

Consultancy, Secondary Employment and Internal Work Policy

Section 1 - Purpose and Scope

- (1) The University of Queensland (UQ or the University) is committed to facilitating its staff to partner with industry, government, and other organisations to enable their specialised skills to be used to the benefit of our society. This may be achieved through UQ staff engaging in consultancy or secondary employment.
- (2) This Policy defines the principles relating to work that UQ staff may engage in using their specialised skills and that do not form part of the staff members' core employment duties.
- (3) The purpose of this Policy is to facilitate that work while protecting the interests of the University.
- (4) The three different types of work covered by this Policy are:
 - a. Consultancy;
 - b. Secondary employment; and
 - c. Internal work.
- (5) This Policy should be read and applied in conjunction with the following:
 - a. [Consultancy Procedure](#); and
 - b. [Research and Consultancy Costing and Pricing Procedure](#).
- (6) This Policy applies to University staff and Title Holders, unless stated otherwise.

Section 2 - Principles and Key Requirements

- (7) The University acknowledges there may be potential overlap between research and consultancy work. Where this occurs, the University's preference is that work be conducted as research rather than consultancy. Similarly, it is the University's preference that any non-research work be conducted through UQ as consultancy rather than as secondary employment.
 - a. Work must not adversely impact the core academic activities of the University or damage the University's reputation.
 - b. Any non-research work that utilises the University's name, property, facilities or other resources must be transacted through the University as consultancy.
 - c. Any work must be consistent with the requirements of the [Conflict of Interest Policy](#) which promotes the alignment of staff interests with those of the University. All actual, perceived and potential conflicts of interest must be disclosed and managed in accordance with the [Conflict of Interest Policy](#), the [Conflict of Interest for Members of Staff Procedure](#) and the [Disclosure of Interests Relating to Commercialisation Procedure](#) (supporting procedures).

d. Consultancy and internal work must:

- i. be consistent with UQ's statutory functions, objectives and aims; and
- ii. provide demonstrable benefit to UQ and align with the strategic objectives of UQ and the relevant organisational unit.

(8) Any breach of this Policy and the supporting procedures will be managed in accordance with the provisions of the [Staff Code of Conduct Policy](#), the [UQ Enterprise Agreement](#), contracts of employment and/or any other applicable UQ policy or procedure.

Consultancy

(9) The University is committed to encouraging and enabling consultancy activities that are aligned with the core academic activities of UQ, and enhance prospects for future research partnerships with industry, government, and other organisations. This Policy is intended to establish principles and practices that facilitate consultancy, and the benefits it can deliver to the University and its staff, while remaining aligned with the University's interests.

(10) Consultancy includes any work or services provided by UQ to an external party (e.g. industry, government or other organisations) in return for payment and involves the University providing:

- a. skills and expertise of University staff; and/or
- b. access to University Resources, name, property, equipment, or facilities to work on a specific task or project with a specific end objective.

(11) Consultancy includes, without limitation, professional services, expert opinion, advice, analysis, product testing, general testing services, process development, and delivery of programs and courses to non-enrolled students. Consultancy can be generally defined as the provision of professional services based on existing knowledge.

(12) Consultancy activities must provide a benefit to the University that may include:

- a. Generating and enhancing strategic industry partnerships, and expanding research opportunities;
- b. Maintaining and enhancing industry relevance, expertise and knowledge for dissemination to the academic community, members of the public, government, and other organisations;
- c. Diversifying income streams to support further research and teaching activity;
- d. Developing and enhancing individual professional development capability and opportunity;
- e. Developing continuing professional development programs and other teaching consultancy activities that may lead to future UQ student enrolments.

(13) Consultancy must be approved by the HR Authorisation Level 5 Authorised Officer of the Organisational Unit or above (in accordance with the [Human Resources Sub-delegations Schedules](#)) prior to agreement and commencement of work.

(14) Approval requirements are detailed in the [Consultancy Procedure](#).

Principles

(15) Consultancy requires approval from the HR Authorisation Level 4 Authorised Officer of the Organisational Unit or above, prior to any work being undertaken, in accordance with the [Consultancy Procedure](#).

(16) Consultancy activities may utilise the University's name, property, facilities, and resources.

(17) [UQ Insurance](#) will apply only to approved consultancy in accordance with this Policy.

(18) Consultancy activities must comply with the [Research and Consultancy Costing and Pricing Procedure](#), any ethical approval processes, and professional standards and regulations applicable to the nature and conduct of that work.

(19) Clients or counterparties to a UQ consultancy agreement must be external to UQ. Staff (or external entities controlled by staff) are not permitted to be engaged and paid by UQ, directly or indirectly, under a consultancy agreement.

(20) Consultancies that have a direct and tangible connection to an ongoing commercialisation activity must be contracted and managed by UniQuest, UQ's commercialisation company. The only exception is in the case of specialist consultancies associated with the Sustainable Minerals Institute, which may be contracted and managed by JKTech.

