) Donations referred to in sub-clause (3) may not be directed to specified University accounts.

14 **Insurance and indemnity requirements**

(1) Private professional activities are not covered by the University's insurance.

(2) It is the responsibility of any staff member undertaking private professional activities to ensure that he or she:
   (a) holds any necessary professional registration to practice in New South Wales; and
   (b) holds professional indemnity insurance sufficient to cover all potential claims, damage or loss sustained during or as a result of private professional activities.

(3) Senior Medical Practitioners (Academic) are required to carry adequate public liability and professional indemnity insurance for work undertaken for private patients arising from their hospital and University appointments.

15 **Company directorships**

(1) Directorship of a company which is work-related or which is to be used for outside earnings activities constitutes private professional activity, and therefore requires approval.

(2) Names of companies owned or operated by staff members for the purposes of private professional activities must not:
   (a) use the University’s name; or
   (b) be similar to the names of units, projects or activities within the University.
16 Outside earnings constitute external interests

Outside earnings activities constitute external interests for the purposes of the External Interests Policy 2010.

17 Record keeping and reporting

(1) Each executive supervisor will ensure that records are kept of all applications made under this policy and their outcomes, including the application forms.

(2) Each executive supervisor will report to the relevant Deputy Vice-Chancellor by 31 March each year on outside earnings activities conducted within the faculty or unit over the previous year.

(3) Academics who have received approval to engage in outside earnings activities must certify at least once each year that their engagement in private professional activities has not, on average, involved more than the approved amount of their normal University working week.

18 Procedures and guidelines

(1) The Director, Human Resources may, by written determination, establish procedures or issue guidelines for the implementation of this policy.

(2) Any such procedures or guidelines will be published on the University’s website and procedures will be entered into the University’s online policy database. Refer to the University’s Outside Earnings of Academic Staff Procedures 2011.

NOTES

Outside Earnings of Academic Staff Policy 2011

Date adopted:
Date commenced: 1 June 2011
Administrator: Director, Human Resources
Review date: 1 June 2016

Related documents:

• The University of Sydney Enterprise Agreement 2013-2017
• Guidelines Concerning Commercial Activities
• University of Sydney (Delegations of Authority - Administrative Functions) Rule 2010
• University of Sydney (Intellectual Property) Rule 2002 (as amended)
• The University of Sydney (Library) Rule 2011
• Code of Conduct - Staff and Affiliates
• External Interests Policy 2010
• Honorary Titles Policy 2013
• Honorary Titles Procedures 2013
- Use of University Information and Communications Technology Resources (ICT Resources) Policy
- Finance and Accounting Manual
- AWA Handbook, and individual AWAs.

*University of Sydney policies can be accessed on the* [Policy Register](http://sydney.edu.au/policies/)

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**AMENDMENT HISTORY**

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