

Private Outside Work and University Consultancy Policy

Section 1 - Purpose

(1) The purpose of this Policy is to provide a framework for managing work for external parties (including University Consultancy and Private Outside Work) undertaken by academic and professional Staff of Macquarie University (the University).

Scope

Categories of Staff

(2) This Policy applies to academic and professional Staff of the University on the following basis:

- a. full-time Staff, including during approved periods of leave; and
- b. part-time Staff (casual or fractional) where work for an external party affects their ability to fulfil the duties of their employment at the University, or where such work is associated with the University.

Types of work

(3) This Policy applies when Staff undertake work for external parties (including University Consultancy and Private Outside Work as defined above). Examples include but are not limited to:

- a. academic and professional consultancies;
- b. acting as an expert witness, the provision of such professional opinions being voluntary rather than a legal requirement;
- c. conduct of clinical trials;
- d. conduct of workshops and short courses, which are not part of normal University teaching and research activities;
- e. contract research;
- f. University spin-out/start-up companies; and
- g. companies, trusts or other shareholding or ownership arrangements in which Staff have an interest, including where the Staff member holds a paid or unpaid Board position.

Exclusions

(4) The following types of work are excluded from the requirements of this Policy:

Non-professional work or a 'second job'	A 'second job' that is unrelated to the Staff member's academic or professional area of expertise, University duties or association with the University is exempt from the requirements of this Policy. Examples include providing services or selling products unrelated to the University, e.g. teaching a yoga class as a second job. The University does not indemnify Staff, external persons or entities, or third parties in relation to such work. While not requiring approval for this type of work, the University expects Staff to inform their manager/supervisor of such commitments which may affect their contract of employment with the University. Such work must not impact on the performance of University duties or involve the use of University resources, infrastructure, or facilities.
Work which is part of normal academic duties	Activities which are normally associated with the academic or scholarly work and standing of an academic Staff member and which may attract a fee are not covered by this policy. These activities may include: 1. refereeing books or preparing journal articles; 2. examining theses and/or grants for other institutions; or 3. occasional broadcasts, lectures or similar appearances.
Clinical work	Clinical services provided as part of a Staff member's clinical academic appointment or provided by members of Staff in University-operated clinics, which constitutes all or part of their normal University duties, are not covered by the requirements of this policy.
Cross-entity work	Work for one of the University's controlled entities is not covered by the policy. Staff are required to seek approval from the relevant Head of Department or Head of Office to undertake such work and ensure that it does not conflict with their University duties.
Sponsored research or contract research	Sponsored research through a major project funding, for example by the Australian Research Council (ARC) and the National Health and Medical Research Council (NHMRC), is out of scope of this Policy. Contract research, including where a request is made by industry or a community or government agency which might generate new knowledge and peer-reviewed publications is also not covered by this Policy.
Community service or volunteer work	Refer to the Staff Volunteering Leave Procedure for more information on undertaking community service or volunteer work.

Section 2 - Policy

(5) The University values external engagement and recognises the benefits achieved through consultancy and work with external parties. It understands that such activities contribute to the sharing of knowledge and development of the professional expertise of our Staff. Such partnerships can establish beneficial relationships between the University and the wider community.

(6) The University values external partnerships that contribute to:

- a. improving the quality of teaching and research at the University;
- b. the professional expertise and development of its Staff;
- c. building external relationships and professional networks that help the University realise its strategic goals;
- d. encouraging creative behaviour;
- e. community and industry engagement; and
- f. creating impact for the University.

(7) This Policy supports outside work and consultancies and provides mechanisms for managing any risks or potential impact on the University.

Part A - Eligibility

(8) University Staff can undertake work for an external party provided that:

- a. there is no express prohibition of such activity in their contract of employment;
- b. Staff obtain approval at a Faculty/Portfolio level in accordance with the requirements of this Policy;
- c. Staff comply with the requirements of this Policy and other applicable University policies and procedures;
- d. such work does not compromise the reputation of the University or give rise to a conflict of interest which cannot be managed or resolved; and
- e. the activity will not adversely affect the performance of the Staff member's normal responsibilities.

Part B - University Consultancy

(9) University Consultancy is work for an external party managed commercially by the University. Any services provided by a Staff member are part of an agreement between the University and a third party, whether the Staff member is part of that agreement or not.

(10) University Consultancy is strongly preferred by the University over Private Outside Work because it ensures that there are appropriate contractual arrangements in place to deal with the interests of Staff and the University. These arrangements mitigate risks by providing Staff and the project work with appropriate insurances and enable the University and its Staff to acknowledge the income and activity contributing to their overall goals.

(11) The Deputy Vice-Chancellor (Research) Portfolio will assist in the design, budgeting and contracting of University Consultancy projects.

Categories of University Consultancy

(12) There are two categories of University Consultancy:

- a. within workload is work performed within a Staff member's workload allocation that does not attract any additional remuneration. The relevant Head of Department/Head of Office may need to be consulted regarding any necessary adjustment to the Staff member's workload; and
- b. above workload is work performed above a Staff member's individual workload allocation that attracts additional remuneration as set by the University, in accordance with this Policy.