(21) Staff:

- a. may be entitled to access the surplus arising from some consultancy activities as a personal payment, subject to the provisions specified in the [Consultancy Procedure](#);
- b. engaged in consultancy are not to derive any income from the consultancy other than that distributed to them by UQ in accordance with the [Consultancy Procedure](#);
- c. are not to pay their salary out of consultancy accounts;
- d. are required to conduct themselves in a manner consistent with the standards set out in the [Staff Code of Conduct](#).

(22) It is expected that Title Holders conduct consultancy arrangements through their primary place of employment.

Secondary Employment

(23) Secondary employment includes any work that is undertaken outside or separate to a staff member's UQ employment contract (including, without limitation, self-employment, independent contracting, Directorships, consulting, or employment by a family company or other entity), including during absences on approved leave.

(24) The University acknowledges that staff may wish to undertake secondary employment for a variety of reasons, including augmenting their income, or to enhance their personal or professional development. The University has an obligation to manage the risks associated with secondary employment, including the establishment of the necessary governance mechanisms to register, and monitor secondary employment.

(25) Staff may undertake Secondary Employment, subject to the terms of this Policy, without approval, with the exception of:

- a. Paid employment in an academic role at another University;
- b. Paid employment or Directorships of another entity that utilises UQ intellectual property that the staff member has contributed to; or
- c. Directorships of a publicly listed company.

(26) Approval for these types of secondary employment must be gained prior to their commencement from the Provost (for Academic Staff) or the Chief Operating Officer (for Professional Staff) on the recommendation from relevant HR Authorisation Level 3 Authorised Officer.

(27) The secondary employment principles outlined in these provisions do not apply to casual staff or Title Holders, with the exception of conjoint appointments where UQ is the lead employer.

Principles

(28) Secondary employment must not:

- a. be represented as a UQ sponsored or associated activity;
- b. compete with any UQ activity, including consultancy;
- c. negatively affect the performance or efficiency of the staff member or colleagues in the conduct of their UQ duties, or adversely affect their availability for UQ work;
- d. be gained by staff using their position or association with UQ as the basis for obtaining the work.

(29) Academic staff on contracts of 12 months or longer and professional staff HEW 8 and above are required to complete the annual registration in the Secondary Employment Register and update the register during the year if they commence a new secondary employment activity.

(30) Staff earn the proceeds of secondary employment in their private capacity except where the position with the entity was obtained as a result of the staff member's position at UQ (e.g. positions on boards of UQ controlled entities, colleges, or other associated entities).

(31) Staff may undertake Private Outside Work without approval.

(32) UQ is not responsible for any of the administrative, financial or contractual arrangements relating to the secondary employment, including the provision of insurance.

Internal Work

(33) Internal work includes the provision of work or a service to/for a UQ organisational unit other than the unit to which the staff member reports where no external client exists. This work forms part of the staff member's duties of employment to UQ and is understood as a component of an approved workload with standard employment obligations and expectations. It includes, without limitation, internal clinical practice, research infrastructure services, and collaborative research services. Internal work excludes [collaborative service teaching](#), work which is part of the normal service expectation and work which is minor or incidental to normal workload.

(34) Internal work requires the approval of the relevant HR Authorisation Level 5 Authorised Officer or above, in accordance with the [Human Resources Sub-delegations Schedules](#).

(35) The requirements for the treatment of costs, margin and surplus for internal work are found in linked table the Appendix in the associated [Consultancy Procedure](#).

Principles

(36) Wherever possible, internal work should be carried out within the staff member's existing workload.

(37) Internal work must be approved, prior to undertaking the work.

(38) Staff are not permitted to derive personal income from internal work through payments from the client UQ organisational unit. Any additional recognition or reward must be made in accordance with provisions contained in the [UQ Enterprise Agreement](#) and in any other applicable UQ policy or procedure, with the approval of the staff member's supervisor.

Section 3 - Roles, Responsibilities and Accountabilities

Heads of Organisational Units

(39) Heads of Organisational Units must:

- a. Manage and approve consultancy and internal work in accordance with this Policy and the supporting procedures;
- b. Monitor primary work performance of staff to ensure that consultancy and secondary employment do not adversely impact on that performance;
- c. Monitor the Secondary Employment Register to ensure compliance with this Policy and the [Conflict of Interest Policy](#);
- d. Undertake ongoing review of the Secondary Employment Register entries for the relevant organisational unit and follow-up and resolution of any items that require further management in line with the [Conflict of Interest Policy](#) or any other UQ policy or procedure.

Human Resources Division

(40) The Human Resources Division are responsible for the provision of periodic reporting to Heads of organisational units of the information disclosed in the Secondary Employment Register.

