

Policy: Paid outside work – the 52 day rule

Purpose

To establish the framework for the Australian National University's (ANU) staff undertaking consultancies and professional activities as paid outside work.

Overview

The undertaking of outside work by academic staff is beneficial both for the ANU and for the individual. However, this must be balanced by ensuring that specific outside work does not have the potential to negatively impact the University. This is achieved through ensuring:

- * effective delegate review and approval is in place;
- * all interests are documented and reviewed;
- * accurate and up-to-date records are kept;
- * any conflicts of interest are managed appropriately; and
- * effective support for contracting and liability management.

Scope

This policy applies to all ANU academic staff including honorary and visiting staff when operating under their ANU affiliation, and excludes sessional staff and casual staff.

Definitions

Paid means cash or in-kind remuneration of any type

Accreditation (in relation to Professional Practice) is the action or process of officially recognizing someone as having a particular status or being qualified to perform a particular activity. Examples of accreditation include requirements for medical and legal practitioners to carry out a certain number of hours of practice per year to maintain a professional accreditation.

University Resources are resources paid for by the University, and include (but are not limited to):

- * University-owned Intellectual Property Rights – including that developed by the member of staff, but excluding tacit knowledge;
- * time of other ANU employees and/or students;
- * all facilities, equipment, laboratories, space and assets;
- * IT resources, such as ANU email accounts, phone numbers, computers, servers, telephones and printers.

Representing the University includes, but is not limited to the use or reasonable suggestion of the name, reputation, insignia and branding of the ANU and/or any academic units and subsidiaries, such as Colleges, schools or spin-off companies. This includes through using academic and position titles.

A **Consultancy** is a paid body of work where the primary goal is to apply the existing stock of knowledge and known methods of analysis to problems specified by third parties. This includes providing expert advice, specialist knowledge or object review within a particular field. Unlike research it is not intended to generate substantial new knowledge leading to peer reviewed publications or new patentable inventions. Consultancy does not qualify for the HERDC return.

Professional Practice is outside work that enables academic staff to maintain their professional skills in areas directly related to their University employment.

Outside work with no connection to ANU employment is work that has no connection to the staff member's employment or professional skills used in relation to the employment.

Outside work activities commonly related to academia are activities generally considered to be a component of or complement to an academic career. These include peer review, service on committees, service on editorial boards and media interviews related to your field.

A **University Consultancy** is paid work, undertaken in accordance with a contract or formal agreement between the ANU (or a subsidiary) and a third party.

A **Personal Consultancy** is paid work where a third party client requires delivery of services related to the expertise of a specific academic. Unlike University Consultancies, Personal Consultancies are driven by the individual academic and are limited to a maximum of 52 business days per calendar year. Personal consultancies are undertaken in accordance with a contract or formal agreement between a third party and the academic (or ANU Enterprise on behalf of an academic).

A **Research Project** is a project to undertake creative work on a systematic basis in order to increase the stock of knowledge in new and creative ways so as to generate new concepts, methodologies and understandings across science, culture and society. The use

of this stock of knowledge could include synthesis and analysis of previous research to the extent that it leads to new and creative outcomes and advances. Research is eligible to be included in the HERDC return.

Policy statement

1. When undertaking any outside work whether paid or otherwise, priority must be given to all University activities.
2. In accordance with the University's [Disclosure of Interest Framework](#), all interests are disclosed and an assessment is made as to whether the paid outside work represents a conflict of interest.

Outside work with no connection to ANU employment

3. For outside work with no connection to ANU employment no approval is required, provided:
 - a. In your reasonable opinion it does not have the potential to damage the reputation of the University;
 - b. It does not represent a conflict of interest, commitment, time (is not undertaken during normal working hours) or priority to your role at ANU; and
 - c. You do not represent the University or use University resources to obtain or carry out such outside work;

If in doubt about the above consult your Head of School.

Examples of outside work with no connection to ANU employment include working as a fitness instructor or running a market stall at weekends.

Outside work activities commonly related to academia

4. For outside work activities commonly related to academia no approval is required, provided:
 - a. In your reasonable opinion it does not have the potential to damage the reputation of the University; and
 - b. It does not represent a conflict of interest, commitment, time or priority to your role at ANU.

If in doubt about the above consult your Head of School.

Examples of outside work activities commonly related to academia include serving on ARC or NHMRC peer review panels or membership of a conference organising committee.