Approval

(13) Undertaking University Consultancy must be approved prior to commencement of work by the Staff member as follows:

Applicant	Approval authority
All Academic Staff (within workload)	Head of Department
All Academic Staff (above workload)	Executive Dean
Professional Staff HEW 1-10	Executive Dean or Head of Office (as appropriate)
Professional Staff above HEW 10	Relevant member of the Executive Group
Members of the Executive Group	Vice-Chancellor
Vice-Chancellor	Chancellor

(14) The Head of Department/Head of Office must inform the relevant Executive Group member of any approved projects and the Staff member/s involved.

(15) Approval must be escalated from the Head of Department/Head of Office to the relevant Executive Group member in circumstances where:

- a. the value of the contract is more than the Head of Department's or Head of Office's financial delegation as set out in the [Delegations of Authority Register](#);
- b. the project requires the use of University facilities beyond those of the Department/Office;
- c. there are significant financial or other risks associated with the work;
- d. performance of the Staff member does not justify approval; and/or
- e. the Head of Department/Head of Office is the applicant.

(16) All University Consultancy contracts must be approved by and managed through the Deputy Vice-Chancellor (Research) Portfolio.

Liability and insurance

(17) Staff undertaking a University Consultancy will normally be covered by professional and public liability insurances maintained by the University.

Financial arrangements

(18) The following financial arrangements apply to a University Consultancy:

Management of funds	Funds for a University Consultancy will be managed by the University via relevant University accounts. All financial billing and invoicing will be managed by the University in accordance with the University's financial processes and procedures.
Indirect cost recovery	There will be indirect cost recovery on all University Consultancy in accordance with the Research Indirect Costs Policy .
Payment to Staff	If the University Consultancy is performed within workload, there will be no additional remuneration for the Staff member. If the University Consultancy is performed above workload, the Staff member will receive additional remuneration, as set by the University, through the University payroll.
Surplus funds	Subject to the approval, following completion of the project and deliverables being met, any surplus funds may be distributed to a relevant University account as per the Project and Operations Ledger Account Policy and Project and Operations Ledger Account Procedure .

Involvement of Professional Staff and students

(19) Any paid or unpaid involvement of professional Staff or students in a University Consultancy must be approved by the relevant authority (refer to the Approval section of this Policy) and must comply with the following conditions:

- a. must not be inconsistent with the employment contract of the professional Staff member;
- b. requires approval of their manager/supervisor; and
- c. unless approved otherwise by the Executive Dean/Head of Office, where the work is to be conducted during normal working hours, the Faculty/Office must be reimbursed for the time worked.

(20) Any involvement of students in a University Consultancy (whether this involvement is paid or unpaid), must be approved by the relevant authority (refer to the Approval section of this Policy) and comply with the following conditions:

- a. must be voluntary;
- b. must not adversely affect or prejudice the study program of the student(s); and
- c. must not exceed the time allowed under relevant conditions of their study.

(21) Staff must ensure that any actual, potential or perceived conflict of interest arising from the involvement of professional Staff or students is managed in accordance with the University's [Staff Code of Conduct](#) and [Conflict of](#)

Part C - Private Outside Work

(22) In accordance with Part B, the University places strong preference on professional consultancy and related activities being conducted through arrangements managed by the University. This ensures consistency with sector standards and supports transparency and accountability for both Staff and the University. In exceptional circumstances, Staff may seek to engage in Private Outside Work. Such arrangements require approval from the University's designated authority and must comply with conditions set out in this Policy.

(23) Examples of Private Outside Work include but are not limited to:

- a. private medical practice;
- b. legal advice to private clients, but only if the advice is being provided indirectly through a legal firm by helping to draft opinions, give seminars, write articles, etc;
- c. performing activities that the University is unable or unwilling to perform, or otherwise has approved the conduct of;
- d. involvement in a business, company, trust or other entity where the domain of that company, business, trust or other entity is related to the domain of work of that individual with the University, and where the University has not nominated the Staff member to the position or role in the business, company, trust or other entity; and
- e. work related to Aboriginal and Torres Strait Islander cultural knowledges.

(24) When undertaking approved Private Outside Work, Staff must:

- a. ensure that the Private Outside Work does not impact on the performance of their normal University duties;
- b. ensure that all other parties and interested persons understand and acknowledge that the University does not provide and is not responsible for any implied or expressed warranty or guarantee in respect of the work; and
- c. seek their own advice on their personal legal obligations relating to the performance of Private Outside Work. These include taxation obligations and professional obligations such as registration requirements, relevant insurances and compliance with professional standards.

Approval

(25) In accordance with the [Enterprise Agreements](#), an Academic Staff member whose appointment is at a time fraction of 0.8 or above must obtain approval prior to engaging in any Private Outside Work. A Professional Staff member must obtain approval prior to engaging in Private Outside Work.