Managers / Supervisors

(41) Managers and supervisors are required to:

- a. Manage and approve consultancy, secondary employment, and internal work in accordance with this Policy and the supporting procedures;
- b. Monitor management of potential, perceived or existing conflicts of interest in accordance with the [Conflict of Interest Policy](#).

Staff

(42) Staff are required to:

- a. Read, understand and comply with this Policy and the supporting procedures;
- b. Declare and manage potential, perceived or existing conflicts of interest in accordance with the [Conflict of Interest Policy](#);
- c. Ensure work relating to consultancy activities or secondary employment duties does not adversely impact on primary work duties;
- d. Consider and comply with any regulations and ethical guidelines applicable to the nature and conduct of that work.

Section 4 - Monitoring, Review and Assurance

(43) The Provost, Deputy Vice-Chancellor (Research and Innovation) and Chief Human Resources Officer are responsible for continuous monitoring of the effectiveness and application of this Policy and its supporting procedures with a formal review to occur at least every three years.

Section 5 - Recording and Reporting

(44) The Integrity Unit will manage all reporting processes for conflicts of interest that are identified as a result of staff undertaking consultancy, secondary employment, and internal work, in accordance with the [Conflict of Interest Policy](#).

(45) The Human Resources Division will manage reporting processes for information disclosed in the Secondary Employment Register under this Policy.

(46) The financial results of consultancy and internal work are recorded in the University's financial system.

Section 6 - Appendix

Collaborative research services	<p>Internal services provided by a University staff member into another staff member's research project.</p> <ul style="list-style-type: none"> - Unless specifically budgeted for and contractually approved, staff are not permitted to charge their services to a research project as a consultancy fee. - Services provided into a research project are deemed to be research services. These costs are managed in accordance with the Contract Research and Grants Financial Management Procedure. Transfers of UQ research funds into individuals' consultancy accounts are therefore not generally permitted.
Collaboration service teaching	See the Collaborative Service Teaching Policy .
Consultancy account	See the Consultancy Procedure .
Directorships	Includes all paid or unpaid company directorships, and all similar types of governance positions involving custodianship, duty of care and responsibility in relation to external legal entities.
External party	A company, joint venture, association, partnership, person, government or other organisation, other than UQ and UQ controlled entities.
Internal clinical practice	<p>Clinical practice in University owned health care clinics conducted as part of the staff member's allocated workload (generally the expectation would be that the University will support clinical practice within workload allocations if required in order to maintain clinical/ professional registration, if this is a requirement of the position).</p> <ul style="list-style-type: none"> - This work is transacted through the University and uses the University's name and resources. Internal clinical practice is available to staff who need to maintain clinical or professional credentials for their position at UQ. - Clinical practice in non-University owned health care clinics is excluded from this work type - refer to the definition of private practice. - Fees earned in undertaking internal clinical practice are utilised to fund the clinic operations. No personal payments or transfers of funds to an individual's consultancy account is permitted.
Margin	The percentage of funds that may be recovered by the operating unit for a Type 2 standard consultancy. The decision to recover margin may be made by the operating unit on an individual contract basis.
Mark-up	The amount above direct and indirect costs that a commercial contract may be able to attract based on market forces.
Organisational unit	A school, faculty, institute, centre or division, or part thereof.
Private Outside Work	Outside employment that does not utilise the specialised skills that UQ has employed a staff member for and is not associated with the University in any way, falls outside the definition of secondary employment, and is not required to be registered.
Private practice	External work related to the staff member's professional identity where the University is not party to the arrangements and UQ resources are not used. Includes work completed by a staff member acting in their professional 'practicing' capacity, such as a clinician, lawyer, journalist, engineer, architect, IT or business professional.
Research	The concept of research is broad and includes the creation of new knowledge and/or the use of existing knowledge in a new and creative way to generate new concepts, methodologies, inventions and understandings. This could include synthesis and analysis of previous research to the extent that it is new and creative.
Staff	Continuing, fixed-term and research (contingent funded) appointments contracted to UQ.
Surplus	The funds left over after all direct and indirect costs have been recovered. It includes mark-up and academic salary.

Title holders	Including, but not limited to, visiting academics, academic title holders, industry fellows, emeritus professors, adjunct and honorary title holders, and conjoint appointments.
UQ Enterprise Agreement	The University of Queensland Enterprise Agreement 2021-2026 or as amended or replaced.
UQ resources	Any resource of UQ including staff and students' time, property, rooms, equipment, consumables, the Library, other books and manuals, research materials, intellectual property, energy supply, University name or brand, letterhead, address and contact details, web address, or any other information or resource that might associate UQ with the service being performed.
Work	Any activity where staff use the specialised skills that UQ has employed them for in a payment-for-service engagement with an external party, or UQ organisational unit other than the one (s) to which they report. Payment-for-service in this context includes the payment of stipends or allowances.

Status and Details

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Effective Date	29th September 2023
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Policy Owner	Phil Vaughan Chief Human Resources Officer
Enquiries Contact	Human Resources Division