Consultancy

5. The following apply to all Personal and University Consultancies:
 - a. All Consultancies must be approved by the authorised Delegate before commencement.
 - b. The Delegate must only approve Consultancies when all requirements of this policy related to the specific type of activity are met.
 - c. When considering or undertaking a Consultancy, all interests must be declared to the Delegate, and any conflicts of interest identified, documented and managed appropriately in line with University policy.
 - d. When considering undertaking a Consultancy for an overseas organisation all Foreign Interference and Foreign Arrangements University permissions have been sought.
 - e. Accurate and up-to-date records of Consultancy activities carried out must be kept by the person carrying out the Consultancy, including a record of approval by the Delegate.
 - f. Research Projects must not be carried out as Consultancies. However, it is recognised and accepted that, due to the complex nature of the work involved, limited components of the work carried out as a Consultancy may be classified as Research. Such Consultancies should preferably be undertaken through ANUE to allow inclusion in the HERDC return.
 - g. For the purposes of this policy, a Consultancy also includes delivery of executive training, coaching and design and delivery of workshops/masterclasses.
6. The following also apply to University Consultancies:
 - a. Persons undertaking a University Consultancy may use their ANU affiliation and ANU resources to obtain and/or carry out a University Consultancy.
 - b. University Consultancies are managed under [Policy: External Project funding and agreements](#) and [Procedure: External project funding and agreements](#).
 - c. The time spent per annum by an individual on University Consultancies is at the discretion of the Delegate.
 - d. Where a University Consultancy is managed through [ANU Enterprise](#), the ANU Enterprise pricing and services policies will apply.
7. A maximum of 52 days per annum (pro rata for less than 1FTE) may be spent across all Personal Consultancies, Professional Practice and applicable company directorships, secretaryships and partnerships.

8. The following also apply to Personal Consultancies managed through ANU Enterprise:
 - a. Persons undertaking a Personal Consultancy managed through ANU Enterprise may use their ANU affiliation and ANU resources (when appropriately priced) to obtain and/or carry out the Personal Consultancy.
 - b. ANU Enterprise will provide management, contracting and insurance services and support the process of securing University approvals.
 - c. The person carrying out the Personal Consultancy managed through ANU Enterprise is wholly responsible for compliance with University Policies and all expenses, insurances, personal taxation, reports, contractual and any other obligations outside of those provided by ANU Enterprise.
9. The following also apply to Personal Consultancies managed independently:
 - a. The person carrying out the Personal Consultancy managed independently is wholly responsible for compliance with University Policies and all expenses, personal taxation, reports, contractual and any other obligations;
 - b. Appropriate professional indemnity insurance must be held;
 - c. ANU affiliation and ANU resources cannot be used to obtain and carry out a Personal Consultancy managed independently.

Professional Practice

10. Persons undertaking Professional Practice must not use ANU affiliation or resources in any way to obtain or carry out Professional Practice unless the Professional Practice is for the specific purpose of obtaining and/or maintaining formal Accreditation in line with ANU employment or has been agreed with the Head of School.
11. Where the Professional Practice is for the specific purpose of obtaining and/or maintaining formal Accreditation either:
 - a. a formal written agreement between the ANU and the organisation/s where the professional practice will be carried out must be in place before the Professional Practice commences, or
 - b. the individual's employment with the ANU must require such Accreditation.

Reporting

12. Disclosures are made in the University financial statements if the person carrying out the Personal Consultancy managed through ANU Enterprise is considered a related party to the University. This includes key management personnel to the University

(Council members and University executives as disclosed in the Annual Report) and their close family members.

Delegations relevant to this policy

- * **000194:** Authorise outside earnings for general and academic staff

Document information

Title	Paid outside work – the 52 day rule (Under review)
Document Type	Policy
Document Number	ANUP_001221
Version	
Purpose	To establish the framework for ANU staff undertaking consultancies and professional activities as paid outside work
Audience	Staff-Academic, Staff-Academic-Research
Category	Administrative
Topic	Research
Subtopic	Grants & Consultancies
Effective Date	28 Oct 2022
Review Date	30 Jun 2024
Responsible Officer	Chief, Research and Innovation services (douglas.robertson@anu.edu.au)
Approved By	Vice-Chancellor (eo.vc@anu.edu.au)
Contact Area	Office of the Deputy Vice-Chancellor (Research and Innovation) (eo.dvcr@anu.edu.au)
Authority	Australian National University Act 1991 Public Governance, Performance and Accountability Act 2013 Public Governance, Performance and Accountability Rule 2014 The Australian National University Enterprise Agreement 2023-2026
Printed On	25 Apr 2024

Please ensure you have the latest version of this document from the Policy Library website before referencing this.