(26) Subject to clause 25, the University must be informed of and approve all instances of Private Outside Work. The Private Outside Work approval process supports the management of conflicts of interest as detailed in the Conflict of Interest Policy and the management of appropriate workloads for Staff.

(27) The approval authority for Private Outside Work is outlined below:

Applicant	Approval authority
All Academic Staff	Executive Dean and relevant member of the Executive Group
Professional Staff HEW 1-10	Executive Dean or Head of Office (as appropriate) and relevant member of the Executive Group
Professional Staff above HEW 10	Relevant member of the Executive Group
Members of the Executive Group	Vice-Chancellor
Vice-Chancellor	Chancellor

(28) Applications for approval to undertake Private Outside Work must be made using the [Private Outside Work Application Form](#).

(29) Applications and approval of Private Outside Work must be sought for each project or engagement.

(30) Staff must provide sufficient information to allow the approval authority to assess the application against the alignment of the University's strategic goals and direction and satisfactory performance of the University duties by the Staff member.

(31) Approval of Private Outside Work will be for a specified period of time and may be subject to review by the approval authority.

(32) In addition to approval by the relevant approval authority, Private Outside Work applications involving spin outs or other private companies operating in a domain that overlaps with the domain of work of that Staff member for the University must also be approved by a relevant senior delegate in the office of the Deputy Vice-Chancellor (Research).

(33) The approval authority is responsible for maintaining all records of Private Outside Work undertaken by Staff.

(34) The University will annually disclose whether the Vice-Chancellor or senior managers received material remuneration from a party other than the University.

Financial arrangements

(35) Staff undertaking Private Outside Work are responsible for their own financial arrangements, including contracting with the relevant third party, invoicing and collections, as well as all personal tax obligations.

(36) Staff undertaking Private Outside Work may not use the University's financial systems and facilities, including University accounts, or University Staff to invoice, pursue debtors or in any way manage the funds associated with Private Outside Work.

Liability and insurance

(37) Staff who undertake Private Outside Work are responsible for their own legal liability, professional indemnity and worker's compensation as appropriate in respect of that work.

Use of University resources

(38) The use of University resources in the conduct of Private Outside Work will normally be permitted only where access to such resources is available to the general public (e.g. venue bookings), unless approved otherwise by the relevant Executive Dean or Executive Director, Property.

Part D - Staff Responsibilities

(39) Failure to comply with this Policy, the University's [Staff Code of Conduct](#) and/or the relevant University Staff enterprise agreement may be treated as misconduct/serious misconduct and result in disciplinary action.

Conflict of interest

(40) Conflicts of interest may arise across all areas of University operations and it is essential that all such activities are transparently disclosed (refer to the [Conflict of Interest Policy](#)). All consultancy arrangements and external professional engagements must be properly declared, documented, and managed at a Faculty/Portfolio level to ensure integrity and accountability.

(41) Staff who engage in work for external parties must be proactive to ensure that any new or updated actual, potential or perceived conflict of interest matters are disclosed at the relevant time (i.e. not just annually) in

accordance with the University's [Conflict of Interest Policy](#) and the relevant University Staff enterprise agreement.

Confidential information and intellectual property

(42) Any potential disclosure of University confidential information or know-how and any other intellectual property matters must be considered and dealt with in accordance with the University's [Intellectual Property Policy](#).

(43) Any intellectual property issue that arises or is likely to arise in relation to work for an external party must be clarified in writing with the University and the Staff member before undertaking the work or, if it arises subsequently, at the earliest time possible.

(44) Any deviation from the provisions of the [Intellectual Property Policy](#) must be negotiated with Macquarie Commercialisation.

Section 3 - Procedures

(45) Nil.

Section 4 - Guidelines

(46) Nil.

Section 5 - Definitions

(47) The following definitions apply for the purpose of this Policy:

- a. Private Outside Work means any professional activity that a Staff member performs for any person or entity other than the University and its controlled entities, which relates to their area of expertise or their duties at Macquarie University, and which generates financial or in-kind benefits for individuals. Private Outside Work is undertaken in a Staff member's private capacity, including an arrangement between the Staff member and an external person or entity, or third party, to which the University is not directly or indirectly a party.
- b. Staff means all persons employed by Macquarie University, including continuing, fixed-term and casual Staff members.
- c. University Consultancy means professional activity that a Staff member performs on behalf of the University for any person or entity other than the University and its controlled entities, which relates to their area of expertise or their duties at Macquarie University, and which generates financial or in-kind benefits. University Consultancy is managed commercially by the University. Any services provided by a Staff member are part of an agreement between the University and a third party, whether the Staff member is named in that agreement or not.

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Responsible Executive	Eric Knight Deputy Vice-Chancellor (People and Operations)
Responsible Officer	David Ward Chief People Officer
Enquiries Contact	Svetlana Martynovich Executive Director, Strategy and Operations +61 2 9850 6844